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# Responses to the Five Questions

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## RESPONSES TO THE FIVE QUESTIONS

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### 1. TEN YEARS AFTER 9/11, WHAT IS THE MOST SIGNIFICANT LEGACY LEFT BY THE TERRORIST ATTACKS? ARE WE SAFER?

The September 11 attacks sparked the most far-ranging change in America's approach to security since the beginning of the Cold War. Ideas that were once solid, even sacred, were opened to scrutiny. Actions once unthinkable were accepted, even embraced. In many ways, the United States of 2011 is very different than the one of 2001. But despite extensive organizational and strategic change, key issues are unresolved; the change begun on September 11 is incomplete. As during the Cold War, U.S. security strategy continues to unfold as the nation gropes its way forward.

The legacy of the attacks is stark to anyone taking an airline flight or entering a government facility. Americans have grown accustomed to countless indignities and annoyances in the name of security. Today the physical presence of the U.S. military has reached levels unseen since World War II. Airports are filled with men and women in uniform, while a decade ago traveling members of the armed services would have been in civilian clothes. While the military remains extremely popular among the public, the public is feeling the strain of a decade of persistent, large-scale combat deployments. The economic repercussions of the attacks continue to grow. While this is most evident in the increased budgets for the military and intelligence community and in the costs of funding the Department of Homeland Security, it also shows up in the extra security and related inefficiency of securing transportation, other infrastructure, and government facilities of all types. A level of security which was once rare is now the norm.

The psychological legacy of September 11 is equally profound. The traditional American concept of war—that it is episodic and abnormal, and that it primarily involves conventional military

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forces (or at least guerrillas who behave much like conventional military forces)—has given way to the notion that war is persistent and unfolds within the civilian population. There are no boundaries, whether physical or psychological, on the twenty-first century battlefield. Yet there is resistance to this notion, a longing to return to the old, more comfortable, and less confusing ideas. People naturally gravitate to their comfort zones: within the U.S. military and the wider strategic community, the argument exists that the likelihood of U.S. involvement in irregular warfare and counterinsurgency is fading. Strategic guidance released by the Department of Defense in January 2012, for instance, indicated that the U.S. military would continue to provide counterinsurgency advice to partners but would no longer be structured for large scale, prolonged stability operations as it had been for the previous seven years.<sup>1</sup> As in the years following Vietnam, this argument advocates a return to preparation for “real” war involving conventional state militaries, walking away from the complexity of counterinsurgency. Concerns with terrorism and stabilization operations are, to a degree, giving way to renewed concerns about other nations, particularly China. In November 2011, President Obama indicated that the Asia-Pacific region was his administration’s highest priority and that he had instructed the U.S. Department of Defense to sustain its role there.<sup>2</sup>

At the same time, there are signs that the sense of national psychological shock created by the September 11 attacks, which allowed the United States to do things it previously would not have, like the invasion of Iraq, certain types of domestic surveillance, and the rendition of prisoners to states which tortured them, is fading. This is seen in support for the closure of the Guantanamo detention facility, for using the legal system to deal with some terrorism suspects, and in public opposition to a military attack on Iran. In the broadest sense, America’s perspective on the nature of security threats and on the appropriate response to them remains

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1. See U.S. DEP’T OF DEF., SUSTAINING U.S. GLOBAL LEADERSHIP: PRIORITIES FOR 21ST CENTURY DEFENSE 6 (2012), *available at* [http://www.defense.gov/news/Defense\\_Strategic\\_Guidance.pdf](http://www.defense.gov/news/Defense_Strategic_Guidance.pdf).

2. See President Barack Obama, Remarks to the Australian Parliament (Nov., 17, 2011) *available at* <http://www.whitehouse.gov/the-press-office/2011/11/17/remarks-president-obama-australian-parliament>. See generally AARON L. FRIEDBERG, A CONTEST FOR SUPREMACY: CHINA, AMERICA, AND THE STRUGGLE FOR MASTERY IN ASIA (2011) (providing a comprehensive treatment of United States-China security relations including the debates within the United States).

different than it was on September 10, 2001, but is not the same as it was immediately after the attacks.

The United States has not, however, fully grappled with three major questions raised by September 11. One is the relationship of religion and politics. Since the founding of the United States, Americans have sought to separate the two. This made perfect sense for a nation with a multitude of religions, denominations, and sects. In the aftermath of the September 11 attacks, the Bush Administration sought to sustain this position, stating emphatically that the threat was not Islam itself, but a distortion of Islam concocted by extremists. But from the start, there were Americans, particularly on the political right, who believed that al Qaeda and other extremists reflected fundamental components of Islam. As long as it was George W. Bush arguing that extremists were not representative of Islam, this position remained on to the political fringe, playing out more on the Internet and talk radio than within the political mainstream.

With the election of a Democratic president, however, the gloves came off. Politicians and pundits on the right found that public anger and hostility toward Islam was a useful tool to mobilize their constituency and to attack a president whom a significant portion of Americans continue to believe is a secret Muslim.<sup>3</sup> The idea that Islam itself poses a threat and that there is some sort of organized conspiracy to expand its influence within the United States has moved from a fringe idea in the American public to one that is embraced by reputable commentators.<sup>4</sup> The building of new mosques now inspires renunciation and demonstrations. Islamophobic organizations pressure corporations to pull advertising from reality television programs that depict American Muslims as normal members of society.<sup>5</sup> It remains to be seen

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3. *Growing Number of Americans Say Obama Is a Muslim*, PEW FORUM ON RELIGION AND PUBLIC LIFE (Aug. 19, 2010), <http://www.pewforum.org/Politics-and-Elections/Growing-Number-of-Americans-Say-Obama-is-a-Muslim.aspx>.

4. *See, e.g.*, SHARIAH: THE THREAT TO AMERICA, CENTER FOR SECURITY POLICY (2010), available at <http://shariahthethreat.org/wp-content/uploads/2011/04/Shariah-The-Threat-to-America-Team-B-Report-Web-09292010.pdf>. This report is the clearest example, as it was signed by individuals such as Frank J. Gaffney, Jr., former Assistant Secretary of Defense for International Security Policy (Acting); Lieutenant General William G. Boykin, U.S. Army (Ret.), former Deputy Undersecretary of Defense for Intelligence; Lieutenant General Harry Edward Soyster, U.S. Army (Ret.), former Director, Defense Intelligence Agency; and R. James Woolsey, former Director of Central Intelligence.

5. *See* Shan Li, *Lowe's Faces Backlash Over Pulling Ads From 'All-American*

whether the mainstreaming of Islamophobia will gain greater traction among the public and national leaders, but it clearly has the potential to do so, with far-reaching implications for U.S. national security strategy.

A second question raised but not addressed by September 11 concerns the United States' relationship with Israel. Al Qaeda and other Islamic extremists have been very clear that American support for Israel is a major reason they considered themselves at war with the United States. But as the Bush Administration crafted a post September 11 strategy, it discounted this idea, contending instead that al Qaeda hated America for championing democracy and individual freedom. This made perfect political sense. Clearly Americans would not abandon their core values so the only appropriate response was war with al Qaeda. If al Qaeda's contention that the United States' support for Israel caused the conflict, Americans might ask whether the strategic benefits of the relationship justified the cost.

So far, the United States has been able to avoid dealing with this conundrum. But if al Qaeda, one of its associates, or a group or individual inspired by it, is able to undertake a major terrorist attack on the United States, possibly one of greater destructiveness than September 11, the Israel question may be on the table. Such a debate might lead to the conclusion that America's relationship with Israel is worthwhile no matter what the cost. But there is at least a chance that Americans may reach a different conclusion.

A third question—and perhaps the most important of all—is whether an eighteenth century Constitution is adequate for the twenty-first century security environment. When the Constitution was written, the United States was a minor state far removed from the conflicts of great powers. It could afford inefficiency in its national security strategy. Discounting frontier warfare with Native Americans, the United States considered war to be a clearly delineated conflict between the armed forces of nation states. To avoid the endemic conflict which haunted Europe, the Constitution divided war-making powers, making the president commander-in-chief, but giving Congress the right to declare war and the responsibilities to raise and support armies and to provide and maintain a navy. And, while the individual rights specified in

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*Muslim*, L.A. TIMES (Dec. 13, 2011), <http://articles.latimes.com/2011/dec/13/business/la-fi-lowes-muslim-20111213>.

Constitutional amendments might be constricted during a time of war (such as Lincoln's suspension of habeas corpus), Americans believed that once the war ended, so too would the constrictions.

As national security expert T.X. Hammes often says during speeches and presentations, the Constitution was designed by geniuses to create an ineffective government, largely to preserve individual freedom against impingement by the state. That made it difficult to create and implement an agile, coherent national security strategy. Yet, this was acceptable so long as America's enemies were other nations, which had to travel great distances before posing a direct threat. It may not be acceptable when facing terrorists, some of whom may hide among the American population, shielding themselves with legal rights, and attempting to acquire means of mass destruction. To counter al Qaeda and similar organizations, the United States has taken steps, like the USA PATRIOT Act, which are far from the intent of the Founding Fathers. But, so far there has been no serious and sustained national debate as to whether the Constitution itself needs to be revised to reflect the new security environment.

While big questions remain unanswered, the United States did undertake major changes in its approach to security after September 11, 2001. The first phase of America's post-September 11 strategy included the invasions of Iraq and Afghanistan (based on the idea that state sponsors made transnational terrorists more effective), a global offensive against al Qaeda's network, expansion of the U.S. intelligence system, and the development of a massive homeland security system. As a result, al Qaeda, as it existed in the summer of 2001, has been shattered. According to Secretary of Defense Leon Panetta, it is near defeat.<sup>6</sup> But al Qaeda has developed alliances, partnerships, and emulators elsewhere. Most worrisome are those in Yemen and Somalia, as well as individuals and small groups in Europe and North America.

The next stage in the evolution of the conflict with Islamic extremism will be heavily shaped by the series of popular revolutions known as the Arab Spring. For the United States this is not a shock of September 11 magnitude, but it is forcing Washington to re-think some aspects of the approach to national

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6. Craig Whitlock, *Panetta: U.S. 'Within Reach' of Defeating al-Qaeda*, WASH. POST (July 9, 2011), [http://www.washingtonpost.com/world/panetta-us-within-reach-of-defeating-al-qaeda/2011/07/09/gIQAvPpG5H\\_story.html](http://www.washingtonpost.com/world/panetta-us-within-reach-of-defeating-al-qaeda/2011/07/09/gIQAvPpG5H_story.html) ("The United States is 'within reach' of defeating al-Qaeda.").

security first developed by the Bush Administration and largely continued by the Obama Administration. In some ways the Arab Spring validated the assumptions of the Bush strategy, particularly that a shortage of political access and opportunity in the Arab world fueled frustration, which could, under some circumstances, be exploited by extremists. The good news is that the Arab Spring and the American response to it further undercut the al Qaeda narrative, which claimed that Washington was steadfastly opposed to freedom in the Islamic world. While the revolutions in Egypt, Tunisia, Libya, Syria, and the Gulf states have had a significant human cost, they probably forestalled even greater bloodshed and turmoil down the road.

At the same time, the Arab Spring removed regimes that had served as American allies in the conflict with al Qaeda. While the states that emerge, be they democracies or something else, are unlikely to provide overt sponsorship to terrorist organizations, they are also unlikely to serve as American proxies. None will view extremism and terrorism as inextricably linked to the extent that the United States does. If Arab nations move from authoritarianism to rule of law and protection of civil rights, the United States must remember that however unintentional, this provides a form of sanctuary for terrorists. After all, much of the planning and organization for the September 11 attacks took place in Europe or the United States, not Afghanistan. Robust democracy and growing economies may make it harder for extremist organizations to recruit (but this remains to be seen—terrorists found willing recruits in Europe during the 1970s despite political freedom and economic opportunity). Yet, even if it does, extremists will face less government pressure, at least so long as they do not attack their host nation or violate its laws. In the conflict with terrorists, then, the Arab Spring is both good and bad news.

From a broader perspective, changes in public attitudes, improvements in the intelligence community, attention to homeland security, and offensive actions against al Qaeda have made the United States less vulnerable to September 11-style attacks. But this has come at a great cost. In his book *Bin Laden's Legacy*, terrorism expert Daveed Gartenstein-Ross contends that al Qaeda's goal all along was to compel the United States to spend

itself into weakness and defeat.<sup>7</sup> Ironically, this was precisely how the United States won the Cold War—by forcing the Soviet Union to spend so much keeping up that its economy collapsed. Al Qaeda strategists knew that the costs of their attacks were miniscule compared to the costs of defending against them.

A case can be made that at least part of the economic difficulties the United States faces today are the result of the direct spending to defend against terrorism, and the indirect costs arising from the inefficiencies of increased security. The United States is far from defeated but may be reaching a point where Americans ask themselves if the burdens of more security, or even sustaining the current level, justifies the costs. So while the United States is safer from attacks, it is not clear that it is more secure in the broadest strategic sense. As the American experience in Vietnam demonstrated, it is possible to win every battle yet still lose a war.

The United States has always been most effective in conflicts with a minimum of ambiguity. When the distinction between war and peace, and between enemies, friends, and neutrals is clear, Americans normally triumph. Al Qaeda and its allies recognize this and have crafted an approach that maximizes ambiguity, thus hoping to hobble the United States. One manifestation of this is an ongoing debate over whether the terrorist threat should be handled as a form of law enforcement. This has taken many forms, including debate over the interrogation and detainment techniques the Bush Administration used against terrorists.

One recent example is the Obama Administration's decision to try Ahmed Abdulkadir Warsame in federal court. Warsame is a Somali national who was a member of al Shabaab, an extremist group closely affiliated with al Qaeda in the Arabian Peninsula. He was captured by U.S. military forces in the Gulf region and detained for two months on a U.S. Navy ship until he was transferred to the United States for prosecution. This was legal under the traditional law of war. The Obama Administration based its action on Public Law 107-40 (S.J. Res 23), Authorization for the Use of Military Force, September 18, 2001. But while the decision to try Warsame in federal court was a shift from the Bush Administration position, it is not a full return to pre-September 11

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7. See generally DAVEED GARTENSTEIN-ROSS, BIN LADEN'S LEGACY: WHY WE'RE STILL LOSING THE WAR ON TERROR (2011) (contending that the United States' failure to understand al Qaeda has led to strategic missteps that have unwittingly helped al Qaeda achieve its goals).



ideas that treated terrorism as a law enforcement issue. Clearly, the traditional distinction between war and peace, each with a different set of rules and laws, no longer holds. But a new synthesis appropriate for a conflict that is not, strictly speaking, either war or peace is still unfolding.

So where are we? The United States is less vulnerable but far from safe. The grim logic of terrorism suggests that defense against terrorism must be nearly 100 percent effective, while terrorists need only succeed occasionally. Al Qaeda as an organization is weakened, but al Qaeda as an idea persists. Its emulators and franchises will attempt attacks on the United States or on U.S. targets and may, at some point, succeed. Al Qaeda has no chance of inspiring the creation of a “caliphate” across the Islamic world, but continues to impose great economic costs on the United States. The America of the future may find these costs more onerous than the economically stronger America of 2001.

Everything could change if al Qaeda or one of its partners engineers another catastrophic attack on the United States, perhaps using nuclear or biological means. If this does not happen, America is likely to continue on its current path, aggressively striking at terrorist organizations, tolerating the expense of expanded security, and building a synthesis of laws and rules. But if the nightmare scenario does occur, the result will be the most far-reaching alteration of the American approach to security since the nation’s creation. Debate on issues such as the applicability of traditional notions of legal and civil rights, the viability of the Constitution, and the United States’ relationship with Israel will reach a fever pitch. The outcome is impossible to predict.