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Responses to the Ten Questions

John B. Quigley

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RESPONSES TO THE TEN QUESTIONS

John B. Quigley[†]

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HOW TO FIGHT TERROR

On the day after the attacks in the United States of September 11, 2001, CBS Newscaster Dan Rather interviewed Alon Pinkas, Consul General of Israel. First, Rather asked whether Israeli intelligence had any information about the origin of the attacks. Then he asked a question that Pinkas may not have anticipated:

RATHER: Mr. Consul General, to those Americans who may be thinking, or may be even saying to one another, “You know, we wouldn’t be having this trouble if we hadn’t supported Israel for more than half a century,” you say what?

Amb. PINKAS: I say something very simple. This—this is not about Israel. Let’s—let’s delink. This is ridiculous to even link this.¹

Rather did not pursue the point.

A few days later, President George W. Bush addressed a joint session of Congress and gave his explanation of the attacks. President Bush raised the question: “Why do they hate us?” He answered,

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1. *Continuing Coverage of Terrorist Attack on America* (CBS News Special Report television broadcast on Sept. 12, 2001).

“They hate what they see right here in this chamber—a democratically elected government. . . . They hate our freedoms—our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other.”²

Several weeks after that, the issue of the reason for the attacks was raised after Prince Alwaleed bin Talal bin Abdul Aziz Al Saud of Saudi Arabia presented New York Mayor Rudolph Giuliani with a check for \$10 million. Prince bin Talal explained that he wanted to express sympathy for what New York had suffered. He asked that the money be used in recovery efforts. Giuliani accepted with gratitude on behalf of the city.

In a press statement that followed, Prince bin Talal expressed his view on the cause of the attacks. He said, “At times like this one, we must address some of the issues that led to such a criminal attack. I believe the government of the United States of America should re-examine its policies in the Middle East and adopt a more balanced stance towards the Palestinian cause.”³

Prince bin Talal’s statement was reminiscent of Rather’s question to Pinkas. Prince bin Talal was suggesting that U.S. policy was a precipitating factor in the attacks. Mayor Giuliani reacted angrily. He said he would not accept money from someone who, as he saw the matter, condoned the attacks. “There is no moral equivalent for this act,” he said. “The people who did it lost any right to ask for justification for it when they slaughtered 4,000 or 5,000 innocent people. And to suggest that there’s a justification for it only invites this happening in the future.” Giuliani announced that New York would not cash Prince bin Talal’s check.⁴

The United States takes Herculean measures to try to protect itself from terrorist violence. But if Prince bin Talal is correct, we are taking the wrong approach. We would do better to approach the matter much as we do something like juvenile crime. We punish a juvenile who breaks the law. But at the same time, we examine social policy to try to eliminate conditions that result in juvenile crime.

In early 2010, Prince bin Talal’s view found vindication from

2. President George W. Bush, Address to a Joint Session of Congress (Sept. 21, 2001), *available at* <http://www.guardian.co.uk/world/2001/sep/21/september11.usa13/print>.

3. *\$10 Million? NYC Says No Thanks*, CBS NEWS (Oct. 12, 2001), <http://www.cbsnews.com/stories/2001/09/18/national/main311676.shtml>.

4. *Id.*

an unlikely source. General David Petraeus was testifying before the U.S. Senate Armed Services Committee. General Petraeus was head of the United States Central Command, with responsibility for the U.S. wars in Iraq and Afghanistan. He was testifying about those conflicts. Surprising his Senate interlocutors, General Petraeus discussed the Israel-Palestine issue:

The enduring hostilities between Israel and some of its neighbors present distinct challenges to our ability to advance our interests in the AOR [area of responsibility]. Israeli-Palestinian tensions often flare into violence and large-scale armed confrontations. The conflict foments anti-American sentiment, due to a perception of U.S. favoritism for Israel. Arab anger over the Palestinian question limits the strength and depth of U.S. partnerships with governments and peoples in the AOR and weakens the legitimacy of moderate regimes in the Arab world. Meanwhile, al-Qaeda and other militant groups exploit that anger to mobilize support. The conflict also gives Iran influence in the Arab world through its clients, Lebanese Hizballah and Hamas.⁵

General Petraeus spoke from considerable familiarity with the region. What he said was for many around the world a truism, but in the United States, his statement caused shockwaves.

Indications surfaced in 2010 that U.S. military policy might also be putting the United States in the crosshairs of terrorists. Faisal Shahzad was arrested in New York City for trying to detonate explosives he had apparently packed into a vehicle that he then parked in Times Square. At a hearing in U.S. District Court, Judge Miriam Goldman Cedarbaum asked Shahzad whether he was conscious of the fact that his explosives, had they detonated, would have killed dozens of civilians. Shahzad replied that he picked Times Square as the location in order to injure and kill as many people as possible.⁶ Challenged on this statement, Shahzad retorted: "Well, the (U.S.) drone-hits in Afghanistan and Iraq don't see children; they don't see anybody. They kill women, they kill

5. *To Receive Testimony on U.S. Special Operations Command and U.S. Central Command in Review of the Defense Authorization Request for Fiscal Year 2011 and the Future Years Defense Program: Hearing Before the S. Armed Servs. Comm.*, 111th Cong. (2010) (statement of Gen. David Petraeus, Commander, U.S. Central Command), available at <http://armed-services.senate.gov/statemnt/2010/03%20March/Petraeus%2003-16-10>.

6. Thalif Deen, *U.S.: Targeted Killing Equated with 'Collateral Murder'*, INTER PRESS SERVICE, June 30, 2010.

children. They kill everybody.”⁷ “[I]t’s war,” Shahzad said, describing himself as “part of the answer” for Muslims fighting that war.⁸ To Shahzad, drone attacks, which do result in civilian casualties, even predictable civilian casualties, warranted the act for which he was charged.

Just at the time Shahzad was arrested, the British Government’s Chilcot Commission was conducting an inquiry into the legality of the hostilities in which the United Kingdom participated with the United States in April 2003 in Iraq. Baroness Manningham-Buller, who headed the British equivalent of the FBI from 2002 to 2007, testified to the commission on what she saw as the impact of terrorism on the Iraq war. She said that the invasion was counterproductive with regards to terrorism. It generated, in her view, anti-Western terror acts: “Our involvement in Iraq, for want of a better word, radicalized a whole generation of young people—not a whole generation, a few among a generation—who saw our involvement in Iraq, on top of our involvement in Afghanistan, as being an attack on Islam.”⁹ Baroness Manningham-Buller recalled the homegrown terrorism that at the time was striking not only the United States but the United Kingdom as well. She saw it as an outgrowth of policies like the invasion of Iraq.

The possibility that U.S. military action resulting in civilian deaths might be a cause of anti-U.S. violence was taken seriously. A *New York Times* columnist quoted General Stanley McChrystal, the outgoing U.S. military commander in Afghanistan. General McChrystal related that he warned his troops about killing civilians. He said that what he called the “insurgent math” in Afghanistan is that “for each innocent person you kill, you make ten enemies. Yet we keep killing and making more enemies.”¹⁰

In late 2010, the suggestion that U.S. policy generates terrorism surfaced in another context. A project was announced to build an Islamic community center in lower Manhattan, not far from the site of the destroyed World Trade Center. Imam Feisal Abdul Rauf, a prime mover in the project, was interviewed by CBS newscaster Ed Bradley on *60 Minutes*. After Imam Rauf had made

7. *Id.*

8. Tina Susman, *Guilty Plea, and a Threat of More Attacks, From New York Bomber*, BALTIMORE SUN, June 22, 2010, at 1A.

9. Sarah Lyall, *Ex-Official Says Afghan and Iraq Wars Increased Threats to Britain*, N.Y. TIMES, July 21, 2010, at A10.

10. Maureen Dowd, *Seven Days in June*, N.Y. TIMES, June 23, 2010, at A27.

comments that suggested U.S. responsibility in the attack on the World Trade Center, Bradley posed a pointed question:

BRADLEY: Are you in any way suggesting we in the United States deserved what happened?

RAUF: I wouldn't say that the United States deserved what happened. But the United States' policies were an accessory to the crime that happened.

BRADLEY: You say we're an accessory?

RAUF: Yes.

BRADLEY: How?

RAUF: Because we have been an accessory to a lot of innocent lives dying in the world. In fact, in the most direct sense, Osama bin Laden is made in the USA.¹¹

Another episode around the same time raised the issue again. Pastor Terry Jones of the Dove World Outreach Center in Florida announced that he would publicly burn the Qur-an on the 2010 anniversary of the September 11 attacks. Jones's plan was widely publicized both in the United States and in the Middle East. His announcement was widely taken abroad as reflecting U.S. government policy, since the Obama administration said that the preacher enjoys freedom of speech. In many countries, so-called hate speech directed at racial or religious groups is punishable by criminal penalties. General Petraeus commented on the situation, expressing concern that the publicity surrounding Jones's plan "puts our soldiers at jeopardy." General Petraeus said that "images from such an activity could very well be used by extremists here and around the world."¹² In March 2011, Pastor Jones did carry through with his plan, and a Qur-an was burned at his church in a portable barbecue pit. Video images were disseminated via YouTube. In reaction, a mob of 20,000 in Mazar-i-Sharif, Afghanistan, attacked a United Nations compound, burning it and killing a dozen UN personnel.¹³ The UN compound was apparently targeted for lack of any local facility more clearly identified with the

11. *Larry King Live: Interview with Imam Feisal Abdul Rauf*, CNN.COM (Sept. 8, 2010), <http://transcripts.cnn.com/TRANSCRIPTS/1009/08/lkl.01.html> (quoting Rauf's past statements on 60 Minutes).

12. Martha Raddatz, *'It Puts Our Soldiers in Jeopardy': Petraeus Blasts 'Burn a Qur-an' Day*, ABC NEWS (Sept. 7, 2010), <http://abcnews.go.com/WN/Afghanistan/burn-quran-day-sparks-protests-afghanistan-petraeus-endanger/story?id=11574449>.

13. Enayat Najafizada & Rod Nordland, *Afghans Avenge Qur-an Burning: Protest Kills 12*, N.Y. TIMES, Apr. 2, 2011, at A1.

United States.

I. CURRENT POLICY

If there are lessons to be learned, the current U.S. administration seems to be avoiding them. In a variety of ways, it is following policies that may increase, rather than decrease, anti-U.S. violence. President Barack Obama caught the attention of the Arab and Muslim worlds with a speech he made in Cairo shortly after being elected. President Obama spoke as if he wanted to move U.S. policy towards better understanding of that part of the world.

President Obama spoke about the Palestinians in a way that seemed to promise a new approach. He said that it was “undeniable that the Palestinian people—Muslims and Christians—have suffered in pursuit of a homeland.”¹⁴ Referring to the displacement of Palestine Arabs that accompanied the creation of Israel in 1948, he said, “For more than sixty years they have endured the pain of dislocation. Many wait in refugee camps in the West Bank, Gaza, and neighboring lands for a life of peace and security that they have never been able to lead.”

Referring to Israel’s practices in the West Bank, which Israel occupies, he said, “[The Palestine Arabs] endure the daily humiliations—large and small—that come with occupation. So let there be no doubt: the situation for the Palestinian people is intolerable. America will not turn our backs on the legitimate Palestinian aspiration for dignity, opportunity, and a state of their own.”¹⁵ Reinforcing the impression created by these words, President Obama continued by saying that Israel had unfulfilled obligations to improve the situation of the Palestinians:

Israelis must acknowledge that just as Israel’s right to exist cannot be denied, neither can Palestine’s. . . . Israel must also live up to its obligations to ensure that Palestinians can live, and work, and develop their society. And just as it devastates Palestinian families, the continuing humanitarian crisis in Gaza does not serve Israel’s security; neither does the continuing lack of opportunity in the West Bank. Progress in the daily lives of the Palestinian people must be part of a road to peace, and

14. President Barack Obama, Remarks on a New Beginning, Cairo University, Cairo, Egypt (June 4, 2009), available at <http://www.whitehouse.gov/the-press-office/remarks-president-cairo-university-6-04-09>.

15. *Id.*

Israel must take concrete steps to enable such progress.¹⁶

So the situation of the Palestinians was intolerable, and Israel was responsible. President Obama's words were well received in the Arab and Muslim worlds.

President Obama's later practice, however, led to disappointment. The promise of his Cairo speech, at least in the view of a wide swath of opinion in the region, has not been fulfilled. A survey of opinion about the United States was conducted by Pew Research one year after the Cairo speech. "You get a sense of Muslim disappointment with Barack Obama," reported Andy Kohut, Pew Research's President. Kohut attributed the disappointment to discontent with U.S. policy on the Israeli-Palestinian conflict and to expectations raised by President Obama's Cairo speech.¹⁷ Kohut thus confirmed what General Petraeus observed—that current U.S. policy on the Israel-Palestine issue is a key source of hostility against the United States that translates into anti-U.S. violence.

II. ISRAELI SETTLEMENTS AND THE UN SECURITY COUNCIL

Perhaps the most highly publicized aspect of Israel-Palestine relations on which the United States has taken a position that engenders hostility in the Middle East is Israeli settlements in the West Bank. These settlements have been reinforced at a rapid rate, even though Israel and Palestine are supposed to be negotiating a peace agreement that would put the West Bank under the control of Palestine. The United States strongly promotes those negotiations. Yet the Obama administration has stayed with a position held by other recent U.S. administrations that places the United States out of the international consensus on this issue, and squarely on the side of Israel. The consensus position is that the settlements are unlawful in violation of the obligation of a belligerent occupant to refrain from facilitating the transfer of persons under its auspices into the occupied territory.¹⁸

When the settlements first went up, the United States was part of the international consensus. On April 21, 1978, State Department Legal Adviser Herbert Hansell rendered an official opinion on the

16. *Id.*

17. *Poll: World's Muslims Remain Uneasy About U.S.*, CBS NEWS (June 17, 2010), <http://www.cbsnews.com/stories/2010/06/17/politics/main6591588.shtml>.

18. S.C. Res. 465, ¶ 5, U.N. Doc S/RES/465 (Mar. 1, 1980).

issue of Israel's settlements in the Palestinian territories occupied by Israel. Mincing no words, Hansell wrote that the establishment of the settlements by Israel was "inconsistent with international law."¹⁹

President Ronald Reagan took a different approach. Shortly after taking office in 1981, Reagan declared, "I disagreed when the previous administration referred to them as illegal; they're not illegal."²⁰ Subsequent administrations—those of George H.W. Bush, Bill Clinton, and George W. Bush—avoided the legality issue on the settlements, declining to say whether they are legal or illegal.

President Obama did try, unsuccessfully as it turned out, to get Israel to stop expanding its West Bank settlements. But he has refused to call existing settlements illegal. In his Cairo speech, he said "[t]he United States does not accept the legitimacy of continued Israeli settlements. This construction violates previous agreements and undermines efforts to achieve peace. It is time for these settlements to stop."²¹ That statement is even farther from the international consensus than the position of President Obama's recent predecessors. Whereas they avoided the legality issue altogether, President Obama's statement that continued settlements lack legitimacy implied that prior-built settlements do enjoy legitimacy. This policy line was reiterated more recently by Secretary of State Hillary Clinton when she said, "[w]e do not accept the legitimacy of continued settlement activity." Clinton said, "We believe their continued expansion is corrosive not only to peace efforts and the two-state solution, but to Israel's future itself."²² Like President Obama, Secretary Clinton thereby implied that it is only current and future construction that is illegitimate. President Obama has stayed with that policy. In 2011 the United States cast a sole veto against a draft resolution that would have characterized Israel's West Bank settlements as illegal.²³

19. The Laws of War: Occupied Territories: Israeli-Occupied Territories, 1978 DIGEST § 2, at 1575–78 (reprinting the substantive portion of Hansell's letter to Donald M. Fraser, Subcomm. on International Organizations, and Lee H. Hamilton, Subcomm. on Europe and the Middle East).

20. *State Department Calls Left Bank Acts 'Unhelpful' to Peace*, WASH. POST, Feb. 12, 1981, at A27.

21. President Barack Obama, *supra* note 12.

22. *Fayyad: Peace Talks May Need Stronger U.S. Mediation Role*, CNN (Dec. 12, 2010), http://articles.cnn.com/2010-12-12/us/mideast.talks_1_peace-treaty-core-issues-peace-talks.

23. Neil MacFarquhar, *Lone 'No' Vote by U.S. Blocks Security Council Censure of Israeli Settlements*, N.Y. TIMES, Feb. 19, 2011, at A4.

When the issue of Israel's settlements has come up in the UN Security Council, where the United States enjoys veto power, the United States has refused to condemn them. From the start of the Israel-Palestine negotiation process in 1993, the United States has taken the position that it will veto draft Security Council resolutions that criticize Israel on any issue. When resolutions were put before the Security Council in the mid-1990s to criticize Israel for settlement construction in east Jerusalem, the United States vetoed, announcing that the veto was cast not on the merits of settlement construction, but on the rationale that the parties were working matters out through negotiations, and that any criticism by the Security Council would constitute interference.²⁴ The United States has been the only one of the five permanent members of the Security Council that has taken this position.

In its effort to convince Israel to curb settlement construction, the Obama administration took an approach that saw the United States tilting even more strongly towards Israel than prior administrations. When President George H.W. Bush tried to pressure Israel on settlement construction in 1989, he threatened to hold up pending loans. In the end, he did not hold them up, but his approach was to threaten something unpleasant. The Obama administration, to the contrary, has taken the approach of offering rewards to Israel in return for an agreement to curb settlement construction. In late 2010, the Obama administration offered, in return for an Israeli commitment to stop new settlement construction for a period of three months, to give Israel stealth fighter aircraft worth \$3 billion, to veto anti-Israel resolutions in the UN Security Council, and to never again ask Israel for a settlement freeze.²⁵ Additionally, he offered to take Israel's side on an issue that has been controversial between Israel and Palestine in negotiations for a final treaty, namely, the issue of whether Israel should, on a permanent basis, have some kind of military presence in eastern Palestine along the Jordan River. Israel wants such a presence to protect against possible invasion from the east. Palestine views this demand as an effort to take over more Palestinian land and as an infringement on

24. U.N. SCOR, 50th Sess., 3538th mtg. at 6, U.N. Doc. S/PV.3538 (1995), reported in Barbara Crosette, *U.S. Vetoes a Condemnation in U.N. of Israeli Land Seizure*, N.Y. TIMES, May 18, 1995, at A10; U.N. SCOR, 52nd Sess., 3747th mtg., U.N. Doc. S/PV.3747 (1997), reported in Paul Lewis, *U.S. Vetoes U.N. Criticism of Israel's Construction Plan*, N.Y. TIMES, Mar. 8, 1997, at A3.

25. Karen DeYoung, *U.S. Gives Up on Renewal of Israeli Settlement Freeze*, WASH. POST, Dec. 8, 2010, at A13.

Palestine's sovereignty.²⁶ The deal was rejected by Israel, but the fact that the offer was made was widely seen in the region as outrageous. Instead of threatening a negative consequence for an illegal act, President Obama was offering a reward for mere compliance with the law.

III. POLICY POSITIONS ON THE ISRAEL-PALESTINE ISSUE PROMOTE ANTI-U.S. TERROR

The Obama administration's flawed approach to the issue of Israeli settlements is far from the only issue that breeds resentment, hence anti-U.S. violence. The United States has continued under President Obama to be the only state that gives monetary aid to Israel. President Obama has been particularly generous by comparison to prior administrations. By this monetary aid, the United States is viewed as having undercut Palestinian self-determination.

The Obama administration has continued the policy of the prior administration of refusing to deal with the Hamas-led government in the Gaza Strip. Like the prior administration, it has Hamas on its list of terrorist organizations, thereby making it a crime for U.S. nationals to provide financial aid to the Palestinians of Gaza if the aid goes through the administration there. It is a crime even to offer technical or legal advice to that administration. Hamas prevailed in Palestinian elections held in 2006, elections that were widely regarded as free and fair.²⁷ In 2010, the U.S. Supreme Court, at the Obama administration's urging, said that even legal advice that is aimed at lawful matters, such as advice on how to frame petitions to international human rights agencies, if given to organizations that, like Hamas, are listed as terrorist, would be a crime.²⁸

A vital issue on which President Obama is viewed negatively is that of the Palestine Arab refugees, and the question of whether they can be repatriated to home areas, which fall largely in territory taken by Israel in 1948. In recent years the United States has removed itself from the consensus position held in the international community that these Palestine Arabs and their descendants have a right under international law to be repatriated. Beginning in the 1990s, it

26. Rachele Marshall, *Palestinians Reject a "Compromise" that Means Surrender*, WASHINGTON REP. ON MIDDLE E. AFF., Dec. 2010, at 8.

27. U.S. DEPARTMENT OF STATE, ISRAEL AND OCCUPIED TERRITORIES 18 (2008).

28. *Holder v. Humanitarian Law Project*, 130 S. Ct. 2705, 2729 (2010).

stopped voting in favor of the resolution that the UN General Assembly adopts annually, calling on Israel to implement General Assembly Resolution 194 of 1948, which requires Israel to repatriate the displaced Palestine Arabs. In the quoted statement made at Cairo on the displaced Palestinians, while Obama spoke of “the pain of dislocation,” he avoided saying that he supports their right to be repatriated. Thus, the United States under the Obama administration continues a policy that is objectionable not only in the Middle East, but worldwide.

The Obama administration persists in promoting bilateral Israel-Palestine negotiations, even though, given the imbalance of power between the two, there is little prospect of reaching an accommodation acceptable to both sides. In this respect, Obama is following the policy of President George H.W. Bush and his successors. The Obama administration is doing precisely what General Petraeus says promotes anti-U.S. violence.

IV. LIVING DOWN PRIOR U.S. POLICY

The Obama administration’s policy on the Israel-Palestine issue and on other Middle East-related issues is viewed outside the United States in light of policies of prior administrations. The United States suffers from a backlog of issues on which we are seen as promoting our own interests at the expense of the peoples of the Arab and Muslim worlds. These issues begin in the era following World War II, when the United States became the major outside power in the Middle East. The United States, in part from Cold War considerations and interest in the oil resources of the region, consistently took stands against manifestations of Arab nationalism. In 1953, the CIA played a role in overthrowing a democratically elected government in Iran that was making moves to ensure a greater return to Iran from the oil for which Western companies were drilling. The CIA set in motion a plan to foment opposition to the government and to promote the political aspirations of Iranians grouped around a potential counterforce that would be less demanding in regard to oil revenues.²⁹

The plan succeeded, bringing to power what had been a nominal ruling figure, the Shah. The Shah’s reputation for heavy-handedness and his close affiliation with the United States resulted

29. KERMIT ROOSEVELT, *COUNTERCOUP: THE STRUGGLE FOR THE CONTROL OF IRAN 150–97* (1979).

in the formation of an opposition movement of a fundamentalist Islamic perspective. That movement overthrew the Shah in 1979. That revolt for the first time brought fundamentalist Islam into a prominent role in Middle East politics and almost immediately led to acts of anti-U.S. violence, most spectacularly the takeover of the U.S. embassy and the holding there of diplomatic personnel for over a year.

In Lebanon, the CIA took a different approach to ensuring governance by elements not hostile to U.S. interests. In 1957, the CIA gave money to parliamentary candidates to ensure the election of pro-U.S. individuals. Under the Lebanese constitutional system, the deputies would elect a president. The deputies indeed elected a pro-U.S. figure named Camille Chamoun. Wilbur Crane Eveland, who served as CIA station chief in Beirut at the time, wrote later that the parliament of Lebanon had been bought by the CIA on behalf of Chamoun.³⁰ That financial intervention in turn provoked a civil war in Lebanon, pitting nationalist elements against the pro-U.S. faction. President Dwight Eisenhower sent U.S. Marines to Lebanon ostensibly as peacekeepers, but in fact to protect the pro-U.S. faction against the nationalists.³¹

The United States sided with Israel in its 1967 confrontation with Egypt that ended with Israel occupying the Gaza Strip and the West Bank of the Jordan River. Egypt was led by the chief proponent of Arab nationalism at the time, Gamel Abdul Nasser. When Israel invaded, the United States covered for it in the UN Security Council, keeping silent in the face of Israeli explanations that the U.S. officials knew to be false.³² President Johnson knew that Israel had not been in danger of imminent attack by Egypt, yet when the U.S.S.R. characterized the Israeli action as aggression, the United States avoided the question.

V. CONCLUSION

It is hardly a surprise that al Qaeda is able to recruit persons willing to give their lives to fight us. The power the United States holds in the world makes us, ironically, more vulnerable to

30. WILBUR CRANE EVELAND, *ROPES OF SAND: AMERICA'S FAILURE IN THE MIDDLE EAST* 253-54 (1980).

31. HELENA COBBAN, *THE MAKING OF MODERN LEBANON* 89 (1985).

32. U.N. SCOR, 1348th mtg., U.N. Doc. S/PV.1348 (1967); Memorandum Prepared in the Central Intelligence Agency's Office of Current Intelligence, June 5, 1967, *in* 19 FOREIGN RELATIONS OF THE UNITED STATES 1964-1968, at 318.

terrorism. Those critical of us feel that there is no possibility of altering our course by political persuasion. We have assumed the role of the world's policeman in a way that marginalizes the UN Security Council. All that those who oppose our policies are left with, as they see it, is violence, even if that violence does not hold a great prospect of forcing a change in U.S. policies.

The furor in the Islamic world in September 2010 over Pastor Jones's plan to burn Qur-ans struck many Americans as an overreaction to the acts of a single individual, even though most Americans likely regarded the preacher negatively. It is only against the background of U.S. policy towards the Islamic world that the strong reaction there can be understood. Had the existing perception of the United States been one of even-handedness and good will towards the Islamic world, the acts of one preacher would have gained little notice.

What officials like General Petraeus are saying, and what Shahzad's statement reflects, is the uncomfortable truth that terrorism is not something that comes from nowhere. It is not a product of some theologian's musings. It is a response to what individuals see around them. It is directed at the United States as a reaction to what we do. While we can take punitive measures, while we can seek to isolate governments that support terrorists, it is unlikely that these measures alone will suffice. What is needed is a fundamental reassessment of our policies, and a realistic analysis of how those policies come back to haunt us. Only then will the United States be on the road to protecting itself against terrorism.

**EDITORIAL CARTOON COMPETITION WINNER:
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PART II: MOUSSAOUI RETROSPECTIVE

This issue of the *Journal of the National Security Forum* is being distributed just a few months before the tenth anniversary of the 9/11 attacks on the United States. Much remains to be said about the social, political, and legal implications of 9/11. We expect that William Mitchell College of Law will continue to publish thought-provoking commentary on this subject. We feel that this issue of the *Journal* should offer a different kind of reflection on the tragedy of 9/11. Instead of adding to the cacophony of commentary that will mark the tenth anniversary, we have chosen to assemble the recollections of those who were involved in bringing to justice the only person yet to be held to account by the American judiciary for the 9/11 attacks, Zacarias Moussaoui.

Moussaoui was detained in the suburbs of Minneapolis a few weeks before September 11, 2001. He attracted the attention of authorities after a flight instructor became alarmed by Moussaoui's suspicious use of a Boeing 747 flight simulator. Several years later, he confessed and was sentenced to life in prison for his role in plotting the 9/11 attacks. It has been widely reported that Moussaoui would have been aboard one of the planes on 9/11 if he had not been apprehended.

While the Moussaoui case has national and global importance, it was especially troubling to Minnesotans. For many, it was a shock to learn that the safe heartland of America harbored a 9/11 operative. The following pages contain some of the voices and images involved in bringing Moussaoui to justice.

We publish them as a remembrance and for posterity's sake.
