

# INDEPENDENT POLICY REPORT

ROUTING


## Our Own Strength Against Us *The War on Terror as a Self-Inflicted Disaster*

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### *Executive Summary*

The War on Terror is much more than a colossal waste. It is the most potent threat Americans face to their liberties and security. With one spectacular blow al-Qaeda managed to exploit the fantasies of a “New American Century” cabal inside the Bush administration and sucker the American people and its leaders into a response that serves its interests. The overstated, but publicly honored, “War on Terror” and the catastrophic invasion of Iraq associated with it rescued the jihadi movement from oblivion by convincing most of the Muslim world that jihadi propaganda about the “infidel Christians and Jews” was actually correct.

At home, Americans have been so bamboozled by the hysterical imagery of the War on Terror that the absence of evidence of a truly

serious terrorist threat cannot even be a topic of public discussion. Politicians, the news media, rival government agencies, defense contractors, lobbyists of all kinds, universities, and the entertainment industry battle ferociously to increase revenues and pump up reputations by posing as more committed to winning the War on Terror than their competitors. Frustrated by their inability to find any evidence of serious terrorist activities in the U.S., law enforcement and related agencies escalate techniques of pre-emptive prosecution and entrapment to justify their enormous budgets.

Terror is a problem, but the War on Terror, because it turns U.S. power against America, is a catastrophe.

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# Our Own Strength Against Us

## *The War on Terror as a Self-Inflicted Disaster*

Ian S. Lustick

### **The Terrorists Are Coming! The Terrorists Are Coming!**

It is not terrorism that frightens Americans, and it is not the terrorists who can seriously hurt the United States of America. What keeps so many Americans terrified and what can inflict truly enormous damage on our nation is the War on Terror. Consider the following typical example of War on Terror propaganda.

On February 20, 2007, CNN's Anderson Cooper presented an hour-long "scare-you-mentary" entitled "The Edge of Disaster."<sup>1</sup> Based on former Bush administration official Stephen Flynn's book by that title, the segment dramatized the horrors of various imaginable terrorist attacks in the United States. The segment has been updated and rebroadcast repeatedly on CNN, most recently on July 5, 2007, following the failed London and Glasgow attacks in Britain. A version of the show, "We Were Warned: The Edge of Disaster," was also advertised by CNN as available free of charge for schools to record and present in classes (Grade 7 through college) with the following come-on: "America's food supply, our

ports, our power systems: Are they vulnerable to terror? Anderson Cooper investigates whether the government is ignoring vulnerabilities at home—and whether we're prepared for the next natural or human-made disaster."<sup>2</sup>

Truly terrifying dramatizations of some of the imaginable horrors terrorists might inflict on America drive home the point of the show. Here's one, taken from the transcript of the show:

David Mattingly, CNN correspondent (voice-over): This is the scenario—a summer afternoon in Philadelphia, the parking lot still filling up with fans streaming into the stadium for a Phillies home game. The beer cold, the air warm. The ballpark fills with anticipation, as the players take the field.

(on camera): But as the first pitch rockets towards home plate, none of the 45,000 inside has any idea of the terrible turn their lives are about to take. That's because terrorists not far away are moving forward on a plot to turn this stadium into both a spectacular political statement and a mass grave.

(voice-over): It took years of planning to get to this point. The radicals have been quietly and legally acquiring licenses and jobs that give them the means to launch an act of terror so horrifying it could be worse than the attacks of 9/11.

And this is how it begins. Two trucks wind their way through the streets of South Philly, but strangely their destination isn't the stadium. It's the sprawling oil refinery just two miles away.

(on camera): Their mission ends here on this road, as the first truck crashes into the refinery gates. The driver sets off a bomb, killing himself and anyone who might be nearby. The blast blows a hole in the gate big enough for the second truck to drive through.

(voice-over): The second truck is a huge tanker filled with gasoline. When it crashes into a tank, the driver sets off another bomb. Louder than thunder, it brings a momentary hush to the Phillies game two miles away. Fans have no way of knowing a catastrophe is only beginning.

(on camera): That's because inside this refinery there's a dangerous chemical called hydrofluoric acid, and it's the terrorists' lethal weapon. When it spills, it creates a poisonous vapor, an invisible toxic cloud the wind will carry for miles.

(voice-over): As the toxic plume engulfs nearby south Philly neighborhoods, windows broken by the explosions expose people inside their homes. They are the first outside the plant to die.

Then at the stadium, a warning announcement. Fans rush for the exits. But even if they move quickly, many have nowhere to go. Instantly, the parking lot is gridlocked. Traffic on the surrounding streets crawls, and then just stops. Tens of thousands are trapped trying to get away.

Next, immeasurable horror and agony as it reaches the stadium. Thousands begin to choke, convulse and die.

Few Americans would find this type of "reporting" unusual. Since 9/11 Americans have been deluged with warnings, predictions, and images of terror catastrophes. In shaping beliefs about the terrorist threat we face, the pervasiveness and power of these "could-well-happen" scenarios far outweigh the absence of any actual terrorism inside our borders since 2001. These widely publicized disaster scenarios also help to account for the stable polling numbers showing that ever since 2001, most Americans have believed another 9/11-scale attack would occur within the next three months.<sup>3</sup>

This kind of reporting exploits and aggravates normal anxieties, as do terror-related films, novels, and television. The general narrative thereby imposed on the consciousness of the American public also carries other messages. One is that the War on Terror is all that stands between the American people and catastrophe. Another is that despite politicians' rhetoric, it is not being prosecuted seriously enough or with enough resources to give the American people the protection they need. These and other related messages result in a public discourse that focuses on whether the War on Terror suffers from insufficient resources and incompetent implementation. That discourse preempts any questions that might otherwise be raised about whether there really is a sizeable terrorist threat and whether the War on Terror is a justified response.

Because the enormity and immediacy of the terrorist threat that putatively justify the War on Terror have become unquestioned assumptions in American public debate, simply asking whether terrorism really does warrant a "war" requires challenging, if not dismantling, deeply ingrained views on the meaning of the 9/11 attacks and their aftermath. Only by asking whether the War on Terror should be prosecuted at all, however—and thereby expos-

ing oneself to accusations of naiveté, a pre-9/11 mentality, or even pro-terrorist sympathy—can we get beyond the question of whether it is being prosecuted effectively or not.

Because the War on Terror is linked so closely to the 9/11 attacks, asking whether there should be a War on Terror means first asking what other responses were available in September 2001 and why the War on Terror response, and not others, was chosen. By answering these questions and then analyzing the self-perpetuating mechanisms that drive the War on Terror more deeply into our national life, we can come to understand why the War on Terror is itself the enemy and why it is fundamentally inaccurate and dangerously misleading to think of it as a strategy adopted by the U.S. to defend itself.

## **Why Was the War on Terror Launched?**

The War on Terror was not an inevitable response to the carnage of September 11, 2001. To gain the perspective necessary for evaluating the efficacy, indeed the very rationality, of the War on Terror, we must begin by considering examples of other suitable and potentially more effective responses our nation could have mounted to the 9/11 attacks. For instance, the national leadership could have:

- rallied the country to sacrifice in the practical solution of long-standing problems threatening the American people, such as healthcare, infrastructure rehabilitation, or energy independence as a profoundly American answer to the barbarity of the attack;
- followed up obviously necessary reforms in our systems of intelligence and law enforcement with disciplined, but discrete work with our allies and friends throughout the world, pursuing behind-the-scenes efforts to hunt down and destroy, with military means as necessary, the

specific networks and individuals within the jihadi wing of the Salafi movement responsible for planning and executing the 9/11 attacks;

- focused all our national resources and international goodwill on the reconstruction of Afghanistan after the overthrow of the Taliban to demonstrate that even the most “backward” of Muslim countries could enjoy the fruits of a democratic regime consistent with basic Muslim values; and
- exploited the tidal wave of international sympathy and identification with the United States to address and eliminate the root causes of discontent and desperation within the Muslim world via ambitious, multilateral but U.S.-led programs of diplomacy (related to the Arab-Israeli conflict, for example) and toward democratic reform.

Instead of any one of these possible courses of action, or some combination, the national leadership chose to mount a global War on Terror. Why? What was particularly attractive about this formula to those in the administration? Answering this question means appreciating the bitterness of the struggle between two major factions of the George W. Bush administration during its first eight months, those preceding 9/11.

These antagonists were the pragmatic internationalists and the supremacists. In this battle over grand strategy and foreign policy, the pragmatic internationalists were led by Secretary of State Colin Powell. This faction drew support inside the government from the intelligence community and the uniformed military and outside the government from former national security adviser Brent Scowcroft and other “wise men” of the foreign policy establishment associated with the first President Bush. The supremacist faction was led by Vice President Dick Cheney and Secretary of Defense Donald Rumsfeld. They created powerful centers of bureaucratic and political power within the Office of the Vice

President and the Office of the Secretary of Defense, staffed with true believers in a neo-imperial policy of American expansion and global supremacy—among them, Paul Wolfowitz, Douglas Feith, Abraham Shulsky, Lewis Libby, and William Luti. The supremacists drew support outside the government from neoconservatives in the Project for the New American Century, led by William Kristol, editor of the *Weekly Standard*; conservative militants such as James Woolsey and Richard Perle on the Pentagon’s Defense Advisory Board; and right-wing foreign policy intellectuals at such think tanks and advocacy groups as the Heritage Foundation, the American Enterprise Institute, and the Jewish Institute for Security Affairs (JINSA).

Both factions understood the magnitude of the military and economic edge that the United States enjoyed over any adversary or combination of adversaries. Indeed, in 2001, the American military budget was equal to the combined military budgets of the next twenty-four most powerful countries in the world. From this fact, however, each side drew very different conclusions. The pragmatists understood how unlikely it was for vital U.S. interests to be endangered by foreign military threats. They also remained acutely aware of the risks of over-involvement in foreign adventures not touching on those vital interests, initiatives which therefore could not command the full support of the American people or serve as the basis for commitment of the full weight of American power. The challenge of American power in their eyes was as much to restrain impulses to exploit the U.S. margin of superiority in ways that would damage long-term U.S. interests as it was to deploy U.S. power in response to potential threats. The supremacists, on the other hand, believed that it was precisely the extent of U.S. superiority that required a forward policy of American political, military, and economic hegemony to make the twenty-first century the “American Century.”

For the first eight months of the George W. Bush administration, the pragmatic internationalists were

able to thwart a dogged and skillful campaign by the supremacists to launch a war in Iraq. President Bush and his national security adviser, Condoleezza Rice, were curiously absent from the struggle. This meant that although the pragmatists could stymie the supremacist faction, they could not defeat it. When al Qaeda struck on September 11, 2001, Cheney, Rumsfeld, Wolfowitz, and the rest sprang into action. Indeed the single most important political effect of 9/11 was the opening it gave to the supremacists to capture the president’s imagination and seize control of U.S. foreign and national security policy from the State Department, the Central Intelligence Agency, and the uniformed military. According to noted author Bob Woodward, a mere four hours after the attacks, Rumsfeld scrawled a question to an aide. How, he wanted to know, could the attacks on the World Trade Center and the Pentagon be used to “hit S.H. @ same time—not only UBL?” He followed that up by asking the Pentagon lawyer to talk to Wolfowitz about the Iraq “connection with UBL.”<sup>4</sup>

The supremacist faction’s quick and single-minded mobilization and its dramatic, emotionally loaded encounters with the president convinced Bush that the challenge of al Qaeda was not only a national security emergency but also the moral and emotional equivalent of World War II. To prevail against barbarism, America and the free world would require the president to play the role of British Prime Minister Winston Churchill in a titanic contest between Good and Evil. This was a message, and a role, that President Bush was more than ready to accept. While his popularity had been sinking fast since the troubled days of his inauguration, his faith in his own divinely mandated calling was undiminished.

The supremacists had long argued that the road to the “New American Century” would begin with the liberation of Iraq by the use of American military force. Strategically, this would serve as the launching pad for their neo-Reaganite revolu-

tion in foreign policy and grand strategy. First U.S. forces would liberate Iraq with air force–reliant “shock and awe” tactics. Then the example of a new democratic, capitalist, prosperous Iraq, replete with American military bases and enjoying close ties with Israel, would be used to replace regimes in Iran and Syria with additional client states. In this way the oil-rich Middle East would become a neoliberal *Pax Americana/Israeliana* and the basis for global American military, economic, and political supremacy. Of fundamental importance in their thinking was the belief that this revolution in American foreign policy and grand strategy would reorient the American public toward the glories and steely virtues of heroic wars abroad, thereby producing a *longue durée* transformation in American politics to favor conservative Republican candidates for national office.<sup>5</sup>

In other words, in the context of the supremacists’ strategic plan, an American war for regime change in Iraq was to be the launching pad for their entire program. Accordingly, from a tactical point of view, the challenge of 9/11 for the Cheney-Rumsfeld faction was to exploit the 9/11 attack to achieve the American invasion/liberation of Iraq, which their grand plan required. The attacks of 9/11 supplied the necessary emotion and the surplus political capital necessary to launch the war. Still, there remained the problem that Saddam Hussein had nothing whatsoever to do with those attacks. The War on Terror we fight today is the direct result of the solution the leadership of the supremacist faction found to this tactical problem.

The origin of the War on Terror, as a slogan and a policy choice, lay in its ability to satisfy the supremacists’ need for a formula that could tap into the wellsprings of American public support for a response to 9/11. The crucial rhetorical move was to define the enemy not just as the terrorists themselves or as terrorist groups with global reach, but as states that sponsored, aided, or might aid terrorists. If Iraq was to be the second target

after Afghanistan (Wolfowitz and others actually wanted it to be the first), the War on Terror had to be framed so as to require the use of military force against countries that the supremacists targeted for regime change (especially Iraq), whether linked to 9/11 or not. To swing the American public into effective if not conscious support of their larger ambitions, this faction inflated the threat of terrorism into a dire national emergency comparable in scale to that posed by Nazi Germany and imperial Japan after Pearl Harbor.

The swift development and public presentation of this definition of the problem can be charted by examining the change in presidential characterizations of the country’s response to 9/11. Expanding formulations used by President Bush in key speeches in late 2001 and early 2002 chronicle rapid movement toward a generalized War on Terror posture designed to accomplish precisely what the supremacist faction had in mind.<sup>6</sup> At a Louisiana military base just hours after the attacks, Bush defined the enemy, in terms much too narrow to satisfy supremacist ambitions, as those directly responsible for the attacks on New York and Washington: “The United States will hunt down and punish those responsible for these cowardly acts.”<sup>7</sup> Nine days later, in his address to the nation and both houses of Congress, he described the mission in wider terms but still limited it to al Qaeda, the Taliban regime that protected al Qaeda (if it refused to cooperate), and a particular kind of terrorist group. “Our war on terror begins with al Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated,”<sup>8</sup> he said. In his January State of the Union address, the president upped the ante again. The members of the so-called axis of evil were named—Iraq, Iran, and North Korea—and victory in the War on Terror was now said to entail preventing “regimes who seek chemical, biological, or nuclear weapons from threatening the United States and the world.”<sup>9</sup> By June, in his speech at West Point, the Bush rhetoric

had widened and hardened into a vivid articulation of the supremacist position. The doctrines of containment and deterrence that had been the bedrock of U.S. foreign and national security policy since the late 1940s were “no longer sufficient,” he said. The president declared a new doctrine of preventive war against potential enemies: From now on “we must take the battle to the enemy, disrupt his plans, and confront the worst threats before they emerge.”<sup>10</sup>

But who was the enemy? In his September 20, 2001, speech, Bush warned every country in the world: “Either you are with us, or you are with the terrorists.” By thus categorizing all states not actively allied with the United States as potentially within the enemy camp, and by asserting it as American policy to launch preventive war against states deemed threatening, the president made the War on Terror something as large as, or even larger than, another world war. It had, in fact, been expanded to provide precisely the virtually unlimited justification for imposing the American military predominance that was at the core of the supremacist vision of how to build the New American Century.

My point here is that the War on Terror arose, not as a natural, inevitable, or logical response to the new requirements of defense that may have arisen after 9/11, but as part of a *preexisting* agenda of a specific group that was well-positioned to exploit the emotions and political capital created by the 9/11 attacks.<sup>11</sup> The question we must now ask is how the War on Terror, once launched, sustained itself and how it continues to do so. Understanding the answer to this question means first of all appreciating that the vast panoply of activities funded within the rubric of the War on Terror is certainly not necessary to counter actual threats of terrorist activity in the United States. Indeed, there is virtually no evidence of a threat anywhere near the magnitude of the response.

## What Is the Scale of the Terrorist Threat to the United States?

A confidential FBI memo written in the spring of 2005 concluded that “to date, we have not identified any true ‘sleeper’ agents in the U.S. . . . U.S. Government efforts to date also have not revealed evidence of concealed cells or networks acting in the homeland as sleepers.”<sup>12</sup> This judgment is still valid. Since 9/11 there have been no sleeper cells, attacks, or evidence of any serious terrorist threat from Islamic extremists inside America. Yes, there have been many news stories about terror cells and planned attacks—teenage girls in New York, Rastafarians in Miami and Atlanta, a cherry packer and ice cream vendor in Lodi, California, a bass player in New York, paint-balling Muslim cowboys in New Jersey and Virginia, a Caribbean huckster in Brooklyn—but as the cases develop, for those who care to follow them after the first weeks or months of hyperbolic coverage, there is always much less there than met the eye in the beginning. After the initial wave of interviews of chest-thumping War on Terror warriors, what coverage there is of these cases usually reveals (often years later) how much help, guidance, and even encouragement from law enforcement informers these alleged terrorists needed to get to the point of an arrestable offense, or at least to the threshold for “preemptive prosecution.”

For example, in Detroit, soon after the 9/11 attacks, agents searching for one man found three other men in the apartment they thought was his. In their possession were false identity papers, cassette tapes of (pacifist) Muslim fundamentalist messages, and a video of Middle Eastern tourist sites. Prosecutors accused the men of “conspiring to help terrorists” and announced they had “cracked an ‘operational combat cell’ of Islamic terrorists.”<sup>13</sup> After an eighteen-month investigation of this case, four men were brought to trial. Two were convicted by a jury of supporting terrorism; two were acquit-



ted of that charge; three (including one self-confessed grifter) were convicted of document fraud. Soon after the convictions were handed down, however, the Justice Department launched an inquiry into the behavior of Richard Convertino, the lead prosecutor in the case, for suppressing exculpatory evidence, including testimony, photographs, and expert analysis by military intelligence officers. A year later, at the request of the Justice Department, a federal judge overturned the convictions regarding conspiracy to help terrorists. In 2006 Convertino was indicted, along with a key government witness in the case, on charges of conspiracy, perjury, and obstruction of justice.

By 2005 an FBI informant in Lodi, California, had been paid a total of perhaps \$250,000 for surveillance of the local Muslim community. To justify receiving such a sum, the informant had reported seeing al Qaeda leader Ayman al-Zawahiri at the local mosque in 1999. The intelligence community knew (or at least should have known) this report was false because of its knowledge of al-Zawahiri's whereabouts at the time of the supposed sighting.

Nevertheless, alarm bells went off when the informer reported another link to al Qaeda in Lodi. Hamid Hayat was an American citizen of Pakistani origins with a sixth-grade education who lived in Lodi with his father, an ice cream vendor. His father sent Hamid, who worked packing cherries, to Pakistan so that relatives might help him find a wife. The informer, however, told the FBI that Hamid had been sent by a local terrorist cell to train with al Qaeda. We do not know whether or not the FBI believed him and whether the FBI knew how hard the informer had worked to bully Hamid into some kind of behavior in Pakistan that could justify his informant payments.<sup>14</sup> In any event, the son was arrested in Korea on his way home from his honeymoon. His father was also arrested.

At first prosecutors and the press trumpeted a supposed plot to target hospitals and supermar-

kets. This part of the story was later withdrawn, along with additional accusations of an elaborate al Qaeda cell operating in Lodi. Nonetheless, in February 2006, when John D. Negroponte, the director of national intelligence, appeared before the Senate Select Committee on Intelligence to present his annual national threat assessment, he cited the terrorists of Lodi as his single example of just how present and real the danger of al Qaeda-style terrorism was in the United States. In solemn tones, Negroponte spoke of "a network of Islamic extremists in Lodi, California [that] maintained connections with Pakistani militant groups, recruited U.S. citizens for training at radical Karachi madrassas, sponsored Pakistani citizens for travel to the U.S. to work at mosques and madrassas, and according to FBI information, allegedly raised funds for international jihadist groups."<sup>15</sup> Sitting behind Negroponte to back up his testimony were the chiefs of the intelligence and counterterrorism agencies in the federal government: General Michael V. Hayden, principal deputy director of national intelligence; Robert S. Mueller III, director of the Federal Bureau of Investigation; Porter J. Goss, director of the Central Intelligence Agency; General Michael D. Maples, director of the Defense Intelligence Agency; Charles Allen, chief intelligence officer, Department of Homeland Security; and Carol Rodley, principal deputy assistant secretary of state for intelligence and research.

Three months after this phalanx of War on Terror leaders told the Senate of the major national security threat they had neutralized in Lodi, after a year of scarifying depictions of the accused in the local and national press, and following a nine-week trial, the father was released as a result of a hung jury. The prosecution decided not to seek a new trial. Jury deliberations in the son's case dragged on for ten days, nearly resulting in a hung jury, but eventually produced a guilty verdict on one count of "material support to terrorists" and several counts of lying to the FBI.

Hamid Hayat was sentenced to twenty-three years imprisonment. His conviction is now being appealed, based in part on videotapes of his interrogation, showing a shivering young man, wrapped in a blanket, nodding or uttering monosyllabic “um’s,” “uhhh’s,” and “uhuhuh’s” in response to an elaborate list of questions posed to him by interrogators about his involvement in terrorist activities.<sup>16</sup> Another basis for the appeal is the fact that a veteran, highly decorated FBI agent from California was banned, at the behest of the prosecution, from testifying at the trial. The agent had viewed the tapes and concluded that the suspect had obviously been manipulated into an entirely false and contradictory confession.<sup>17</sup>

In cases across the country a similar pattern has emerged. Based on the principle of preemptive prosecution, the FBI and local law enforcement conduct heavy surveillance of local Muslims using well-paid Muslim informants. These informants are charged with reporting as much as possible about what they observe, including who attends religious services and when. The informants find vulnerable, angry, or disturbed individuals and establish brotherly or even fatherly relations with the targets by projecting a persona of maturity and fidelity to “authentic,” jihadi, or Salafi Islam. They then try to record a statement by the target expressing a wish to do harm to the United States. The statement may be vague or specific; it may be a sudden passionate response to a news report of Muslim deaths at the hands of Americans in Iraq, Afghanistan, or Pakistan. It may even be incidental to an inflammatory conversation initiated by the informant. Quoting *fatwas* (religious rulings by individual Muslim clerics) that authorize violence, the informants then suggest to the target particular activities or even attacks that might be carried out and offer weapons, explosives, or opportunities for contact with international terrorist groups. The arrest is made when the individual is recorded indicating a willingness to participate, but before any weapons are delivered.

For example, an enormous amount of press coverage was devoted to a supposed plot to blow up the New York subway station at Herald Square in 2004. In August 2004, just a few days before the Republican National Convention, a 24-year-old Pakistani immigrant, Shahawar Matin Siraj, was arrested by the New York Police Department’s special Police Intelligence Division and held without bail until he was tried in early 2006. Later that year, Siraj was convicted and subsequently sentenced to thirty years in prison (having turned down a plea deal that would have resulted in a ten-year sentence). New York Police Commissioner Raymond W. Kelly declared the outcome “a milestone in the city’s fight against terrorism” and commended the officers involved for having “stopped the worst from happening.”<sup>18</sup>

As in other such cases, the defense argued that the accused had been entrapped by informers and prosecutors who provided inflammatory encouragement, access to weapons and explosives, and ideas for targets to attack. The government informant, a 50-year-old Egyptian immigrant, Osama Eldawoody, was one of many paid police undercover informants assigned to mosques in the New York area. During a period of twenty-seven months of watching worshippers at a mosque in Staten Island and another in Brooklyn, Eldawoody identified Siraj as a target, having observed him listening to a tape from his uncle’s bookstore, where Siraj worked, of someone saying that the United States was responsible for the 9/11 attacks. Eldawoody portrayed himself as a mature, knowing, and confident Muslim and as a representative of a fictional terrorist organization called The Brotherhood. He cultivated and inflamed Siraj’s resentment and guilt for not acting in defense of Muslims by showing him pictures from the Abu Ghraib prison. He assured a second man charged in the case, a 19-year-old schizophrenic and high school dropout named James Elshafay, that he had been given a fatwa by

his imam that would justify the killing of American soldiers.<sup>19</sup> Eldawoody offered Siraj the explosives to use in an attack on the subway. Siraj refused to place the explosives but agreed at one point to accompany the man who would put them in place.<sup>20</sup> He seemed to get cold feet, however, and told Eldawoody, on tape, that “I’d better not do this. I have to check with my parents to see if I really want to go forward with this.” Five days later, he was arrested.<sup>21</sup>

Reports from jurors after the trial indicate that their decision to convict was a very close one because of the strength of the defense’s entrapment argument. In the end, the jurors decided that the defense had not produced quite enough evidence to prove entrapment (when law enforcement officials entice others into committing a crime they otherwise would not have committed). A key element in this decision was Elshafay’s testimony against Siraj that he had talked approvingly about suicide bombings before meeting Eldawoody, although according to Siraj’s attorney, this talk was nothing more than expressions of understanding as to “why Palestinians might use suicide bombing because they have no other means of making their point.”<sup>22</sup> Within the climate of fear fostered by the War on Terror after the 9/11 attacks, it is thus quite easy for law enforcement to use techniques that would have previously been considered entrapment because of the readiness of jurors to believe that even without the encouragement and supplies provided by police or FBI informants, Muslims who harbor resentment or anger are “predisposed to commit a crime.”<sup>23</sup>

The key point here and in similar cases is that what is at stake is not whether an attack is actually going to occur, or whether a threat was actually thwarted by the police, or whether a crime was actually committed, but whether prosecutors think an entrapment defense can be defeated. Hailing the Siraj verdict and the actions of the New York Police, Congressman Peter T. King, chairman of the House Committee on Homeland Security, urged the FBI

to “get rid of its pre-9/11 mentality of not making an arrest until they have enough evidence to convict.”<sup>24</sup>

In search of enemies and self-justification, and lacking bona fide al Qaeda-type terrorists here in America, the War on Terror quite naturally and aggressively expanded its definition of the enemy to include Palestinian activists, especially those active on behalf of Islamic charities linked to Hamas or Islamic Jihad. One case of this type with a particularly high profile has been that of Sami al-Arian, a former professor at the University of South Florida. Al-Arian and seven others were put on trial in June 2005 for racketeering, conspiracy, and organizing financial support for an extreme Palestinian organization implicated in terrorism in Israel. In 2003 Attorney General John Ashcroft portrayed the government’s prosecution of al-Arian as a signal victory in the War on Terror:

The Justice Department is prosecuting the war on terrorism by integrating our law enforcement and intelligence capabilities as authorized under the Patriot Act. The Department recently indicted Sami Al-Arian and seven co-conspirators, several of whom were leaders of the Palestinian Islamic Jihad. The indictment details that Al-Arian served as the secretary of the Palestinian Islamic Jihad’s governing council called the “Shura Council.” He was also identified as the senior North American representative of the Palestinian Islamic Jihad.<sup>25</sup>

Although the charges against the former University of South Florida professor and his codefendants did *not* include accusations that they carried out, aided, or planned terrorist attacks inside the United States or that they were in touch with al Qaeda or other global terrorist organizations, when al-Arian was finally brought before a judge and jury, War on Terror cheerleaders hailed the trial as having “more important national security implications than any

since the Rosenbergs.”<sup>26</sup> Revealing both its desperation for War on Terror victories and the enormity of the resources available for achieving them, prosecutors drew on hundreds of thousands of hours of wiretapping evidence and took five months to present their case. By contrast, Al-Arian’s lawyer refused even to put up a defense. Instead he simply noted al-Arian’s First Amendment rights to freedom of speech and assembly and rested his case. In December 2005, the jury acquitted al-Arian of supporting a foreign terrorist organization and deadlocked on the other less serious charges.<sup>27</sup>

Another case that drew widespread attention in the spring of 2005 neither came to trial nor resulted in an indictment. The episode nevertheless illustrates the strong desire of government officials to justify the scale of the War on Terror with discoveries of homegrown threats. It also shows the rigor with which government agencies are combing through the daily activities of vast numbers of people in search of anything even resembling a terrorist threat. The case came to national attention in early April 2005 when the *New York Times* featured prominently an article under the headline “Two Girls Held as U.S. Fears Suicide Bomb.”<sup>28</sup> The two 16-year-old girls were longtime illegal residents of the United States. One was the child of Bangladeshi immigrants. The other was born in Guinea. In March the two were taken to a detention facility in Pennsylvania, strip searched, and interrogated for two weeks without parents or lawyers present or knowing where they were.

According to documents obtained by the *New York Times*, the FBI considered the two girls an “imminent threat to the security of the United States.” The government was worried the girls were planning to become suicide bombers. They first came to the FBI’s attention while its agents were monitoring postings in an Islamic-oriented chat room. Although their thoughts about issues of Islamic law and custom were not incriminating, when agents posing as youth counselors searched their rooms, they found a school essay and a drawing

that seemed to the FBI to indicate a plan to become suicide bombers. A month and a half later, however, the *New York Times* published another, smaller article reporting that after six weeks in detention the girls had been “quietly released and officials have declined to comment on the case.”<sup>29</sup>

Almost every month, powerful corroboration for the argument advanced here appears in the national press. In December 2007, seven months after weeks of breathless terror-talk about a putative terrorist plot to attack Fort Dix, *Time Magazine* published a thorough expose showing the extent to which the case had been manufactured by the War on Terror authorities themselves and the entrapment tactics that have become the hallmark of “preemptive prosecution.”<sup>30</sup> In January 2008, as this paper was going to press, the Jose Padilla case reached its denouement. In 2002 Padilla was a low-life Hispanic gang member and a recent convert to Islam who had changed his name to “Ibrahim.” Arrested in Chicago in May 2002, Padilla was held virtually incommunicado and without charge for more than three years. The government publicly accused him, without a formal indictment, of aiding al-Qaeda and planning mass terrorist attacks in the United States including a radioactive “dirty” bomb and use of natural gas to blow up apartment buildings. In many ways Padilla served as the poster child for the War on Terror. He was portrayed as a homegrown member of an al-Qaeda support cell and as committed to using radioactive or natural gas explosions to inflict massive casualties. His treatment as an “illegal enemy combatant,” despite his American citizenship and presence on American soil, signaled the comprehensive authority that managers of the War on Terror sought to arrogate to themselves in its name. The government’s narrative began to unravel in 2005, when it announced that Padilla was no longer considered an “enemy combatant.” Instead he was indicted in a criminal court and transferred from solitary confinement in a navy brig to civilian custody. Without any explanation, the government abandoned its charges

of domestic terrorism, whether involving weapons of mass destruction or not. Three years later government prosecutors, who had demanded 30 years to life in prison, suffered a humiliating defeat when Padilla, who had been convicted of traveling overseas with the intention to train as a terrorist, was sentenced to 17 years minus time served. The defense is appealing even this sentence, which was delivered by a judge who added insult to injury by scolding the government for the absence of evidence in support of the charges it had made and for the conditions of Padilla's imprisonment.

This pattern of exaggerated accusations and reckless, mostly failed prosecutions for terrorist activities reflects the enormous political rewards—for bureaucrats, prosecutors, law enforcement officials, and politicians—associated with being perceived to be fighting the War on Terror. Budgets, publicity, status, career opportunities, and potent campaign rhetoric are the hard currency of these rewards.

These incentives mean that the tiny number of well-publicized terror prosecutions (regardless of how credible they may be) is overwhelmed by the number of attempts to gain terror-related indictments, which prosecutors refuse to pursue. These same incentives drive most levels of government to inflate statistics about terrorism by including a host of non-terror offenses or prosecutions within categories reported as terror related. According to data collected within the Transactional Access Records Clearinghouse at Syracuse University, 90 percent of all cases presented for prosecution to district attorneys by the FBI or other law enforcement agencies have been rejected as lacking sufficient evidence to proceed with prosecution. In the two years after the 2001 attacks, the median sentence handed out to those found guilty under the terrorism laws was twenty-eight days. In the subsequent two years, the median sentence for those (few) found guilty has been twenty days. These figures reflect the fact that the great majority of these prosecutions are not really for terrorism offenses, but for visa violations,

telling untruths to law enforcement officers, and the like.<sup>31</sup> Indeed, of the Department of Homeland Security's 814,073 prosecutions of legal and illegal immigrants, all carried out under the banner of the War on Terror, only twelve persons were actually charged with any crime denoting terrorist activity or support for terrorists.<sup>32</sup>

The FBI's budget has doubled since 2001, and half of its resources are now devoted to counterterrorism. Indeed counterterrorism is officially the FBI's top priority. Nor have norms and laws that previously protected the private lives of American persons in the United States interfered in any substantial way with the government's acquisition of information about anyone thought by anyone to be a "person of interest." As is now well known, these techniques have included annual issuance of tens of thousands of national security letters, which require private citizens surreptitiously to provide the government with privately acquired data accessible to them inside corporations or other institutions, as well as warrantless eavesdropping and data-mining of electronic and telephone communication.<sup>33</sup> In light of the truly extraordinary efforts made to find evidence of terrorist activity in the United States since 9/11, and the failure to do so, it is reasonable to conclude that serious threats of terrorism inside the United States have not existed.

A standard argument in response to this point is that the War on Terror has prevented or deterred terrorist attacks that would have otherwise occurred. In his speech to the Coast Guard cadets in May 2007, President Bush attributed the absence of terror attacks in the United States since 9/11 to God's blessing and the fact that our counterterror measures are what he said they must be, "100 percent effective."<sup>34</sup> But aside from the absence domestically even of evidence of attempts to launch attacks, there are other bases for rejecting this contention. Monthly if not weekly shootings in schools, on college campuses—at Virginia Tech, for example—and in malls and office buildings confirm just how easy it would

be for terrorists bent simply on killing Americans to do so. Indeed, virtually all “red-team” exercises—efforts by intelligence and law enforcement to imagine themselves as or act as if they were terrorists trying to circumvent security measures—show how easy it would be for motivated and minimally resourced terrorists to circumvent most measures that have been (or could be) put in place. If there is one area where counterterrorist security measures have been most prominent, it is in the nation’s airports. Yet, in October 2006, in Newark’s Liberty International Airport, where one group of the 9/11 hijackers embarked on their mission, twenty of twenty-two attempts to bring a weapon through airport security succeeded!<sup>35</sup>

It would be foolish, of course, once the problem is depoliticized and understood as the relatively minor threat it represents, to ignore the possibility and the danger of politically motivated terrorism in the United States. As we know, bloody acts of jihadi terrorism have occurred since 2001 in Western Europe, especially in Great Britain and Spain. In Britain hundreds of credible cases against terrorists or would-be terrorists have been mounted. However, while these attacks and prosecutions in Europe may remind us of the reality of the danger of terrorism by Muslim extremists, and of the need to adopt sensible and prudent policies to mitigate that danger, they do not constitute proof of the need for or the efficacy of the present War on Terror. For one thing, the segregated, communalist Muslim populations of Western European countries, who often maintain very close family, cultural, religious, and political ties with their countries of origin, are much more likely to serve as hothouses for the development of terrorist activity than the generally integrationist, upwardly mobile, and highly Americanized Muslim population in the United States.<sup>36</sup>

Just as important to note as this sociological factor is that countries such as Great Britain, which are manifestly facing a more direct and dangerous threat from Muslim terrorists than is the United

States, have rejected the War on Terror as counterproductive and downright dangerous. As Britain’s new Prime Minister Gordon Brown has been at pains to emphasize, the terrorists behind recent attacks in the United Kingdom are, and are to be treated as, criminals, not lifted up in their eyes and in the eyes of Britons as potent enemies in a “war” of civilization or as a significant challenge to British national security.<sup>37</sup> In contrast to the repeated practice of American politicians and media outlets to use any sign of terrorism in the United States, no matter how remote the threat or amateurish the effort, to hype the War on Terror, the British government responded to the failed attacks in London and Glasgow by reassuring the public that their law enforcement and intelligence agencies were on the case, that the society was perfectly capable of handling the problem, and that the criminals responsible would be caught and punished within the normal framework of the British legal system.

## **Why Do We Continue to Fight a War on Terror?**

More than six years after September 2001, what accounts for the vast discrepancy between the evidence of a terrorist threat in America and the scale of our response to it? Why, in other words, are we in the United States still fighting a War on Terror? Why is it so enormous, so all-encompassing, and still expanding?

The fundamental answer to these questions is an extension of the answer to why the War on Terror was launched in the first place. The supremacist faction launched the war to exploit 9/11 for its own preexisting purposes. Once launched, the War on Terror then became an irresistible basis for thousands of politicians, interest groups, professional associations, corporations, media outlets, universities, localities, state governments, and federal agencies to justify *their* preexisting interests and agendas.

In this context, we can appreciate that the supremacist faction that launched the War on Terror was the first and most spectacularly successful of a host of special interests that would follow in its footsteps.

Consider how Congress responded to the War on Terror. In the summer of 2003, a list of 160 potential targets for terrorists was drawn up, triggering intense efforts by representatives, senators, and their constituents to find potential targets in their districts that might be eligible for federal funding to protect. The result? Widening definitions and blurrier categories of potential targets and mushrooming increases in the number of infrastructure and other assets deemed worthy of protection: up to 1,849 in late 2003, 28,364; in 2004; 77,069 in 2005; and an estimated 300,000 in 2006 (including the Sears Tower in Chicago, but also the Indiana Apple and Pork Festival).

Across the country, virtually every lobby and interest group recast its traditional objectives and funding proposals as more important than ever, given the imperatives of the War on Terror. In exuberant press releases, the National Rifle Association declared that the War on Terror means that more Americans should own and carry firearms to defend the country and themselves against terrorists. On the other hand, according to the gun control lobby, fighting the War on Terror means passing strict gun control laws to keep assault weapons out of the hands of terrorists. Schools of Veterinary Medicine called for quadrupling their funding. Who else would train veterinarians to defend the country against terrorists using hoof and mouth disease to decimate our cattle herds?<sup>38</sup> Pediatricians declared that more funding was required to train pediatricians as first responders to terrorist attacks because treating children as victims is not the same as treating adults. Pharmacists advocated the creation of pharmaceutical SWAT teams to respond quickly with appropriate drugs to the victims of terrorist attacks.<sup>39</sup>

According to a 2005 report of the inspector general of the Small Business Administration (SBA),

85 percent of the businesses that applied for and were granted its low-interest counterterrorism loans failed to establish their eligibility. Seven thousand such loans by private lenders, worth more than \$3 billion, were authorized by the SBA. These disbursements were part of a January 2002 congressional program labeled Supplemental Terrorist Activity Relief (STAR) designed to go far beyond disaster assistance to companies directly impacted by the events of 9/11 and instead to assist businesses nationwide that might have been “adversely affected by the [September 11] attacks.”<sup>40</sup> Under this program, for example, the SBA underwrote \$22 million in loans to Dunkin’ Donuts franchises in nine different states.

In 2004 North Carolina officials issued an unusually detailed report about homeland security expenditures in that state. According to this report, North Carolina used homeland security funds to buy new trucks or SUVs for half its counties; \$320,000 was spent in the town of Lincoln for a command and control center; a weather station for mountainous Cherokee County was installed for \$5,800; and \$53,800 was spent in the state’s smallest county, Tyrrell, population 4,200. Arguing that the city of Charlotte had not received its fair share of the funds, its fire chief said, “Everybody has their own interpretation of a threat. Down East, they think it’s hog farms. In the Outer Banks, they think it’s tourism. But historically, terrorism has been aimed at buildings and symbols, which Charlotte has a lot more of.”<sup>41</sup> According to the *New York Times*, the hills of Kentucky enjoyed a “homeland security bonanza,” due mostly to the efforts of Congressman Harold Rogers, dubbed by a Louisville newspaper as “The Prince of Pork.” Rogers was chairman of the House Appropriations Subcommittee in charge of homeland security affairs. He fought tenaciously and successfully to prolong use of an outmoded identification card technology based in Kentucky as one of many techniques for bringing himself, his cronies, and well-connected Kentucky businesses to the homeland security trough.<sup>42</sup>

With half a billion dollars in homeland security funds available for bulking up the counterterrorist and intelligence capabilities of state and local police and sheriff's departments, jurisdictions throughout the country scrambled to expand lists of potential threat elements, lists that came to include sixty-eight "potential" terrorists in South Carolina and more than two thousand in Texas.<sup>43</sup> Thanks to this flood of federal funding, by 2006 more than a hundred police departments, "from big-city operations to small county sheriff's offices . . . (had) established intelligence units of one kind or another." The Los Angeles Police Department has eighty policemen detailed to counterterrorism. New York City has one thousand. Other cities found more imaginative ways to combat terrorism. In May 2007, the city commissioners of Augusta, Georgia, decided to spend more than \$3 million to protect fire hydrants against tampering by terrorists. They based their decision on recommendations from the Georgia Association of Chiefs of Police Department, citing as well a 2004 government report labeling hydrants as "a top vulnerability." Not surprisingly the idea of spending an estimated \$60 billion to protect our nation's fire hydrants was warmly endorsed by the American Waterworks Association and firms specializing in safety and security services.<sup>44</sup>

Aside from swarms of beltway bandit consulting firms and huge corporate investments in counterterrorism activities, universities across the country created graduate programs in homeland security, institutes on terrorism and counterterrorism, and proposals for academic conferences, all raising catcher's mitts into the air for the billions of dollars of grants and contracts blowing in the wind. Each of these grants then multiplies itself by generating financial incentives for other universities and private consulting firms to trumpet the danger of their choice and their products for thwarting the threat. It is difficult to blame scientists and researchers for responding to well-funded government appeals to devote their talents to the War on Terror. In 2004

I attended a lecture at a northeastern research university given by the official in charge of encouraging scientists to shift their research activities toward the War on Terror. We were told that no matter what topics we worked on, and whether we were natural scientists or behavioral scientists, it was likely that we were doing something that could help in the fight against terrorism. The official strongly encouraged us to submit grant proposals for projects based on "outside the box" thinking because, he said, there was plenty of money available. At the end of the lecture, I asked the official to rank the War on Terror on a scale of one to ten. I told him to treat ten as describing the Manhattan Project—when the federal government's focused concern with the German threat to develop an atomic weapon during World War II led it to put scientific experts fully in charge of the project to beat the Germans to the nuclear punch. I told him to treat one as describing an allocation system that was 100 percent "wag the dog"—responsive entirely to political posturing and political pressures. He apologized for not being able to answer the question "in public." In private, however, his considered answer to me was "somewhere between 1 and 1.5."

As these and other groups found counterterrorism slogans effective in raising revenue, they became even more committed to the War on Terror, convincing those who had been slow to define themselves as part of the war to do so quickly or lose out. The same imperative—translate your agenda into War on Terror requirements or be starved of funds—and its spiraling consequences surged across the government, affecting virtually all agencies. Bureaucrats unable to think of a way to describe their activities in War on Terror terms were virtually disqualified from budget increases and probably doomed to cuts. At a recent conference I attended, organized by the National Counterterrorism Center (NCTC) and the Sheriff's Department of a major U.S. metropolitan area, I heard a fascinating presentation from an NCTC official. Explaining his agency's responsi-



bility for producing the National Implementation Plan (NIP), he was careful to say that his agency actually never thought about what should be done or how to plan. Instead, what was being done was simply to add together all the plans submitted by every agency and subagency in the government that thought it had something “to throw at the terrorism problem.” And since, he said, there was lots of money around, “every agency was able to find something it could throw at the problem, maybe except HUD [Housing and Urban Development].” Then he stopped and said, “but actually, give me some time and I bet I could even think of something HUD could do.”

If one junior bureaucrat from the NCTC could think of something for every agency to “throw at the terrorism problem,” imagine how grandly and effectively bureaucrats in those agencies, whose futures and salaries and careers are at stake in this contest of will and wit, can figure out absolutely necessary things in the War on Terror that only they are positioned to do.

Consider the Department of Homeland Security itself and the case of the fifteen national planning scenarios. With billions of dollars a year in state and local funding to disburse, the Department of Homeland Security devised a list of fifteen national planning scenarios to help guide its allocations. To qualify for homeland security funding, state and local governments had to describe how they would use allocated funds to meet one of those chosen fifteen disaster or terrorist attack scenarios. What was the process that produced this list? It was, in part, deeply political, driven by competition among agencies, states, and localities who knew that funding opportunities would depend on exactly which scenarios were included or excluded—with anthrax, a chemical attack on a sports stadium, and hoof and mouth disease included but attacks on liquid natural gas tankers and West Nile virus excluded. Most instructive of all in this process was the unwillingness of the government to define the enemy posing

the terrorist threat. Why? Because if a particular enemy was identified, certain scenarios, profitable for some funding competitors, would be disqualified. Thus the enemy in these scenarios is referred to as “the universal adversary,” in other words, as Satan. That is how the War on Terror drives the country from responding to threats to preparing for vulnerabilities, producing an irrational and doomed strategic posture that treats any bad thing that could happen as if it were a national security priority.

Of course this entire cyclonic dynamic is accelerated by the hallowed principle of CYA—Cover Your Ass. Each policymaker knows that if there is another attack, no one can predict where and when it will be, but after it occurs it will be easy to discover who it was who did not approve some project or level of funding that could have prevented it. In many ways, the predicament of government officials in the War on Terror resembles the problem that afflicts doctors with respect to malpractice lawsuits. Whenever it is much easier to know why something of catastrophic importance happened after it happened than to know how, when, or if it will happen before it happens, there is an extremely high likelihood of something seeming to be obvious *after* the catastrophe that was essentially invisible *before* it happened. This set of circumstances creates incentives for doctors to run every conceivable test known to medical science in order to prove, if something bad happens, that they took every possible precaution. For War on Terror managers, the same predicament means always feeling pressure to support options and recommendations for protecting against possible threats that are the most expansive and the most expensive, just to be sure one does not end up in the position, after a catastrophe, of being blamed for not approving measures that, in retrospect, could obviously have prevented it.

Finally, apart from the merciless competition among politicians posing as War on Terror warriors—think of the bizarre public posturing about Dubai control of our ports—there is no more

important energy source for the War on Terror than the media. The contribution to our national paranoia made by potboiler novels, films, and television shows is obvious. Americans have been fed a nonstop diet of plots featuring maniacal but brilliant Middle Eastern terrorists ready to destroy the country if not for a few heroes operating in an otherwise incompetent government. Not so obvious is the contribution the news media make to the War on Terror, a contribution that corresponds exactly to the dynamic that draws so many parts of American society to honor and profit from it.

When a blizzard or hurricane bears down on a large American city, the local news media have a field day. Ratings rise. Announcers are barely able to contain their excitement. Meteorologists become celebrities. They warn of the storm of the century. Viewers are glued to their sets. Soon, however, the storm hits and passes or fizzles and is forgotten. Either way the storm story ends. Ratings for local news shows return to normal, and anchors shift their attention back to murders, fires, and auto accidents. When it comes to the War on Terror, however, Hurricane Osama is always about to hit, and it never goes away. For the national media, this is as good as it gets. Officially, the terrorist threat level is always and everywhere no less than elevated. Absent any actual attacks or detectable threats, government agencies manufacture pseudo-victories over alleged or sting-produced plots to justify hundreds of billions of dollars worth of mostly silly expenditures. With every lost soul captured by the FBI and presented as the latest incarnation of Mohammad Atta, one of the key 9/11 hijackers, the news media and the entertainment industry fairly exult, thriving on fears stoked by evocations of 9/11 and the ready availability of disaster scenarios too varied to be thwarted but too frightening to be ignored. Compounded by media sensationalism, these fears then provide irresistible opportunities for ambitious politicians to attack one another for failing to protect the terrorist target du jour: ports, bor-

der crossings, the milk supply, cattle herds, liquid natural gas tankers, nuclear power plants, drinking water, tunnels, bridges, or subways. The result of such sensationalist coverage, accompanied by advice from academic or corporate experts anxious to sell their counterterrorism schemes to a terrified public and a cover-your-ass-obsessed government bureaucracy, is more waves of support for increased funding for the War on Terror.

### **Know Your Enemy: The Uphill Fight Toward Rationality**

For a multitude of well-positioned and well-organized groups in America, the War on Terror is a major profit center, a funding bonanza, or the latest set of slogans and sound bites that must be inserted into the boilerplate of budget, project, or contract proposals if they are to have a prayer of success. Indeed the War on Terror thrives because, as I've illustrated, it is so readily adaptable to the needs of countless special interests and agencies. If the War on Terror is a bonanza for the many special interests positioned to exploit it, however, for the country as a whole, it is a maelstrom of waste and worry that distracts us from our real problems and leads us toward policies that destroy our liberties at home, isolate us abroad, and push us toward wider wars in Iran and Pakistan—wars that would produce, eventually, exactly the attacks on the United States that the War on Terror needs to sustain itself for decades to come.<sup>45</sup>

We overcame the McCarthyite anti-communist hysteria, including baseless fantasies of communist “ sleeper cells ” ready to take over the country, within little more than half a decade and went on to adjust psychologically, politically, and militarily to the real capacity of the Soviet enemy to incinerate our cities on a moment's notice. Why, in the face of a threat puny in comparison, are we having such a difficult time calibrating our response to the problem

of terrorism? Instead of leading the country toward a mature understanding of the truly limited dimensions of the terrorist threat, and relegating al Qaeda and its ilk to the dustbin of history into which they were headed before our response to 9/11 saved them, our leaders continue to conjure the images of these ragged bands of Muslim fanatics as if they were the historic enemies of the Christian West that they wish to promote. The extent to which we have put our power at their disposal is, or should be felt as, humiliating.

To be fair, however, the fault is not simply in the leaders we have had since 9/11. The power of the War on Terror dynamic and the enormous difficulty of realigning our counterterrorism efforts with some rational sense of the scale of the real threat are directly related to a profound bias among human beings. For humans are not, by nature, rational. We do not weigh evidence in a neutral emotionless vacuum. Humans are affected by a powerful inclination to attribute much greater salience to threats arising from the malevolent intentions of others than to threats arising from chance or the unintended effects of natural forces. Whether or not this inclination was inherited from our earliest human ancestors, who found solace in seeing natural threats as expressions of displeasure by some imagined local collection of deities, it seems very much present in contemporary America. It is immensely important, and from a rational point of view immensely odd, that it hardly matters, politically, that “outside of 2001, fewer people have died in America from international terrorism than have drowned in toilets” or that the average American has at most a one out of eighty thousand chance of being the victim of terrorism over an eighty-year life span.<sup>46</sup> Indeed, Americans tolerate without panic approximately five thousand workplace accident deaths and forty thousand auto accident fatalities annually. These victims are as permanently and as tragically dead as those who die from acts of terrorism. It seems to be a psychological fact, however, that when the threat

of death appears to be associated with the intent to do harm rather than being a product of chance or of avoidable circumstances, it is more feared and more likely to impact the way we live our lives.<sup>47</sup>

Because of these fundamental psychological dispositions toward irrationality, and because of the dynamics of our Madisonian system of government, which encourages and rewards every red-blooded faction in America to exploit whatever beliefs are widely shared for its own private gain, the self-powering whirlwind that is the War on Terror is likely to continue and expand. Indeed, we should see the entire War on Terror, including the war in Iraq, as a result of a half-brilliant, half-lucky judo move by al Qaeda. The terrorists of 9/11 used our own transportation system against our buildings, but the larger judo move of using our own strength against us was to exploit our passionate patriotism and our Madisonian system of competitive democracy to catapult us into a war in Iraq that directly serves al Qaeda’s propaganda and recruitment interests, while destroying America’s prestige abroad and tying the American political and economic system in knots over a phantom and therefore ineradicable terror threat. Left unchecked by bold leadership or a mobilized, sophisticated public, the War on Terror will continue to suck up resources and transform them into foreign wars and counterterrorism warning, surveillance, prevention, and response programs at home; their obvious incompleteness will be the basis for even greater efforts, more expenditures, and wider circles of irrationality.

Unless the American public signals to its leaders that it expects sophistication and maturity in the face of good questions about the real terrorist threat, politicians will continue to respond to questions about the efficacy or rationality of the War on Terror as evidence of a “pre-9/11” mentality. In that context it is worth paying attention to one individual who certainly does have a pre-9/11 mentality. Indeed, when it comes to understanding how our worst enemies are using judo tactics—the clas-

sic fighting tactic of the weak against the strong—it is hard to find a more authoritative analysis than that offered by Osama Bin Laden. The videotape he released just prior to the 2004 presidential election contained a largely ignored, but astonishingly vivid and precise analysis. Bin Laden explained how al Qaeda was exploiting America’s political gullibility, economic power, and corporate interests for its own purposes and how unintentionally cooperative the Bush administration had been. It is easy, said Bin Laden,

for us to provoke and bait this administration. All that we have to do is to send two mujahidin [jihadists] to the furthest point east to raise a piece of cloth on which is written al-Qaida, in order to make the generals race there to cause America to suffer human, economic, and political losses without their achieving for it anything of note other than some benefits for their private companies . . . So we are continuing this policy in bleeding America to the point of bankruptcy. . . . That being said . . . when one scrutinises the results, one cannot say that al-Qaida is the sole factor in achieving those spectacular gains. Rather, the policy of the White House that demands the opening of war fronts to keep busy their various corporations—whether they be working in the field of arms or oil or reconstruction—has helped al-Qaida to achieve these enormous results.

And so it has appeared to some analysts and diplomats that the White House and us are playing as one team towards the economic goals of the United States, even if the intentions differ. . . . for example, al-Qaida spent \$500,000 on the event [the 9/11 attacks], while America, in the incident and its aftermath, lost—according to the lowest estimate—more than \$500 billion. Meaning that every dollar of al-Qaida defeated a million dollars by the permission of Allah, besides the loss of a huge number of jobs.<sup>48</sup>

Knowing your enemy, of course, is the crucial requirement for good national security policy. We did come to know our Soviet enemy very well and therefore were able to overcome the McCarthyist hysteria of the early 1950s and adopt prudent, realistic, and successful policies in the face of genuine threats of national destruction posed by Moscow’s nuclear arsenal. By cultivating titillating images of Muslim fanatics as a comparable challenge, we let our fears and anxieties drive our policies. This serves our enemies’ purposes and distracts our experts from the real but ultimately minor threat terrorism poses. Meanwhile, we raise up a foe of truly dangerous proportions; an enemy drawing directly upon our resources to expand and dominate our national life. It is an enemy we have yet to see and know as such—the War on Terror itself.

## Notes

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4. Bob Woodward, *Plan of Attack* (New York: Simon & Schuster, 2004), 24–25. SH of course is Saddam Hussein, UBL refers to Usama Bin-Laden.
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  15. Senate Select Committee on Intelligence, Statement by John D. Negroponte, director of national intelligence, February 2, 2006, available at <http://intelligence.senate.gov/0602hr/060202/witness.htm>.
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  23. Geoff Mulvihill, "Informants' Actions Key in Fort Dix Terror Plot Case," *Newsday.com*, May 10, 2007.
  24. Eric Lipton, "In Zeal to Foil Terror Plots, Cases May Be Missing Important Element, Lawyers Say," *New York Times*, July 9, 2006. A similar analysis of FBI sting operations or similar techniques in support of preemptive prosecution of putative terrorists could be done regarding alleged plots by Muslim extremists to attack the Sears Tower, Fort Dix, and the fuel pipelines leading to Kennedy Airport.
  25. Senate Judiciary Committee, Prepared Remarks of Attorney General John Ashcroft, available at [http://fas.org/irp/congress/2003\\_hr/030403ashcroft.html](http://fas.org/irp/congress/2003_hr/030403ashcroft.html).

26. Robert Spencer, "Terrorist Professor," *FrontPage*, August 26, 2005, available at <http://www.campus-watch.org/article/id/2165>. For the indictment against al-Arian and the others, see <http://news.findlaw.com/hdocs/docs/alarian/usalarian0203ind.pdf>.
27. The government subsequently threatened al-Arian with re-prosecution. Al-Arian had been in solitary confinement since his arrest in February 2003. To end his ordeal and in return for the government dismissing all other charges, he accepted an agreement by which he would plead guilty to assisting nonviolent activities of the Palestinian Islamic Jihad (mainly by providing legal help to his brother-in-law) and serve an eighteen-month prison sentence, counting time served against a possible five-year sentence. The judge in the case, however, cited al-Arian for contempt for his refusal to submit to interrogation before a grand jury and sent him back to jail. In 2007 he completed a sixty-day water-only hunger strike in protest against his continued incarceration. See "Arian Plea Deal Made Public," *St. Petersburg Times*, April 17, 2006; Melva Underbakke, "Sami Al-Arian's Plea 'Bargain': The Sentencing of Dr. Sami Al-Arian," *Washington Report on Middle East Affairs* (July 2006), available at [http://www.washington-report.org/archives/July\\_2006/0607032.html](http://www.washington-report.org/archives/July_2006/0607032.html); and Charlotte Kates, "Criminalizing Solidarity: Sami al-Arian and the War of Terror," *ZNet*, April 1, 2007, available at <http://www.zmag.org/content/showarticle.cfm?ItemID=12469>.
28. Nina Bernstein, *New York Times*, April 7, 2005.
29. *New York Times*, June 4, 2005. The parents of these girls had applied for asylum status many years earlier, with their cases still in abeyance. The diary entries, school essay, and "diagram" that attracted FBI attention were eventually judged innocuous and irrelevant. Adama Bah from Guinea was released on condition that she say nothing about the circumstances of her confinement or about her interrogation. Tashnuba Hayder was released only on condition that she immediately depart the United States for Bangladesh, where she did speak about her ordeal.
30. Amanda Ripley, "The Fort Dix Conspiracy," *Time Magazine*, December 6, 2007.
31. Transactional Records Access Clearinghouse (TRAC), "Criminal Terrorism Enforcement in the United States During the Five Years Since the 9/11/01 Attacks," Syracuse University, September 4, 2006, available at <http://trac.syr.edu/tracreports/terrorism/169/>.
32. TRAC, "Immigration Enforcement: The Rhetoric, The Reality," available at <http://trac.syr.edu/immigration/reports/178/>.
33. Not only has the government sacrificed privacy protection for the communications, finances, and reading preferences of American citizens, legislation passed by Congress in the summer of 2007 will make it difficult if not impossible to sue those who falsely accuse others of "suspicious behavior" (not otherwise defined). The inevitable result of such paranoia-indulging legislation will be to encourage Americans to aggressively examine one another's behavior and increase the manufacture of images of threats based on prejudices, fears, ignorance, stereotypes, or the overblown terror-talk of the government itself.
34. White House, Office of the Press Secretary, "President Bush Delivers Commencement Address at United States Coast Guard Academy," available at <http://www.whitehouse.gov/news/releases/2007/05/20070523-4.html>.
35. Michael Hampton, "TSA Screeners Still Fail to Find Guns, Bombs," *Newark Star-Ledger*, October 31, 2006. These failures occurred despite a heightened "orange" level threat alert.
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37. Alan Cowell, "Brown's Reaction to Terrorist Threat, So Different From Blair's, Reassures Many," *New York Times*, July 4, 2007.
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39. For the text of this letter, see Academy of Managed Care Pharmacy, letter to Senator Max Baucus, available at <http://www.amcp.org/data/legislative/analysis/21202.pdf>.
40. According to the report, neither the congressional action itself nor bureaucrats implementing the legislation were able to define "adversely affected." Lenders whose loans were subsidized by the SBA were allowed to make relevant judgments themselves, without submitting their evidence to the government. Office of the Inspector General, U.S. Small Business Administration, "Audit of SBA's Administration of the Supplemental Terrorist Activity Relief Loan Program," Report Number 6-09, December 23, 2005, <http://www.sba.gov/ig/6-09.pdf>, pp. 2-3.
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46. John Mueller, *Overblown: How Politicians and the Terrorism Industry Inflate National Security Threats, and Why We Believe Them* (New York: The Free Press, 2006). The toilet statistic is quoted by Mueller from John Stoessel, *Give Me a Break* (New York: HarperCollins, 2004).
47. W. J. Burns and P. Slovic, “Predicting Public Response to a Terrorist Strike,” Report No. 06–02 (Eugene, Ore.: Decision Research, 2006).
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**Ian S. Lustick** is Research Fellow at the Independent Institute and Professor of Political Science and Director of Graduate Studies in the Political Science Department at the University of Pennsylvania, where he holds the Bess W. Heyman Chair. Professor Lustick received his B.A. from Brandeis University and his M.A. and Ph.D. from the University of California, Berkeley. Before moving to the University of Pennsylvania, he taught for fifteen years at Dartmouth College. He is widely known for his work on Arab-Israeli politics, the question of Jerusalem, fundamentalism, and theories of hegemony, as well as for his contributions to social science methodology. He has authored or edited more than twenty books. His latest book is *Trapped in the War on Terror* (2006). His other books include *Unsettled States, Disputed Lands: Britain and Ireland, France and Algeria, Israel and the West Bank and Gaza* (1993); and *For the Land and the Lord: Jewish Fundamentalism in Israel* (1994). His articles have been published in leading journals, including *Foreign Affairs*, *Foreign Policy*, *World Politics*, *American Political Science Review*, *International Organization*, *Middle East Journal*, *Journal of Israeli History*, and *Middle East Policy*. He is a recipient of awards from the Carnegie Corporation of New York, the National Science Foundation, the National Endowment for the Humanities, the Social Science Research Council, and the United States Institute of Peace. Dr. Lustick is a founder and past president of the Association for Israel Studies. He is the originator of the PS-I computational modeling platform and a leader in the application of agent-based modeling techniques to problems in the social sciences. He has worked in the State Department's Bureau of Intelligence and Research and has been a consultant on Middle East and national security affairs for each of the last seven American administrations. He lectures often at universities in Israel and Palestine and appears frequently in the national and international media.





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