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# Introduction

## *Symposium on the War on Terror at Twenty*

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**T**his year marks the twentieth anniversary of the attacks of September 11, 2001 (9/11), and the U.S. government's subsequent "war on terror." The papers in this symposium explore some of the ways that the government response has changed American life over the past two decades.

### **The 9/11 Attacks and War on Terror**

On the morning of September 11, 2001, members of the terrorist group al Qaeda carried out four coordinated attacks after taking control of passenger airplanes. At 8:46 a.m., the terrorists flew American Airlines Flight 11 into the North Tower of the World Trade Center, located in lower Manhattan. A short time later, at 9:03 a.m., they flew United Airlines Flight 175 into the South Tower. Within hours of impact, both towers collapsed. In total, casualties in New York City related to the attacks are estimated at 2,753 people (New York Office of Chief Medical Examiner 2015).

Next, at 9:37 a.m., the hijackers flew American Airlines Flight 77 into the Pentagon located in Arlington, Virginia. The impact, which caused the west side of the building to collapse, killed 184 people (including nonhijacker passengers and crew and those on the ground). United Airlines Flight 93 crashed in a field in Pennsylvania

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after passengers attempted to regain control of their airplane from hijackers after learning by cell phone about the prior hijackings. The crash resulted in 40 casualties of nonhijacker passengers and crew.

In addition to the aforementioned casualties, thousands of additional people were injured. Many suffered significant negative health consequences due to the inhalation of dust and toxic substances. The full, long-term health consequences are still unknown. The estimated cost of the physical damage in New York City—the World Trade Center and surrounding buildings as well as New York City infrastructure—was \$60 billion (CNN 2020).

The attacks resulted in the U.S. government’s “war on terror,” an open-ended, transnational military campaign to combat terrorism. On September 16, 2001, President George W. Bush (2001b) first referred to a “war against terrorism” during public comments at the White House. Four days later in a formal speech to Congress, Bush made clear that “[o]ur 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” (2001a). With these comments, not only did Bush formally begin the war on terror, but he also set the ambitious benchmark for success—the complete eradication of terrorism.

The war on terror is unique in the history of American wars. There is not a single enemy or clearly delineated battlefield. Instead, the term *war on terror* refers to a broad collection of government activities spanning the entire globe. Further, there was no specific declaration of war by Congress but instead a broad Authorization for Use of Military Force (AUMF), which became law on September 18, 2001. Under the AUMF, “the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.”<sup>1</sup>

The war on terror includes government activities that are both outward facing (outside U.S. borders) and inward facing (domestic activities within U.S. borders). The main outward element consists of wide-ranging international military operations. The most prominent of these military interventions are the invasion of Afghanistan (Operation Enduring Freedom), beginning in October 2001, and the invasion of Iraq (Operation Iraqi Freedom), beginning in March 2003. Other U.S.-led military operations falling under the Operation Enduring Freedom banner include Operation Enduring Freedom—Trans Sahara, focused on the Sahara/Sahel region of Africa; Operation Enduring Freedom—Horn of Africa; and Operation Enduring Freedom—Philippines. The U.S. government has also carried out military

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1. Authorization for the Use of Military Force of 2001, Public Law 107-40, 115 Stat. 224, at <https://www.congress.gov/107/plaws/publ40/PLAW-107publ40.pdf>.

strikes in Yemen, often using drones (unmanned aerial vehicles), which have become a key military instrument of its war on terror.

The rise of the Islamic State of Iraq and Syria/Islamic State of Iraq and the Levant (ISIS/ISIL) in 2014 resulted in Operation Inherent Resolve, which includes the U.S. military operations in Iraq and Syria to combat ISIS. Under the banner of Operation Unified Protector, a separate but related military intervention was launched in Libya in 2015 to combat the rise of ISIS, which emerged due to the power vacuum created by the NATO-led overthrow of Muammar Gaddafi in 2011.

In terms of the reach of the various outward military operations associated with the war on terror, consider that over the period 2018–20 the U.S. government engaged in counterterrorism activities in 85 countries around the world (Savell 2021). These activities include counterterrorism training, military exercises, combat operations, and drone strikes. This means that the U.S. government intervened in 44 percent of the world's countries (there are 195 countries in the world) over a three-year period as part of its war on terror.

A second outward aspect of the war on terror was the “extraordinary” or “forced” renditions to black sites. Extraordinary rendition involves one government illegally abducting a target in another country and transferring that person to yet another country to avoid legal constraints related to detainment, questioning, and torture. Black sites are secret detainment centers located in other countries where those subject to extraordinary rendition are detained, interrogated, and tortured. Following the 9/11 attacks, the CIA initiated the U.S. government's extraordinary rendition program, involving partnerships with between fifty-four and sixty-nine governments around the world (Open Society Justice Initiative 2014; Cordell 2017).

In addition to the U.S. government's outward counterterrorism activities, both the size and the scope of the domestic government also expanded. Eleven days after the 9/11 attacks, the Office of Homeland Security (OHS) was established to “develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks.”<sup>2</sup> In November 2002, the OHS was replaced with the Department of Homeland Security (DHS), a new cabinet-level agency. The creation of the DHS involved the largest reorganization since the National Security Act of 1947. The DHS absorbed twenty-two agencies related to national infrastructure, natural-disaster response, immigration, border control, maritime security, and law enforcement. Today the DHS employs more than 240,000 people (compared to 180,000 in 2002) with an annual budget of more than \$50.5 billion for fiscal-year 2020 (compared to a budget of \$19.5 billion in 2002).<sup>3</sup> It has expanded its operations substantially, both through the activities of the

2. Executive Order no. 13228 (2001), at <https://www.govinfo.gov/content/pkg/FR-2001-10-10/pdf/01-25677.pdf>.

3. Source of current and historical budget: U.S. DHS n.d.b. Source of current employment: U.S. DHS n.d.a. Source of 2002 employment figure: U.S. DHS 2004, 5.

existing agencies subsumed in 2002 and through the creation of new agencies (e.g., the Cybersecurity and Infrastructure Security Agency established in 2018).

Central to the U.S. government's expanded domestic powers is the USA PATRIOT Act (which stands for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism").<sup>4</sup> Passed in October 2001, the PATRIOT Act expanded the power of government agencies to engage in domestic and international surveillance and information gathering through access to telecommunications, online communications, and medical and financial records. The act also expanded the range of activities considered to be "terrorism" while empowering members of domestic law enforcement with greater discretion not only to engage in surveillance but also to detain people and seize assets.

## Has the War on Terror Succeeded?

At the outset of the war on terror, President Bush (2001a) publicly stated a strong version of the war's goal—the eradication of terrorist groups around the globe. Given that terrorism—in various forms and manifestations—has existed throughout human history (see Law 2016), the war on terror was guaranteed to fail in achieving this goal before it even started. Over the past two decades, numerous policy makers have provided statements indicating a variety of goals associated with the war on terror—for example, keeping Americans safe, reducing terrorism, weakening specific terrorist groups in particular locations. The variety of goals makes it difficult to judge the overall performance of the government's efforts against terror.

Further contributing to the difficulty of assessing the efficacy of the war on terror is that the U.S. government has failed to produce concrete connections between activities and outcomes and specific assessment metrics that can be tracked through time to judge success or failure. For instance, a report by the Government Accountability Office reviewing the seven national strategies developed by the Bush administration to combat terrorism and ensure homeland security indicated they do not "discuss or identify priorities, milestones, or performance measures—elements that are desirable for evaluating progress and ensuring effective oversight" (Yim 2004, 2). Another report noted that "[a]mong the various U.S. government agencies involved in anti-terrorism efforts, there is currently no common set of criteria for measuring success" (Perl 2007, 2).

To begin to fill this gap, a recent study looked at the foreign activities of the U.S. government over the first fifteen years of the war to gauge their effectiveness in combatting terrorism. The author concludes that "[i]ncreased U.S. efforts are correlated with a worsening of the overall terror situation. Statistical modeling indicates for every additional billion dollars spent and 1,000 American troops sent to fight

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4. USA PATRIOT ACT of 2001, H.R. 3162, at <https://www.govinfo.gov/content/pkg/BILLS-107hr3162enr/pdf/BILLS-107hr3162enr.pdf>.

the war on terror, the number of terror attacks worldwide increased by 19” and that “countries the U.S. invaded had 143 more terror attacks per year than countries the U.S. did not invade. Similarly, countries in which the U.S. conducted drone strikes were home to 395 more terror attacks per year than those where the U.S. did not” (Goepner 2016, 111).<sup>5</sup> Moreover, “[t]he average number of deaths [from terrorist attacks] rose 72 percent for the 13 year period after 9/11 as compared to the 13 years prior. In 2014, a record 43,512 people were killed by terrorism, a staggering 297 percent increase from the worst year in the pre-9/11 period which was 1997” (Goepner 2016, 113).

What about the effects of the war on terror within the borders of the United States? One study of the topic concludes that “although the United States has not suffered another major terrorist attack since 9/11, there is no proof that intervention abroad had anything to do with that, despite killing thousands of terrorist group members” (Thrall and Goepner 2017, 5). At best, it appears that the U.S. government has hardened certain potential domestic targets against threats, but only by making other potential targets—domestic or international—more vulnerable to attack. It is important to keep in mind that the 9/11 attacks were a major outlier in terms of instances of domestic terrorism within the United States. The likelihood of domestic terrorism was minuscule before September 11 and remains so after the attacks. It is unclear that the war on terror has had a major and significant effect on this pre-9/11 reality (see Mueller and Stewart 2011, 2016).

From the current evidence, we can conclude that the U.S. government has certainly failed in achieving the strong form of victory (the eradication of terrorist groups around the world) in the war on terror. Regarding the weaker form of success, there have certainly been instances of individual success in achieving certain goals. This is unsurprising given the scale of resources spent and the scope of activities undertaken as part of the war on terror. If government does anything on a grand enough scale, those activities will achieve some of the intended ends some of the time. There is no evidence, however, of systematic success in achieving concrete goals across time and geographic space. Of course, it is possible that the terrorism situation would have been worse absent U.S. intervention at home and abroad. Demonstrating this, however, requires evidence versus mere assertion, and, to date, evidence in support of the counterfactual is lacking.

## The Effects of the War on Terror: Twenty Years Later

The benefits of the war on terror are unclear at best and counterproductive at worst. But what about the costs? The war on terror has generated a wide range of seen and

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5. Erik Goepner offers reasons why this correlation might be causal, with U.S. government intervention causing terrorism to be worse despite intentions to the contrary (2016, 116–18).

unseen costs. The four papers that follow explore some of these costs twenty years after the war's start.

Justin Logan argues that U.S. foreign policy over the past twenty years was an extensive and expensive failure with lasting negative consequences for the United States and the world. In the wake of the September 11 attacks, U.S. policy makers implemented policies costing trillions of dollars and thousands of American lives in the attempt to neutralize mostly chimerical threats and to transform political orders across large swathes of the greater Middle East. The enduring consequences include the destruction and collapse of political orders in Afghanistan, Iraq, and Libya; hundreds of thousands of deaths throughout the world; the displacement of millions of people; as well as U.S. military deaths and injuries numbering in the tens of thousands. The war on terror also had a variety of negative effects on domestic life. The remaining papers explore some of these domestic effects.

Yuliya Yatsyshina and I analyze how a constitutionally constrained democratic government can take on police-state powers that persist over time. In the wake of the 9/11 attacks, the U.S. government expanded its domestic police powers in the name of protecting the lives, property, and liberties of U.S. persons. Many of these police-state powers persist due to the poorly defined and open-ended nature of the war on terror and the pathologies of democratic politics. We consider some persistent police-state powers adopted in the United States after the 9/11 attacks, including the surveillance state, militarized police, civil asset forfeiture, expanded border patrol, No-Fly lists, and draconian material-witness law.

In the subsequent paper, David Bier studies the lasting effects of the government response to the 9/11 attacks on immigration policies in the United States. The government response to the attacks raised the cost of legal immigration and international travel. Bier argues that policies reduced immigration but with few, if any, benefits to security. These restrictive policies have economic and social costs by incentivizing people and businesses to travel, relocate, and seek educational opportunities in more hospitable countries. As he notes, from 2017 to 2019 the United States accounted for just 6 percent of the increase in the worldwide immigrant population—down from 52 percent from 1995 to 2000. Many of the costly policies restricting immigration and travel remain in place today and serve as part of the lasting legacy of the U.S. government's response to 9/11.

Finally, Abigail Hall, Jerod Hassell, and Chivon Fitch analyze the relationship between the Far Right and the military in the context of the war on terror. Using the war on terror as an event study, they explore how the actions of the U.S. military with respect to recruitment standards and deployment allowed for the progressive militarization of individual extremists and far-right groups. They discuss several channels through which far-right groups have used the skills and tools developed as part of the larger war on terror. The dynamics they identify highlight an overlooked yet important cost of the war on terror.

There are many other costs and consequences of the U.S. government's response to the September 11 attacks that these papers do not explore. Our hope is that in addition to highlighting the seen and unseen costs of the war on terror, these papers will inspire subsequent studies on these and related topics. President Joseph Biden recently set a deadline of September 11, 2021, to withdraw American troops from Afghanistan. This, however, does not mean the end of the broader war on terror. In recent testimony before the Senate Armed Services Committee, Marine Corps general Frank McKenzie, commander of U.S. Central Command (which oversees U.S. forces in the Middle East and parts of Asia), stated that "[t]he long-term view for the war on terror is this: it's not going to be bloodless" and that the "war on terror is probably not going to end" (quoted in Doornbos 2021). As the papers in this symposium make clear, nor will the perverse costs and consequences both domestically and internationally.

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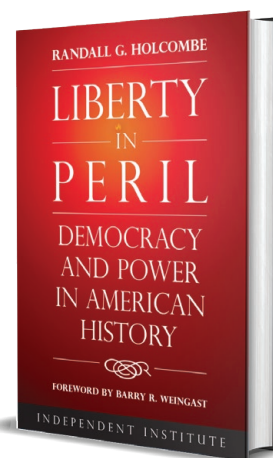
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