



## LESSONS IN COUNTERTERRORISM TEN YEARS AFTER 9/11: WHAT WORKS AND WHAT DOESN'T

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TEN YEARS AGO America and the world were shocked by the most horrific foreign attack on U.S. soil in our history. In the decade since we have learned a great deal about ourselves, about how to handle the terrorist threat and about what works and doesn't work in combating terrorism.

In this time, we have seen that a whole-of-government counterterrorism approach, and a commitment to a global, not unilateral, response put al Qaeda on the run; that terrorizing ourselves only hands terrorists a victory; that we have the tools and institutions to bring terrorists to justice; and that local communities and diverse citizens are a vital source of strength.

One theme that runs through these lessons is the strength of America's institutions. From the Constitution and courts to values and national resolve. Another important lesson is the role of the American people. Terrorism by definition is meant to cause fear and terror among the public at large. Confidence in our values and institutions are a time-tested and valuable weapon against terror. As we honor those who have served and those who we lost, perhaps most important, is that we deny terrorists victory by staying true to who we Americans are.

### **Combating Terrorism** *Using All Tools vs. Costly Invasion and Occupation*

Over the past decade we have learned a great deal about how to combat terrorism. A comprehensive, whole-of-government approach, combining all tools of national power, has decimated al Qaeda's leadership and put the organization on the run.

Whole of government successes include:

- **Kinetic activity and taking the fight to al Qaeda.** A renewed focus on intelligence gathering has resulted in the decapitation of al Qaeda

through the capture-and-kill programs. Osama bin Laden and 20 of the top 30 most prominent members of al Qaeda have been eliminated in the past year and a half alone.<sup>i</sup> Survivors' ability to coordinate and communicate is severely limited<sup>ii</sup>, leading Michael Leiter, former head of the National Counterterrorism Center to say, "Core Al-Qaeda is in the ropes. They are at a weaker point than they have ever been."<sup>iii</sup>

- **Disrupting plots at home.** America's law enforcement and intelligence professionals work



diligently to prevent plots here at home. These civil servants have stopped dozens of plots in their tracks, most notably, the attempt by Najibullah Zazi to bomb the New York subway, called the one of the most dangerous plots since 9/11.

- **Economic and financial levers.** U.S. action against terrorism finance has pushed al Qaeda's finances to "its weakest point in years," according to White House counterterrorism advisor John Brennan.<sup>iv</sup>
- **Diplomatic tools.** International collaboration with traditional allies such as NATO, international institutions such as the United Nations and regional partners such as Israel and Jordan has brought increased cooperation and real results. Training and intelligence sharing has resulted in more effective cooperation, such as the robust international response to the 2010 plot aimed at UPS cargo flights.
- **Legal undertakings.** At home our legal tools have put hundreds of terrorists behind bars in the decade since the 9/11 attacks.
- **Alert and resilient citizenry.** Local law enforcement and public vigilance have an important role to play in thwarting plots. A study by the Institute for Homeland Security Solutions found that, "More than 80% of foiled terrorist plots were discovered via observations from law enforcement or the general public."<sup>v</sup>

This approach has proven to be much more successful and sustainable than the focus on conventional war as the primary tool to

combat terrorism in the in the immediate aftermath of 9/11.

### **Leveraging A Global Response** *International Partnership vs. Go-It-Alone*

Terrorism is a threat that respects no borders, and as such requires an international response. Over the past decade we have seen an arc of understanding emerge that working with traditional allies, multilateral organizations and regional partners is essential.

Ambassador Daniel Benjamin, coordinator for counterterrorism at the State Department, recently outlined the robust results:

"Cooperation around the world has been remarkable, particularly with our European partners, including NATO and the EU. In the critical areas of intelligence and law enforcement, governments have joined together time and again and prevented real attacks – including ones planned against planes crossing the Atlantic and on public transport systems worldwide."<sup>vi</sup> This includes key information sharing programs such as the U.S. Treasury's Terrorist Finance Tracking Program and the Department of Homeland Security's Passenger Name Records Program.

Benjamin also outlined the cornerstones of our strategic partnerships:

- "[W]e are comprehensively strengthening political will while building the capacity that will ultimately result in partner nation ownership of more effective security capabilities.
- "We are working to make the counterterrorism training of police,

prosecutors, border officials, and members of the judiciary more systematic, more innovative, and more far-reaching.

- “We are addressing the state weaknesses that terrorism thrives on – helping our partners to more effectively counter the threat that they and we both face.”<sup>vii</sup>

The U.S. has had significant, though under-the-radar, successes building structures and habits of lasting cooperation. Stewart Patrick, senior fellow at the Council on Foreign Relations, explains: “In the decade since 9/11, the international community has shown remarkable cohesiveness and solidarity in its effort to protect innocent people from terrorist attacks, despite significant challenges that remain. Much of this cooperation has occurred under the radar, through quiet, everyday multilateral and bilateral cooperation among law enforcement agencies, intelligence services, and militaries.”<sup>viii</sup> Patrick specifically points to legal architecture, including sixteen major UN conventions to combat terrorism which require all UN member states to criminalize and police terrorist activity, including financing, and the creation of the Counterterrorism Committee and a Counterterror Executive Directorate.

The Financial Action Task Force organized by the G7 to counter terrorist financing has become a “global yardstick for states’ counterterror efforts.” In sum, the go-it-alone, “with us or against” attitude that many held in the immediate aftermath of the attacks only served to shift burdens to the U.S., and isolate us internationally. Robust, bipartisan cooperation has yielded results and moved other countries to partnerships that are in their own self-interest.

### **How Not to Let Terrorists Win: *Resilience and Staying True to Who We Are vs. Fear and Overreaction***

Terrorism is a tactic whose very purpose is to cause fear, terror and overreaction. This is precisely why it is called “terrorism.” This tactic is used by weak powers against strong ones because the weak cannot defeat the strong power on their own. By instilling fear and panic the terrorist hopes the strong power will turn on itself. As terrorism expert Peter Bergen explains, the “real damage is done by the panic and lashing out that follows [an attack]. This is the reaction that al-Qaeda craves—and it is why terrorism works.”<sup>ix</sup> Simply put: by not falling victim to fear and overreaction we deprive a terrorist a victory.

In the time since 9/11 we have seen different reactions to plots and attempted attacks, from which we can draw valuable lessons. For example, on Christmas Day 2009, Umar Farouk Abdulmutallab, attempted to take down a commercial airliner above Detroit with explosive-laden underwear. Although his fellow passengers successfully overpowered him, the public hysterics and fear mongering that followed prompted Fareed Zakaria, to write: “The purpose of terrorism is to provoke an overreaction. Its real aim is not to kill the hundreds of people directly targeted but to sow fear in the rest of the population. Terrorism is an unusual military tactic in that it depends on the response of the onlookers. If we are not terrorized, then the attack didn't work. Alas, this one worked very well.”<sup>x</sup>

In contrast, several months later a failed attempt to detonate an explosive in Times Square resulted in a very different response. An alert citizen – a street vendor from Senegal – notified a police officer about a

smoking Nissan Pathfinder SUV in Times Square. The police were quickly on the scene, the threat neutralized and the car removed. Just hours after the failed attack was discovered and the vehicle removed, Times Square was once again packed with New Yorkers and visitors alike, unintimidated by the evening's drama. The vendor who alerted police was among the first back at work, "out here showing my colors" at 8:30 Sunday morning. Following the scare, New York City officials were keen not to raise fears unnecessarily by indulging in speculation about the thwarted attack. The government quickly tracked down the perpetrator, Faisal Shahzad, who is now in prison for life. However, the citizens also did an impressive job by not allowing a failed terrorist to change who they are.

The U.S. National Security Strategy says that resilience is "the ability to adapt to changing conditions and prepare for, withstand, and rapidly recover from disruption."<sup>xi</sup> Such resiliency has "historically been one of the United States' great national strengths."<sup>xii</sup> This includes a resilient infrastructure, a resilient economy and a resilient society that retains its core values and social cohesion even in times of crisis. Dr. Stephen Flynn, president of the Center for National Policy, explains: "If how we react - or more precisely, when we overreact - elevates the appeal of carrying out these attacks on U.S. soil, it follows that there is an element of deterrence by denying these terrorist groups the return on investment they hope to receive."<sup>xiii</sup> By staying resilient and staying true to who we are the American people can prevent the terrorists from winning.

### **Bringing Terrorists to Justice** *Getting Justice vs. Sounding Tough*

Over the past decade multiple methods of bringing terrorists to justice have been tested. The results are clear. Since the 9/11 attacks in 2001 criminal courts have convicted more than 200 individuals on terrorism-related charges.<sup>xiv</sup> These include high-profile cases such as:

- **Najibullah Zazi**, who faces a life sentence for the plot to attack the New York City subway, which has been described as "one of the most serious terrorist threats" since 9/11.
- **Ahmed Khalfan Ghailani**, who was sentenced to life in January, for his role in the 1998 East Africa Embassy Bombings;
- **Zacarias Moussaoui** also serving a life sentence.

As Ali Soufan, the former FBI agent, who successfully interrogated Abu Zubaydah revealing that Khalid Sheikh Mohammed was the 9/11 mastermind, explains: civilian courts have "been the venue for international terrorism cases since President Ronald Reagan authorized them in the 1980s, and for other terrorist cases long before that. Prosecutors have at their disposal numerous statutes with clear sentencing guidelines. Providing material support, for example, can result in a 15-year sentence or even the death penalty if Americans are killed."<sup>xv</sup>

Military Commissions have also been tested, with much less convincing results. Commissions have prosecuted and convicted only six individuals on terrorism-related charges. These include Salim Hamdan who was Osama bin Laden's driver and confidante, who after five and a half years time-already served is a free man in Yemen. David Hicks, an Australian who joined al Qaeda, was sent back to his native country after a plea bargain and is now free. The

military commissions are a new and uncharted territory for prosecutors, versus the proven and effective civilian courts. Since 9/11 there have been only two terrorists apprehended under military law on United States soil: Jose Padilla and Ali Saleh al Marri. After several years, both were transferred to the federal system and are now serving time.

Military commissions have a role in war, however military leaders oppose their broad use and the results have been mixed at best.<sup>xvi</sup> But as Major General Paul Eaton (ret) says, there is some inference that “the military commission process would be somehow ‘tougher.’”<sup>xvii</sup> But the results do not bear this out.

### **Community Relations** ***Partnership vs. Alienation***

Over the past decade it has become increasingly apparent that local communities and individuals play a critical role in combating terrorism. The law enforcement community has known for years that the police alone cannot control crime. Building relationships with local communities and individuals is vital in effectively preventing and combating crime. This is certainly true for terrorism.

As the Institute for Homeland Security Solutions report found, “Approximately 40% of plots were thwarted as a result of tips from the public and informants. Establishing trust with persons in or near radical movements is jeopardized by tactics such as racial, ethnic, religious, or ideological profiling.”<sup>xviii</sup> Unfortunately, over the past decade efforts at establishing trust have been hurt by tactics and rhetoric used by some public officials.

This only inhibits the partnership that law enforcement authorities seek and depend upon. For example, a 2006 study commissioned by the Department of Justice found that Arab Americans were significantly fearful and suspicious of federal law enforcement due to government policies. The study also found that both community members and law enforcement officers determined that diminished trust was the most important barrier to partnership.<sup>xix</sup>

Yet American Muslims have proven to be one of the most persistent and powerful government partners in combating terrorism in their community. In a study of 161 Muslim American terrorism suspects and perpetrators since 9/11, University of North Carolina terrorism expert Charles Kurzman found that “the largest single source of initial information [that led to a plot disruption] (48 of 120 cases) involved tips from the Muslim- American community... In some cases, family members reported that the suspects were missing overseas -- for example, Omar Hammami, who traveled to Somalia and joined al-Shabaab in 2006; the Somali-Americans in Minnesota who left for Somalia in 2007 and 2008; and five young men from Northern Virginia who traveled to Pakistan in 2009. In other cases, members of the Muslim- American community reported suspicious activities. For example, an anonymous letter from a Yemeni-American led authorities to investigate the Lackawanna Six in 2001 (they were arrested in 2002).”<sup>xx</sup>

The partnership of an alert citizenry and public is a crucial ingredient to preventing and prosecuting terrorism. As Stephen Flynn testified before Congress, “the first preventers and first responders will almost always be civilians who happen to be

around when trouble is unfolding.”<sup>xxi</sup>

However, would Aliou Nasse, the Senegalese Muslim immigrant who sells photographs in Times Square, have alerted a nearby police officer about the smoke coming from an unattended SUV last May if he felt that he would be an automatic suspect? Would Alhaji Umaru Mutallab, father of the would-be Underwear Bomber, have worked with U.S. authorities if he felt that the United States government was hostile to his religion or that it would have treated his son unfairly? All citizens play an important role in combating and preventing terrorism, and our diversity is our strength.

## Conclusion

While it is tempting to say that “9/11 changed everything,” that tragic day really taught that our time-tested values and institutions are among our chief weapons against terrorism. The government’s counterterrorism efforts should continue to be nimble and unyielding. We will continue to need a whole-of government approach. But ultimately it is the determination not to terrorize ourselves or fall victim to the politics of fear that deprives terrorists of a victory and deters would-be attackers. Securing the nation cannot come solely from the top down – it must be built from below by individuals, communities, companies, local and national government – building the future and honoring the memory of the past.

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<sup>i</sup> New York Times, [Qaeda Woes Fuel Talk of Speeding Afghan Pullback](#), 18 Jun 2011.

<sup>ii</sup> Peter Bergen, [The Evolving Nature of Terrorism Nine Years after the 9/11 Attacks](#), testimony before the House of Representatives Committee on Homeland Security, 15 Sep 2010.

<sup>iii</sup> Michel Moutot, [Ten Years On, Al-Qaeda Wounded But Not Slain](#), Agence France-Presse, 17 Aug 2011.

<sup>iv</sup> John Brennan, [Ensuring al-Qa’ida’s Demise](#), remarks at Paul H. Nitze School of Advanced International Studies, 29 Jun 2011.

<sup>v</sup> Kevin Strom, et al., [Building on Clues: Examining Successes and Failures in Detecting U.S. Terrorist Plots, 1999-2009](#), Institute for Homeland Security Solutions Nov 2010.

<sup>vi</sup> Daniel Benjamin, [Counterterrorism Cooperation With Europe and Eurasia](#), Statement before the House Foreign Affairs Committee Subcommittee on Europe and Eurasia, 5 May 2011.

<sup>vii</sup> Daniel Benjamin, [Al-Qa’ida and Its Affiliates](#), remarks at New American Foundation, 27 Apr 2011.

<sup>viii</sup> Stewart Patrick, [A “Global” War on Terror: Multilateral Achievements since 9/11](#), Council on Foreign Relations, 19 Aug 2011.

<sup>ix</sup> Peter Bergen, [Bin Laden’s Lonely Crusade](#), Vanity Fair, Jan 2011.

<sup>x</sup> Fareed Zakaria, [Don’t Panic. Fear is al-Qaeda’s Real Goal](#), Washington Post, 11 Jan 2010.

<sup>xi</sup> White House, [National Security Strategy](#), May 2010.

<sup>xii</sup> Stephen Flynn, [America the Resilient](#), Foreign Affairs, Mar 2008.

<sup>xiii</sup> Stephen Flynn, [The Evolving Nature of the Terrorism Threat – Nine Years After the 9/11 Attacks](#) before the Committee on Homeland Security United States House of Representative, 15 Sep 2010.

<sup>xiv</sup> Ken Gude, [Criminal Courts Are Tougher on Terrorists than Military Detention](#), Center for American Progress, Center for American Progress, 20 Jan 2010.

<sup>xv</sup> Ali Soufan, [Tribunal and Error](#), New York Times, 2 Feb 2010.

<sup>xvi</sup> [Letter from retired generals and admirals](#), 15 Jun 2011.

<sup>xvii</sup> Paul Eaton, [Fear Unwarranted for Terror Suspect](#), Politico, Jul 12 2011.

<sup>xviii</sup> Kevin Strom, et al.

<sup>xix</sup> Nicole J. Henderson, et al., [Law Enforcement & Arab American Community Relations After September 11, 2001: Engagement in a Time of Uncertainty](#), Vera Institute of Justice, Jun 2006.

<sup>xx</sup> Charles Kurzman, [Muslim-American Terrorism Since 9/11: An Accounting](#), Triangle Center on Terrorism and Homeland Security, 2 Feb 2011.

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<sup>xxi</sup> Stephen Flynn, [Mobilizing the American Society in Building a More Resilient Nation](#), Presentation to the Special Committee on Homeland Security and Public Safety of the National Governors Association, 4 Mar 2010.

