



THE JAMES A. BAKER III INSTITUTE FOR PUBLIC POLICY  
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# THE WAR ON TERRORISM AFTER IRAQ

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### Introduction

The James A. Baker III Institute for Public Policy sponsored “The War on Terrorism after Iraq,” a December 3-4, 2004, conference examining the consequences of terrorism on U.S. domestic and foreign policy. The conference gave policy specialists, academics, and government officials the opportunity to assess progress in fighting terrorism and to identify key issues the United States will face going forward.

The conference had two distinct themes. On the first day, the focus was on the role of local governments in fighting terrorism and issues of domestic law enforcement and civil liberties. On the second day, panels evaluated progress against terrorism at the global level. The strategic implications of preventive versus preemptive war also were discussed.

### Day One

#### *Welcome*

In opening the conference, Edward P. Djerejian, director of the Baker Institute, stated, “In the wake of the September 11, 2001, attacks, combating this deadly threat has rightly climbed to the forefront of both of our domestic and foreign policy agendas.” Djerejian stressed the importance of this type of conference in understanding the complex issues surrounding terrorism. He also highlighted initiatives underway to diminish vulnerabilities and develop strategies to respond to new threats.

In his remarks, Houston Mayor Bill White discussed the general danger terrorism poses to metropolitan areas and the special vulnerability of Houston. The city, White said, is a target for terrorists due to its extensive petrochemical infrastructure and ship channel. He added that Houston has become less vulnerable since 2001 by employing new preparedness strategies.

White argued we face the challenges of perpetual war and a national state of emergency. He wondered, “What happens when you have a national state of emergency ... or the preparedness and reality of war and apply it to a problem that does not go away?” White suggested it is the responsibility of cities to deal with domestic threats of terrorism but up to “the thinkers” to determine solutions on how to avoid problems associated with perpetual war, notably complacency. White maintained that the United States must be forward-thinking, avoiding reactive resource allocation and institutional inertia. He also said we need a better definition of

victory, since the meaning of perpetual war is nebulous. Victory for the United States, White suggested, could be defined as not allowing terrorism to change how we live, permitting our citizens to live in openness and freedom, while also being careful and cautious.

White went on to argue that we cannot separate terrorism from other issues such as organized crime. Those who traffic in weapons and conduct other types of organized crime are able to violate a state's domestic laws and operate easily across international lines. We must have international institutions to coordinate response, as well as more effective enforcement of laws aimed at making it difficult to conduct this type of international crime.

In conclusion, White suggested that the United States cannot succeed by taking on more than our fair share of the burden of fighting terrorism. We need multinational participation and agreements, effective buy-in and cooperation, and coherent international enforcement mechanisms.

### *Panel 1: The Role of State and Local Government in Combating Terrorism*

The day's first panel focused on the United States' vulnerability to terrorist attacks and the importance of local governments in preventing such attacks, minimizing damage, and enhancing recovery.

Dennis Storemski, coordinator of homeland security for the City of Houston, declared, "The government's most important role is to protect its citizens." Terrorism is a national problem and needs federal leadership, however, attacks occur in local jurisdictions and dealing with their consequences is largely the responsibility of local government, he said. Furthermore, Storemski asserted that no local government is truly ready due to the inherent problems of coordination and cooperation across institutional cultures and constituencies.

For Storemski, the most vital task is one of prevention through detection. Successfully preventing and preparing for attacks depends upon the coordination of and communication between local, state, and federal agencies, currently maintained through the National Information Management System (NIMS). NIMS is mandated by the federal government and attempts to standardize and assign emergency response equipments and roles.

Intelligence sharing also is critical for prevention. Joint Terrorism Task Forces allow local officers to work in partnership with the FBI in identifying potential threats and solving terrorism

cases. Storemski argued there is still too much focus on the federal level; there needs to be more full-time participation by local and state actors, as well as a better capacity to share classified information across agencies. The federal government must better appreciate the important role local governments can play in gathering information; a procedure must be put in place to utilize this information.

Storemski also stressed the need for more effective allocation of resources. A one-size-fits-all approach to funding does not work; rather, an effort must be made to identify the most likely targets and make them a priority. (In his remarks, Michael Wermuth, director of homeland security at the RAND Corporation, suggested that creating comprehensive mutual aid agreements with surrounding communities will help in this endeavor.) Storemski further argued that there must be more federal funding to conduct ongoing operations since most operational expenses are paid for by cities and represent a tremendous financial burden.

RAND's Wermuth said there must be a better-defined role for the military in responding to attacks. The U.S. Northern Command was created to provide homeland defense; however, there is little guidance on how this command will be used. Furthermore, there is much debate on the domestic roles of the National Guard and the National Reserve. "We have major statutes on the books that have been there a long time that allow active military to go in and service disasters, deal with chemical/biological attacks, and take other actions that are authorized by acts of Congress," he said. To ensure the proper role of the military, Wermuth stressed, state and local governments must be involved and the Department for Homeland Security must coordinate the effort.

What agencies should be responsible for handling biological/chemical attacks also remains an open question. There is neither a proper understanding of nor agreement on how to conduct quarantine and isolation procedures, according to Wermuth. An effort must be made to delineate lines of responsibility, standardize rules of engagement, and coordinate quarantine efforts.

Finally, Wermuth concluded that antiterrorism tactics are directly related to civil liberties and national security concerns. To balance the two issues requires the differentiation between citizens' rights and privileges. It is also imperative to draw distinctions between resident aliens, foreign nationals, and citizens.

### *Panel 2: Domestic Law Enforcement and Civil Liberties*

The second panel focused on the effect that previous and potential terrorist attacks have on civil liberties. All panelists agreed on the need to develop well-balanced antiterrorism mechanisms. However, they differed in their interpretation of what constitutes a proper balance.

Joan Neuhaus, fellow in counter terrorism at the Baker Institute, argued that as the September 11, 2001, attacks become a distant memory, there is a tendency to view antiterrorism tactics as unnecessary. She stressed that now is not the time to become complacent, saying that she was “afraid many of the voices are not sensitized to the threats Americans may face at home.” Neuhaus emphasized the vast resources of Al-Qaeda’s network and evidence of planning and weapons procurement by terrorists.

Eric Posner, Kirkland and Ellis Professor of Law at the University of Chicago, suggested courts also are becoming more complacent. Due to a lack of attacks after September 11, the courts perceive terrorism as less pressing and have ruled some antiterrorism measures unconstitutional, he said.

The panelists considered four issues concerning civil liberties: detention, information gathering, courts, and quarantine procedures.

#### *Detention*

Neuhaus suggested that the American public wants to be protected but also wants to limit the government’s ability to detain suspects. The Patriot Act resolves some issues by providing means for gathering information; however, there are limits in how this information can be used to detain individuals. At present, most laws concern nonterrorism-type issues and invoke much higher standards to protect civil liberties. These limits make it difficult to employ particular methods or types of information to arrest or detain potential terrorists

James Zogby, Founder and President of the Arab-American Institute, argued that current detention procedures go too far. He stated, “I am very concerned of the direction of some of the efforts to combat terrorism. The Bush administration has devoted too many resources to counterterrorism measures that threaten civil liberties while doing little to improve our security.” Zogby argued that the present system targets and detains Arab-Americans. He maintained that these antiterror efforts have made the Arab attitude toward the United States increasingly

negative, making it more difficult for Arab countries to work with the United States. Zogby called for an end to the dragnet approach of the Justice Department. He did, however, point to conciliatory efforts made by President Bush, Congress, and citizens to diminish hate crimes and to the cooperation occurring between the Arab-American community and government.

### *Information Gathering*

Neuhaus and Zogby believed that it is imperative to improve information sharing and resource coordination. Distrust among communities and interorganization rivalry prevents proper dissemination of information. Further, there is not adequate information sharing with local governments because of security clearance issues.

### *Courts*

Neuhaus argued that a terrorist court, similar to a military tribunal, must be established to deal with terrorist suspects. This will allow participants to have access to sensitive information and increase the likelihood of prosecuting terrorists.

Posner discussed the role courts play in times of emergency versus normal times, stating, "It is clear the U.S. government believes that, if we did have the right balance between security and civil liberties before September 11th, we clearly did not after September 11th and it was necessary to enhance security measures at the expense of civil liberties." This increase in security measures has upset civil libertarians.

Posner suggested civil libertarians do not believe courts should accommodate and relinquish power during times of crisis. According to this argument, Posner said, the government ratchets up anticivil liberty laws in times of crisis, overlooking the long-term implications of these more restrictive policies. Posner maintained, however, there is no evidence of a ratcheting effect. He said the government does consider long-term implications of more intrusive policies, courts do play an active role in monitoring the government, and provisions are put in place to review laws.

According to Posner, civil libertarians also argue that, because people are afraid in crises, they are willing to allow the government to take more intrusive (and presumably unwise) measures. Posner argued that fear does not necessarily lead to bad government action. He suggested fear is adaptive and useful. It helps focus attention on threats and provides motivation and energy to take proper action.

### *Quarantine*

Finally, Neuhaus argued the quarantining of individuals and communities due to bioterrorism attack is currently seen as an infringement on civil liberties. She suggested quarantine measures are required to prevent the spread of dangerous agents and minimize the damage. However, at this time there is no standard operating procedure or guidance on how to deal with a biothreat.

### **Day Two**

#### *Panel 1: Progress in the International Effort Against Terrorism*

On the second day of the conference, panels focused on the overall threat of terrorism, tactics employed to battle terrorism, the current state of U.S. terrorism efforts, and future strategies to reduce the terrorism threat.

#### *The Threat of Terrorism*

Audrey Kurth Cronin, professor of National Security Strategy at the National Defense University, argued, “We have had a lot of experience with terrorism and terrorist groups that may be relevant to the challenge we face with Al-Qaeda that is often overlooked.” For example, the international community has gained tremendous counterterrorism experience by working cooperatively in reducing the effectiveness of organizations such as the Tamil Tigers, November 17, and the Irish Republican Army (IRA). More effective negotiations, the capture or death of leaders, and exhaustion of the group, as well as global cooperative efforts to minimize terrorists’ financial resources, have all reduced the terrorism threat.

Cronin argued that, prior to Al-Qaeda’s September 11 attack, terrorism was a peripheral concern in the United States. Now, in contrast, it is now a core strategic threat because of the increasing destructive capability of terrorist weapons, as well as terrorists’ ability to manipulate states and undermine domestic government integrity. At present, Al Qaeda is most dangerous because of its diffuse, nonhierarchical command structure, its ability to work independently of a nationstate, and its fervent anti-Western and religious zeal.

### *Tactics*

According to Cronin, a myriad of tools have been employed to lessen the terrorist threat. One tool is either to capture or kill terrorists. This is most effective with hierarchical groups. Cronin emphasizes it is best to prevent martyrdom, since it strengthens the mobilization and recruitment efforts of terrorist groups. Negotiation has worked with territorial-based groups but is less effective with nonterritorial groups. Force and repression have succeeded but there is the danger of collateral damage. Threats from terrorists also can diminish when the terrorists' cause is achieved, the local population ceases to support them, new leadership is not available, or the group transitions from terrorism to war. Cronin argued that the transition to war is likely to occur with Al-Qaeda

### *The U.S. Approach to Terrorism*

Lawrence Korb, senior fellow at the Center for American Progress, argued that, for the first six months after the 2001 attacks, the United States enjoyed tremendous international support, notably for our efforts in Afghanistan. However, he argued, the Bush administration's embrace of preventive war, its "democracy by force" doctrine, and the development of new nuclear weapons has scared, disenfranchised, and alienated allies, as well as diminished U.S. credibility. The current policy has overstretched and demoralized the U.S. military and has undermined our global reputation without sufficiently reducing the terrorism threat.

Teresita Schaffer, director for South Asia at the Center for Strategic and International Studies, suggested the United States is not effectively executing its antiterrorism policy. She argued the current, narrow focus on Al-Qaeda and Iraq is causing the United States to underappreciate the importance of other global factors that influence terrorist activity. Schaffer stated that the current narrow focus "becomes a disadvantage when the crisis eases or when the top problems depend on our ability to handle some issues that do not make it on the short-short list." Schaffer is primarily concerned with how problems in Pakistan damage our antiterrorism efforts. To improve relations with Islamabad, she proposed that the United States employ its diplomatic resources to stabilize the relationship between Pakistan and India, provide assistance in dismantling Pakistan's "nuclear bazaar," and support the development of proper governance structures and civil society.

### *Moving Forward*

Korb argued, “We can’t win this by ourselves. We have to convince people who may support Al-Qaeda that what they are saying about us is not true. In the long term, dealing with this threat cannot be done with military means.” All four panelists suggested that military force is not the best long-term strategy. There must be a combination of military, intelligence, foreign aid, and diplomacy. John Dinger, deputy coordinator for terrorism at the U.S. State Department, argued that “Much of our counterterrorism effort must focus on building the will and skill of foreign governments to fight terrorism.” To accomplish this, the United States must build relationships to coordinate the deployment of financial and political resources to regions that are most likely to promote terrorist activities. This effort will help build goodwill toward the United States and decrease the animosity that breeds terror. Other tools currently employed are the antiterrorism assistance program, the terrorism interdiction program, and the interagency effort to help countries block financial terrorist transactions.

Finally, pursuing a successful antiterrorism strategy requires the United States to regain a credible, leadership position. Korb suggested one manner to accomplish this is to bolster our credibility concerning nuclear proliferation. He called for the United States to stop developing new, mininuclear weapons, finance nuclear weapon antiproliferation efforts, and allow transparency in the inspection of nuclear weapons. Furthermore, he said President Bush must be honest with the American people about the situation in Iraq and the war on terrorism.

### *Keynote Address – Robert Gates, President, Texas A&M University*

Robert Gates, president of Texas A&M, gave a broad-ranging assessment of the terrorist threat we confront and the ability of our intelligence agencies to counter it. Up until September 11, through intelligence and luck, the United States was spared terrorists attacks on its own soil while attacks continued against U.S. assets and allies abroad. Gates, a former director of the Central Intelligence Agency (CIA), said that he was amazed at how long it took the United States to react. “While our war on terrorism began on September 11th 2001, Osama Bin Laden and his network ... have been at war with us for over a decade; we just had not been hit hard enough or close enough to home to realize that others had declared war on us and had the ability to hurt us.”

Gates argued that we are facing a terrorism threat different from the 1970s and 1980s. Today, terrorists, motivated by religious fanaticism and a hatred of western influences, work like freelancing entrepreneurs without state support, thus reducing the opportunity to control their

activities. They are not concerned with limiting fatalities and are seeking advanced nuclear and cyber weapons.

To diffuse animosity toward the United States, Gates suggested that developed countries work with and educate underdeveloped countries to prevent them from being left behind politically, technologically, economically, and educationally. Constructively engaging the Middle Eastern population will make it more difficult for anti-American jihadists to recruit.

Gates stressed that the fight against terrorism depends on proper intelligence. Being on the frontline of the fight against terrorism, intelligence agencies must be able to handle data quickly and effectively. Further, there is now a new political reality that calls for preemptive strikes which can only succeed if intelligence is accurate and precise.

According to Gates, the intelligence system is at present inadequately prepared to take on a new role. There is a problem with the fundamental, institutional legal separation of foreign and domestic intelligence, a lack of an integrated threat center, and an overall absence of effective information sharing and collaboration. Another problem, Gates said, is that the government expects too much from the CIA. Not least, the CIA still has a tendency to work within the cold war paradigm, focusing attention on tangible resources, such as military capability. The CIA's focus must shift to a terrorism paradigm that deals with both tangible material resources and the intangible psyche of the terrorist. Gates argued that measuring the motivations of a terrorist is very difficult to do; government officials cannot expect intelligence to predict such intangibles with confidence.

Gates stressed that the difficulty in fighting terrorism also is tied to budgetary woes. Without proper funding, the CIA has not developed proper linguistic and regional expertise and lacks the resources to deploy adequate numbers of field officers and undercover agents, he said. Current funding efforts have helped improve capabilities; however, intelligence is a profession of experience and intelligence agencies will need time to rebuild.

Finally, Gates argued that, although the CIA has much more work to do, it has made tremendous progress since September 11. He maintained that there is a future for the CIA by concluding with a quote from John le Carre's *The Secret Pilgrim*: "For as long as rogues become leaders we shall spy, for so long as there are bullies, liars and mad men in world, we shall spy, for as long as nations compete, politicians deceive, and tyrants launch conflict and consumers need resources.... your chosen profession is perfectly secure. And so it is."

### *Panel 2: Preventive War, Iraq and the War on Terrorism*

The conference's final panel made a broad assessment of American foreign policy after September 11. Charles Kupchan, senior fellow and director of Europe Studies at the Council on Foreign Relations, argued that two versions of American internationalism have competed for primacy since the attacks. Liberal internationalism, the defining foreign policy since World War II, argues for U.S. primacy and leadership through consensus and compromise. Assertive nationalism, appearing after September 11, posits that U.S. interests are more important than international concerns and that multilateral institutions impair our security. According to Kupchan, the movement to assertive nationalism has been driven by the arrival of the Bush Administration, the shock of September 11, the cycling out of traditional internationalist Republican leaders, and a shift of power from the more liberal, internationally focused Northeast to more conservative, nationalist parts of the country. Kupchan was concerned about this new shift to nationalism and said, "We are witnessing secular erosion for support of liberal internationalism in this country and it will not stand us in good stead."

This shift in policy alienates allies, disenfranchises the international community, and increases the likelihood of Europe balancing its power against the United States, according to Kupchan. The sole focus on terrorism is consuming U.S. foreign policy and diverting attention from other pressing international issues, he said.

One expression of assertive nationalism is the doctrine of preventive war. Jeffrey Record, senior research fellow at the Center for International Strategy, Technology and Policy and professor in Air War College's Department of Strategy and International Security, argued that lumping together Iraq and Al Qaeda was an enormous strategic mistake. Iraq is a state actor and Al-Qaeda is a nonstate actor. The United States cannot treat the two as being similar threats. Iraq, like most state actors, can be contained with credible deterrence efforts. With state actors Record argued that "war is not inevitable, and to assume that it is, is to make it a self-fulfilling prophesy." Iraq is a preventive rather than preemptive war, he said. Iraq never used weapons of mass destruction against the United States and, according to Record, was deterrable. The Iraq war, he said, is aggressive action depleting resources needed for homeland security.

Record admitted that deterrence is less likely to be effective against nonstate actors because they lack the attributes of states, i.e. territory and population. The attack against Afghanistan, he argued, was legitimate. It was against a nonstate actor that had attacked the United States. This allowed the United States to build a coalition and go to war with international support. In

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contrast, the illegitimacy of the war in Iraq has reduced international support for the United States, he said.

Kupchan concluded that to have credible deterrence and to fight the war on terrorism requires allied support. To succeed, the United States must move away from assertive nationalism; mend relationships with Europe; identify and pursue real threats; avoid situations like Iraq; and cease treating international institutions as constraints rather than as structures that help pursue terrorists.