The threat of terrorism is ebbing, but US counterterrorism policies are not

A critical look at US counterterrorism efforts amid the NSA scandal

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- »The truth is, we campaign in poetry, but when we're elected, we're forced to govern in prose,« former New York Governor Mario Cuomo famously declared in a speech in 1985. Two decades later, Barack Obama learned a similar lesson in the transition from campaigning to governing.

- The realities of the world very quickly intruded on President Obama's hope and change agenda after being sworn in. Unraveling the Bush era »War on Terror« policies proved harder than the Obama Administration had planned, but moreover, the Administration liked many of these policies.

- Edward Snowden's revelations of classified CIA and NSA programs demonstrate how entrenched the Bush Administration view of fighting terrorism has become. Nearly every policy and program the Obama Administration inherited has been expanded.

- The extent of the US government's surveillance system is stunning but not surprising. The most upsetting aspect of PRISM, however, is not its sophistication and scope of data collection but the fact that it embodies the very worst of counterterrorism culture.

- The US approach to fighting »terrorism« has four major problems: 1. The US government is dedicating massive resources to peripheral threats, while rising threats like cybersecurity and WMD proliferation are being neglected, and »everyday« threats due to gun violence take far more American lives; 2. The US still does not know what it is looking for: The NSA is collecting too much information to process or study properly, and a huge amount of resources have been wasted on bad intelligence; 3. Americans are unable to have a rational conversation about trade-offs between security, freedom, and convenience. It is politically impossible to step back from policies once started; 4. Congress has no real oversight, and there is no ability for an informed public debate.

To understand Edward Snowden and the whistleblower's attack on the heart of the American intelligence establishment, it helps to know Mario Cuomo.

A generation before Barack Obama, New York governor Mario Cuomo was the Democratic Party's great liberal hope. His blistering attack on Ronald Reagan's policies at the 1984 Democratic convention helped galvanize a party still reeling from the defeat of Jimmy Carter in 1980. In February 1985, as part of a national tour of grand speeches leading up to what most believed would be a presidential race in 1988 or 1992, Cuomo gave a talk at Yale University about the difficulties of sticking with your principles as a leader. »The truth is we campaign in poetry, but when we're elected we're forced to govern in prose,« he told the group of undergraduate students who turned out to hear him on that cold night in Connecticut. »And when we govern—as distinguished from when we campaign—we come to understand the difference between a speech and a statute.«

As a three-term governor, Cuomo tried hard to stick to his principles; an Italian-American Catholic, he so directly took on the Catholic Church over abortion, even using the Church's own teachings to argue against its anti-abortion stance during a speech at Notre Dame, that New York Cardinal Joseph O'Connor publicly considered excommunicating him. But good speeches and stirring rhetoric was never enough for Cuomo to achieve the crown he wanted: He never could make the leap to the White House.

Two decades later, another second-generation American immigrant, Barack Obama, inherited Cuomo's mantle as the party's greatest speaker and greatest hope—a value he explicitly incorporated into his campaign, transforming »hope« and »change« from mere verbs into a rallying cry for Americans (and people around the world) worried by the callous extremes of the Bush administration. Perhaps nowhere was that hope more evident than when Obama, a first-term US senator just a few years removed from the Illinois legislature, electrified Germany during his rock-star international tour in the summer of 2008, speaking to tens of thousands at Berlin's Victory Column in the Tiergarten. It was a rousing speech, linking the freedom of Berlin during the Cold War to the struggles of the modern, post-Cold War world.

He acknowledged Europe's deep wariness of the United States seven years after the terror attacks of September 11, 2001, how the dawning realities of the Bush administration's terror policies weighed on America's moral conscience. Two stalemated wars for »freedom« had left Iraq and Afghanistan unstable and floundering. The »enhanced interrogation techniques« that amounted to torture of detainees. »Black sites« where CIA had colluded with European governments to hide terrorism suspects. Undercover renditions that had seen suspects grabbed off the streets of Europe and delivered to legal gray areas like Guantanamo, where hundreds lingered in limbo unsure of when—or if—they would ever face trial.

»This is the moment when we must defeat terror and dry up the well of extremism that supports it. This threat is real and we cannot shrink from our responsibility to combat it. If we could create NATO to face down the Soviet Union, we can join in a new and global partnership to dismantle the networks that have struck in Madrid and Amman; in London and Bali; in Washington and New York,« he told the crowd in Berlin, as the summer sun set. »I know my country has not perfected itself. At times, we've struggled to keep the promise of liberty and equality for all of our people. We've made our share of mistakes, and there are times when our actions around the world have not lived up to our best intentions.«

Martin Wegner, a 38-year-old German software engineer, seemed to encapsulate the audience sentiment. »I doubt that Obama is the messiah, but I hope that, if he gets elected, there will be some essential change in foreign and security policy,« he told a US reporter. »I hope Obama brings freedom back to the US—freedom that has been given up so quickly with the security measures after 9/11.«

Many Americans shared Wegner's hopes. The month after Berlin, Obama accepted the Democratic nomination for president in a Denver football stadium, speaking to one of the largest audiences of the campaign. By November, he'd earned a sweeping electoral victory during a dark moment when the global economic system seemed to totter daily on the edge of complete collapse. Americans of every shade and color turned out for his January inauguration, and his first steps indeed seemed to mark a new chapter. His first executive order as president promised wider access to government decisions. »For a long time now there's been too much secrecy in this city,« he

said in his first hours in office. »Transparency and rule of law will be the touchstones of this presidency.« On his second day in office, he signed three executive orders reversing Bush administration terrorism policies: He banned torture, ordered the closing of the Guantanamo detention facility, and established a new intelligence review panel to deal with the »War on Terror« detainees stuck without charges.

After signing the orders, Obama spoke passionately about the need for change. »The message we are sending around the world is that the United States intends to prosecute the ongoing struggle against violence and terrorism, and we are going to do so vigilantly; we are going to do so effectively; and we are going to do so in a manner that is consistent with our values and our ideals,« he said. »We think that it is precisely our ideals that give us the strength and the moral high ground to be able to effectively deal with the unthinking violence that we see emanating from terrorist organizations around the world.«

But the realities of the world had already begun to intrude on President Obama's hope and change agenda. Unknown to the outside world at the time, the days leading up to his inauguration had been tense as three different threads of intelligence indicated that al-Shabaab, one of the many Islamic jihadist groups that formed the international web of al-Qaeda affiliates, had dispatched attackers from its base in Somalia to slip across the Canadian border and explode bombs on the National Mall during the inauguration. The national security teams of both outgoing President Bush and President-elect Obama had gathered repeatedly in the White House and at the guest residence, Blair House, for the week leading up to the inauguration to track the latest intelligence.

Hanging over every meeting and every discussion was a question spoken only in whispers: How real did the threat have to be before the government should consider canceling the ceremony or moving it indoors to a secure location? In one meeting, incoming secretary of state Hillary Clinton had asked a pointed question: »So what should Barack Obama do if he's in the middle of his Inaugural Address and a bomb goes off way in the back of the crowd on the Mall? What does he do? Is the Secret Service going to whisk him off the podium, so the American people see their incoming president disappear in the middle of the Inaugural Address? I don't think so.« The decision was made: Obama would continue the speech, if at all possible.

Nearly every passing hour had brought new information. One terrorist suspect was chased through London's Heathrow Airport — British police officers literally running, their radios and utility belts banging against their hips as they charged through the heavy crowds — only, after further investigation, to be deemed harmless, a false alarm. An interrogation team in Uganda called Washington regularly as a source there was hooked up to a polygraph machine to test his trustworthiness. On inauguration eve, the president-elect had canceled the final run-through of his Inaugural Address to go over the latest intelligence one more time at Blair House. Only in in the final hours before the inauguration had the national security leaders become confident the feared attack was nonexistent, just one more page in the volumes of false leads, exaggerated threats, and fuzzy intelligence that had left the departing Bush administration officials exhausted by the constant threats.

Even with the euphoria around the election and the inauguration, Obama's aides could tell the new pressures of governing weighed on him. Since just after the election, he'd been getting the presidential daily threat briefings from the CIA and the rest of the US security apparatus. After one pre-election briefing by Director of National Intelligence Mike McConnell, candidate Obama had said wryly, »You know, I've been worried about losing this election. After talking to you guys, I'm worried about winning the election.«

Obama's first year in office proved Cuomo's adage about governing in prose rather than poetry. Unraveling the Bush era »War on Terror« policies proved harder at every stage than the Obama administration had planned—but moreover, they discovered something few had expected upon stepping into the White House on January 21, 2009: They actually liked many of the Bush-era policies.

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Five years into the Obama era, Edward Snowden's revelations of classified programs by the Central Intelligence Agency and the National Security Agency this spring and summer demonstrate just how entrenched the Bush administration view of fighting terrorism has become. In fact, nearly every single Bush administration policy and

program the Obama administration inherited has been expanded—from NSA surveillance systems to the targeted killings of extremists from Predator and Reaper drones. Advancing technology has made it even easier to track and to collect massive amounts of data, enabling programs that just a few years ago Bush officials only dreamed about. The NSA is today building in the Utah desert a $2 billion data center to store the fruits of its global information collection, a facility so massive that it will come with its own power plant and a $40 million annual power bill. These programs aren't ending anytime soon.

And even those programs that the Obama administration wishes it could end seem intractable: An unprecedented five-month hunger strike by the majority of the 166 detainees left at Guantanamo has brought renewed attention to their plight; many have now been held without charges for over a decade. There appears to be for many no escape route: Sufiyan Barhoumi, a detainee captured in the same 2002 raid that netter al-Qaeda leader Abu Zubaydah, has spent the spring trying to plead guilty to war crime charges—except that the government now refuses to charge him.

There's been no bigger recent story in counterterrorism than the revelations around PRISM, though, which bring into the open one of the government's most deeply held secrets.

Even to those who follow national security issues closely, the extent of the government's surveillance system is stunning—but it's not altogether surprising. That distinction is important. For anyone watching closely in the last seven years, there was plenty to point to massive collection of communications records: There were hints of programs like STELLAR WIND, which caused a major showdown inside the Bush administration in 2004; there were unanswered questions about how the intelligence community unraveled using an intercepted email the 2009 plot to bomb the New York City subways by Najibullah Zazi; there were public statistics that agencies like the FBI were weekly issuing more than 1,000 so-called »National Security Letters« to compel telecoms to turn over customer data. It's also not surprising because the key players in today's intelligence community long ago realized the value of such massive volumes of information. General Keith Alexander, the head of the NSA and US Cyber Command, learned during his time in Iraq the value of vacuuming up data from telephone calls, emails, and other communications metadata. »Rather than look for a single needle in the haystack, his approach was, ›Let's collect the whole haystack,‹ »one former intelligence official told the *Washington Post* this summer. »Collect it all, tag it, store it.«

And yet PRISM and its related surveillance apparatus still stuns.

The sophistication and sheer scope of the NSA data collection program is larger than anything most Americans had imagined that the government was doing. General Alexander has applied and expanded those Iraq and Bush era programs on a vastly larger playing field.

But perhaps the most upsetting aspect of PRISM is how it embodies the very worst of counterterrorism culture, serving as a case study to examine the irrationalities, the misguided efforts, and poor politics that still bedevil the field twelve years after the panicked response to the 9/11 attacks.

Snowden's revelations about PRISM and the other related surveillance programs that have grown like mushrooms around the intelligence community since 9/11 underscore four major problems with the US approach to fighting »terrorism«:

1) **Not all »terror« is created equal.** More than a decade after 9/11, the US government is still dedicating massive resources to increasingly peripheral threats—even as rising threats like cybersecurity, transnational organized crimes, and WMD proliferation continue to take a backseat and »everyday« threats take far more American lives.

The US government, media, and public seems to divide threats into two distinct categories of mass murder, drawing a somewhat illogical line between »terrorists« and »mentally unstable weirdos,« largely based on ethnicity and choice of weapon. »What the United States means by terrorist violence is, in large part, ›public violence some weirdo had the gall to carry out using a weapon other than a gun,‹« wrote political columnist Marissa Brostoff after the Boston Marathon bombing. »Mass murderers who strike with guns (and who don't happen to be Muslim) are typically read as psychopaths disconnected

from the larger political sphere.« The first category, »terrorists,« we hold our government responsible for stopping and preventing their attacks. The second category, »mentally unstable weirdos,« US society somehow sees as the normal cost of doing business—this despite that the latter category has in recent years carried out attacks that have killed and injured far more Americans than any Islamic extremists.

Two years ago, one attack shot Congresswoman Gabby Giffords in the head, killed a federal judge, and five others, including a 9-year-old born on September 11, 2001. A year later, another shooter killed 12 and wounded 70 in a Colorado movie theatre. In December, a third killed 27 at an elementary school in Connecticut. In between, more than 20,000 other Americans were killed in shootings of one kind or another. The vast majority of mass shootings in the US are carried out by white males, using legally obtained guns, who targeted their schools or their workplaces, according to academic researchers. For political and practical reasons, addressing these mass murders seems impossible, even as the government continues to pour money into homeland security efforts to counter the ancillary threat of Islamic extremists.

2) **We still have no idea what we're looking for**. Perhaps the biggest challenge to US counterterrorism since the 9/11 attacks has been the huge amount of time and effort wasted on bad intelligence and generally too much noise in the system. Before 9/11, the problem in the intelligence community was not sharing enough information. Today, it's quite the opposite: There's too much information flowing through the pipeline and no one really knows what we're looking for. The idea that the government is collecting in near real-time all telephone metadata and such vast amounts of internet traffic demonstrates we still don't really know what we're doing. The NSA is clearly collecting far too much information to process or study properly. All 300 million Americans are not terrorists. From discussions with counterterrorism officials, I believe the pool of probable domestic threats to the United States is likely closer to 3,000, but for the sake of argument let's say that's off by a factor of 100 and the real pool of likely terror suspects in the US is 300,000—roughly the entire population of Pittsburgh, Pennsylvania, or Cincinnati, Ohio. The NSA is still collecting information on a population three orders of magnitude larger than that, a tremendous waste of resources, computing power, and human analysis. And that's just within the United States—multiply those numbers out across the world population and you get a sense of just how the government is floundering to make sense of all that it's collecting.

3) **We still have a very poor incentive system**. No public official—elected or bureaucrat—has gotten in trouble for being too strict on security or for collecting too much intelligence. Twelve years after 9/11, the country still seems unable to have a rational, thoughtful conversation about trade-offs between security, freedom, and convenience. It is politically difficult, if not impossible, to do less—to step back from policies once they start.

A thoughtful and rational proposal this spring by the Transportation Security Administration, which is in charge of aviation security, would have eased passenger screening to allow small knives onto planes provoked such outrage from Congress and commentators that it was dropped. TSA administrator John Pistole argued that his agency was confiscating 2,000 such pocketknives a day, time it could better spend trying to catch real threats to airplanes—especially since knitting needles and small scissors have already been allowed onto planes for years without incident. »They don't think keeping passengers safe from each other is part of their mission,« the head of the nation's flight attendant association complained. »They're defining their responsibility as preventing an aircraft from diving into the ground, into a building, or blowing up a plane in the sky.« Which is, in fact, precisely what TSA administrator John Pistole had been arguing: »A small pocket knife is simply not going to result in the catastrophic failure of an aircraft and an improvised explosive device will,« said Pistole, who spent 26 years with the FBI before heading TSA. »And we know, from internal covert testing, searching for these items, which will not blow up an aircraft, can distract our officers from focusing on the components of an improvised explosive device.« Pistole lost that battle and his agency continues to confiscate 2,000 knives weekly that will not lead to the downing of an aircraft. If the country can't even rationally consider lifting a now unnecessary ban on Swiss Army knives, what possible incentive is there for the NSA to forego collecting every byte of data that it technically can?

4) **Congress has no real oversight—and there's no ability for an informed public debate**. The US Senate has completed a 6,000-page report on the Bush administration »enhanced interrogation« programs and the torture of detainees after 9/11, a belated example of oversight that has been hailed by those few who have access to the highly classified document as one of the most important and thorough investigations Congress has ever done—even leaving aside the fact the Senate was studying a program that happened a decade ago. California Senator Dianne Feinstein said the report »uncovers startling details about the CIA detention and interrogation program and raises critical questions about intelligence operations and oversight.« Senator John McCain said the report concludes torture did not prevent terror attacks or save American lives, and Senator Mark Udall has said that the report shows the CIA systematically misled Congress as to its activities. And yet the CIA moved in recent weeks to block the release of even a condensed, sanitized version of the Senate report to the public.

Senators Mark Udall and Ron Wyden have said in the weeks since the latest NSA revelations by Edward Snowden that the NSA's statements that its programs are effective and minimally invasive to privacy »should not simply be accepted at face value.« Indeed, both the White House and the NSA have had to withdraw and edit talking points and fact sheets released to the public since the Snowden revelations after pressure that they were factually inaccurate and misleading. There remains inconsistent and likely misleading information about the extent to which PRISM and similar programs have actually disrupted terror attack. And yet there's continuing evidence that Congress and the American public still have little clear understanding of the programs' scope and scale—and even less idea what the NSA is actually doing with the data it's collecting. While intelligence officials are brushing off criticism by saying that the programs are all legally approved by the secret US surveillance court, that in and of itself is of little comfort since the court's rulings are by definition classified and not subject to the normal adversarial judicial system. Between 2010 and 2012, the court approved all 5,000 wiretap requests submitted by the Justice Department—denying none.

Together, these four problems continue to box US leaders into a corner: The threat of terrorism is ebbing, but our policies are not. In 2011, the most recent year available, 17 US citizens were killed by terrorists worldwide; al-Qaeda itself has not been able to carry out a single attack on the US homeland since 9/11. This year's Boston Marathon bombing, carried out by two so-called »homegrown radicals« was the first successful attack on US civilians in more than a decade. And yet our political environment continue to push leaders towards ever-greater collection, ever-more secure facilities, and an ever-less welcoming democracy.

By 2013, the Obama administration has long ago abandoned the poetry of its counterterrorism plans from the campaign. Instead lessons like the inauguration plot, the attempted bombing later that year on Christmas Day of a flight to Detroit, and the Boston Marathon bombing have underscored to President Obama the wisdom of governing in prose.

About the author

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