

TEN YEARS LATER

"Then the second wave of al-Qaeda attacks hit America." A leading expert on counterterrorism imagines the future history of the war on terror. A frightening picture of a country still at war in 2011

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*This is a transcript of the Tenth Anniversary 9/11 Lecture
Sunday, September 11, 2011
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Cambridge, Massachusetts
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Dean, Honored Guests,

It is a great honor to be chosen to give this tenth-anniversary lecture. This year, more than at any other time since the beginning of the war on terror, I think we can see clearly how that war has changed our country. Now that the terror seems finally to have receded somewhat, perhaps we can begin to consider the steps necessary to return the United States to what it was before 9/11. To do so, however, we must be clear about what has happened over the past ten years. Thus tonight I will dwell on the history of the war on terror.

2001-2004: THE RESPONSE TO 9/11

Having ignored al-Qaeda until September 11, 2001, President George W. Bush responded to the attack in three ways. First, he ordered an end to the terrorist sanctuary in Afghanistan. For five years thereafter a token U.S. military force assisted the Kabul government in its attempts to rule the warlords and suppress the Taliban and al-Qaeda. Second, he moved to strengthen U.S. domestic law enforcement with the first Patriot Act (a law that civil libertarians would find benign from today's perspective) and the Department of Homeland Security, which in those early years of the war on terror was largely ineffectual.¹ Third, Bush ordered the ill-fated invasion and occupation of Iraq, which effectively turned his administration into an active recruiting office for al-Qaeda and other *jihadi* groups around the world.

The move against Afghanistan did set al-Qaeda and the *jihadi* movement back.

Although regional affiliates were able to stage spectacular attacks in Riyadh, Istanbul, Bali, Madrid, Baghdad, and elsewhere, and although there were twice as many attacks worldwide in the three years after 9/11 as there had been in the five years before that day, no al-Qaeda-related attacks took place in the United States in the years immediately following 9/11.

The several years without an attack on U.S. soil lulled some Americans into thinking that the war on terror was taking place only overseas. Few corporations increased security spending. Americans increasingly questioned President Bush's security policies, the Patriot Act, and Secretary of Homeland Security Tom Ridge's ridiculed color codes. In the 2004 presidential election George W. Bush won a second term in part by dismissing such issues as whether the mishandling of the Iraq War had made us less secure, whether we had paid enough attention to al-Qaeda, and whether we were adequately addressing our vulnerabilities at home.

Then the second wave of al-Qaeda attacks hit America. Since then we have spiraled downward in terms of economic strength, national security, and civil liberties. No one could stand here today, in 2011, and say that America has won the war on terror. To understand how we failed to win, and exactly what has been lost along the way, I want to look at the past seven years in some detail.

2005: RETURN TO THE HOMELAND BATTLEFIELDS

The U.S. government had predicted that future attacks, if they came, would likely be on financial institutions, noting that Osama bin Laden had issued instructions to destroy the U.S. economy. Thus when the casinos were attacked, it was a surprise. It shouldn't have been; we knew that Las Vegas had been under surveillance by al-Qaeda since at least 2001. Despite that knowledge casino owners had done little to increase security, not wanting to slow people down on their way into the city's pleasure palaces.² Theme-park owners were also locked into a pre-9/11, "it can't happen here" mindset, and consequently were caught off guard, as New Yorkers and Washingtonians had been in 2001. The first post-9/11 attacks on U.S. soil came not from airplanes but from backpacks and Winnebagos. They were aimed at places where we used to have fun, what we then called "vacation destinations." These places were particularly hard to defend.

Peter and Margaret Rataczak, of Wichita, Kansas, were the first to die on June 29, 2005, in a new wave of suicide attacks launched against the United States in retaliation for the killing of Osama bin Laden that spring, and for the continuing presence of U.S. troops in Iraq. These attacks were every bit as well planned as those of 9/11 and, in typical al-Qaeda fashion, used low-technology means to achieve maximum public impact. What we know about the attacks' planning and execution comes in large part from tourists who provided photos and video from their travels. Without these images we might never have known that the Rataczaks' killers were

non-Arab. It would also have been harder to discover that they seem to have entered the United States by driving across the border from Canada.³

In order to save money for the poker tables that night, Peter chose to stay at an RV campground, parking his Winnebago at around 4:00 P.M. Shortly thereafter a casually dressed Asian couple approached the Rataczaks' secluded campsite with a map unfolded in front of them. Only the birds heard the silenced shots. The first murders by the group calling itself al-Qaeda of North America had been carried out.

With the bodies in the back of the darkened camper, the Asian couple drove back toward a safe house they had quietly rented in the hills. (The landlord had no reason to suspect they were fundamentalist Muslims; their religion was of no concern to him. Nor, certainly, would his standard background credit check have turned up their association with an Indonesian al-Qaeda affiliate.) The man quickly backed into the garage and loaded an ammonium nitrate device into the van. His leader had said the device would force the unbelievers in "Sin City" to realize that even in their ignorance they were guilty of conspiring with the Zionists to destroy Islam. After a good night's sleep and his morning prayers, the man carefully helped the woman into her vest and belt before leaving her to finish dressing and praying.

It was only an hour's drive to the city limits, and the man was careful never to exceed the speed limit. State troopers at the exit ramp to the city ignored the van. At 3:00 P.M. the streets were packed as crowds wandered the Strip. On Tropicana Avenue the man stopped briefly to let his partner out with an exchange of nods and a whispered statement: "God is great." The woman blended seamlessly into the flow of people walking into the Florentine casino, looking like one of the millions of annual visitors to Las Vegas from the Pacific Rim. She seemed a little heavy for her frame, and the jacket she wore seemed a little out of place in the heat, but the doormen, as security videos later showed, didn't even give her a second look. She had been there many times before.

The woman never hesitated. She walked to the roulette table, fifty feet from the front door, and pushed a detonator, blowing herself up. The explosion instantly killed thirty-eight people who were standing and sitting at nearby tables. The nails and ball bearings that flew out of the woman's vest and belt wounded more than a hundred others, even though slot machines absorbed many of the miniature missiles.⁴ Eighteen of the hundreds of elderly gamblers in the casino suffered heart attacks that proved fatal when they could not be treated fast enough amid the rubble.

Just seconds later the man drove his van into the lobby of the Lion's Grand and detonated his cargo. This bomb was designed to wreak tremendous damage that would remain in the consciousness of the American people for years to come. Whereas the damage done to the Florentine casino was repaired in just under a month, the billion-dollar Lion's Grand was closed for more than a year while security

enhancements and structural improvements were made. Losing the use of 5,034 rooms, plus casino gaming and concerts and other special events, cost the Lion's Grand a million dollars a day, and damaged its bond rating.

The long-term economic effects continue today: tourism in Las Vegas has never returned to its pre-2005 level, and unemployment in the city is at 28 percent.⁵

The attacks in Nevada occurred at almost the same time as the ones in Florida, California, Texas, and New Jersey. Two women strolling separately through Mouseworld's Showcase of the Future detonated their exploding belts in the vicinity of tour groups in the "Mexican Holiday" and "Austrian Biergarten" exhibits. Similar attacks took place at WaterWorld, in California; Seven Pennants, near Dallas; and the Rosebud Casino, in Atlantic City. By the end of the day 1,032 people were dead and more than 4,000 wounded. The victims included many children and elderly citizens. Among the dead were only eight terrorists, two each from Iraq, Indonesia, Pakistan, and the Philippines.

The next morning CNN's Los Angeles bureau received a video purporting to be from al-Qaeda of North America. On the tape the group claimed responsibility for the incidents and pledged that attacks would continue until America left the Middle East. We can all recall the soft, steely voice in which the chilling words were delivered: "We are not terrorists. We are patriots trying to throw off the mantle of an oppressive society. We do not look like you think we do. And we will kill you until you leave our holy lands."

Eyewitnesses supported the recording's assertions, telling investigators that some of the terrorists who had committed these atrocities did not look like Arabs. Three of the terrorists were women. The FBI, the Department of Homeland Security, and the local authorities were momentarily stunned, and began frantically trying to prepare for what they feared were further imminent attacks. The DHS raised the nationwide terror-alert level to red.

The social effect of the attacks was widespread. In Detroit, northern New Jersey, northern Virginia, and southern California armed gangs of local youths attacked mosques and Islamic centers. At the request of local clerics, the governor of Michigan ordered National Guard units into the city of Dearborn and parts of Detroit to stop the vigilante violence against Islamic residents.

The reaction from the White House and Congress was swift. Patriot Act II, which had been languishing on Capitol Hill, passed in July. As more evidence was made public, it became increasingly clear that the attacks had been perpetrated by terrorists who were in the United States illegally, either on false passports or having overstayed their visas.⁶ Two were Iraqis pretending to be South Africans, using passports that had been stolen in Cape Town the year before.⁷ Others had actually been picked up

before the attacks for being "out of visa status," but had been released because immigration detention facilities were full.⁸

The attorney general sought broad emergency powers to impose extended pre-arraignment detention, investigative confinement, broader material-witness authority, and expanded deportation authority. After the passage of Patriot Act II, federal agents conducted large-scale roundups of illegal immigrants and members of ethnic groups that were suspected of hiding terrorists in their midst. Many citizens who had been forcibly detained were held "with probable cause" for allegedly "planning, assisting, or executing an act of terrorism"; they were denied access to an attorney for up to seven days, "by order of the judicial officer on a showing that the individual arrested has information which may prevent a terrorist attack."⁹ Many detainees, if they failed to produce proof of citizenship or immigrant status, were moved to new DHS illegal-immigration detention facilities for further investigation and possible deportation. The camps were in remote areas, including one in Arizona that ended up holding 42,000 suspected illegals.¹⁰

Although the American Civil Liberties Union vigorously condemned these roundups, most of the public accepted them as not only a suitable precaution against possible future attacks but also a brake on further vigilante violence.¹¹ The fear that follow-on attacks were likely was enough to satisfy the judiciary that state and federal law enforcement should be allowed to begin broad sweeps of communities suspected of harboring sympathizers.

Roundups based on ethnicity succeeded only in enraging local ethnic communities. This made it more difficult for the authorities to enlist cooperation in either investigating hate crimes or preventing future attacks from within these communities. Despite earlier warnings from sympathetic foreign officials, the U.S. government, with the support of federal judges and the American people, deemed these detentions the only way to hold those who had collaborated with the suicide bombers and to capture those who might carry out the next attack.¹² In short, "the gravest imminent danger to the public safety," which had justified the internment of Japanese-American citizens during World War II, was invoked again to support the widespread use of pre-trial detentions and material-witness warrants.¹³

Over the objections of the Pentagon, Congress had in 2004 created a cabinet-level director of national intelligence and given the position budgetary control of all intelligence agencies and operational control over all agencies except the Defense Intelligence Agency and the armed services' individual intelligence branches. By this point most Americans were well aware of the lapses in U.S. intelligence produced by a lack of spies in the Middle East.¹⁴ Not long after 9/11 George Tenet, then the director of the CIA, had suggested that it would take at least five years to raise the CIA's human-intelligence capacity to where it needed to be. Although the new law gave the national intelligence director the muscle to manage all U.S. intelligence,

Tenet turned out to have been right: it took more than five years to train even a fraction of the new field agents needed for a global war on terror.

One price the United States has paid for security is a significant decrease in foreign students at our colleges and universities, effectively preventing young people from all over the world from meeting one another and building bridges between warring ideologies. Foreign attendance is now down by more than a third from what it was in 2001, resulting in the closing or consolidation of some graduate programs in science and engineering, and producing severe budget cuts in others.¹⁵ At the same time, research institutions in France, England, India, China, and Singapore have all grown. Many of us are now using the Asiapac operating system on our laptops and taking drugs imported from such foreign companies as Stemlabs and EuroPharmatica.

The summer and autumn of 2005 passed without further attacks. By Thanksgiving many Americans believed what government spokesmen were telling them: that the attacks had been the work of eight isolated terrorists, the last of Khalid Sheikh Muhammad's al-Qaeda cells in America.

The government spokesmen were wrong.

On December 2, 2005, the Mall of the States became a victim of a low-tech terrorist attack. In the preceding years malls in Israel, Finland, and the Philippines had been attacked; so far, American malls had been spared. As security professionals knew, this was partly luck; such targets are difficult to protect.¹⁶ In June of 2004, after learning of intelligence reports indicating that the Madrid train bombers had originally planned to strike a suburban shopping area, Charles Schumer, a Democratic senator from New York, called for increased funding to secure U.S. shopping centers and malls.¹⁷ Congress chose instead to focus on defending other targets against more-sophisticated terrorist acts.

The 4.2-million-square-foot mall, located in Minnesota, was globally recognized as the largest entertainment and retail complex in America, welcoming more than 42 million visitors each year, or 117,000 a day. On this day neither the 160 security cameras surveying the mall nor the 150 safety officers guarding it were able to detect, deter, or defend against the terrorists.¹⁸ Four men, disguised as private mall-security officers and armed with TEC-9 submachine guns, street-sweeper 12-gauge shotguns, and dynamite, entered the mall at two points and began executing shoppers at will.

It had not been hard for the terrorists to buy all their guns legally, in six different states across the Midwest. A year earlier Congress had failed to reauthorize the assault-weapons ban. Attorney General John Ashcroft had announced a proposal, on July 6, 2001, to have the FBI destroy records of weapons sales and background checks the day after the gun dealer had the sale approved. This meant that if a gun buyer subsequently turned up on the new Integrated Watch List, or was discovered by law-

enforcement officials to be a felon or a suspected terrorist, when government authorities tried to investigate the sale, the record of the purchase would already be on the way to the shredder.¹⁹

The panic and confusion brought on by the terrorists' opening volleys led many shoppers to run away from one pair of murderers and into the path of the other, leading to more carnage. Two off-duty police officers were cited for bravery after they took down one pair of terrorists with their personal weapons, before the local SWAT team could get to the scene. Meanwhile, one of the other terrorists used his cell phone to remotely detonate the rental van he had driven to the mall; this resulted in even more chaos in the parking garages. Once the SWAT team arrived, it made short work of the two remaining terrorists. By the time the smoke had cleared, more than 300 people were dead and 400 lay wounded. In the confusion of the firefight the SWAT team had killed six mall guards and wounded two police officers.²⁰

At the same moment, at the Tower Place, in Chicago; the Crystal Place, in Dallas; the Rappamassis Mall, in Virginia; and the Beverly Forest Mall, in Los Angeles, the scene was much the same: four shooters and hundreds of dead shoppers. America's holiday mall shopping effectively ended that day, as customers retreated to the safety of online retail.

The December attacks were achieved with a relatively small amount of ammonium nitrate, some Semtex plastic explosive, and a few assault weapons in the hands of twenty people who were willing to die. Some of the terrorists were Iraqis, members of the fedayeen militias, who had been radicalized by the American presence in Baghdad. Others were Saudis. Only one was captured alive, at the Rappamassis Mall. Through continued questioning of him, said to involve CIA-trained interrogators, it was discovered that more shootings were planned for the New Year. Acting on this information, FBI agents, in concert with the Texas Rangers and the Seattle police, thwarted two follow-up attacks, aimed at New Year's Eve festivities on Sixth Street in Austin and in the Pike Place Market area of Seattle.

As the bloody year ended, the president pointed to our having prevented those two attacks as evidence that we had turned a corner, and that the United States would be safer in 2006.²¹

2006: MOBILIZING THE HOME FRONT

Well before the end of the first quarter of 2006 the economic effects of the previous year's attacks were clear. The closing of casinos and theme parks around the country had increased only regional unemployment, but the national effect on the already ailing airline industry was significant. The pre-Christmas attacks on shopping centers had been the most damaging of all. Economic indicators in the first quarter of 2006 showed the dramatic ripple effect of the collapse of retail

shopping on top of the earlier economic devastation of recreational travel: GDP growth was negative, and national unemployment hit 9.5 percent in January.²²

There were rumors that in his State of the Union speech the president would call for the military to take on more security missions at home and would federalize all National Guard units. Acting to pre-empt him, eighteen governors met and announced that they were abolishing their National Guard forces and creating state militias, which could not be put under Washington's control and could not be sent overseas.²³ Speaking for the rebellious governors, Rhode Island's chief executive said, "The promises of more security at home have yet to be backed by concrete action. Our modern-day Minutemen are needed in Woonsocket, not Fallujah. My problem is empty shopping malls, not whether Shiites or Sunnis or Kurds or Turkmen run this or that part of Iraq." She then ordered the first units of the Ocean State Militia to begin screening cars and shoppers at three shopping centers. Rhode Islanders emerged from their homes in response.

In January, when the president actually delivered the speech, he called for immediate passage of Patriot Act III. "We are a nation at war," he said. "We need to start acting that way. We can no longer be in denial. We must mobilize the home front." To that end he proposed four things: adding 200,000 members of the Army, to compensate for National Guard shortfalls; deploying three squadrons of new unmanned aerial vehicles (UAVs) to conduct reconnaissance in the United States; suspending the 1878 Posse Comitatus Act (which had prevented the military from conducting arrests in the United States); and modifying the charter of the National Security Agency to permit "unfettered use of its capabilities" in support of the FBI and the Department of Homeland Security.²⁴ Several senators immediately denounced the plan as the militarization of America, and promised to filibuster to stop the law's passage. Polls showed that 62 percent of Americans believed the president knew best what was necessary to defend America.

Skeptical civil libertarians were concerned that the new UAVs, which included Predators and Global Hawks, would be deployed not only to kill or intercept terrorists but also to monitor Americans. Girded by the polls, the president pressed forward with his plan. The secretary of homeland security welcomed the additional monitors, saying, "The more eyes we have looking at our coastline and borders, the more likely we are to interdict future terrorists and deter their attacks." The Air Force announced that deploying these UAV patrols domestically would finally provide large municipalities with the air security they demanded. The governors and mayors did not complain.

Then came Subway Day. Public-transit systems in Atlanta, Boston, Baltimore, and Philadelphia were all struck at 8:15 A.M. eastern time, on a Monday in April. Unlike the previous year's attacks, these strikes did not appear to involve suicides. The bombs were apparently hidden on trains while they sat in rail yards, or

were placed in newspaper racks and ticket machines. "We knew something was up," the homeland-security secretary said, in a remark that many believe led to his resignation a week later. "We hesitated to raise the alert level to red again because we lacked actionable intelligence and we didn't want an increase in the terror alert to tip off the terrorists." More than 200 people died and more than 3,000 were injured.²⁵

Subways and commuter rail lines in New York, Washington, and Chicago moved quickly to halt trains and clear stations, causing chaos even in those cities that were not under attack. San Francisco closed its system for the day at 5:45 A.M. Pacific time, a half hour after the attacks in the east and before most commuters had left home, forcing workers onto the highways. Most cities kept their transport systems closed for the next day or two, leading to enormous traffic problems and numerous car accidents, as local officials struggled desperately to put passenger-screening systems in place.

The mayor of Chicago, whose security investments and preparations had often been lauded by the homeland-security secretary, was defiant as he pledged to ride the storied "El" to city hall each day. He also promised to speed up the installation of his once controversial "smart" surveillance cameras throughout public areas in the city. The system linked all video monitoring to a central emergency-management site, where police officers and sophisticated software programs could track suspicious activity on public thoroughfares. The mayor's actions received unanimous support from the city council. Chicagoans responded by continuing to use the trains.

Thursday was Railroad Day. Improvised explosive devices—or IEDs, popularized by Iraqi insurgents after the American invasion—exploded as interstate trains passed by or over them in Virginia, Colorado, Missouri, Connecticut, and Illinois.²⁶ The five charges resulted in almost a hundred deaths. Among the fatalities was the national rail service itself, as terrorists finally broke congressional will to fund the money-losing venture any further: fifty pounds of explosives had accomplished what no appropriations committee could. It suspended operations that day and went into closure and liquidation the next month.

The "Patriot" line, from Boston to Washington, reopened later, after the Federal Railroad Police were created. The Ferpys, as they quickly became known, eventually took over security for all subway and commuter rail lines except the New York subway (which stubbornly resisted federal protection). The numerous agents on trains, along with the Ferpys' bright-yellow surveillance helicopters, are now a reassuring everyday sight in most large metropolitan areas—supplemented, of course, by the many UAVs, which are much harder to see.

Although Congress acted quickly on the president's proposal, creating the Ferpys took time. It was 2007 before all 155,000 officers had been hired, trained, and deployed. That delay was the major reason the Army went into the cities.

Most analysts now agree that Subway Day and Railroad Day not only caused the Senate filibuster to end, permitting the passage of Patriot Act III, but also finally triggered the withdrawal of some 40,000 troops from Iraq. The Army was needed in the subways.

In announcing the Reaction Enclave Strategy, the CENTCOM commander acknowledged, "Our goal now is just to prevent Iraq from becoming a series of terrorist training camps. If the new Iraqi army can't keep the peace among the factions, that's its problem." The strategy, which was also adopted in Afghanistan, has reduced the U.S. force deployment to those troops necessary to sanitize the area around the U.S. Counter-Terrorism Reaction Force (CTRF) camps. Iraq, with its three bases, and Afghanistan, with its two, require only 20,000 and 7,500 members of the U.S. armed forces respectively. Although some have criticized military and political leaders for allowing both countries to become "failed states" again, our CTRFs do at least retain the ability to strike terrorist facilities whenever they are detected. Improved intelligence collection and analysis have increased the success rate of the CTRFs and limited collateral damage.

The attacks in April of 2006 finally made possible the creation of the National Transportation Security Identity Card, or SID, as we now call it.²⁷ Recall that before 2006 each of the fifty states actually issued its own card, in the form of a driver's license. The SID is a biometric smart card with the owner's photo, retinal signature, fingerprints, Social Security number, birthday, and address encoded in it. It has (so far, anyway) proved foolproof. Today a SID is required for passage through card-reader turnstiles at train stations, subway stations, and airports. Soon all automobiles will be equipped with SID readers connected to their ignition systems.

Even the Harvard Law School professor Alan Dershowitz, whose wariness of unnecessary government intrusion is well known, had acknowledged several years earlier that a national ID card would offer some benefits. Just a few weeks after 9/11 Dershowitz wrote,

Anyone who had the card could be allowed to pass through airports or building security more expeditiously, and anyone who opted out could be examined much more closely. As a civil libertarian, I am instinctively skeptical of such tradeoffs. But I support a national identity card with a chip that can match the holder's fingerprint. It could be an effective tool for preventing terrorism, reducing the need for other law-enforcement mechanisms—especially racial and ethnic profiling—that pose even greater dangers to civil liberties ... A national ID card would not prevent all threats of terrorism, but it would make it more difficult for potential terrorists to hide in open view, as many of the Sept. 11 hijackers apparently managed to do.

The American Civil Liberties Union had disagreed, arguing not only that the government would misuse ID cards but also that corporations would be allowed to

learn more about our private habits, and that foreign-looking people would still suffer more discrimination. The National Rifle Association made common cause with the ACLU, noting that requiring gun buyers to use the card would create a de facto gun registry. For several years the ACLU, the NRA, and their supporters helped prevent the introduction of a national ID card. After the mall massacres, perpetrated with assault rifles, Congress finally broke ranks with its NRA donors.

Not only has the SID increased identity security, but it could ultimately yield billions of dollars in savings by reducing bureaucracy. Local governments are using it to improve the delivery of state services and to cut down on waste and fraud by adding other information (gun and fishing licenses; welfare, unemployment, and insurance information) to the card.

The SID uses the same technology that has also been put in place on all shipping containers, which now incorporate tags that can provide location data when swept by a radar beam. Radar beams from towers, UAVs, and even satellites cause a SID to emit a signal that rides back to the transceiver on the return beam. That signal provides the card's number, and the processor computes its location. The signal is no stronger than that used for years at airports and in police speed traps. It is almost certainly safe, according to studies by the National Institutes of Health.²⁸

There were those who thought that the radar signals would be used to track Americans carrying the SID. The homeland-security secretary declared, "Our computers do not have the processing capability to track that many signals. We are focused on maintaining the integrity of our immigration system by keeping illegals out and expelling those individuals staying beyond their visas. We use the US-VISIT cards to do that." Still, some Americans refused to sign up for a SID. They are the people you now see waiting in lines at airports for the special interrogation and search procedures.

The suspension of rail transport for parts of 2006, along with the collapse of the national rail service and some of the airlines, exacerbated the economic problems that had emerged in 2005 and caused national unemployment to reach double digits by December. The GDP declined again, as both the manufacturing and retail sectors suffered. The federal deficit as a percentage of GDP reached a new high, because the government needed to pay for additional security measures but, with the economy in such poor shape, didn't dare to raise taxes.

2007: IRAN AND SAUDI ARABIA

At the beginning of the year three decisions demonstrated the differences between America and Europe yet again.

First, Chuck Hagel, a Republican senator from Nebraska, sponsored a resolution

calling on the administration to reach out to the Islamic world with a number of specific proposals and to join the proposed EU Tolerance and Reconciliation Initiative. For several years Hagel had been articulating a foreign-policy strategy based on the "humble" approach promised by President Bush before 9/11.²⁹ Early in 2007 the administration rejected the Hagel resolution as "buckling under to terrorists." The plan went down to defeat in the Senate.

Second, the European Union reached a compromise on the issue of admitting Turkey. The EU president claimed that Turkey's membership would destabilize the "Christian EU" and flood Europe with Muslim immigrants.³⁰ Turkey agreed to a limit on immigration and was admitted. The EU passed the Tolerance and Reconciliation Initiative and opened talks with the nations of the Islamic Conference.

Third, the United States and Europe parted ways over what to do about "definitive intelligence" showing that Iran had six nuclear devices ready to be mounted on mobile long-range missiles. The war on terror had, admittedly, distracted U.S. national-security officials from dealing with Iran and nuclear proliferation generally.³¹

We had suspected that Iran had assembled some nuclear weapons, but only owing to the good work of the British Secret Intelligence Service did we learn that all the weapons would be in one place at one time. The president decided to launch a pre-emptive attack; given the circumstances, he could hardly have done otherwise. The B-2 strike in May did indisputably destroy all the mobile missiles and their launchers. (Regrettably, it also killed some Chinese defense contractors.) To the president's dismay, the attack apparently did not destroy any of the nuclear warheads, because they had not yet arrived at the base. Intelligence is still not good enough to provide precision. The good news was that without their missiles, the Iranians had very few ways of using their nuclear warheads. The bad news was that this revived fears that the warheads would fall into terrorist hands.

The Iranians responded to the attack by launching their older SCUD missiles, armed with conventional warheads, at the Saudi oil facilities at Ras Tanura. Iranian navy units attacked Saudi tankers. The result of all this was quite unsettling, both to regional stability and to the U.S. economy. World oil prices spiked to \$81 a barrel, before falling back to \$72 a month later.

Then, on the day before Thanksgiving, Hizbollah, the Iraqi Shia militia, and special operatives of Iran's elite Qods ("Jerusalem") Force acted.³² (They no doubt chose that day because it was then still a relatively heavy travel day in America.) "Stinger Day," as it came to be known, did not actually involve Stinger missiles, as originally thought. Rather, the missiles were SA-14s and SA-16s stolen from Iraqi army stockpiles way back in 2003, after the U.S. invasion. The United States had failed to secure the Iraqi weapons depots, giving terrorists an opportunity to help themselves to Saddam Hussein's guns, explosives, and missiles. The missiles were later smuggled across

the Canadian border into Minnesota, Washington, and Montana.³³

SA-14s and SA-16s are much like Stingers, heat-seeking and easily portable. The four missile strikes that succeeded that day (in Atlanta, Chicago, Miami, and Los Angeles) were all aimed at 767s. The death toll was nearly 1,200, including those who died on the ground where the aircraft crashed. There is some dispute about whether three or four additional attempts failed in other cities. The most widely reported incident involved the killing by New Jersey state police officers of two Lebanese Hizbollah members who had been discovered sitting in a car with an SA-14 on a police ramp over I-95 next to Newark International.

Scarcely six years after 9/11 had briefly shut down commercial aviation and driven several major airlines into bankruptcy, the same thing occurred again. Hundreds of thousands of Americans were stranded for days that weekend. The Air Line Pilots Association refused to allow its members to return to the skies until all U.S. aircraft had been equipped with defenses against surface-to-air missiles, such as the ones used by Israel's air fleet.³⁴ Airline executives halted flights until troops had been deployed along all the takeoff and landing corridors at airports. Even then few people flew. In truth, the "legacy carriers," those airlines left over from the days when the industry was federally regulated, such as Delta, US Airways, and United, would probably have failed anyway. They already had crushing debt, and had been in and out of bankruptcy since 9/11. Their basic economic model (relying on outdated "hub and spoke" systems) was flawed, and they lacked the versatility of the regional carriers. In any event, having exhausted all federal loan guarantees and direct bailout packages, the remaining legacy airlines were closed down and broken up.

The emergency program to develop infrared countermeasures for civilian passenger aircraft is one of the best examples of America's using its high-tech advantage to battle the terrorists.³⁵ The IRCMs were produced at a cost of less than \$2 million per aircraft, and 2,000 were installed (at taxpayer expense) before the next Thanksgiving rolled around. Today we have almost 4,000 in place on the two new major U.S. airlines that have supplanted the old carriers. It has taken four years, but travelers are slowly returning to the air.

The U.S. bombers that struck Iran had been refueled from and then landed in Saudi Arabia. This gave fundamentalist forces in that country the spark and the distraction they needed to finally stage a coup against the regime, which they did in August. The coup succeeded, and the House of Saud was driven out, at which point the price of oil reached the vicinity of \$85 a barrel and stayed there.

The Saudi coup marked one of the worst U.S. intelligence failures in years. We were caught off guard because we had not been able to effectively collect intelligence inside "the kingdom," as it was then called. We relied on the Saudi Ministry of the Interior to tell us how strong the *jihadis* were, and whether there was serious

opposition to the king. As it turned out, opposition was widespread, even among the royal family and the Saudi National Guard that had been created to protect it.³⁶

The main stimulus for the coup probably came from the many Saudis who had returned from neighboring Iraq, where they had been radicalized by their experiences fighting the U.S. occupation. Osama bin Laden's final, pre-death request, captured on video and broadcast worldwide on al-Jazeera and other media networks, was that the royal family be deposed. It unexpectedly unified a variety of Saudi dissident groups.

By dawn on the third day of the coup the surviving members of the House of Saud had fled or were in prison, the oil fields were in the hands of troops loyal to the ruling clerics, and all foreigners were being rounded up and escorted to the airports or the borders. Iraq was the first country to acknowledge the new government. Other Gulf states soon followed.

Had the United States welcomed the new government, which we now know as Islamiyah, the effect on the world oil market might have been different. Instead we cut off the flow of spare parts needed to maintain the billions of dollars' worth of high-tech arms we had sold to the Saudis throughout the 1980s and 1990s; we also withdrew the U.S. contractors who knew how to make the systems work. Naturally, the new regime responded by canceling all oil contracts between U.S. firms and Saudi Arabia's national oil company. The company made up much of what it had lost in dumping the U.S. contracts by signing new long-term deals with China; recent economic growth had raised China's demand for overseas oil to about the level of America's, which had been depressed by economic stagnation.³⁷ The dislocation in the world oil supply was short-lived, but it was a cold winter in the northern United States that year.

The real economic effect of the oil-price increase didn't hit until the last quarter of the year. Still, 2007 ended with U.S. unemployment at 15 percent and GDP down again. The "good news," as the president pointed out in his Christmas message, was that because rail and air travel had been so heavily curtailed, and because fewer people were hanging out at shopping malls, and because many "destination venues" remained closed, Americans were spending more time together as families.

2008: ELECTION YEAR AND VIRTUAL WAR

Iran's hostile reaction to the U.S. bombing continued into 2008 and made use of Hizbollah allies. (Hizbollah, although composed largely of Palestinians and Lebanese, was created in the 1980s by Iran, which closely controlled it for more than twenty years.) Iran also employed its Qods Force, the covert arm of its Revolutionary Guards. American counterterrorism specialists had always feared Hizbollah and the Qods Force, because their "tradescraft" was so superior to that of other terrorist groups, including al-Qaeda and its many progeny. Diplomats and military leaders had for years used numerous back channels to keep both groups on

the sidelines while we engaged in counterterrorist warfare. Our overt attack on Iran brought their full power to bear on our citizenry, with tragic results.

Working with the remnants of al-Qaeda, the Iranians staged a significant cyberattack in the United States during the 2008 election year. Reliance on cyberspace for retail had, of course, increased significantly after the many mall closings. More important, America had been using cyberspace to control its critical infrastructure since the late 1990s. Electrical-power grids, gas pipelines, train networks, and banking and financial markets all depended on computer-controlled systems connected to the Internet. President Bill Clinton had acknowledged this dependence and vulnerability in a 1998 presidential directive. President Bush had articulated the National Strategy to Secure Cyberspace in 2003, but he had done little to implement it.³⁸ Meanwhile, many nations created information-warfare units and did surveillance on U.S. networks.³⁹ Iran was one of those nations.

The cyberattack began with a "Zero Day worm," a piece of self-propagating software that exploited a hitherto unknown vulnerability in a widely used computer operating system.⁴⁰ The worm bypassed computer firewalls and placed applets on companies' networks. The applets sent back covert messages describing what kind of network they had penetrated. Then, all at once, the worms erased the operating systems on key computers throughout the United States, and in their place installed a program that caused the computers to repeatedly reboot whenever they were turned on. Freight trains stopped. Nuclear-power plants shut down. Banks and brokerage houses froze. In some cities the emergency-call systems crashed; in others traffic lights shut off.⁴¹

Then, as cybersecurity teams were attempting to figure out what had happened, a second worm penetrated the operating system of the most widely used routers on U.S. computer networks. Once inside, the worm found the routing tables, called border gateway protocols, that told Internet traffic where to go. It scrambled the tables so that packets were lost in cyberspace. Confused by the traffic errors, many of the routers exceeded their processing capabilities and collapsed.

The stock market closed, as did the commodities markets. Major hospitals canceled all but emergency surgeries and procedures. Three major power grids experienced brownouts. Police and state militia units were ordered into the cities to maintain order and minimize looting. Millions of Americans, now staring at blank computer screens, were sent home from work.

The already reeling economy took another hit. The U.S. software industry was hurt the most. As a result open-source software, which had already spread widely in Europe and Asia, now dominates U.S. servers, routers, and desktops. The "free" software movement badly hurt revenues at several U.S. firms. Intervention by the new Federal Cyber Security Service, through its monitoring of all Internet traffic, has since

somewhat reduced the prevalence of worms and viruses. Although some Americans complained about loss of privacy, others noted the benefits, such as a significant reduction in the volume of spam e-mail.

State and local police forces, state militias, Homeland Security Department personnel, and private guards now protected airports, the neighborhoods around them, train stations, the tracks connecting them, shopping malls, and U.S. borders. By the middle of 2008 there were 220,000 more such security officers than there had been in 2000. The armed forces had grown by 215,000 during the same period. Yet these new jobs hardly put a dent in unemployment, which hovered at 16 percent as the election approached.

During the campaign the two major parties had attempted to outdo each other in their anti-terror fervor. The similarity of their hawkish strategies helped give rise to an influential third party, the American Liberty Party, which challenged the Patriot Acts. San Francisco's mayor, a Chinese-American woman, surprised the experts by garnering 12 percent of the popular vote for the presidency on a platform built almost exclusively on shoring up civil liberties. Two new governors were elected on the American Liberty ticket, as were fourteen congressmen, who became a vocal minority in the new Congress.

2009: "NUKE SQUADS" AND THE NEW DRAFT

The Homeland Protection and Service Act of 2009 could not have been introduced in an election year. It was controversial when the president proposed it, in his 2009 State of the Union address, and, frankly, remains so today. Had he proposed it in 2008, it is likely that the American Liberty Party would have roused even more support than it did. The "new draft," as its opponents have labeled it, is different in important respects from earlier conscriptions in U.S. history. Conscripts are randomly selected and may serve any two consecutive years, as long as their service begins before age twenty-two. Most draftees are given monitoring or first-responder jobs here at home; few are required to go through weapons training. Despite these differences from Vietnam-era conscription, draft dodging and AWOLs have already become such a large problem that the U.S. Marshals have created special squads to hunt down recalcitrants and force them back into service.

The act also included funding for special federal courts (which would operate in secret, to protect the judges and lawyers involved) to determine whether U.S. citizens, resident aliens, and illegal aliens detained on suspicion of terrorist activity should be treated as POWs or as enemy combatants. Recognizing how long it would take for the government to process the increasing number of detainees, Congress authorized the detention of suspected terrorists for up to three years without a hearing, subject to review every six months by the attorney general.

Meanwhile, the attorney general worried openly about the threat from those terrorists who were not yet known to the government and did not appear on any watch lists: freshly arrived illegal immigrants, members of sleeper cells, and new religious converts. He conceded that capturing these people before they committed acts of terror was next to impossible. Announcing that the Department of Justice would crack down on Islamic prayer in prisons, he instructed the authorities to track released prisoners thought to have converted to Islamic fundamentalism. Al-Qaeda and its imitators did not have to work hard to make converts within the U.S. prison system. A disproportionate majority of the prison population was nonwhite. Radical Islamists preached to these prisoners that the society that had imprisoned them should be made to pay.⁴²

Shortly after his inauguration the president announced that U.S. intelligence had detected plans by Iran and Hizbollah to bring nuclear weapons into the United States in retaliation for the U.S. bombing of Iran.⁴³ He announced the Safe Sea Approaches Program, which required all ships within 200 nautical miles of the U.S. coast to broadcast on a satellite frequency, squawking their location, name, departure and destination ports, and cargo. Ships not complying would be intercepted and might be sunk. In the first months of the program only one ship, a small Yemeni-flagged oil tanker bound for a refinery in Trinidad, was sunk, by a U.S. attack submarine 120 miles off Puerto Rico, causing limited environmental damage.

The Safe Sea effort also aimed to replace the entire global inventory of shipping containers with smart shipping units.⁴⁴ SSUs contain sensors that automatically and continuously transmit information about the contents of the containers from the moment they are sealed until they are opened. The Department of Homeland Security deployed 12,000 U.S. customs inspectors in overseas ports to ensure that the SSUs were not tampered with and to keep any non-SSU containers off U.S.-bound ships. Radiation portals and imaging equipment were also installed in foreign ports and shipping depots, providing real-time images of every container's contents as the container was loaded into a ship or a truck bound for America.

Concerned that Iran had already slipped nuclear weapons into the country, the Department of Homeland Security greatly expanded its nuclear search-and-disarmament teams, or "nuke squads," as they became known. Under an amendment to Patriot Act III the nuke squads were empowered to search "anywhere, anytime," with Geiger counters and other devices that could detect gamma rays and neutron flux. The squads regularly raided self-storage facilities and set up checkpoints at weigh stations on interstate highways. Initially, federal courts differed on whether other illegal materials found in these searches could be used as a basis for arrests; the Supreme Court ultimately ruled that searches for nuclear weapons did not require a warrant, and that any incriminating material found in the course of such a search could be used as evidence in court.

When Canada refused to allow U.S. nuke squads to conduct warrantless searches at customs stations on the Canadian side of the border, we built the Northern Wall, which channeled trucks and freight trains to a limited number of monitored border crossings. Barbed wire, radar installations, and thousands of security workers made our border with Canada resemble our border with Mexico.⁴⁵

The quick and thorough response to the threat of smuggled Iranian nuclear weapons was successful. Iran was evidently deterred, and no terrorist nuclear weapons have ever been found in the United States or en route to it.⁴⁶

2010: USING OUR OWN CHEMICALS AGAINST US

It had been three years since a terrorist bomb had been detonated on U.S. soil when executive jets packed with explosives slammed into chlorine-gas facilities in New Jersey and Delaware. Fortunately, in New Jersey much of the potential gas cloud was consumed by the flames of the initial explosion, and winds sent what remained of the plume over a largely uninhabited area. Delaware, however, was less fortunate: the poisonous cloud produced by the explosion left 1,500 dead and 4,000 injured, some as a result of panic during the evacuation of the Wilmington area.⁴⁷

Both al-Qaeda and Hizbollah claimed responsibility for the attacks on the chemical plants, although Iran condemned them and offered assistance to the affected communities. Investigation into the attacks is still officially ongoing. The United States has not yet retaliated, and the Pentagon is reported to have recommended against a retaliatory bombing of a nuclear-armed Iran. (The president has publicly denied that the Pentagon made any such recommendation, and points out that we bombed Iran as recently as 2007.)

Although the deaths in Delaware did not result from terrorist use of a chemical weapon, they nonetheless highlighted the dangers of a chemical attack and led directly to the issuing of gas masks to all citizens in metropolitan areas and rural counties with chemical plants or refineries. The masks were sound despite their mass production, but improper training caused some deaths from suffocation or coronary arrest during practice exercises.

Heavy lobbying by the chemical industry in the years following 9/11 had prevented any congressional regulation that would have imposed terrorism-specific security requirements or standards on chemical plants near large municipalities. Some reports claimed that the Bush administration had tried to undermine the Environmental Protection Agency by relaxing the system for evaluating plant security, in order to reduce the number of facilities deemed high-risk.⁴⁸ Indeed, both the facilities that were attacked had at one point been on the EPA's high-risk list but were not on the Bush administration's. Therefore they never underwent the security upgrades that a more severe risk assessment might possibly have induced. Outrage at this realization led to

substantial new regulations and security requirements for private chemical and nuclear plants. Whereas the federal government might once have helped fund and carry out these improvements, the economic situation now placed the burden on companies and state militias. Money was drying up.

2011: WHAT WE MIGHT HAVE DONE DIFFERENTLY

Nine months into this year we have so far been spared any new terrorist attacks on our soil. Of course there have been incidents at our embassies and some U.S.-owned hotels overseas, as there have been nearly every year for more than a decade, but they have produced few U.S. casualties.

Some believe that the *jihadi* movement has lost its fervor. Others believe that with *jihadi* governments holding power in the former Saudi Arabia and in Pakistan, as well as in large parts of Iraq and Afghanistan, the terrorists are now too busy governing to be planning further assaults. I think the real reason for the diminished number of attacks is that the United States has hardened itself. We have greatly reduced our overseas profile, generally limiting our presence to highly secure embassies. It has become extremely difficult for people or cargo to get into or out of the United States without extensive inspection. The number of security workers per capita within America's borders is now higher than in any other country, including long-embattled Israel. A would-be terrorist knows that his communications can easily be monitored and his vehicles and facilities searched with little provocation. If suspicious materials are found, or if an informant provides a potential lead, suspected terrorists can be held for an extensive period of time pending investigation. All this has made it more difficult to carry out attacks on U.S. soil. Of course, it has also hurt us in world trade, swelled our national debt, and depressed our GDP.

As we mark the tenth anniversary of 9/11 and the launch of our global war on terror, it is hard for many Americans to remember when the sight of police officers with automatic weapons and body armor was rare. Yet it wasn't so long ago that we could enter a shopping mall, a train station, an airport, or a public building without "see-through scanners" and explosive-sniffers. The use of SIDs is now so routine that we can hardly believe we ever did without them. For all the additional security these developments have afforded us, however, they have also produced a powerful political backlash. Polls show that the American Liberty Party may draw up to a third of the popular vote in the campaign next year.

Could the global war on terror have played out differently?

If the war had been restricted to eliminating al-Qaeda in the two years following 9/11, it is possible that the first generation might have been suppressed before al-Qaeda metastasized into a multi-group *jihadi* movement. In 2002 especially, we squandered opportunities to unite the global community in a successful counterterrorism effort. If

we had initially sent a more substantial U.S. force to Afghanistan, bin Laden might have been killed in the first few weeks of the war, perhaps preventing many of the attacks that took place around the world in the following three years.

Had we not invaded Iraq, many of the *jihadis* we know today would never have been recruited to the terrorists' cause. Not invading Iraq would also have freed up money for earlier investments in domestic security: for instance, upgrades for chemical plants, trains, container shipping, and computer networks. Because we developed most such protective measures too late, panicking under political pressure, we too often used brute-force methods that were costly, intrusive, and less effective than we hoped. With more time, money, and careful consideration, the body politic might have persuaded the private sector to join the federal government in a real partnership to enhance the security of critical infrastructure. More important, we would have been better able to carry on an open national dialogue about the tradeoffs between security and civil liberties, and about the ways in which strong civil liberties and strong domestic security can be mutually reinforcing.

Perhaps, too, we could have followed the proposal of the 9/11 Commission and engaged the Islamic world in a true battle of ideas. Indeed, if we had not from the start adopted tactics and rhetoric that cast the war on terror as a new "Crusade," as a struggle of good versus evil, we might have been able to achieve more popular support in the Islamic world. Our attempts to change Islamic opinion with an Arabic-language satellite-television news station and an Arabic radio station carrying rock music were simply not enough. We talked about replacing the hate-fostering madrassahs with modern educational programs, but we never succeeded in making that happen. Nor did we successfully work behind the scenes with our Muslim friends to create an ideological counterweight to the *jihadis*. Although we talked hopefully about negotiated outcomes to the Palestinian conflict and the struggle in Chechnya, neither actually came to pass. Because we were afraid to "reward bad behavior," we let Iranian nuclear-weapons development get too far along, to the point where our only option was to attack Iran. This set back the Iranian democratic reform movement and added Hizbollah to our list of active enemies.

Although we occasionally lectured Arab states about the need for democracy and reform, we never developed a country-by-country program, or provided practical steps for moving theocracies and autocracies in that direction. Moreover, our haranguing Arab governments to be nicer to their citizens ended up producing a backlash against us, because our exhortations were seen as hypocritical in view of our bombing, torture, and occupation tactics in Iraq.

It can still be debated whether we accelerated the fall of the House of Saud with our arrogant tactics. The almost total lack of intelligence about what was going on in Saudi Arabia before the revolution did, however, make it hard for U.S. policymakers to develop sound strategies.

Despite years of earnest-sounding talk about "energy independence" and weaning ourselves from our addiction to foreign oil, no president since Jimmy Carter in the 1970s has ever seemed serious about these goals. We never developed truly fuel-efficient vehicles, so our foreign energy imports drastically harm the economy when oil prices soar.

As early as 2004 our nation's leaders were admitting that the war on terror would probably last a generation or more, even as they continued to argue among themselves about whether it could ever truly be won. If they had acted differently—sooner, smarter—we might have been able to contain what were at one time just a few radical *jihadis*, and to raise our defenses more effectively. Instead our leaders made the clash of cultures a self-fulfilling prophecy, turning the first part of the twenty-first century into an ongoing low-grade war between religions that made America less wealthy, less confident, and certainly less free.⁴⁹

1. As of June 28, 2004, about a year after the Department of Homeland Security's operational startup, only forty of 104 key changes recommended by the Government Accountability Office (GAO) had been implemented. "Status of Key Recommendations," GAO-04-865R, July 2, 2004.

2. Surveillance tapes obtained in 2002 by Justice Department officials in Detroit and Spanish authorities in Madrid included footage of the MGM Grand, Excalibur, and New York, New York casinos on the Las Vegas Strip, along with the World Trade Center in New York and Disneyland, in California. Las Vegas authorities and casino representatives declined to alert the public, possibly fearing a decline in tourism or an increase in the casinos' legal liability. "Despite Two Terror Tapes, Public Not Alerted to Vegas Threat, Memos Show," Associated Press, August 10, 2004. Also "Las Vegas, California Authorities Reacted Differently to Same al-Qaida Footage," Associated Press, August 11, 2004.

3. Canada's ethnically diverse population, liberal immigration and refugee policies, and long border with the United States make it a good place for terrorists to raise funds, procure supplies and fake documents, and plan attacks. The Canadian Security and Intelligence Service acknowledged in 2003 that it considered more than 300 people in Canada to be members of various terrorist organizations, including al-Qaeda.

The Mexican border is even more porous than the Canadian. More than 4,000 illegal immigrants cross into Arizona alone each day. Most are Mexican, but a large number hail from other countries. The Border Patrol, less than 10,000 strong, is no match for this enormous wave. For every person it picks up, at least three elude capture. "The Challenge of Terror," *Time International*, January 27, 2003. Also "Who Left the Door Open?" *Time*, September 20, 2004.

4. According to notebooks kept by *jihadi* students in Uzbekistan in the mid-1990s, instruction in explosive devices—from antipersonnel mines to bombs capable of destroying buildings—was a standard part of the curriculum at terrorist training camps. "The Terrorist Notebooks," *Foreign Policy*, March/April 2003.

5. After 9/11 the casino operator MGM Mirage—which owns the Mirage, the MGM Grand, and the Bellagio, among others—reported that its fourth-quarter earnings for 2001 were about a third of what they had been the year before (www.bizjournals.com/pacific/stories/2002/01/28/daily54.html).

6. The 9/11 Commission's investigation into the attacks of 2001 found that lax screening by immigration officials and poor communication between security agencies allowed the hijackers to enter the United States even though they used fraudulent passports, provided incomplete and false statements on visa applications, and were listed as suspect in intelligence-community information systems. As many as fifteen of the nineteen hijackers were potentially vulnerable to interception by border authorities, the commission concluded. *The 9/11 Commission Report*, Norton, 2004.

7. According to Belgian police, 19,050 blank Belgian passports have been stolen from various embassies, consulates, and town halls since 1990. Belgium's poor security, as well as the country's location at the crossroads of Europe (through which a high volume of human traffic passes), makes it an attractive base for terrorists and a global capital of identity fraud. Thousands of passports stolen from other countries also circulate on the black market. "How to Fake a Passport," *The New York Times Magazine*, February 10, 2002.
8. On July 19, 2004, days after wading across the Rio Grande, a Pakistani woman with a doctored South African passport was arrested at an airport in Texas. Because of inadequate funding, the DHS's Office of Detention and Removal is capable of detaining only about 200,000 illegal immigrants a year—even though some 1.2 million are apprehended. The lack of space has led to a system of "catch and release," in which border officials return hundreds of thousands of Mexican nationals to Mexico, only to see them return repeatedly to the United States. Non-Mexican illegals are released directly into U.S. communities on personal-recognizance bonds with summonses to appear in court. More than 90 percent never show up. Not even all those illegal immigrants from countries that sponsor terrorism, such as Syria and Iran, are detained, because the DHS is not required by statute to detain illegal aliens unless they are felons, known terrorists, associates of terrorists, or persons suspected of certain other criminal violations. "Transforming the Southern Border: Providing Security and Prosperity in the Post 9/11 World," House Select Committee on Homeland Security, September 2004.
9. These procedures for treatment of detainees are drawn from recommendations made by the anti-terrorism experts Philip Heymann and Juliette Kayyem in their final report for Harvard University's Long-Term Legal Strategy Project. In the report the authors strive to balance the need for increased security in the post-9/11 world with the obligation to protect civil liberties. Philip B. Heymann and Juliette N. Kayyem, "Preserving Security and Democratic Freedoms in the War on Terrorism," Belfer Center for Science and International Affairs, Harvard University, November 16, 2004.
10. In August of 2002 Attorney General John Ashcroft indicated his desire to create separate camps for U.S. citizens held indefinitely as "enemy combatants." The Immigration and Customs Enforcement Agency currently operates or oversees more than fifteen detention facilities (most of which are categorized as Service Processing Centers) around the country for housing illegal aliens. "Camps for Citizens: Ashcroft's Hellish Vision," *Los Angeles Times*, August 14, 2002. Also www.ice.gov/graphics/dro/index.htm.
11. After 9/11 the FBI noted a 1600 percent increase in reported hate crimes against Muslims—481 incidents in 2001, compared with twenty-eight in 2000. *Hate Crime Statistics 2000* and *Hate Crime Statistics 2001*, FBI.
12. In 1998 Lord Alfred Dubs, a member of Parliament from Northern Ireland, said of his country's experience with terrorists, "The Government have long held the view that internment does not represent an effective counterterrorism measure ... The power of internment has been shown to be counterproductive in terms of the tension and divisions which it creates."
13. In *Korematsu v. United States* (1944) the Supreme Court ruled that "the gravest imminent danger to the public safety" justified the internment of Japanese-American citizens as necessary to prevent "espionage and sabotage in an area threatened by Japanese attack." In his opinion Justice Hugo Black wrote, "Compulsory exclusion of large groups of citizens from their homes, except under circumstances of direst emergency and peril, is inconsistent with our basic governmental institutions. But when under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger."
14. In early 2002 the GAO revealed a dearth of translators, interpreters, diplomats, and intelligence specialists with adequate foreign-language skills in the U.S. Army, the Department of State, the Department of Commerce's Foreign Commercial Service, and the FBI. Follow-up reports over the next two years acknowledged the State Department's efforts to address its staffing shortfalls but pointed out the still dire shortage of foreign-service officers proficient in Arabic, Russian, Chinese, and other languages. "Foreign Languages: Human Capital Approach Needed to Correct Staffing and Proficiency Shortfalls," GAO-02-375, January 2002. Also "State Department: Targets for Hiring, Filling Vacancies Overseas Being Met, but Gaps Remain in Hard-to-Learn Languages," GAO-04-139, November 2003.
15. Student visa applications fell by 21 percent from 2001 to 2004, and the number of graduate school applications from foreign students has dropped by 32 percent in the past year alone. "State, Homeland Security Urged to Overhaul Student Visa Process," *Government Executive*, August 2, 2004.
16. Unlike airports and government buildings, which screen people and bags, shopping malls currently have no security checks at their entrances. Visitors may move about freely, carrying large bags and packages. Shopping centers must tread a thin line between keeping the public safe and scaring it away. "Soft-Target Protection: Keeping Shopping Malls Safe," *Homeland Security*, June 2004.
17. Schumer's announcement followed the Justice Department's indictment of a Somali man involved in an alleged al-Qaeda plot to bomb a shopping mall near Columbus, Ohio. "New Intelligence Shows Terrorists Targeting Shopping Centers; Feds Need

Stronger Response to Strengthen Security in Malls," Office of Senator Charles Schumer, June 20, 2004.

18. According to *Access Control & Security Systems* magazine, "the Mall of America CCTV system covers nearly 1.6 million square feet of mall plus several acres of parking lots." *Access Control & Security Systems*, March 1, 1997.

19. The changes to the FBI's National Instant Criminal Background Check System (NICS), ultimately implemented in 2004, came on the heels of an earlier rule change, also proposed and implemented by the Ashcroft Justice Department, reducing the maximum retention period for information relating to firearms sales from six months to three months. In 2002 a GAO study found that the next-day destruction of records would prevent the FBI from identifying mistaken firearms transactions and initiating retrieval actions. Federal Register Vol. 66, No. 130 (July 6, 2001). Also "Gun Control: Potential Effects of Next-Day Destruction of NICS Background Check Records," GAO-02-653, July 10, 2002.

20. Lack of coordination among first responders is a continuing problem, and communications breakdowns (which caused so many deaths among police and firefighters on 9/11) can be lethal. Brian Jackson, D. J. Peterson et al., "Protecting Emergency Responders: Lessons Learned From Terrorist Attacks," RAND, 2002. Also "Emergency Responders: Drastically Underfunded, Dangerously Unprepared," Council on Foreign Relations, June 2003.

21. The State Department keeps track of the number of terrorist attacks and publishes an annual report, "Patterns of Global Terrorism," through its Office of the Coordinator for Counterterrorism. The initial report, published on April 29, 2004, under-reported the number of attacks in 2003, but the revised report, published on June 22, 2004, revealed that 208 acts of international terrorism took place in 2003, up from 205 in 2002.

22. Although the direct effects of 9/11 were too small and geographically concentrated to make a measurable dent in the country's overall economic output, the attacks did significantly affect the airline, insurance, agriculture, and food industries, small businesses, and New York City. "The Economic Effects of 9/11: A Retrospective Assessment," Congressional Research Service (CRS), September 27, 2002.

23. National Guard units may be most effective in conducting homeland-security missions when left under state control. Bernard Rostker, "The National Guard and Homeland Security," testimony before the Senate Judiciary Committee's Subcommittee on Technology, Terrorism, and Government Information, December 13, 2001.

24. Since 9/11 more than 51 percent of Army Guard members and 31 percent of Air Guard members have been activated for homeland security and overseas missions. Although intended to be a later-deploying reserve force, the Army Guard has taken on extensive ongoing missions. The Air Guard's readiness has declined, because the rapid pace of operations limits training opportunities and creates maintenance challenges in its aging aircraft. The demands of overseas missions have made Guard units unavailable for state needs. "Reserve Forces: Observations on Recent National Guard Use in Overseas and Homeland Missions and Future Challenges," GAO-04-670T, April 29, 2004.

25. The need to balance security with accessibility and convenience, and the open design of the mass-transit systems, make those systems difficult to secure. Security challenges to both passenger and freight rail systems are compounded by the interconnection of trains with other modes of transportation, such as shipping and trucking. The freight system encompasses more than 100,000 miles of rail in the United States and often transports hazardous materials, providing numerous attractive targets for terrorists. Despite this, the Bush administration has been slow to request dedicated funding for rail security. "Rail Security: Some Actions Taken to Enhance Passenger and Freight Rail Security, but Significant Challenges Remain," GAO-04-598T, March 23, 2004.

26. Rail security is already hotly debated. On March 22, 2004, Tom Ridge outlined a series of security initiatives for rail and mass-transit systems, including training additional bomb-detecting canine teams; developing biological, chemical, and explosive countermeasures; and screening baggage. Critics argue that these initiatives do not address immediate security concerns, the need for additional funding, or the lack of coordination between the Department of Homeland Security and the Department of Transportation. The DHS still lacks a plan to secure public-transportation networks. "Fact Sheet: Rail and Transit Security Initiatives," DHS, March 22, 2004. Also "America at Risk: Closing the Public Transportation Security Gap," Congressman Jim Turner, Democratic Staff Report, Select Committee on Homeland Security, May 2004. Also "Rail Safety and Security: Some Actions Already Taken to Enhance Rail Security, but Risk-based Plan Needed," GAO-03-435, April 2003.

27. For some years various experts have been recommending that states issue "smart ID cards" containing digitally encoded biometric data. Shane Ham and Robert D. Atkinson, "Modernizing the State Identification System: An Action Agenda," Progressive Policy Institute, February 7, 2002.

28. The growth of new technologies using radiofrequency fields (RF)—mobile phone systems, radio and television transmitters, medical equipment, radar systems—has led to numerous studies examining their effects on human health. A comprehensive review provisionally concluded that these studies presented no consistent or conclusive evidence of a causal relationship between

RF exposure and any adverse health effect, but the studies have too many deficiencies to rule out an association completely. Anders Ahlbom et al., "Epidemiology of Health Effects of Radiofrequency Exposure," *Environmental Health Perspectives*, National Institute of Environmental Health Sciences, September 23, 2004.

29. Hagel has long been a critic of the Bush administration's aggressive policy of unilateralism, arguing that "U.S. leadership is determined as much by our commitment to principle as by our exercise of power." "A Republican Foreign Policy," *Foreign Affairs*, July/ August 2004.

30. In an interview with the German newspaper *Die Welt* last summer, Bernard Lewis, a Princeton professor emeritus and a widely cited authority on the Middle East, said, "Europe will be part of the Arab west, the Maghreb. Migration and demography indicate this. Europeans marry late and have few or no children. But there's strong immigration: Turks in Germany, Arabs in France and Pakistanis in England. They marry early and have many children. Following current trends, Europe will have Muslim majorities in the population by the end of the 21st century at the latest." "Europa wird am Ende des Jahrhunderts islamisch sein," *Die Welt*, July 28, 2004.

31. In 2004, even as military planners contemplated the possibility of pre-emptive strikes, there was still no long-term U.S. strategy for dealing with Iran's nuclear ambitions, and at least one analyst feared that the United States might already have missed its chance to stop Iran from developing nuclear weapons. "U.S. Debates Military Strikes on 'Nuclear Iran,'" *Financial Times*, September 16, 2004.

32. A recent study of terrorist organizations by the RAND Corporation identified Hizbollah as one of the three most significant threats to the United States (along with al-Qaeda and the Revolutionary Armed Forces of Colombia), because of its strong antipathy toward the country and its ability to launch sophisticated attacks. Kim Cragin and Sara A. Daly, "The Dynamic Terrorist Threat: An Assessment of Group Motivations and Capabilities in a Changing World," RAND MR-1782-AF, 2004.

33. Man-portable air defense systems (MANPADS) are short-range surface-to-air missile systems designed for use by one or two soldiers to attack aircraft. Since the 1950s twenty countries have developed and produced MANPADS, and 500,000 to 750,000 weapons are believed to be in the worldwide inventory today. Their portability, ease of use and concealment, and low cost make them attractive to terrorists. The U.S. government estimates that a few thousand currently lie outside state control and that thousands more may be vulnerable to theft and transfer to terrorist groups because of inadequate physical security, inventory controls, and national export standards. Thousands of MANPADS may have been provided to Iraqi security forces or stolen during hostilities immediately following the collapse of Saddam Hussein's regime, possibly doubling the number of MANPADS on the black and gray markets. Colin Powell has said that "no threat is more serious to aviation" than these weapons. "Nonproliferation: Further Improvements Needed in U.S. Efforts to Counter Threats From Man-Portable Air Defense Systems." GAO-04-519, May 13, 2004. Also "U.S. Expands List of Lost Missiles," *New York Times*, November 6, 2004.

34. The cost of fully outfitting U.S. airframes with countermeasures against surface-to-air missiles is estimated at \$50-\$100 billion over twenty years. "Airline Protection Advances in House," *Washington Times*, April 30, 2004. Also "Aviation Security," GAO-04-728, June 4, 2004.

35. In October 2003 the Department of Homeland Security's Science and Technology Division initiated the Counter-MANPADS Program, to adapt current military countermeasure technology for civilian aircraft. The Directed Infrared Countermeasure, a technology currently used in the military's Large Aircraft Infrared Countermeasure system, uses a high-intensity modulated laser beam to defeat the threat missile's guidance system. It is difficult to adapt the technology for civilian use, however, partly because maintenance and logistical infrastructure costs are prohibitive and false-alarm rates are high. "Fact Sheet: Countering Missile Threats to Commercial Aircraft," DHS, January 6, 2004.

36. Over the course of the past eighty years, particularly during the height of Nasserism and pan-Arabism in the 1950s and the reaction against oil-wealth-generated modernization in the 1970s, the Saudi monarchy has at various times faced challenges from Islamic extremists and from secular movements supported by other Arab states. Since the 1990s hard-line opposition groups—some inspired by Osama bin Laden—have re-emerged in response to the American presence on Saudi soil. The Saudi government has done relatively little to track the thousands of young Saudis who have passed through terrorist training camps, or to disrupt the flow of money to extremist groups, or to suppress the spread of radical ideology. Until the attacks on a housing compound in Riyadh on May 12, 2003, the Saudi government had viewed terrorism largely as an external problem rather than a threat to national security. Anthony H. Cordesman and Nawaf Obaid, "Saudi National Security: Military and Security Services—Challenges and Developments," Center for Strategic and International Studies, working draft, May 30, 2004.

37. "At 5.5 million barrels a day," according to a recent ABC News report, "China is already the world's second-largest consumer of oil, behind the United States, and it has the fastest-growing appetite for more. Oil feeds the factories that have turned it into a manufacturing powerhouse, making 50 percent of the world's cameras and 30 percent of its air conditioners and TVs." A report by the International Energy Agency predicts that Chinese oil imports will equal current U.S. imports by 2030. "A Closer Look Behind the Price," ABC News, May 26, 2004. Also "World Energy Outlook 2004," International Energy Agency, October 2004.

38. In a letter to Secretary of Homeland Security Tom Ridge dated March 19, 2004, Senator Joseph Lieberman criticized the Bush administration for failing to move beyond the vague generalities outlined in the National Strategy to Secure Cyberspace and implement concrete plans to protect information systems from cyberattacks. Meanwhile, Internet–industry officials believe that the government's neglect of cybersecurity has led to rapid turnover in the position of director of the National Cyber Security Division, part of the Department of Homeland Security. "Top U.S. Cyber–Security Official Resigns," *The Washington Post*, October 2, 2004.

39. China, Russia, North Korea, Iran, Libya, Syria, India, Cuba, Japan, Germany, France, and the United Kingdom all are reportedly developing their information–warfare capabilities. The Pentagon's 2003 assessment of China's military potential noted "an unusual emphasis on a host of new information warfare forces," including "a corps of 'network warriors.'" "Cyberwarfare," CRS, RL30735, June 19, 2001. Also "Annual Report on the Military Power of the People's Republic of China," Department of Defense, July 28, 2003.

40. Zero Day worms, viruses, and other electronic "exploits" have already attacked military and civilian computer systems in the United States. Vulnerability to such attacks persists. "Blindsided," *Government Executive*, May 1, 2004. Also "Computer Attack and Cyber Terrorism: Vulnerabilities and Policy Issues for Congress." Also CRS, October 17, 2003.

41. The increased reliance on computers to monitor and control telecommunications, power distribution, water supply, and public–health and emergency services, combined with the adoption of standardized technologies (such as Microsoft's Windows) and the widespread availability of technical information, has put these control systems at greater risk of attack. "Critical Infrastructure Protection: Challenges in Securing Control Systems," GAO–04–140T, October 1, 2003.

42. A recent Justice Department report suggests that there are few safeguards against the propagation of Muslim extremism in federal prisons. Fundamentalist Islamic inmates are converting fellow prisoners to radicalism, and at times urging them to overthrow the U.S. government. "A Review of the Federal Bureau of Prisons' Selection of Muslim Religious Services Providers," Department of Justice, Office of the Inspector General, April 2004.

43. The Maritime Transportation Security Act of 2002 identified vulnerabilities in the nation's ports and waterways, the routes by which an illicit nuclear weapon might arrive. The Coast Guard has worked with facilities and vessels to implement security plans, but the task may be too big to complete in time. "Maritime Security: Substantial Work Remains to Translate New Planning Requirements Into Effective Port Security," GAO–04–838, June 30, 2004. Also Graham Allison, *Nuclear Terrorism: The Ultimate Preventable Catastrophe*, Times Books, 2004.

44. Today most containers are secured by a passive seal that indicates when there has been tampering but does not prevent access to the contents. Such seals are easily circumvented. Standardizing seals and containers and installing electronic systems to monitor a container's status would greatly increase security throughout the transport chain. Maarten van de Voort et al., "'Seacurity': Improving the Security of the Global Sea–Container Shipping System," RAND, MR–1695–JRC, 2003.

45. Not that our southern border is particularly secure: currently no strategy exists for comprehensively monitoring all 1,933 miles of the U.S.–Mexico border around the clock. Technology is used erratically, and most of the seismic, magnetic, and thermal sensors deployed along the border are more than twenty–five years old and require constant maintenance. Integrated surveillance systems, which use both ground sensors and cameras linked to a central command center, have recently been installed, but they cover only a portion of the border. The Tethered Aerostat Radar System is a set of six high–altitude balloons anchored over the border that identify low–flying aircraft. When TARS is inoperable because of bad weather, P–3 airplanes flown by the Office of Air and Marine Operations provide live radar and video feeds of activity along the border. The Border Patrol has also deployed unmanned aerial vehicles that use night–vision equipment. "Transforming the Southern Border," House Select Committee on Homeland Security, September 2004.

46. A nuclear attack on the United States is, along with the threat of a biological attack, the most frightening possibility to contemplate. Although developing and using even a crude nuclear weapon would be extremely difficult for terrorists, it is far from impossible, and the United States remains poorly prepared to defend against a nuclear attack. Matthew Bunn and Anthony Wier, *Securing the Bomb: An Agenda for Action*, Nuclear Threat Initiative and the Project on Managing the Atom, Harvard University, May 2004. Also Graham Allison, op. cit.

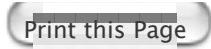
47. A recent study conducted by the New York Academy of Medicine found that two fifths of Americans would fail to follow civil–defense orders properly in the event of a biological attack. Roz D. Lasker, "Redefining Readiness: Terrorism Planning Through the Eyes of the Public," New York Academy of Medicine, September 14, 2004.

48. The EPA and the DHS have done separate threat analyses showing that between two (the DHS's estimate) and 123 (the EPA's estimate) of the nation's chemical plants pose a risk to the lives of more than a million people. Current federal requirements to reduce risks at chemical facilities are based on the Emergency Planning and Community Right–to–Know Act of 1986 and the Clean Air Act of 1990. But neither law explicitly addresses chemical release due to criminal or terrorist acts. Proposals now pending

before Congress would require vulnerability assessments, reduce the amount of information available to the public about security at chemical facilities, and increase funding for security at those facilities. "Chemical Plant Security," CRS, RL31530, January 20, 2004. Also "Chemical Plants Still Have Few Terror Controls," *Wall Street Journal*, August 20, 2004.

49. *Author's note*: This scenario is intentionally very bad but not worst-case. (A nuclear or biological attack would be the worst case.) The purpose of this article is to suggest that there are still opportunities to avoid such disasters without sacrificing our liberties, if we act now. Finally, for those who may say that this has given the terrorists recipes and road maps for how to attack us, here's a bit of bad news: the terrorists already know in much greater detail how best to attack us again.

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