

Part III: Responding to Terrorism

The September 11 attacks created new challenges and priorities for U.S. policy. Many people felt that the events would redefine the nature and goals of international relations.

The attacks caused the government to rethink the ways in which it provided both international and domestic security. This led to an intense debate in the United States about the balance between liberty and security. Many believed that people would need to give up some personal freedoms in order to make the country safe from terrorist attacks. Others expressed concern that the government was trampling on the rule of law. In some cases, U.S. policies after September 11 resulted in harsh criticism of the U.S. government both at home and abroad.

U.S. Policies Abroad

One of the U.S. government's first responses to terrorism in the aftermath of September 11 was military force. The Bush administration contended that terrorists should be fought by the U.S. military on foreign soil rather than be allowed to attack civilians in the United States.

“Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen. It may include dramatic strikes, visible on TV, and covert operations, secret even in success. We will starve terrorists of funding, turn them one against another, drive them from place to place, until there is no refuge or no rest. And we will pursue nations that provide aid or safe haven to terrorism.”

—President George W. Bush,
September 20, 2001

In 2001, the United States went to war in Afghanistan, and in 2003 it went to war in Iraq. The Bush administration considered these wars to be part of a “global war on terror.” Today, U.S. troops remain in Iraq and Afghanistan. Troops are scheduled to withdraw from Iraq at the end of 2011, and most U.S. forces are scheduled to leave Afghanistan by 2014.

Many experts question how effective conventional military methods can be in fighting terrorist groups. Other states are unlikely to harbor terrorist groups like al Qaeda, as the Taliban regime openly did in Afghanistan. This means that the U.S. struggle against terrorism may not be concentrated in a single country and victory may not be defined by easily measurable standards, such as capturing a country's capital or occupying territory. Advanced technology, weapons, and large forces



may be impossible to use against small groups of terrorists scattered around the globe.

The U.S. government has also relied on other means—covert military operations, as well as economic and diplomatic policies—to counter the threat of terrorism. In recent years, U.S. policy makers have begun to rely more heavily on these tactics because they are thought to be more effective and less costly in dollars and lives than traditional military operations.

Why did the United States go to war in Afghanistan and Iraq?

In 2001, al Qaeda was based in the country of Afghanistan with the support and approval of that country's Islamist regime known as the Taliban. In the weeks following the September 11 attacks, President Bush demanded that the Taliban hand over bin Laden within forty-eight hours and also dismantle al Qaeda.

The Taliban government of Afghanistan refused to meet the conditions of the United States, although it claimed it would put bin Laden on trial if offered conclusive evidence of his guilt. On October 7, 2001, the United States initiated a military campaign that overthrew the Taliban government of Afghanistan and eliminated al Qaeda's base of operations there. Many Taliban and al Qaeda leaders, including Osama bin Laden, escaped into neighboring Pakistan. (See map on page 19.)

Even as U.S. forces entered Afghanistan in late 2001, the Bush administration began to plan an invasion of Iraq. In January 2002, four months after the attacks of September 11, President Bush identified Iraq as a member of an "axis of evil" that threatened the United States. Administration officials saw an invasion as necessary in the "global war on

terror." President Bush warned that Iraq possessed weapons of mass destruction (WMD) and supported terrorism.

In 2003, U.S. forces invaded Iraq and toppled Saddam Hussein's government, which sparked an insurgency against U.S. forces. The United States shifted much of its resources and attention from Afghanistan to Iraq. To this day, no WMD have been found, and intelligence officials have been unable to confirm any collaboration between the Iraqi government and al Qaeda.

Why are U.S. troops still in Afghanistan?

Central Asia remains a critical front in the U.S. campaign against al Qaeda. Today, the leadership of the Taliban and al Qaeda remain in Pakistan. Troops and civilians in Afghanistan face growing violence from these groups and others. According to the UN, 2,777 Afghan civilians were killed in 2010, the majority from Taliban attacks. This is the highest number of civilian casualties in a single year since the war began.

U.S. President Barack Obama has linked U.S. success in Afghanistan to the stability of Pakistan. Pakistan has long played an influential role in events in Afghanistan. In the



Iraqi women carry water home. Throughout the war, U.S. troops and tanks were a constant presence in the lives of Iraqis.

Jeffrey Weiler, U.S. Army

fall of 2001, the Pakistani government, under pressure from the United States, pledged to support the U.S.-led effort against al Qaeda and the Taliban in Afghanistan. But Pakistan has struggled to clamp down on the vibrant terror networks that operate within its borders.

The Taliban and al Qaeda were able to rebuild their strength in the relatively safe haven they found in Pakistan when they fled Afghanistan in 2001. The Taliban used its new bases in Pakistan's border regions to organize attacks against foreign and Afghan troops. With close links to al Qaeda, the Taliban are now much more likely to use military tactics like suicide attacks, roadside bombings, and improvised explosive devices (IEDs).

With the knowledge and support of the Taliban, al Qaeda also set up shop in the border regions of Pakistan. Terrorist attacks in the cities of Madrid, London, and Bali that killed and injured thousands were planned in this region.

U.S. and NATO troops remain in Afghanistan to support the government and help

provide security. There are a number of key challenges to achieving peace and improved conditions in Afghanistan, including the lack of economic development, weak democratic institutions, corruption, and insecurity. Terrorist organizations continue to operate in Pakistan today, leading attacks in Afghanistan, Pakistan, and elsewhere. Until the threat of terrorism from within Pakistan is diminished, the challenges in this region will remain great.

What have been the results of the war in Iraq?

U.S. troops are scheduled to withdraw from Iraq at the end of 2011. After 2008, violence in the country decreased significantly, though it continues to disrupt everyday life. The new Iraqi government has held two successful elections, but challenges to stability and democracy remain. Many Iraqis complain about the government's inability to provide basic services to the people, such as clean drinking water, electricity, employment, and security.

How has the United Nations addressed terrorism?

The United Nations quickly condemned the events of September 11, calling the attacks "a threat to international peace and security." In the weeks and months following the attacks, the General Assembly and the Security Council passed resolutions condemning terrorism and calling on all states to eliminate the means by which terrorists could operate within their borders.

Over the years, the UN has helped craft international agreements to combat terrorism. Since 1963, the United Nations has adopted numerous anti-terrorism treaties in an effort to force terrorists out of hiding and bring them to justice.

Concern at the UN is high about nuclear, biological, and chemical weapons.

"...a single attack involving a nuclear or biological weapon could have killed millions. There is much that we can do to help prevent future terrorist acts carried out with weapons of mass destruction."

—Kofi Annan, former UN Secretary General

In November 2004, the UN Security Council passed Resolution 1540. The resolution is perhaps the most important recent international measure dealing with the spread of nuclear weapons. It calls on states to take specific steps to institute controls to prevent terrorists and others from acquiring nuclear, chemical, and biological weapons. In it, all states also agree to strengthen and fully implement all international arms control agreements.

Many critics argue that the U.S. military campaigns have, in many ways, served to further radicalize populations and drive even more people to join terrorist organizations. In addition to the death and disruption the war has caused, human rights violations committed by U.S. forces have provided fodder for anti-American terrorist groups throughout the world. For example, some U.S. soldiers have been convicted of violent crimes against Iraqis—including the murder and rape of unarmed civilians.

Analysts note that Iraq, which did not have an al Qaeda presence prior to the U.S.-led invasion, became an active area for al Qaeda and other terrorist operations. They argue that the ongoing military presence in Iraq helped terrorist groups—in Iraq and elsewhere—recruit new members. During the war, many foreign fighters came to the country to fight in the insurgency against U.S. forces. Others traveled to Iraq to train in new tactics such as the use of IEDs and suicide attacks. The relative success of the Iraqi insurgency encouraged many groups, including the Afghan Taliban, to adopt these tactics in their own struggles.

What other military programs has the United States used to fight terrorism?

The United States also used its military to address terrorism in other, more covert ways. Many of these programs are highly controversial, and some are so secretive that the U.S. government still refuses to admit to them.

In the months following September 11, the U.S. government initiated programs to arrest terrorist suspects around the world and interrogate them for information about Osama bin Laden, al Qaeda, and future terror attacks. Extraordinary rendition refers to a secret CIA (Central Intelligence Agency) program that transports terrorism suspects to secret locations around the world. European and UN reports state that the CIA in at least one hundred cases secretly transported detainees to countries known to torture prisoners including Egypt, Syria, Uzbekistan, and Algeria. The goal of the CIA was to gather information using

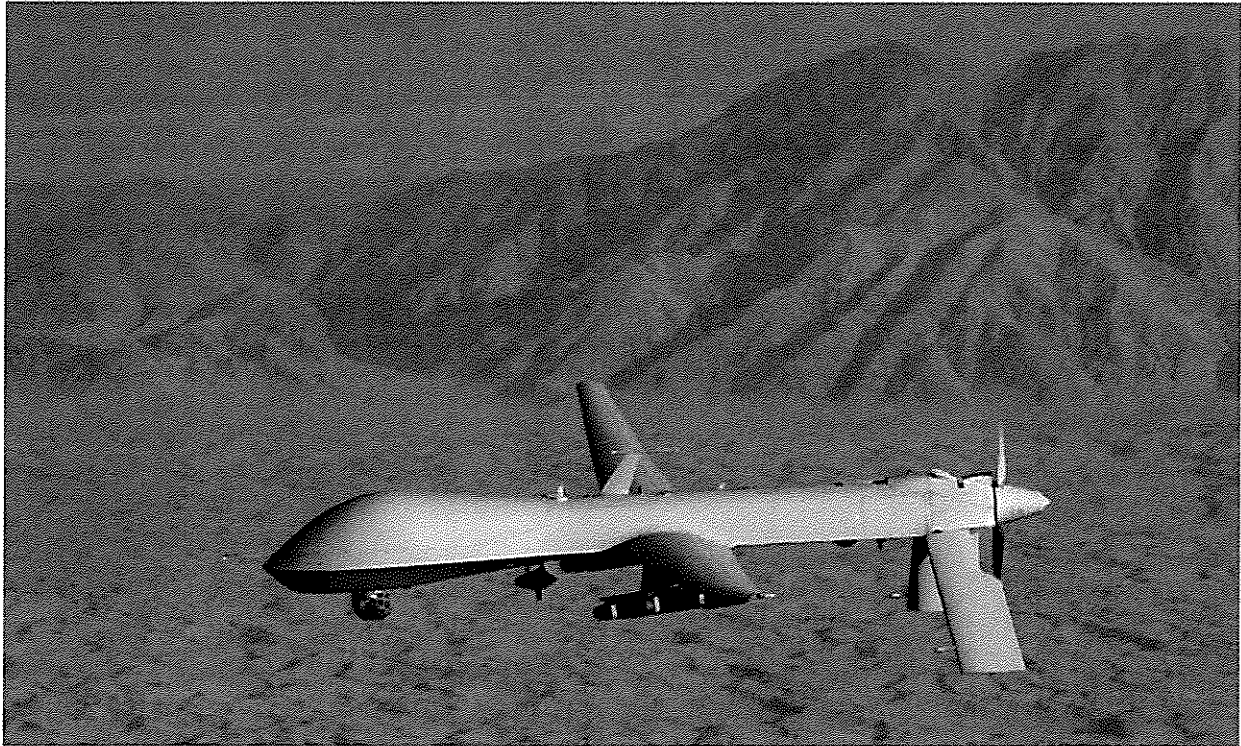
methods that U.S. interrogators would not use themselves.

The U.S. government built a high-security prison for terrorist suspects at its naval base in Guantanamo Bay in Cuba. In addition, the CIA kept a series of secret prisons around the world to house suspected terrorists. The United States has come under heavy international criticism for its treatment of these individuals. Although President Obama has demanded the closure of these “black site” CIA prisons and worked to close the prison in Guantanamo, some of these programs—including extraordinary rendition—continue today.

Another highly controversial tactic the United States has used are missile attacks against terrorist targets using drones. Drone is a term for what the U.S. military calls an Unmanned Aerial Vehicle (UAV). UAVs are not flown by pilots; instead they are directed by human controllers on the ground. The CIA has used drones to target terrorist groups and individuals in Pakistan, Afghanistan, Yemen, and Somalia. Since 2004, drone attacks have killed between 1,300 and 2,100 militants in Pakistan. Estimates of both militant and civilian casualties are highly controversial.

The United States does not acknowledge that they conduct these attacks. But it is an open secret that the CIA runs the drone program, which officials claim is one of the most successful programs against al Qaeda and the Taliban. The number of attacks increased dramatically under President Obama. In 2009, the United States launched 58 attacks, more than the total number of attacks in George W. Bush’s eight-year presidency. The number increased to 117 in 2010. These attacks are highly controversial for a number of reasons, including the fact that civilians are often killed in drone attacks. In addition, because the program is secret, the method for determining who or what is a legitimate target is unknown. Critics argue that any U.S. government program designed to kill people should be subjected to more public scrutiny.

The drone program is linked to the rise in targeted assassinations by the U.S. govern-



U.S. Air Force photo/11 Col Leslie Pratt

An MQ-1 Predator unmanned drone in 2008. This drone can fire missiles at targets on the ground.

ment. In many recent cases—including the killing of Osama bin Laden—the United States has chosen to assassinate terrorist leaders rather than capture them and put them on trial. A number of leaders of terrorist organizations, including anti-U.S. cleric Anwar al-Awlaki, are currently U.S. targets. Many critics argue that targeted killings are illegal under U.S. law. U.S. officials claim that the individuals on the target list are military enemies of the United States and imminent threats to the security of the country.

What other measures have been taken against al Qaeda and terrorism?

The United States and its allies also have used economic weapons against terrorism. Targeting the money that supports terrorism can be an important way to diminish the capacity of terrorists to mount operations worldwide.

The United States has blocked the use of banks and informal money networks that channel funding for terrorist operations. In 1998, President Bill Clinton ordered the U.S.

Treasury to block all financial transactions between al Qaeda and U.S. companies and citizens. Following September 11, President George W. Bush expanded the order to include charities suspected of channeling money to terrorist organizations. The United States has also pressured foreign banks, in particular those with dealings in the Middle East, to make sure that they do not facilitate money-laundering operations for terrorists. Terrorism experts note that al Qaeda can no longer use normal banks to wire money around the world and instead must rely on couriers to move cash.

In addition to these economic policies, the United States has increased its funding for education, health, and other services in countries where terrorism is a growing problem. U.S. leaders have also begun to explore diplomatic solutions with certain terrorist groups. For example, the U.S. government has worked to negotiate with the Taliban in Afghanistan to end the conflict there.

“We...know that military power alone is not going to solve the problems in Afghanistan and Pakistan.”

—President Obama, June 2009

How have relations between the United States and other countries evolved since September 11?

The United States has rallied the diplomatic support of other democratic governments like the United Kingdom and France for support and for cooperation against terrorists. Cooperation has included intelligence sharing and coordinated police work.

But many countries around the world have been critical of the ways in which the United States addressed the terrorist threat in the years after September 11. For example, many countries opposed the U.S. war in Iraq and were vocal in their criticism of the U.S. treatment of suspected terrorists. President Obama has worked to reframe the U.S. struggle against terrorism to improve world opinion of the United States. He has also reached out to people across the Muslim world.

“I have come here to seek a new beginning between the United States and Muslims around the world; one based upon mutual interest and mutual respect; and one based upon the truth that America and Islam are not exclusive, and need not be in competition. Instead, they overlap, and share common principles—principles of justice and progress; tolerance and the dignity of all human beings.”

—President Obama, speech at Al-Azhar University in Cairo, Egypt, June 2009

At the same time, to combat terrorism the United States has relied on states with which it has had significant policy and philosophical disagreements. In some cases, the United States has overlooked these concerns and cooperated in spite of disagreements.

Pakistan is a good example of the challenges that this kind of foreign policy poses. An important ally in the U.S. war in Afghanistan, Pakistan had previously supported the Taliban. After September 11, the Pakistani government agreed to allow some U.S. troops to be based in Pakistan. In return, the United States lifted economic sanctions imposed in 1998 against Pakistan for conducting tests of nuclear weapons. But the problems caused by terrorists that reside within Pakistan's border continue to complicate the U.S.-Pakistani relationship.

The killing of Osama bin Laden highlighted the tensions in this relationship. Bin Laden's compound was one mile away from a Pakistani military academy in Abbottabad, a city less than forty miles from Pakistan's capital. Many U.S. politicians have questioned how bin Laden was able to live there without detection. Others argue that this incident suggests that he was, in fact, aided by Pakistan's intelligence agency. At the same time, many Pakistanis were angry about the U.S. raid, arguing that it violated their country's sovereignty. Although the U.S. government had been in contact with Pakistani officials, it did not get permission for U.S. forces to enter the country. For their part, Pakistan's government believes that the United States has no intention of treating them as an equal partner in fighting the Taliban and al Qaeda who have killed and wounded thousands of Pakistani citizens.

As the struggle against terrorism continues, the United States will likely continue to forge new alliances, some of convenience and some of shared principle. Balancing principles and security interests will remain a challenge for U.S. leaders and citizens.

Domestic Security

In many ways the United States faces a similar balancing act between security and principle at home. The domestic response to terrorist threats will have to include increased security vigilance while maintaining economic openness and civil liberties.

What is the Department of Homeland Security?

President Bush created the Department of Homeland Security to coordinate and direct the work of twenty-two formerly separate federal agencies. There are many issues that the department must consider as it shapes the domestic response to terrorism.

Civil Defense: During the Cold War, the United States devoted significant resources to protecting citizens in case of a nuclear war with the Soviet Union. The measures included building fall-out shelters stocked with food and water. Additionally, civilians, civil servants, and medical personnel practiced their response to a Soviet attack. In recent decades, this system of civil defense has fallen by the wayside. Since September 11, there have been calls to devote additional resources to preparing for a domestic response to an attack on the United States. This includes stockpiling vaccines and medications, as well as practicing responses to a chemical, biological, or nuclear attack.

In the last decade, attention to perceived security threats has dramatically increased. The disorganized federal response to Hur-

ricane Katrina in 2005 raised alarms that the country remains seriously under-prepared for another attack.

“If terrorists strike again on American soil, it will be local emergency responders—police, firefighters, and emergency medical technicians—who will be on the front lines. Local emergency preparedness is now a matter of national security. In addition, of course, while the federal government...is not a first responder, its utterly inadequate response to the needs of both victims and first responders to Katrina calls for dramatic changes in its preparation for, and response to, both natural and terrorist-caused emergencies.”

—Former Senator Slade Gordon, National Commission on Terrorist Attacks upon the United States, October 26, 2005

In 2005, a national commission recommended to Congress that more funds were needed for enhanced emergency operations, communications, and hospital preparedness. The commission also recommended that funds

be sent to sites around the United States that face the highest risk of terrorist attack.

Trade: The United States has long pursued a policy of economic openness and increasing trade. Trade as a percentage of the U.S. economy has increased over the last decade. International trade, both imports and exports, totaled more than three trillion dollars in the past year. With increased trade comes increased traffic of goods and people over borders. Managing this flow, so critical to the U.S. economy, is an extremely complex job.

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A cargo ship at a port in Los Angeles, California. Shipping on the sea accounts for billions of dollars each year for the U.S. economy.

Jonathan Mitrinich. Creative Commons Attribution-NonCommercial-ShareAlike 2.0 Generic License



In 2006, in response to concerns about terrorism, the U.S. government began building a fence along sections of the U.S.-Mexico border in order to help control the flow of people in and out of the country. The fence has been heavily criticized for symbolizing the United States' increasingly closed stance toward immigration from Mexico.

Some experts believe that the greatest threat to the economy of the United States may not be terrorism itself, but rather how the government responds to terrorism. For example, after the attacks of September 11, the commercial aviation fleet was grounded for several days, all inbound ships were halted, and border crossings were tightened dramatically. This shut off the transportation system that is central to the nation's economy. While most feel that this response was necessary, the United States faces the challenge of developing and enhancing security in ways that allow the transportation system, and therefore trade, to continue to function.

Infrastructure: The U.S. economy depends on critical infrastructure that is mostly privately owned and poorly protected against a determined attacker. Transportation infrastructure, telecommunications equipment, and water and power supplies are critical to the daily functioning of the economy yet remain vulnerable to all but amateur attacks.

In addition, in the interest of efficiency, infrastructure is often concentrated in limited areas. For example, on both the west and east coasts, petroleum deliveries are concentrated

in regional ports. An attack on one of these ports, similar to the one on the U.S.S. *Cole* in Yemen in 2000, could paralyze a regional economy for weeks. For the U.S. Coast Guard, charged with providing seaport security, the challenges of increased vigilance are straining the limits of their personnel and equipment.

Visitors and Immigration: Another difficult task facing the government is keeping track of visitors to the United States. Nearly sixty million people visited the United States in 2010.

Of the nineteen hijackers who commandeered the planes that crashed on September 11, all were foreign nationals. Sixteen entered the United States on legal visas. All but two kept a low profile and avoided suspicion. The FBI received information two weeks before September 11 connecting those two to the bombing of the U.S.S. *Cole*. A search for the men began.

The Immigration and Naturalization Service (INS) was alerted, but the two men could not be found. Because the FBI was not aware of a specific threat, the Federal Aviation Administration (FAA) and other authorities were not notified. Government officials agree that improved communication and coordination between agencies is important in the struggle to prevent terrorism.

In addition, officials concede the need to improve methods of keeping track of those who visit the United States and tracking down those who overstay or misuse the visa required for entry. Much of this involves increasing resources and personnel. It will also require investing in technology that enables different government agencies to share information more easily.

At the same time, many economists attribute the success of the U.S. economy to the openness of society and the influx of skills and labor from overseas. For example, immigrants from China and India started 30 percent of the high technology startups in Silicon Valley during the 1990s. Many see preserving the vitality that immigrants bring to the country as extremely important.

“If, in response to the events of September 11, we engage in excess and shut out what has made America great, then we will have given terrorists a far greater victory than they could have hoped to achieve.”

—James Ziglar, former INS commissioner,
 October 11, 2001

Border Control: The challenge of border control is daunting yet critical. In addition to thousands of miles of border, there are more than three hundred and fifty official international points of entry (e.g., ports, airports) into the United States. There is sharp concern that the United States’ vast borders and numerous points of entry make it vulnerable to illegal economic immigration, drug smuggling, and efforts by international terrorists to sneak in. In 2003, the new Department of Homeland Security assumed control of protecting U.S. borders. While working to safeguard the United States, the Department also hopes to ensure the smooth flow of legal traffic.

What efforts have been made to coordinate the sharing of information between agencies?

As part of its mandate, the Department of Homeland Security now coordinates and



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manages the work of the INS (now called the U.S. Citizenship and Immigration Services Department, or USCIS), the Customs Service, Border Patrol, and several other agencies associated with border control. All of the agencies involved in protecting the ports and borders of the United States agree that they need to improve the way they share information with each other. Most federal agencies believe that the government needs to upgrade its computer systems to allow instantaneous sharing of information. For example, with improved electronic information systems, a ship’s passenger list received by the Coast Guard could be checked against the FBI’s watch list of suspected terrorists.

Balancing Liberty and Security

While improvements to the sharing of information among federal agencies have been met with wide approval in the United States, other government policies have raised concerns for some. While some feel that civil liberties must be sacrificed in order to maintain the security of everyday citizens, others think that personal freedoms and security can coexist. They argue that in order to protect its people, the United States must remain committed to their civil liberties and rights.



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A sticker protesting the “roving wiretap” provision of the Patriot Act by implying that any phone could be tapped without the user’s consent.

“September 11 has forced all but the most doctrinaire on the right and left to be open to a recalibration of the balance between security and liberty.”

—Senator Charles E. Schumer (D-New York), January 3, 2002

How did September 11 affect the balance between liberty and security in the United States?

On October 26, 2001, Congress passed sweeping legislation known as the Patriot Act. The Patriot Act was designed to increase U.S. security by making it easier for the government to identify and prosecute terrorists. But it also had far-reaching impacts on the civil liberties of citizens and noncitizens in the United States.

The Patriot Act allowed the government to authorize secret searches of property (including phone records and e-mail) without a warrant during terrorism investigations. The government also expanded its ability to wiretap personal telephones and listen in to private conversations. All district court judges were given the power to order “roving wiretaps” of individuals suspected of terrorist activities. While the government previously needed a specific warrant for each phone line they wanted to tap, the roving wiretap provision allowed investigators to follow a target and tap any phone line, cell phone, or email account they thought the target might use.

Many critics, including the American Civil Liberties Union and the Electronic Privacy Information Center, declared that these measures were an invasion of the privacy of innocent people. They argued that they were in violation of the Fourth Amendment to the U.S. Constitution, which prohibits unreasonable searches and seizures without a judicial warrant and probable cause. They particularly criticized the roving wiretap for allowing the government to access the private conversations and correspondence of many innocent civilians.

“[The Patriot Act] diminishes personal privacy by removing checks on government power.... Specifically by making it easier for the government to initiate surveillance and wiretapping on U.S. citizens.”

—American Civil Liberties Union report, February 2003

The Patriot Act also allowed the government to more easily detain foreign nationals and deport immigrants suspected of terrorism. Immigration officials were allowed to hold non-U.S. citizens for seven days without charges or detain them indefinitely if they were seen as a threat to national security. Previously, noncitizens were given the same legal rights as citizens, including the right to be released if they were not charged within forty-eight hours.

Following the September 11 attacks, the government also detained many people in the United States that they suspected of being involved with terrorist groups. Some were arrested for suspicious activities like applying for licenses to transport hazardous materials or for personal connections to the hijackers. Many others were detained simply because they were from an Islamic country.

In the weeks following the September 11 attacks, the U.S. government detained at least 1,200 mostly Muslim men suspected of terrorist activities. Critics argued that the government's crackdown on Muslims amounted to racial profiling. Profiling is a technique used by law enforcement and security officials to limit the number of people they need to question. For instance, airline security might choose to screen a passenger who paid for a ticket with cash and was not carrying any luggage because they seemed suspicious.

Profiling based on ethnicity or race is illegal. Nevertheless, some felt that since the September 11 hijackers were of Middle Eastern origin, it was only prudent for security officials to pay close attention to travelers who appear to be Middle Eastern. Many critics believe that such a policy would subject millions of U.S. citizens to unfair scrutiny and harassment solely because of their appearance or the color of their skin.

Most of the provisions in the Patriot Act were set to expire in 2005, but Congress reauthorized a slightly revised version of bill that extended the act for four more years. In 2010, President Barack Obama signed a bill keeping

three provisions of the act—including roving wiretaps and a provision that grants the government access to an individual's business, medical, and banking records during a terrorism investigation—until 2014. Several U.S. politicians raised doubts about the legality and morality of the remaining provisions. Despite these concerns, the bill passed both the House and the Senate.

How has the U.S. treatment of foreign citizens raised concerns?

U.S. policies towards suspected terrorists have also raised concerns about the tradeoffs between liberty and security. Many people in the United States and around the world were concerned about the ways in which the United States openly violated international law in its struggle against terrorism.

The U.S. government began to detain suspected terrorists from Afghanistan and elsewhere on the U.S. naval base in Guantanamo Bay, Cuba in early 2002. The U.S. government argued that the detainees were ineligible for prisoner of war (POW) status under the Geneva Convention, an international treaty that protects POWs and civilians from inhumane treatment. The U.S. government called the



Shane T. McCoy, USX, Department of Defense

A detainee at Guantanamo Bay is taken to his cell in 2002 by U.S. military police.

detainees “enemy combatants” or “illegal combatants” not “prisoners.” The government also argued that it could hold the detainees without formally charging them, and attempted to deny them access to lawyers and the legal process. In July 2008, the Supreme Court ruled that the detainees could challenge their detention in federal court.

Lawyers for some of the detainees (who are, for the most part, the only nonmilitary personnel allowed to enter Guantanamo Bay’s detention center) have claimed that military records show that the majority of detainees did not commit hostile acts against the United States and were not members of al Qaeda. At the same time, there have been some cases where detainees released from Guantanamo have joined terrorist groups abroad. For example, two Saudi nationals who had been released into the custody of Saudi Arabia’s government are now important figures in Al Qaeda in the Arabian Peninsula (AQAP) in Yemen. Experts caution that some detainees may have become radicalized by their time in Guantanamo. Other detainees cannot be released because they will face persecution in their home countries.

What other issues has the treatment of detainees raised?

In the years after September 11, the U.S. government faced a great deal of international and domestic criticism for its treatment of detainees in Guantanamo Bay and in other prisons around the world. In 2004, the U.S. media revealed photos of U.S. military abuse of detainees in an Iraqi prison called Abu Ghraib. A military investigation in 2005 found that the interrogation methods used in Abu Ghraib were first used on detainees in Guantanamo Bay.

“The war against terrorism is a new kind of war... This new paradigm renders obsolete Geneva’s strict limitations on questioning of enemy prisoners.”

—Attorney General Alberto Gonzalez,
January 25, 2002

The U.S. military has acknowledged that some prisoners at Guantanamo were mistreated and humiliated in an effort to gain information. In 2003, the FBI complained to the Defense Department about mistreatment of prisoners during interrogations at Guantanamo. A UN report, released on February 16, 2006, called for the immediate closure of the facility, arguing that the treatment of detainees in some cases amounted to torture and violated international law.

In September 2006, the U.S. army released an updated version of its manual on interrogation that provides guidelines for the questioning of prisoners by U.S. military personnel. The manual now bans methods of questioning that were used at Abu Ghraib and Guantanamo. Although these methods were not permitted before, the updated manual explicitly prohibits forcing a detainee to be naked or perform sexual acts; using beatings and other forms of causing pain (such as electric shocks and withholding food, water, or medical care); and placing hoods over prisoners’ heads or duct tape on their eyes. The manual prohibits staging mock executions and using dogs against detainees. The technique known as waterboarding, in which a prisoner is strapped to a board and made to feel as if he is drowning, is also no longer allowed.

Although Bush officials claimed that the information they gained from prisoners at Guantanamo helped prevent future terrorist attacks, many assert that information obtained through coercion is often unreliable.

“No good intelligence is going to come from abusive practices. I think history tells us that. I think the empirical evidence of the past five years tells us that...any piece of intelligence which was obtained under duress through the use of abusive techniques would be of questionable credibility...nothing good will come from them.”

—Lieutenant General John Timmons,
September 6, 2006

Why did the Bush administration propose using military tribunals to try terrorists?

As the government began to capture suspected al Qaeda members in Afghanistan, questions emerged about the best way to try terrorists for their actions. Some raised fears that trials held in the United States might make local communities and courthouses targets of attack. Others expressed a reluctance to give terrorists the platform for expressing their views that a public trial might provide. Concern for protecting intelligence sources and methods led the Bush administration to propose trying certain suspected terrorists who were not U.S. citizens in military tribunals rather than in the U.S. criminal justice system.

Critics on the left and right expressed concern about the potential for abuse of such a system of military tribunals. They asserted that in military tribunals there would be no presumption of innocence, no independent juries, no right to choose a lawyer, and no appeal to civilian judges for individuals suspected of communicating with terrorists.

In June 2006, the U.S. Supreme Court ruled that the tribunals violated U.S. laws and the Geneva Conventions. In response, the Bush administration asked Congress to pass legislation that would legalize military tribunals, reinterpret the Geneva Conventions, grant immunity to government officials who ordered or participated in the mistreatment of prisoners, and overturn the Supreme Court's ruling. Congress passed the legislation in September 2006. The first military tribunal was held in the summer of 2008.

How did President Obama change these policies when he came to power?

Many countries, including U.S. allies,



Jeff Stahlner in *The Cincinnati Post*. Reprinted with permission.

spoke out against the treatment of detainees. Domestically, Republican and Democratic politicians alike criticized practices in Guantanamo Bay and elsewhere. They argued that the treatment of detainees violated fundamental U.S. principles and law, hurt the image of the United States in the world, fueled anti-American feelings, and made other nations reluctant to cooperate with the United States.

“We are Americans, and we hold ourselves to humane standards of treatment of people no matter how evil or terrible they may be. To do otherwise undermines our security, but it also undermines our greatness as a nation. We are not simply any other country. We stand for something more in the world—a moral mission, one of freedom and democracy and human rights at home and abroad. We are better than these terrorists, and we will win. The enemy we fight has no respect for human life or human rights. They don’t deserve our sympathy. But this isn’t about who they are. This is about who we are. These are the values that distinguish us from our enemies.”

—Senator John McCain (R-Arizona),
 October 5, 2005

President Obama came to power promising to significantly overhaul the system of dealing with suspected terrorists. When he took office in 2009, many of the most highly criticized U.S. policies had already been scaled back. President Obama expanded on these changes. For example, in 2009 he formally banned interrogation tactics like waterboarding as torture, set a one-year deadline to close the prison in Guantanamo, and put a ban on military tribunals.

“I do know with certainty that we can defeat al Qaeda. Because the terrorists can only succeed if they swell their ranks and alienate America from our allies, and they will never be able to do that if we stay true to who we are; if we forge tough and durable approaches to fighting terrorism that are anchored in our timeless ideals.”

—President Obama,
May 2009

Despite the president's efforts, today Guantanamo prison remains open with 171 detainees still housed there. The U.S. Congress has blocked the president from transferring prisoners to U.S. locations and from trying suspected terrorists in civilian courts in the United States. A majority of people in the United States oppose bringing suspected terrorists to U.S. soil. Some political leaders argue that detainees should continue to be tried in military tribunals. In a civilian court, judges can exclude crucial evidence because the information was gained through coercive measures. Some fear that this could lead to reduced charges or acquittals of terrorists.

The practice of extraordinary rendition continues, although government officials have pledged to more closely monitor conditions in foreign prisons to make sure that prisoners are not tortured. In March 2011, President Obama announced that military tribunals for the suspected terrorists at Guantanamo would begin again.

Addressing terrorism will be a long-term effort, requiring policy makers and citizens to examine carefully the allocation of the country's resources as well its values and beliefs. The question of how the United States chooses to address the threat posed by terrorist groups in the years to come remains of great importance.

In the coming days, you will have an opportunity to consider a range of options for the U.S. response to terrorism. The issues are numerous and complex. Each of the four options that you will explore is based on a distinct set of values and beliefs. Each takes a different perspective on the U.S. role in the world and the most appropriate response to terrorism. You should think of the options as a tool designed to help you better understand the contrasting strategies from which U.S. citizens must craft future policy.

You will also be asked to create your own option that reflects your own beliefs and opinions about where U.S. policy should be heading. You may borrow heavily from one option, or you may combine ideas from several options. Or you may take a new approach altogether.