Strategic Planning for Combating Terrorism: A Critical Examination

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INTRODUCTION

Without a coherent, honest, and effective national security and counter-terrorism strategy, America will lose the war against al Qaeda and transnational terrorism. Losing this war ultimately does not mean territorial concessions, economic fallout, or even numerical measures of lives lost. Rather, losing will more likely entail a pyrrhic victory in which America’s long-term influence, power, and prestige are the ultimate casualties.1 The outcome of this struggle depends on whether we as a country can successfully define, articulate, and pursue our own security interests and goals in shaping an international environment where transnational terrorist groups pose little risk to U.S. interests. Terrorism has a long history as a political tactic, and given America’s asymmetrical military advantage, it will continue to be a tactic of choice by those that seek to challenge America’s foreign policies. Focusing on the elimination of the use of a tactic is a recipe for failure. Instead, the focus should be on the elimination or management of challengers to U.S. security interests, especially those that use terrorism as a political tactic, and a critical assessment of whether American foreign policy is properly conducted in pursuit of those security interests.

The struggle to find a coherent national security strategy has dogged the United States since the end of the Cold War. In the post-September 11 environment, the need for a coherent, unifying strategy is all the more pressing. Unfortunately, the Bush Administration has not produced such a national strategy, nor has it made foreign policy decisions in a way that reflects a determined and concentrated effort to combat transnational terrorist networks.2 The hierarchy of security threats is

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1 Joseph S. Nye, Jr., The Decline of America’s Soft Power, FOREIGN AFF., May/June 2004, at 16.

unclear—do transnational terrorist groups pose the greatest security threat, or do states with leadership hostile to U.S. interests pose a greater threat?

The answer to this question is important because clarity in terms of threat and risk assessment will determine the focus of foreign policy actions as well as the range of policy choices available for achieving the strategic interest in question. This dichotomy in threat assessment played out soon after September 11—should America’s focus remain on Afghanistan, or should we invade Iraq? The decision to invade Iraq was a strategic mistake with respect to combating terrorism.\(^3\) State actors can be deterred and subjected to a range of policy tools that are largely unavailable and unsuccessful in dealing with non-state groups.\(^4\) Instead of limiting the geographic scope of operations for transnational terrorist groups, the U.S. invasion created new space for such groups to directly challenge American power and to expand their own recruitment and training efforts.\(^5\) There may have been other strategic interests at play in invading Iraq, but whether those interests deserved to be placed above the interest in effectively combating transnational terrorism is debatable.

A clear sense of the national interest, the end-state paradigm envisioned for the international system, and the hierarchy of threats facing the United States in relation to those interests and that end-state are essential elements of a security strategy. Once those elements have been determined, the means to achieve that end-state can be outlined, along

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\(^4\) But see Robert F. Trager & Dessislava P. Zagorcheva, Deterring Terrorism: It Can Be Done, Int’l Security, Winter 2005/2006, at 87 (opining that even non-state groups can be deterred successfully).

\(^5\) Declassified judgments of the April 2006 National Intelligence Estimate confirm that despite disruption to terrorist networks, the “global jihadist movement . . . is spreading and adapting to counterterrorism efforts,” due largely to the Iraq war, which “has become the ‘cause celebre’ for jihadis . . . .” Press Release, Dep’t Nat’l Intelligence, Declassified Key Judgments of the National Intelligence Estimate “Trends in Global Terrorism: Implications for the United States,” dated April 2006; http://www.dni.gov/press_releases/Declassified_NIE_Key_Judgments.pdf; Daniel Benjamin & Steven Simon, The Next Attack: The Failure of the War on Terror and a Strategy for Getting It Right 34 (2005); see also Mark Mazzetti, Spy Agencies Say Iraq War Worsens Terrorism Threat, N.Y. Times, Sept. 24, 2006, at A1; see generally Jonathan Stevenson, Counter-terrorism: Containment and Beyond, Adelphi Paper No. 367 (2004). But see Shibley Telhami, America in Arab Eyes, Survival, March 2007, at 107, 117 (“It would be a mistake, however, to see in al-Qaeda a movement on the march. Although it remains a threat and terrorism has increased, the organisation has failed to attract support for its Taliban-like agenda, despite the Muslim public’s anger with the United States.”).
with specific roles for the various agencies of the federal government to effect the stated policies as well as mechanisms to gauge progress in achieving goals toward the end-state, in order to ensure that the policy choices were in fact correct strategic choices.

This Article engages in a thorough assessment of the Bush Administration’s main security strategy documents related to combating terrorism, namely the 2002 and 2006 National Security Strategy (“NSS”) documents, the 2003 National Strategy for Combating Terrorism (“NSCT”), and the 2006 National Military Strategic Plan for the War on Terrorism (“NMSPWOT”). First, this Article assesses the value and importance of the strategy documents and the utility in analyzing them. Second, the strategies are analyzed based on the process by which they were authored, the structural elements of the strategy, and the strategy’s content. Third, the Article discusses the overall content of counter-terrorism strategy and makes some recommendations for change. Finally, the Article concludes with some remarks about how the NSS can be improved from a legal and structural standpoint.

I. Unity of Purpose through Documenting Strategy

Even in the absence of a written NSS, every Presidential administration has had and will have some sense of the elements of a security strategy. Since 1986, however, the President has been legally required to submit an NSS statement every year along with the yearly budget request that he submits to Congress. Through this provision of the Goldwater-Nichols Department of Defense Reorganization Act, Congress intended to ensure that the Executive branch did in fact have a reasoned NSS in mind, as opposed to a random, ad hoc set of foreign policies.

In practice, presidents have been remiss in submitting a yearly NSS; President George W. Bush particularly so, as he has submitted only two NSS documents thus far in his two terms as president, one in

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6 The structural analysis relates to whether the strategy document actually covers the essential elements of a strategy: statement of interests and end-state goals, a threat and risk assessment, discussion of the means to achieve the goals, agency tasking for implementing the means, and mechanisms to measure and assess the progress and effectiveness of the strategy.


8 Id.
2002 and one in 2006.\footnote{Presidents Reagan, Bush, Sr., and Clinton were consistent in producing the yearly NSS relative to President Bush, Jr., even though they were occasionally late. Reagan produced two, Bush, Sr. produced three, and Clinton produced seven. President George W. Bush has produced the least NSS documents in relation to the number of years in office during which the legal requirement to produce the NSS was in place.} Putting aside the legal dimension, however, the desirability of having an NSS explicitly written out every year is not obvious. Strategy should not change from year to year; policy might vary in such a short time span, but strategy should ideally only change in longer time intervals, or in response to events that alter underlying assumptions or assessments of the then-existing strategy.

Consequently, many have viewed the yearly NSS document as a mere public relations exercise, casting doubt on the utility of analyzing the unclassified version of the NSS documents as true reflections of the Administration’s security strategy. According to Richard Falkenrath, former Deputy Homeland Security Advisor to the President, the NSS document is “a very filtered and selective reflection of policy” that omits “detailed analysis of particular strategic or operational tactical problems . . . ”\footnote{Richard Falkenrath et al., Panel Discussion at The Brookings Institution, \textit{President Bush’s National Security Strategy: Is the U.S. Meeting Its Global Challenges} (Mar. 21, 2006) at 26, http://www.brookings.edu/comm/events/20060321.pdf.} Richard Clarke, former Counter-Terrorism Advisor on the National Security Council, describes the NSS as a “box-checking exercise” that is used more often as a “signaling” device than as a true guide to the Administration and its policy planners.\footnote{Telephone Interview with Richard Clarke, former Counter-Terrorism Advisor, U.S. National Security Council, in Cambridge, Mass. (April 20, 2006).}

Although the above arguments may be true, there are many reasons why NSS documents are useful tools for analysis. First, because the NSS document plays a public, Congressional, and foreign relations role, it must reflect the Administration’s policies to a large degree. Given the public and media attention the NSS document receives, it is a useful tool for the President to advance his foreign policy priorities. Furthermore, Congress and the policy and academic community rely in part on that document to criticize, assess, and debate the Administration’s security strategy.\footnote{Lawrence J. Korb, \textit{The Key to Rational Security Policies}, \textsc{Boston Globe}, Aug. 4, 2002, http://www.cfr.org/publication/4700/key_to_rational_security_policies.html.} Indeed, the NSS is supposed to provide justifications for the Administration’s budgetary requests to Congress.\footnote{Don M. Snider, \textit{The National Security Strategy: Documenting Strategic Vision} 5 (1995), http://www.strategicstudiesinstitute.army.mil/pdf/pubs/PUB332.pdf.}
dience, in particular, might pay close attention to the NSS and the message it sends forth because of the otherwise limited sources for official Administration statements on security strategy. Given the diverse audience that reads the NSS, the document must be carefully written to produce the intended message, namely that the Administration has a coherent national security strategy.

Second, writing the document forces the Administration to explain to others why its vision of national security strategy is most appropriate and persuasive. It is an exercise in “working out internal contradictions,” gaining a “degree of precision” in analysis, and overall “intellectual discipline.”

Third, the document serves a bureaucratic function in that it provides a mechanism for achieving intra-Administration and inter-departmental unity of purpose on national security issues. Thus, it can serve as a way to hash out debates within the Administration over appropriate strategy and provide guidance for various executive agencies, like the Department of Defense (“DOD”) and the Department of Homeland Security (“DHS”).

Although sometimes overlooked, this third function is quite important as a matter of bureaucratic management and leadership. The Pentagon, for example, needs a mechanism to ensure that its thousands of employees understand the President’s national security vision, so the various departments produce their own narrowly tailored documents that provide uniform guidance to the department managers and personnel in line with the overarching guidance of the NSS. The DOD produces a National Defense Strategy, the Joint Chiefs of Staff produce a National Military Strategy, and DHS produces a National Strategy for Homeland Security. There are other departmental strategies and

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specialized strategies that are also produced, such as the NSCT and the NMSPWOT.\(^{20}\)

Process is extremely important in the formation of all of these documents because that can have an impact in terms of the document’s overall effectiveness, particularly at the bureaucratic level. The more members of management contributing to the creation of the strategy, the more likely there will be widespread buy-in and acceptance of the strategy among those contributors and their subordinates. Therefore, process directly affects the unity of purpose that the strategy document intends to create. Additionally, more resources, information, and ideas are brought into the document when a wider group of individuals representing different parts of government work on it. On the other hand, as the number of contributors grows, there is a risk that the coherence of the strategy might suffer and that the strategy becomes a laundry list of various individual priorities and pet projects. This tension is present in all of the strategy documents discussed in this Article.

Because the Bush Administration has only produced two NSS documents in its six years in office, it is fair to argue that the traditional criticisms of the NSS document-producing process do not apply as much to this Administration as it might have to other Presidents. Rather than “checking the boxes,” this Administration has selectively checked only very particular boxes. This careful production, in addition to the heightened attention from September 11, justifies attaching greater importance to the NSS documents and other relevant terrorism security strategy documents produced by the Bush Administration than would otherwise have been the case if the President had in fact released the NSS every year, as required by law.

II. Assessing the Security Strategies


1. Process

The ’02 and ’06 NSS documents have some interesting differences; a joint analysis most effectively highlights these modifications. The ’06 NSS is largely an updated version of the ’02 NSS, with particular shifts.

\(^{20}\) There are numerous other specialized strategies, e.g., the National Strategy to Combat Weapons of Mass Destruction, the National Strategy for the Physical Protection of Critical Infrastructure and Key Assets, the National Strategy to Secure Cyberspace, and the 2002 National Money Laundering Strategy, to name a few.
in emphasis and other adjustments made to account for selective lessons learned since 2002. Both documents were produced in a similar fashion. Officially, various members of the President’s Cabinet participated in the writing of the documents. But the writing was primarily done by the National Security Council (“NSC”), under the direction of the National Security Advisor. Condoleezza Rice and her staff were the principal authors of the ‘02 NSS while she was National Security Advisor, and Stephen Hadley, the current National Security Advisor, and his staff were the principal authors of the ‘06 NSS. Richard Clarke, who was in government while the ‘02 NSS was being written, confirms that Rice and Hadley “took [the NSS] more seriously,” while “most of the NSC staff didn’t pay much attention to it.”

The concentration of authorship in the hands of the National Security Advisor, with some participation from other Cabinet officials, does not imply that the NSS had limited buy-in. On the contrary, the relatively unitary authorship may indicate widespread buy-in of the security strategy by Cabinet officials such that the actual NSS product was not of much concern to most of them. Although Administration officials had many internal debates over the course of policy, the curt nature of the ‘02 NSS and the attention that it received ensured that its message would carry to all agencies and departments. Furthermore, as the over-arching national strategy document, the NSS inherently sends a broad, unified message from the President to all other subordinates. Thus, unity of message and purpose was guaranteed. As for the ‘06 NSS, Secretary Rice replaced Secretary Powell, which further ensured that all department heads were in line with the Administration’s strategy. Also, the ‘06 NSS only made slight alterations to the overall structure and message of the ‘02 NSS, thereby indicating that the strategy had not changed much over the intervening years.

21 Hearing on U.S. Policy Toward Iraq Before the S. Foreign Rel. Comm., 107th Cong. (2002) (testimony of Colin Powell, Sec’y of State) ("[T]he actual pulling it together was done in the National Security Council, but we all participated in – I had authors working on it. Others had authors working on it.")


24 Telephone Interview with Clarke, supra note 11.
2. Structural Elements of Strategy

Because an NSS tries to cover a broad scope of issues in laying out the Administration’s views on all areas of national security interests, detailed discussion of resource allocation and implementation mechanisms rarely surface in the document. But at the very least, one should expect that an NSS would provide some sort of list of national security interests, threat and risk assessment, and discussion of the means to secure the national interests. Ideally, an NSS should also have guidance for different agencies and departments, as well as built-in mechanisms to assess and measure the effectiveness of policy in securing the national interests; however, the ‘02 and ‘06 NSS documents leave these aspects of strategy for the department heads to develop in their own specific strategy documents, focusing instead on the broader goals and implementation tasks.25

The ‘02 and ‘06 NSS never engage in a detailed discussion of national security interests, but the President’s introductory letter and the overview to both documents provide a brief narrative of those interests. The ‘02 NSS lays out three primary national interests: 1) defending the nation against its enemies and threats, 2) preserving peaceful relations among the great-powers, and 3) promoting democracy, freedom, and economic development globally.26 The ‘06 NSS basically maintains these three interests, but describes the interest of preserving great-power relations in a different way. The national security interests in the ‘06 NSS are: 1) protecting and defending the security of the American people against threats, 2) promoting freedom, justice, democracy, and human dignity, and 3) leading a growing community of democracies to effectively solve cross-border problems.27 The shift from emphasizing great-power relations to focusing instead on multilateral cooperation is a subtle but important change between the two documents. It reflects an increased desire to foster multilateralism, which is reflected in other aspects of the ‘06 NSS as well.

There are also some interesting modifications in the threat assessment. The ‘02 NSS stressed the threats of failed and rogue states, ter-

rorists, tyrants, and weapons of mass destruction (“WMD”). It described the war on terrorism as a “war against terrorists of global reach;” “terrorism” itself was declared the enemy, “not a single political regime or person or religion or ideology.”

The “crossroads of radicalism and technology,” namely WMD, is cited as the nation’s “gravest danger.” Although both documents agree on the core threats, the description of them changes in ‘06. Instead of “terrorists of global reach,” the threat is “terrorism fueled by an aggressive ideology of hatred and murder.” Instead of failed or rogue states, the keyword is “tyranny.” In fact, the ‘06 NSS goes so far as to say that “the fundamental character of regimes matters as much as the distribution of power among them.” WMD remain on the threat list, but the overall focus shifts to the ideological threat posed by “militant Islamic radicalism” over anything else. The Administration seems to have honed its strategic counter-terrorism planning on what it sees as a long-term, ideological battle. This assessment differs from “terrorists with global reach” because it emphasizes what the Administration views as the key source driving the terrorist threat.

In terms of ranking the relative magnitude or importance of the threats, the combination of WMD with either rogue states or terrorists is cited in both NSS documents as most dangerous. Because rogue states by NSS definition sponsor terrorism, the implication is that WMD proliferation by rogue states in particular is the most important threat, as it is the most likely route that terrorists might eventually obtain WMD. Iraq and North Korea are specifically cited as proliferation threats in the ‘02 NSS, but Iran is singled out as the top security

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28 '02 NSS, supra note 26, at 5 (emphasis added).
29 Id. at iv-vi.
30 '06 NSS, supra note 27, at i-ii.
31 Id. at 1. This statement critiques traditional Realist balance-of-power politics. Both classical Realist and Neo-Realist international relations theorists focus on and emphasize the distribution of power among states rather than the governmental structures of the states. Liberalism, Neo-Conservatism, and to some degree Constructivism would all consider the internal character of a state more relevant to their theoretical models than Realism would.
32 Id. at 36.
33 Id. at 18; '02 NSS, supra note 26, at iv-vi.
34 See '02 NSS, supra note 26, at 14.
35 See '06 NSS, supra note 27, at 20. See also '02 NSS, supra note 26, at 15 (“The overlap between states that sponsor terror and those that pursue WMD compels us to action.”).
36 '02 NSS, supra note 26, at 14.
threat in the ‘06 NSS. That NSS claims that Iran poses such a threat because of the risks entailed in its acquisition of nuclear weapons and because of its role in other areas of U.S. interests in the Middle East, such as stability in Iraq, Israeli security, regional democracy promotion, and counter-terrorism policy. North Korea is cited next as a “serious” challenge because of its nuclear and missile proliferation, currency counterfeiting, narcotics trafficking, and domestic oppression.

Although the threat assessment is fairly clear in terms of the extent to which U.S. national security interests are endangered, the risk or probability assessment of these threats ever materializing is not entirely obvious. In fairness, such analysis is probably classified intelligence information, but incorporating such a mechanism into strategy formulation is helpful in ensuring that key national security decisions are made after a thorough and exacting cost-benefit analysis. The ‘02 and ‘06 NSS documents do not explicitly include a risk or probability assessment, but given the focus on Iraq, Iran, and North Korea, proliferation by these states seems to be just as important, if not more so, than combating transnational terrorism. Indeed, since invading Iraq was not necessary to combat al Qaeda or other similarly-situated terrorist groups, it is logical to conclude that by 2003, regime change of rogue states was seen by the Administration as the best policy choice in balancing U.S. counter-proliferation and counter-terrorism interests.

The ‘02 and ‘06 NSS documents also differ slightly in terms of the means stressed to secure the national interests. The ‘02 NSS trumpets America’s “unparalleled,” “unprecedented,” and “unequaled” military strength. It stressed the need to take action and to hold others “to account.” On the other hand, the ‘06 NSS downplays the references to U.S. primacy and focuses instead on promoting “effective” democracy.

The overview to the ‘06 NSS states, “The goal of our statecraft is to help create a world of democratic, well-governed states that can meet

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37 ‘06 NSS, supra note 27, at 20 (“We may face no greater challenge from a single country than from Iran.”).
38 Id.
39 Id. at 21.
40 ‘02 NSS, supra note 26, at iv-vi & 29.
41 Id. at 1.
42 Id.
43 Id. at v.
44 It only makes one reference to primacy by stating a desire to “maintain a military without peer.” ‘06 NSS, supra note 27, at i-ii.
45 Id. at 4.
the needs of their citizens and conduct themselves responsibly in the international system.”

It also proclaims the Administration’s “ultimate goal of ending tyranny in our world.” Additionally, when specifically addressing terrorism, the ’06 NSS stresses that the “long-term solution” to terrorism is to “empower peaceful Muslims to practice and interpret their faith.” The Administration views the “genius of democracy” as a panacea that addresses what it cites as the primary roots of terrorism. The focus is less military than it is ideological, which suggests that the Administration is trying to play down its emphasis on military force by stressing the perceived ideological threat driving terrorism.

Further evidence of this change in emphasis is found in the NSS section relating to institutional transformation. In ’02, military and intelligence changes were the focus of institutional reform, but in ’06, modifying the State Department to emphasize “transformational diplomacy” is discussed most. The notion of transformational diplomacy also plays a role in the apparent reorientation of the disposition of U.S. foreign aid, which will now be coordinated by a Director of Foreign Assistance who controls both USAID and any foreign aid coming directly from the State Department. Additionally, the ’06 NSS adds a new section that focuses on the opportunities and difficulties posed by globalization and the importance of American leadership in confronting such cross-border challenges. Aside from these salient changes, the rest of the means discussed remain the same, including preemption, though it is noted with less zeal in ’06.

3. Content

Analyzing the content underlying the structural elements of the ’02 and ’06 NSS relating to counter-terrorism strategy reveals some potential errors that would tend to skew and limit the effectiveness of America’s counter-terrorism policy. The ’02 NSS did not go into the

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46 Id. at 1.
47 Id.
48 Id. at 11.
49 Id. at 10.
50 ’02 NSS, supra note 26, at 29-30.
51 ’06 NSS, supra note 27, at 44.
52 Id. at 33.
53 Id. at 47.
54 Id. at 23 (“The place of preemption in our national security strategy remains the same.”).
specifics of addressing possible root causes of terrorism. It rightly noted that “legitimate grievances” exist in many regions, but that such grievances can never justify terrorism. It also noted that the enemies are terrorists of global reach against whom deterrence will fail. The conclusion that deterrence fails against terrorists may not be completely accurate. Terrorist groups with local interests can often be influenced and deterred on the basis of the local interests that they value the most. The implication of deterrence failing with terrorists is that such terrorists need to be dealt with militarily, but without a parallel strategy to limit some of the root causes of terrorism, this strategy is incomplete. In fact, because many of the motivating factors of transnational terrorists like al Qaeda relate to the exercise and deployment of U.S. forces abroad and U.S. foreign policy in the Middle East, ignoring such root causes and pursuing a strategy that focuses on the military dimension will likely exacerbate the terrorist threat. Thus, the myopic

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55 It expresses a desire to support “moderate and modern” governments in the Muslim world, to use public diplomacy to promote freedom and democracy, and to enlist the international community in “diminishing the underlying conditions that spawn terrorism,” though such underlying conditions are not discussed. ’02 NSS, supra note 26, at 6.

56 Id. at 5.

57 It technically defines the enemy as “terrorism—premeditated, politically motivated violence perpetrated against innocents,” but the focus of the actual war on terrorism is “terrorists of global reach.” Id. at 5.

58 Id. at 15 (“Traditional concepts of deterrence will not work against a terrorist enemy whose avowed tactics are wanton destruction and the targeting of innocents; whose so-called soldiers seek martyrdom operations and whose most potent protection is statelessness.”).

59 Trager & Zagorcheva, supra note 4, at 87. Some essential elements of terrorist support systems are likely to be less motivated and therefore vulnerable to traditional forms of deterrence, particularly at early decision nodes . . . . Even the most highly motivated terrorists . . . . can be deterred from certain courses of action by holding at risk their political goals, rather than life or liberty. Id.

60 See Jonathan Stevenson, Demilitarising the ‘War on Terror’, SURVIVAL, Summer 2006, at 37, 46 (“The military slice of the counter-terrorism pie is pretty small and getting smaller, because the transnational Islamist terrorist network’s further dispersal appears more likely than its reconcentration.”); see generally Audrey Kurth Cronin, How al-Qaida Ends: The Decline and Denial of Terrorist Groups, INT’L SECURITY, Summer 2006, at 7 (discussing various strategies and policies historically employed in confronting different terrorist groups).

61 See, e.g., MOHAMMAD-MAHMOUD OULD MOHAMEDOU, NON-LINEARITY OF ENGAGEMENT: TRANSNATIONAL ARMED GROUPS, INTERNATIONAL LAW, AND THE CONFLICT BETWEEN AL QAEDA AND THE UNITED STATES iii–iv (2005), http://www.hpcr.org/pdfs/Non-Linearity_of_Engagement.pdf (“Al Qaeda is . . . . waging a political, limited, and evasive war of attrition—not a religious, open-ended, apocalyptic one . . . it has implemented a clearly articulated policy, skillfully conducted complex military operations, and demonstrated strategic operational flexibility.”).
treatment afforded to the root causes of terrorism in the ’02 strategy severely limits the effectiveness of that strategy in combating terrorism.

The ’06 NSS tries to address this flaw by engaging in a more detailed description of the terrorist threat and of the motivating causes of terrorism. Unfortunately, the conclusions of the ’06 NSS in this regard tend to overemphasize the ideological roots and underemphasize the political causes, leading to a strategically detrimental catch-22 situation: either the analysis is correct and U.S. policy is directly violating the logical conclusions of that analysis, or the analysis is incorrect and U.S. policy is ignoring key motivating factors of terrorism that will only go away if America recognizes and confronts them. Either way, the status quo strategy fails.

The ’06 NSS stresses terrorist ideology as the key aspect of the terrorist threat: “[A] new totalitarian ideology now threatens, an ideology grounded . . . in the perversion of a proud religion.”62 One reason for the focus on ideology is that terrorist networks are now “more dispersed and less centralized,” and “inspired by a common ideology and less directed by a central command structure.”63 One aspect of the ideology, according to the ’06 NSS, is the establishment of a “totalitarian empire.”64 But in terms of the motivating factors of terrorism, the ’06 NSS argues that terrorism is: 1) “not the inevitable by-product of poverty,”65 2) “not simply a result of hostility to U.S. policy in Iraq,”66 3) “not simply a result of Israeli-Palestinian issues,”67 and 4) “not simply a response to our efforts to prevent terror attacks.”68 Instead, the “terrorism we confront today springs from:” 1) “[p]olitical alienation,” 2) “[g]rievances that can be blamed on others,” 3) “[s]ub-cultures of conspiracy and misinformation,” and 4) an “ideology that justifies murder.”69 Fortunately for the Administration, the “genius of democracy is that it provides a counter to each” of the four true roots of terrorism.70

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62 ’06 NSS, supra note 27, at 1.
63 Id. at 9.
64 Id. “The transnational terrorists confronting us today exploit the proud religion of Islam to serve a violent political vision: the establishment, by terrorism and subversion, of a totalitarian empire that denies all political and religious freedom.” Id.
65 Id.
66 Id. at 10.
67 Id.
68 Id.
69 Id.
70 Id.
Assuming that the four factors cited are indeed the true roots of terrorism, then current U.S. policy is doing very little to address the problems. The '06 NSS proclaims democracy as the panacea for these symptoms, but the fragile “democratic” governments in Iraq and Afghanistan are under constant threat of collapse and failure, and America’s very presence in Iraq has become the primary source of global terrorist recruitment.71 Even more glaring is the fact that almost every other country in the Middle East is governed by autocratic rulers that happen to be cooperating with the U.S. in the war on terrorism.72 The “progress” attributed to some of these and other Arab countries by the NSS is pathetic,73 and given the extent of U.S. reliance on the cooperation of these regimes in combating terrorism, a policy guided principally by absolute and exclusive reliance on democracy promotion is sure to fail, if not further exacerbate the terrorist threat.74 Countries like Syria and Iran are clearly cited as problem states, but the prospects of successful democratic transitions in these states are unclear and not a stable basis to rely on for long-term policy. Pakistan, a critical player in the war on terrorism, continues to face threats to its domestic stability, despite over $10 billion is U.S. assistance since September 11.75

71 See supra note 5.
73 ’06 NSS, supra note 27, at 2 (“The people of Egypt have experienced more open but still flawed elections. Saudi Arabia has taken some preliminary steps to give its citizens more of a voice in their government. Jordan has made progress in opening its political process. Kuwait and Morocco are pursuing agendas of political reform.”).
74 Daalder, Lindsay, and Steinberg, supra note 72, at 5 (“[T]he denial of human freedom feeds the problems of terrorism and failing states. . . . [B]oth the rulers and the ruled see the United States as buttressing authoritarianism rather than opposing it. . . . This perpetuates the nexus of poverty, failed institutions, and resentment that terrorists can manipulate. . . .”); Cronin, supra note 60, at 43 (“There is no evidence that democratization correlates with a reduction in terrorism; in fact, available historical data suggest the opposite.”).
ver, the NSS acknowledges that even democracies face the problem of “homegrown” terrorists, a problem for which the NSS provides no response save for “deepening the reach of democracy.”

Effective and non-hypocritical democracy promotion will bolster U.S. national security in the long-term, but relying on it as a panacea for terrorism is a recipe for failure. Terrorism is most often used as a tactic to exact political goals. In ignoring and dismissing some of the key and well-documented political goals and grievances of transnational terrorism, the Administration weakens the effectiveness of its counter-terrorism strategy. First, poverty does not produce terrorists, but economic opportunities would help in providing alternatives to political violence. Second, the terrorist threat surely pre-dates the Iraq invasion, but there is no doubt that the invasion of Iraq and America’s ongoing presence there greatly revitalized transnational terrorists. Furthermore, U.S. policy toward Iraq following the 1991 Gulf War in the form of UN-enforced economic sanctions that contributed to the death of thousands of Iraqi children was cited by bin Laden in justifying al Qaeda’s war on America. Third, the continued Israeli occupation of Palestinian territories is one of the most important elements of instability, terrorist recruitment, and anti-American sentiment in the world. America’s long-standing support for Israel allows terrorist leaders like...

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76 '06 NSS, supra note 27, at 11.
77 Robert A. Pape, *The Strategic Logic of Suicide Terrorism*, 97 AM. POL. SCI. R. 343 (2003); Andrew H. Kydd & Barbara F. Walter, *The Strategies of Terrorism*, INT’L SECURITY, Summer 2006, at 49, 52 (“[T]he goals driving terrorist organizations are usually political objectives, and it is these goals that determine whether and how terrorist campaigns will be launched.”).
79 See supra note 5.
80 David Cortright, *A Hard Look at Iraq Sanctions*, THE NATION, Dec. 3, 2001, http://www.thenation.com/doc/20011203/cortright. An estimated 350,000 deaths are associated with the sanctions regime against Iraq. Some of the deaths are also attributable to the destruction of Iraqi civilian infrastructure during Gulf War aerial bombings and the Iraqi government’s limited cooperation with international weapons inspectors and the UN-sponsored oil-for-food program. *Id.* According to Mohamedou, the three consistent demands of al Qaeda have been that the U.S. end: 1) its military presence in the Middle East, 2) its support for Israel’s occupation of Palestinian territories, and 3) its sponsorship of corrupt and repressive regimes in the Muslim world. Mohamedou, supra note 61, at iv.
bin Laden to proclaim American complicity in Israeli human rights abuses, extra-judicial killings, illegal settlement expansions, and illegal land confiscations.82 A just and balanced resolution to the Israeli-Palestinian conflict is essential to long-term national security and counter-terrorism policy. Fourth, U.S. mistakes in combating terrorism have certainly helped to sustain terrorist organizations. The Abu Ghraib prison abuse scandal, mistakes in prosecuting the Iraq invasion, the use of the Guantanamo Bay detention facility, and U.S. support for Israel’s controversial attacks on suspected Hezbollah targets in Lebanon in the summer of 2006 all assist terrorist groups’ recruitment efforts.83

No counter-terrorism strategy will be comprehensive unless it addresses some of the root causes of terrorism, especially the political grievances. All of these political complaints can be addressed on a much shorter timeframe than regime-changing democratic transitions. In favoring a purely ideological explanation, especially one that focuses on religious motivations, the Administration has detrimentally handicapped its counter-terrorism strategy.84 The result is a greater reliance on the short-term, heavily-militaristic policies that likely sustain terrorist motivations in the long run.85 The longer this war on terrorism drags on, and the longer the flawed policies of the Administration continue to

83 See, e.g., Gerald P. Fogarty, Is Guantanamo Bay Undermining the Global War on Terror?, 35 PARAMETERS 54 (2005).

In addition to undermining the rule of law, there have been other harmful unintended consequences of the Administration’s policy in Guantanamo Bay: providing fuel to a rising global anti-Americanism that weakens U.S. influence and effectiveness, degrading the Administration’s domestic support base, and denying the United States the moral high-ground it needs to promote international human rights in the future. It seems clear that these costs have far outweighed the operational benefits that the detainee operations have generated.

Id. See also Seymour M. Hersh, Watching Lebanon: Washington’s Interest in Israel’s War, THE NEW YORKER, Aug. 21, 2006, at 28 (discussing “the Bush Administration[’s] . . . close[ ] involve[ment] in the planning of Israel’s retaliatory attacks.”); Human Rights Watch, Fatal Strikes: Israel’s Indiscriminate Attacks Against Civilians in Lebanon, 18 HUM. RTS. WATCH no. 3(E), 3-8 (2006), http://hrw.org/reports/2006/lebanon0806/lebanon0806webcover.pdf (documenting Israel’s failure to distinguish between combatants and civilians in its 2006 attacks in Lebanon, leading to over 500 Lebanese civilian deaths).
84 Robert A. Pape, Blowing up an Assumption, N.Y. TIMES, May 18, 2005, at A23.
85 ’06 NSS, supra note 27, at 12.
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drive our foreign policy, the greater the chances are of losing the war on terrorism.\textsuperscript{86}

In addition to mistakes and internal contradictions in the analysis on terrorists, the Administration also made critical omissions and drew faulty conclusions in its analysis of rogue states. First, in terms of assessing the proliferation motives of rogue states, the '02 NSS argues that such states seek WMD as “weapons of choice” and as “tools of intimidation and military aggression.”\textsuperscript{87} No defensive motivation is suggested even though the Administration has called for regime change of these states and has demonstrated its willingness via Iraq to use force to achieve that goal. Moreover, the Administration itself has engaged in a program of developing offensive nuclear strike capabilities, exactly the type of development that it blames rogue states for.\textsuperscript{88} Furthermore, regional dynamics play a role in generating proliferation incentives as well, for example, Israel’s possession of nuclear weapons and the U.S. military presence in South Korea. In ignoring such basic incentives, the Administration weakens its non-proliferation strategy. Second, in rejecting the effectiveness of deterrence against rogue states\textsuperscript{89} and in automatically ascribing sponsorship of terrorism to such states, the '02 NSS concocts the aggressive preemption strategy. There is strong evidence supporting the claim that deterrence in fact does work against rogue states\textsuperscript{90} even in terms of deterring sponsorship of terrorism.\textsuperscript{91} Again, flawed analysis of policy options negatively affected the construction of security strategy by limiting the number of tools open for consideration in dealing with rogue states. The open window that this mistake created to proceed

\textsuperscript{86} See John Arquilla, In the Fight Against Terrorism, the Long War is the Wrong War, S.F. CHRON., July 16, 2006, at E1; Cronin, supra note 60, at 48 (“The only outcome that is inevitable in the current U.S. policy is that militarily focused efforts will end, because of wasteful or counterproductive effort and eventual exhaustion.”).

\textsuperscript{87} '02 NSS, supra note 26, at 15. The '02 NSS also claims that rogue states seek WMD “to be used as threats or offensively to achieve the aggressive designs of these regimes.” Id. at 14. The '06 NSS states that “nuclear weapons hold special appeal to rogue states.” '06 NSS, supra note 27, at 19.

\textsuperscript{88} '06 NSS, supra note 27, at 22.

\textsuperscript{89} '02 NSS, supra note 26, at 15 (“[D]eterrence . . . is less likely to work against leaders of rogue states . . . .”).

\textsuperscript{90} See, e.g., Mearsheimer and Walt, supra note 3, at 50; Daalder, Lindsay, and Steinberg, supra note 72, at 6 (“Iraq and North Korea, the only two rogue states that the Strategy mentions by name, have both shown they understand deterrence.”).

\textsuperscript{91} CLARKE, supra note 3, at 245.
with the invasion of Iraq has very likely set America a few steps back in combating terrorism and promoting global stability. 92

B. The National Strategy for Combating Terrorism—2003

1. Process

The NSCT further elaborates on the ’02 NSS and specifically focuses on the external manifestations of counter-terrorism policy, while the National Strategy for Homeland Security focuses on the internal aspects of the NSS. 93 On February 14, 2003, the President officially released the NSCT as the Administration’s counter-terrorism strategy. However, the actual authorship of the NSCT is not clear. 94 The NSS carries the President’s seal on the cover of the actual document, whereas the NSCT carries the State Department’s seal, even though the State Department is not specified as the author. 95

The confusion as to authorship may indicate that the NSCT did not go through an authorship process that integrated different members of the NSC or the heads of other departments. Douglas Feith, former Under-Secretary of Defense for Policy, considers the NSCT to be a “nullity,” an “academic piece” written “without much high-level input” that “didn’t reflect collective thinking,” was not “worked through the bureaucracy,” and “carried no weight or traction.” 96 Feith likened the NSCT to a “press release” and believes that there was “no ownership” in the document, that “nobody paid attention to it from the moment it was issued,” and that “nobody in DOD looked at it as guidance.” 97 Richard Clarke also thinks that the NSCT was “probably more of a PR exercise.” 98

Clearly, the impact that the NSCT carries in terms of actually setting Administration counter-terrorism policy is in doubt, especially in relation to the DOD. In fact, the NSCT is never even mentioned in the

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92 Daalder, Lindsay, and Steinberg, supra note 72, at 6 ("The Strategy’s silence on the circumstances that justify preemption raises another and more likely danger: countries will embrace the preemption argument as a cover for settling their own national security scores . . . .").
93 NSCT, supra note 81, at 2.
95 See NSCT, supra note 81, at i. See also ’02 NSS, supra note 26, at i; ’06 NSS, supra note 27, at ii.
96 Telephone Interview with Douglas Feith, supra note 14.
97 Id.
98 Telephone Interview with Richard Clarke, supra note 11.
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2005 National Defense Strategy or the 2004 National Military Strategy, both of which refer to the NSS numerous times. The NMSPWOT acknowledges the existence of the NSCT in a diagram of relevant security strategies, but only claims to follow the NSS. As noted below, this lack of acknowledgment may be due to inter-Administration disagreements over the role of different agencies in prosecuting the war on terrorism, for the NSCT gives the State Department a lead role in coordinating the war on terrorism.

2. Structural Elements of Strategy

The NSCT adequately addressed most of the structural elements of a security strategy, including limited discussion of agency tasking and measurement of success. In terms of interests, the NSCT focused on the interest of defeating terrorism, as outlined in the NSS. In elaborating on this broad interest it sets out clear end-state goals: to compress the scope and reduce the capabilities of terrorist organizations of global reach such that they no longer pose a transnational threat, and to “create an international environment inhospitable to terrorists . . . .”

The NSCT identified the enemy broadly as terrorism, defined as “premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents.” But in terms of forming strategy, the NSCT focused on “terrorist organizations of global reach,” just like in the '02 NSS. Unlike the NSS, the NSCT devoted a chapter to a discussion of the nature of the terrorist threat. It noted that underlying factors, like poverty, conflict, and corruption, combine with structural facets of the international system, like open borders, weak states, technology, etc., to create an operating envi-

99 The National Defense Strategy mentions the NSS six times, and the National Military Strategy references the NSS three times.
100 NATIONAL MILITARY STRATEGIC PLAN FOR THE WAR ON TERRORISM 9 (2006), http://www.defenselink.mil/qdr/docs/2005-01-25-Strategic-Plan.pdf [hereinafter NMSPWOT]. In Secretary Rumsfeld’s introductory letter, he mentions that the NMSPWOT presents the DOD’s strategy and role “within the larger national strategy for combating terrorism,” but that statement does not seem to refer to the NSCT because the letters are not capitalized like they are for other references to official strategy documents made in the NMSPWOT. Id. at 1.
101 NSCT, supra note 81, at 1-2.
102 Id. at 2, 13.
103 Id. at 11.
104 Id. at 1.
105 Id. at 2.
enronment within which terrorist organizations can operate and thrive. For such organizations to exist and flourish, the NSCT argued that both a physical base and leadership of the group are needed.

Terrorist organizations themselves are categorized into three levels. The first and least dangerous level includes groups that are localized to just one country. The second level consists of groups operating in a particular region. The third and most threatening level consists of groups with transnational or global reach. Groups at the various levels can be linked through ideology or common goals. WMD in the hands of terrorists at any level is identified as a “clear and present danger.” The third level groups pose the highest threat to America, and thus the strategy focuses on reducing their scope and capacity down to level one.

The NSCT articulated a “4D strategy” to achieve the end-state goal: defeat the terrorist organizations of global reach, deny them support and sponsorship, diminish the underlying conditions that allow them to exist, and defend U.S. citizens and interests. In defeating the terrorists, the NSCT called on the intelligence and law enforcement communities to continue their efforts to identify and understand the terrorist groups that pose the greatest threat to America, in order to facilitate the destruction of those terrorist organizations through an “aggressive, offensive strategy to eliminate capabilities that allow terrorists to exist and operate.” The three pillars of this strategy are law enforcement, military power, and international cooperation. The planning for this effort is to be led by the State Department, which will develop regional strategies for defeating terrorism and will seek to include allied participation in the execution of the regional strategies.

In denying terrorist support and sponsorship, the NSCT focused on: 1) ensuring that all states fulfill their international obligations to combat terrorism, 2) providing support to those states that need assis-
tance in combating terrorism, and 3) convincing reluctant states, through all necessary means, to change their policies on terrorism.\textsuperscript{115} Seven states (Iran, Iraq, Syria, Libya, Cuba, North Korea, and Sudan) were identified as state sponsors of terrorism and encouraged to reform their ways so that they may eventually be removed from the list of state-sponsors of terrorism.\textsuperscript{116} The policy of “convincing” state-sponsors of terrorism to cease such support is at its core a deterrence strategy, one that is to complement the preemption strategy. The State Department is tasked with taking the lead in developing policy planning toward the goal of ending state sponsorship of terrorism.\textsuperscript{117}

In order to bolster international cooperation and support for counter-terrorism initiatives, the NSCT marshaled international legal obligations as a mechanism to hold states accountable for their cooperation in the war on terrorism. UN Security Council Resolution 1373 and a body of counter-terrorism treaty law were set out as the baseline with which to measure and monitor international cooperation to fight terrorism.\textsuperscript{118} In addition to working with those states that are willing through traditional means of cooperation and Mutual Legal Assistance Treaties, the NSCT also pledged funding to weak states for counter-terrorism training and assistance.\textsuperscript{119} These efforts are to undergo yearly review to ensure continual assessment of country-specific strategies.\textsuperscript{120}

Underlying conditions facilitating the existence and growth of terrorist groups also receive specific attention in the NSCT. Of particular concern was winning the “war of ideas” through de-legitimizing terrorism and supporting “moderate and modern” Muslim governments.\textsuperscript{121} Also, in terms of resolving ongoing regional conflicts, the Israeli-Palestinian conflict was cited as “a critical component to winning the war of ideas” because of the “toll of human suffering.” America’s relationship with Israel and neighboring Arab states, and other U.S. interests in the region.\textsuperscript{122}

Additionally, in order to protect vital U.S. infrastructure abroad from terrorist strikes, the State Department, again, was tasked with lead-
The NSCT, like the NSS, made some potential errors in its threat assessment. First, the NSCT claimed that terrorists “must have a physical base from which to operate.” This thinking may have made sense soon after September 11, but now it is clear that terrorists do not need a physical base of operations. The Madrid and London bombings show the risk posed by home-grown terrorists who can independently carry out attacks without any training from an organized training camp. Second, the NSCT’s stress on the importance of terrorist leadership may also have been misplaced. Trends since the U.S. invasion of Afghanistan have shown that terrorist groups can sustain themselves in highly decentralized structures, and can also motivate others to action through the sheer appeal of their ideology and message. Again, home-grown terrorists and the high number of people joining the Iraqi insurgency demonstrate this development.

In line with this deficiency, the NSCT did not address effective mechanisms to counter terrorist ideology. Although it noted the impor-
tance of winning the war of ideas, the means to achieve that goal are insufficiently developed. The threat assessment and guidance are too static to serve as a long-term strategy, even though many of the arguments made are valid and important to retain in future strategy documents. For example, the NSCT did well to note the importance of resolving the Israeli-Palestinian dispute as a key component of counter-terrorism strategy, but the U.S. invasion of Iraq and U.S. support for Israel’s controversial 2006 bombardment of suspected Hezbollah targets in Lebanon add a similar element of anti-American sentiment, making it even harder to change perceptions of the U.S. in the region. In the end, the NSCT’s threat assessment is not comprehensive and fails to account for shifts in terrorist strategy and tactics, leaving its policy recommendations deficient. But the lack of buy-in by other departments, and the DOD in particular, probably damaged the NSCT more than any other factor.

C. The National Military Strategic Plan for the War on Terrorism—2006

1. Process

The White House can learn much in terms of effective document authorship process from the example set by the DOD in producing the 2006 NMSPWOT. The 2006 NMSPWOT has a substantial unclassified release, whereas the first NMSPWOT of October 19, 2002 did not have an unclassified release. On October 16, 2003, about a year after the 2002 NMSPWOT, Secretary Rumsfeld sent out a “Snowflake” (a term used to describe the many memos that he sent to his staff) regarding the war on terrorism to General Myers, General Pace, Paul Wolfowitz, and Douglas Feith. The memo deeply questioned the DOD strategy and capabilities for the war on terrorism, asking such questions as whether the DOD is changing fast enough, whether the right mix of policies are on the table, whether U.S. actions are eliminating more terrorists than they are producing, and whether we are in fact winning the war on terrorism. The discussions sparked by this memo

128 See Hersh and Human Rights Watch, supra note 83.
129 NMSPWOT, supra note 100, at 28.
131 Id.
led to an extensive inter-departmental review of strategy that resulted in the 2006 NMSPWOT.

All levels of DOD leadership, including the Office of the Secretary of Defense, the Joint Chiefs of Staff, and the Combatant Commands and Services, participated in the authorship of the NMSPWOT.132 Secretary Rumsfeld and General Pace “personally led” the effort,133 which took a total of eighteen months, in which the document went through over forty revisions, going through Rumsfeld’s inner circle, then the senior-level review group, and then the regional commanders and other DOD agencies.134 The authorship process of the NMSPWOT served to unify the military behind a single counter-terrorism strategy that included all the key elements, particularly tasking and metrics for semi-annual assessment.135 Although much of this process should have been incorporated into Pentagon policy from the beginning, the learning process and unity now demonstrated is undoubtedly a positive development, one that should help set an example for the development of future White House and NSC strategies.

2. Structural Elements of Strategy

Because the NMSPWOT is a strategy that seeks to implement the NSS, it took its interests and end-state goals from the NSS, albeit in summary form. The primary national strategic interests, according to the NMSPWOT, are to defeat extremism and “create a global environment inhospitable to violent extremism and all who support them.”136 It noted its own role in supporting the key aspects of the national strategy: activities “to counter the enemy’s ideology, support moderate alternatives, build capacities of partners, and attack the enemy to deny its key resources and functions.” 137 The NMSPWOT established its own end-state goals as well, but those are classified: “Contingency Planning Guidance establishes four termination objectives as the military contribution to achieving these national strategic aims . . . [they] can be found in the classified version of this document.”138

132 NMSPWOT, supra note 100, at 8.
133 Id. at 3.
135 Id.
136 NMSPWOT, supra note 100, at 5, 19.
137 Id. at 6.
138 Id. at 6, 23.
The NMSPWOT engaged in a detailed threat assessment that explores the manner in which the terrorist threat has evolved, with particular emphasis on ideology. The primary threat was identified as “violent extremism” and “extremists who advocate and use violence to gain control over others, and in doing so, threaten our way of life.” More specifically, the threat was defined as a “transnational movement of extremist organizations, networks, and individuals—and their state and non-state supporters—which have in common that they exploit Islam and use terrorism for ideological ends.” Al Qaeda and affiliated groups, totaling about twelve in number, represent the most dangerous manifestations of the terrorist threat.

Nine basic components of a terrorist network were identified: leadership, safe havens, finance, communications, movement, intelligence, weapons, personnel, and ideology. Safe havens include “virtual” safe havens, not just physical ones. But the most important factor cited is extremist ideology, “the enemy’s center of gravity.” Ideology is seen as the “foundation for extremist success and a key to recruitment and indoctrination.” An example of the ideological goals of such groups would be “to undermine Western influence, redefine the global balance of power, and establish a global pan-Islamist caliphate.”

In order to counter the threat presented, the NMSPWOT detailed six specific actions. First, to deny the terrorists “what they need to operate and survive,” the strategy stipulates a procedure involving mapping nodes and connections, identifying the network, developing an action plan, tying that plan to measurable metrics, and tracking progress of the plan. Second, through training and other forms of assistance, the

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139 Id. at 3.
140 Id. at 4, 13.
142 NMSPWOT, supra note 100, at 4, 13.
143 Id. at 5, 14.
144 Id. at 15.
145 Id. at 7, 14. "Ideology is the component most critical to extremist networks and movements and sustains all other capabilities. This critical resource is the enemy’s strategic center of gravity, and removing it is key to creating a global antiterrorist environment.” Id. at 18.
146 Id. at 21.
147 Id. at 11. Mohamedou criticizes the emphasis placed on al Qaeda’s ideological dimension and argues that the only possible way to deal with al Qaeda is to acknowledge that it is primarily a political actor seeking a specific agenda of political change. Mohamedou, supra note 61, at 17-22. Pape also persuasively notes the tactical nature of terrorist activity. See Pape, supra notes 77 and 84.
148 NMSPWOT, supra note 100, at 6-7, 23.
military will work to enable partner nations to counter terrorism.\textsuperscript{149} Third, actions will be taken to deny terrorist access to WMD and to bolster capacity to deal with consequences in the event of failure to deny such access.\textsuperscript{150} Fourth, “continuous military operations to develop the situation and generate the intelligence that allows us to attack global terrorist organizations” will be conducted in order to defeat terrorist organizations.\textsuperscript{151} Fifth, in partnership with other U.S. agencies and with foreign partners, the military will counter and eliminate state and non-state support for terrorism.\textsuperscript{152} Finally, and possibly most importantly in terms of a long-term outlook, the NMSPWOT calls for the “establishment of conditions that counter ideological support for terrorism.”\textsuperscript{153} Specific activities that help to establish those conditions include: a) providing for security, b) delivering humanitarian assistance, c) establishing and promoting military-to-military contacts, d) ensuring culturally-sensitive conduct of operations, and e) engaging in military information operations.\textsuperscript{154}

Given the experience of Abu Ghraib and other specific incidences of abuses, like the killings of Iraqi civilians in Haditha and the rape and murder of an Iraqi family in Mahmoudiya,\textsuperscript{155} the NMSPWOT does well to stress the importance of the image of U.S. troops abroad and the ability of military personnel to function within the indigenous society. The NMSPWOT states, “We must be aware of the culture, customs, language and philosophy of affected populations and the enemy, to more effectively counter extremism, and encourage democracy, freedom,

\textsuperscript{149} Id. at 7, 23.
\textsuperscript{150} Id.
\textsuperscript{151} Id. at 7, 24.
\textsuperscript{152} Id.
\textsuperscript{153} Id.
\textsuperscript{154} Id. at 7-8, 24-27.
\textsuperscript{155} Four U.S. Marines have been charged with the unpremeditated murder of 24 Iraqi civilians in Haditha. \textit{60 Minutes: The Killings in Haditha} (CBS television broadcast Mar. 15, 2007), http://www.cbsnews.com/stories/2007/03/15/60minutes/main2574973.shtml (discussing the details of the incident in an interview with Staff Sgt. Frank Wuterich, one of the accused); see also Thomas E. Ricks, \textit{In Haditha Killings, Details Came Slowly: Official Version Is at Odds With Evidence}, WASH. POST, June 4, 2006, at A1 (describing conflict between official report, saying civilians were killed by bomb, and other evidence indicating they were killed by gunfire). Four current soldiers and one former U.S. soldier have been charged in the Mahmoudiya rape and murders; two of the current soldiers already have pled guilty. \textit{Soldier Weeps Describing Role in Rape and Killings in Iraq}, N.Y. TIMES, Feb. 22, 2007, at A8 (describing Sgt. Paul E. Cortez’s confession of his role in the rape of a young girl and the murder of her and her family in Mahmoudiya).
and economic prosperity abroad." 156 Ultimate success "will largely depend on the cultural education and understanding of senior leaders and military professionals." 157

The hierarchy of the DOD and the military provides a pre-existing tasking mechanism. Thus, the NMSPWOT does not need to specifically address this element of strategy. However, it does note the designation of the Commander of U.S. Special Operations Command as the "supported combatant commander for planning, synchronizing, and as directed, executing global operations against terrorist networks." 158 In other words, the Special Operations Command is primarily responsible for planning the global war on terrorism.

Possibly the most unique and welcome aspect of the NMSPWOT is the detailed metrics by which to assess progress in achieving the strategy’s goals. The metrics developed allow both an assessment of progress based on the goals and means set out in the NMSPWOT, and a means by which to incorporate new ideas and planning into ongoing adjustments to the Pentagon’s strategy. 159 The metrics are linked to other DOD assessment procedures and follow the same organizing principles of ends, ways, and means as the NMSPWOT. 160 The Combatant Commands, Services, and selected Combatant Support Agencies will engage in this assessment twice a year. 161 Though the metrics are not specified in the NMSPWOT, the general idea is to assess the military’s effectiveness in responding to and changing existing systemic conditions and particular attributes of terrorist organizations. 162 A rating scale system 163 would allow the Combatant Commanders and others to track progress in addressing the level of accomplishment of specific and narrowly tailored goals, e.g., effectiveness in denying terrorists safe havens in a particular geographic area. 164 Although such a system may not prove perfect in measuring success, at the very least it enables the military to quantify its own progress, enabling it to shift resources where

156 NMSPWOT, supra note 100, at 8.
157 Id. at 25.
158 Id. at 29.
159 Id. at 31.
160 Id. at 32.
161 Id.
162 Department of Defense, PowerPoint Presentation on Global War on Terrorism (GWOT) Metrics at Harvard Kennedy School of Government (Nov. 21, 2005) at 8.
163 Id. at 15.
164 Id. at 10-11.
needed with some tangible guidance as opposed to mere conjecture or anecdotal evidence.

3. Content

The NMSPWOT seems like an effective strategic plan for the military. It makes significant strides in emphasizing the need for effective international cooperation, and it is honest in noting that in many cases, “the principal thrust[ ] must come from instruments of national power and influence outside the Department of Defense.” The strategy’s scope is very important because it narrowly tailors its threat assessment with corresponding policy actions for the military. If the NMSPWOT’s threat assessment were used in the NSS, it would be deficient for the same reason that the ‘06 NSS’s threat assessment is deficient—it largely ignores political motivations for terrorism. Surely the inclusion of ideology is an improvement over the NSCT, but the NMSPWOT ignores the influence that long-standing U.S. policy in the Middle East has on motivating opponents of America, especially in relation to the Israeli-Palestinian conflict. However, not including this element in the NMSPWOT does little significant damage to the effectiveness of the strategy because that is a factor in the hands of the President, beyond the control of the DOD and the military.

Where the DOD can make an impact on hearts and minds, the NMSPWOT does advocate some appropriate measures, like cultural-sensitivity training. But this may not be enough. An important step that the DOD could and should take to improve its image abroad is to police itself more forcefully and visibly. Internal investigations into scandals like Abu Ghraib should have resulted in the prosecution of those leaders responsible for allowing such behavior to occur. Instead, the perception was a white-washing of the leadership and selective prosecution of low-level subordinates. There is an opportunity to reverse this sense of impunity by fully investigating and effectively prosecuting

166 NMSPWOT, supra note 100, at 21.
167 Scott Atran, Mishandling Suicide Terrorism, 27:3 WASH. Q. 67, 74 (2004) ("[T]here is no evidence that most people who support suicide actions hate Americans’ internal cultural freedoms, but rather every indication that they oppose U.S. foreign policies, particularly regarding the Middle East.").
those responsible for events such as the murders in Mahmoudiya and Haditha.\footnote{The military has charged those involved in these incidents and is proceeding with court-martial against them. A civilian criminal trial awaits the former soldier charged in the Mahmoudiya rape and murders. \textit{See supra} note 155.}

An odd omission in the NMSPWOT is the lack of discussion about the Iraqi insurgency. Although there is no evidence that Iraq was involved with al Qaeda in any way before the U.S. invasion, terrorists have rallying to the cause of fighting Americans in Iraq, thereby making Iraq a front in the war on terrorism.\footnote{'06 NSS, supra note 27, at 12; \textit{see also} supra note 5.} But the threat posed by Iraqi insurgents seems to be of a different nature than that posed by dispersed cells that might seek to strike U.S. interests outside of Iraq. The NMSPWOT does not provide a clear mechanism to differentiate terrorist groups in terms of scope, as was the case with the NSCT. This deficiency may lead to an overemphasis on ideology as the key factor in identifying and understanding terrorist organizations. Although ideology is important, knowing the specific political goals of groups is integral to tailoring policies to neutralize such groups. For instance, improving the image of U.S. troops in Iraq will not go very far in satisfying groups that desire to see U.S. troops leave Iraq, though it may help to reduce support for such groups amongst the general Iraqi public.

Furthermore, there may be classified parts of the NMSPWOT that would be detrimental to U.S. security interests. For example, if part of the classified strategy includes interrogation tactics that include practices that border on cruel, inhuman, and degrading treatment,\footnote{See, e.g., Eric Fair, Editorial, \textit{An Iraq Interrogator’s Nightmare}, \textit{Wash. Post}, Feb. 9, 2007, at A19 (describing the experiences of a contract interrogator in Iraq and arguing that abuses in Iraqi prisons were more widespread than has been officially acknowledged).} then that could serve to negate many of the positive effects of increased cultural awareness, or it could serve to deter increased international cooperation. Similarly, if Guantanamo Bay remains open, or if practices like rendition continue, then the negative perception of the armed forces and the war on terrorism will likely continue.\footnote{Fogarty, supra note 83, at 54.} Some of this may be out of the hands of the DOD and the military, which is why an effective strategy from the White House is so important.
D. National Security Presidential Directive 46

Agency tasking, which was largely absent in the NSS, was ostensibly addressed in President Bush’s recent National Security Presidential Directive 46 ("NSPD 46"). NSPD 46 is a classified document that aims to stipulate the roles of the various government agencies and departments in the war on terrorism.172 Intra-Administration turf battles over control of counter-terrorism resources and policy has hampered efforts to produce a unified national strategy to combat terrorism.173 It is not clear yet whether NSPD 46 will have the desired effect of defining clear roles in the war on terrorism, as some aspects of its execution remained to be negotiated even after President Bush signed the directive.174 Regardless, there is now undoubtedly strong need for clarity in roles among various agencies engaged in counter-terrorism and intelligence operations.

III. Overall Content of Counter-Terrorism Strategy

Although each security strategy has received specific content analysis in this Article, this section seeks to engage in a broader discussion of elements of the counter-terrorism strategies that merit reconsideration. First, the statement of interests and end-state goals must be realistic. Setting the elimination of tyranny from the globe as a goal175 is imprudent for a host of reasons. It sets an impossible goal, one that necessarily requires America to contradict its stated interests because cooperation with other non-democratic states in combating terrorism is essential to protecting U.S. security interests in the short-term. This inevitable hypocrisy only serves to mar America’s reputation and feeds directly into anti-American propaganda and recruitment. Lofty rhetoric lined with hypocrisy will guarantee our loss in the battle of ideas, hearts, and minds.

Second, identifying the enemy and threat should be precise. Both the ’02 and ’06 NSS slip in and out of defining the terrorist threat more specifically, e.g., terrorists of global reach or terrorists motivated by a particular extremist ideology, and defining the threat as the broad con-

174 Id.
175 ’06 NSS, supra note 27, at 3.
cept of terrorism. Calling the enemy terrorism, again, sets achievement expectation too high. Any roadside bomb becomes a mark against the fight against terrorism, even though such an act may cause little actual damage.\\(^{176}\) Additionally, all terrorist groups become conflated under the banner of terrorism, making individualized policy application more difficult. Groups like Hamas and Hezbollah are very different from al Qaeda because they have vested local interests and goals—they serve a particular population and seek to engage in political processes. Policy and strategy must change depending on the group, its goals, its scope, and its capabilities.\\(^{177}\) Engaging in dialogue with traditional terrorist groups like Hamas and Hezbollah may lead to important breakthroughs in encouraging the moderation of these groups and in curtailing the potential reach of groups like al Qaeda.\\(^{178}\) But even if it does not lead to a breakthrough, at the very least it will enhance our understanding of the pro-Islamist movements in the Middle East, an area of intelligence that we lag very far behind in,\\(^{179}\) and it might also help to show that America can be an effective broker in Middle East peace negotiations, a step in the right direction in order to facilitate a resolution to the Israeli-Palestinian conflict.

Indeed, addressing some of the core sources of discontent and terrorist motivation is critical to breaking the cycle of recruitment.\\(^{180}\) Ideology will not sustain itself once underlying grievances no longer exist.

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\\(^{176}\) Chester A. Crocker, *A Dubious Template for U.S. Foreign Policy*, 47 Survival 51, 51-52 (2005) ("The impossibility of 'defeating terrorism'—especially when defined so indiscriminately—makes it the ideal adversary for decision-makers who describe themselves as wartime leaders.").

\\(^{177}\) See Cronin, *supra* note 60, at 47 ("Sound counterterrorism policy should be based on the full range of historical lessons learned about which policies have worked, and under which conditions, to hasten terrorism’s decline and demise.").


\\(^{179}\) Id. "With the exception of Israel . . . there are, inter alia, five political movements and governments in the Middle East of undeniable importance: Iran, Syria, Hezbollah, Hamas, and the Muslim Brotherhood. The governments of the West don’t talk to any of them." Id.

\\(^{180}\) Crocker, *supra* note 176, at 54.
Furthermore, the risk in stressing the ideological aspects of terrorist movements is that it detracts too much from a focus on the actual sources of grievances that enable such ideology to gain persuasive power. Both ideology, in terms of winning hearts and minds, and the social and political sources of discontent and frustration must be addressed to counter terrorism. So long as there is continued U.S. support for repressive regimes, the appeal of challenging the “oppressive” superpower will persist. So long as ethnic and civil wars endure, conditions favorable to extremism will exist. Without a doubt, democracy promotion is essential to changing the underlying conditions fostering extremism in many countries around the world, but U.S. efforts in this regard will not succeed where we are seen as imperialists, nor will it succeed if we cut funding to democracy promotion programs.\footnote{See Lawrence Corb & Caroline Wadhams, A Critique of the Bush Administration’s National Security Strategy 5 (2006), http://www.stanleyfoundation.org/reports/pub06nss.pdf (“[D]espite the document’s extremely strong language about democracy promotion, the administration actually reduced its funding for democracy promotion in its 2007 budget submission.”); David E. Kaplan, Aamir Latif, Kevin Whitelaw, & Julian E. Barnes, \textit{Hearts, Minds, and Dollars}, U.S. News & World Rep., Apr. 25, 2005, at 22.}

For this reason, rhetoric like the “war on terrorism” is counterproductive.\footnote{Philip B. Heymann, \textit{Terrorism, Freedom, and Security: Winning without War} 19-33 (2003).} It promotes lazy thinking in terms of means to achieve goals. To a man with cruise missiles, everything looks like a target.\footnote{See Michele L. Malvesti, \textit{The New World Disorder: Bombing Bin Laden—Assessing the Effectiveness of Air Strikes as a Counter-Terrorism Strategy}, 26 \textit{Fletcher F. World Aff.} 17, 18 (2002) (“Air strikes . . . are a blunt, ineffective instrument that creates a cycle of vengeance with minimal gains at best.”); Special Report, \textit{Air Power—An Enduring Illusion}, The Economist, Aug. 26, 2006.} Success in combating terrorism requires moving past a one-dimensional view of the challenge and engaging in the struggle on all levels,\footnote{Joseph S. Nye, Jr., \textit{U.S. Power and Strategy after Iraq}, Foreign Aff., July/Aug. 2003, at 60.} especially through genuine international legal and intelligence cooperation. International institutions must not be treated like tools in a box, but rather as ends in themselves that help to build a favorable international system.\footnote{Daalder, Lindsay, & Steinberg, \textit{supra} note 72; Chantal de Jonge Oudraat, \textit{Combating Terrorism}, 26:4 Wash. Q. 163 (2003).} The focus should be on strengthening norms against terrorism rather than destroying norms of international cooperation, especially in the case of legal norms. Law enforcement and intelligence operations are critical components to the long-term fight against terror-
ism, but by pushing the envelope too far, the Administration turned law enforcement into an extension of warfare, rather than an autonomous and universal means of capturing terrorists.

The means discussed here are by no means comprehensive, but the overall goal of addressing the social, political, economic, and ideological sources of terrorism through international cooperation and international institutions is important. What is more, turf wars need to be quashed so that all departments and agencies assist in the effort on clear and proper terms. Such agencies should be tasked with developing assessment metrics of their actions in a manner similar to the NMSPWOT.

IV. IMPROVING THE PRACTICE OF STRATEGIC PLANNING

As mentioned in the introduction to this Article, the President is supposed to submit an NSS every year along with his budget request to Congress. This mandate lists specific elements to be included in the content of the NSS, including information regarding interests, goals, capabilities, and implementation of policies. Presidents in the past have missed deadlines and sometimes neglected to submit NSS documents. As noted above, President George W. Bush has only submitted two NSS documents during his six years in office.

It is past time for Congress to either begin to enforce the provisions of 50 U.S.C. § 404a or amend it to reflect realistic expectations for national security strategizing. Congress should reform the current legislative mandate for the NSS by: a) requiring the President to issue an NSS in the first and third years of the four-year Presidential Administration, b) further specifying particular aspects of strategic planning to be included in the NSS, and c) including a mechanism by which to ensure that the President actually produces a timely NSS.

An annual requirement for the NSS leaves little time for effective interagency strategic coordination, thinking, and planning. The current legal mandate for the NSS does not require any consultation or input from any of the other departments, agencies, or services working primarily on issues of national security. This lack of input and coordination limits the potential for achieving buy-in and ownership across the federal bureaucracy. Moreover, the short, one-year time span encourages Presidents to treat the document as a public relations tool rather than a useful exercise in strategic thinking and assessment. Indeed, one year is

generally too short to allow for accurate assessment of policies. Although a four-year timeframe might also work, the two-year time frame ensures a measure of accountability within each Presidential administration, allowing the Administration to make any necessary changes to the current strategy, take account of changes in the international system, assess implementation of the first strategy, and correct any errors or gaps of understanding and implementation that may have become obvious in the time since the first NSS.

The current NSS statute does not specify the inclusion of elements that should be a part of the NSS, specifically a clear threat and risk assessment, clarity of roles for implementing agencies, performance measures and indicators, and a policy assessment process. Congress should amend the statute to require that such elements be included. The statute calls for both a classified and an unclassified version of the document, so the President can use his discretion to determine what information to share with the public. Thus, at the very least, Congress will be able to conduct more effective oversight of security strategy planning.

Enforcement of the mandate for the NSS is absent, as there is no mechanism to ensure that a President timely submits the NSS. Such a mechanism could take many forms. Congress could specify that if the President does not submit an NSS, the House and/or Senate Foreign Relations Committee would begin hearings on the production of their own NSS document. Alternatively, the statute could specify some form of censure or public acknowledgement of the delay in the NSS so that the President has an incentive to produce the document in a timely and effective manner in order to avoid the public embarrassment of having ignored or delayed an assessment of America’s national security interests. Still another option would be to place the budgetary approval process on hold until the Administration acknowledged its duty to produce the NSS document and then proceeded to do so.

National security strategy formulation should be taken seriously. The war on terrorism has illustrated the dangers of ill-advised security strategies and the damage that they can do to America’s national inter-

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\[\text{187 David Omand, \textit{Countering International Terrorism: The Use of Strategy}, \textit{Survival}, Dec. 2005, 107, 107 ("The deliberate and positive use of strategic planning at national and international levels can help governments reduce the level of threat to their publics whilst helping engender public confidence in the ability of government to rise to this challenge [of international terrorism].")}.\]
ests. Based on this evaluation of the primary national security strategies of the Bush Administration, we still have far to go before we approach a truly comprehensive and effective counter-terrorism strategy.