

“The War on Terror” One Year On

Edited by Joshua Foust
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*A collection of essays marking one year since
the death of Osama bin Laden*

Introduction

One year ago, Osama bin Laden was killed in a daring nighttime raid by Navy SEALs on his compound in a small military garrison town in Pakistan. Since then, how has the war on terror changed? Should we be looking at it more critically than we are?

In this essay collection, we examine the war on terror from several angles not often found in the popular discourse.

Bernard Finel wonders if we know how well we're doing. Measuring our progress in the global struggle against Islamist terrorism is not simple. Government officials now openly say the war is over ^[1], even while Islamist violence is at historically high levels. Matthew Wallin explains how terrorist groups have revolutionized public messaging, as well as how the U.S. has struggled to keep pace with them. Carolyn Deady tries to see if American public opinion has arrived at a common belief for how the war is going (it hasn't).

August Cole examines a topic few ever discuss in any detail – the incredible growth of the counterterrorism industry. Private companies have been enlisted in the fight against terrorism, with little oversight and enormous budgets on hand. It's not an easy phenomenon to understand, coming at the same time as shrinking defense budgets and a shift from large wars to smaller conflicts.

Terri Lodge and Bryan Gold note that the flagging progress on global nuclear security issues mean the threat of loose nukes or nuclear material is as frightening as it ever has been. Randy Law looks at the history of how the U.S. responds to terrorism, and its inability to learn from its own mistakes. The result, he argues, is a constant war, where we must constantly relearn the same lessons.

I have my own contribution as well, where I ask what kind of apparatus we're building to combat terrorism in our borders. There are a growing number of trials that boil down to convicting people of thought crimes, of merely supporting terrorism rather than actively engaging in it. What does that mean for us as a country?

And finally, John Adams mentions one topic so outside the box that it's almost never mentioned: negotiating. America does not negotiate with terrorists, or so we say. But, Adams argues, maybe we should – especially if it would help us diminish the problem.

The war on terrorism, or whatever it's being called this week, is not going away (no matter what the Obama administration might say). It's vital we ask not just questions, but critical questions about it. To do any less would be to accept the continuing, unproductive wars we've seen the last decade.

We can, and should, be able to do better.

Joshua Foust, editor

[1] <http://decoded.nationaljournal.com/2012/04/can-obama-safely-embrace-islam.php>

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Measuring Success in the “War on Terror”

Bernard Finel

In the ten years since the al Qaeda attacks of September 11, 2001, there have been a number of near misses and a large number of disrupted terror plots, though few of any consequence. In those ten years, only one serious, violent Islamist attack has taken place in the United States: Nidal Hasan’s shooting rampage at Fort Hood that left 13 dead and 29 wounded in 2010. Other incidents -- a shooting at Los Angeles Airport in 2002, a vehicular assault in Chapel Hill in 2006, and an attack on a military recruiting center in Arkansas in 2006 -- claimed just four lives in total. But apart from a few other ambiguous incidents, this is the extent of Islamist terrorism in the United States since 9/11.

In the aftermath of 9/11, many predicted a wave of devastating terrorist attacks in the U.S. Virtually no one, at the time, would have predicted so few attacks. As a result, it is tempting to declare at least a tentative victory on this front.

And yet, claims of success inevitably run into a set of caveats and “what ifs.” It is worth contemplating if one would declare success had either of the near misses against airplanes -- the “shoe bomber” attack in 2001 and the “underwear bomber” in 2009 -- been successful. In both cases, terrorists smuggled explosives onto airplanes, and it seems like it was mostly a matter of luck that in neither case were they detonated. Similarly, had the

2010 Times Square car bomb attack been successful, it might also have caused a large loss of life. In all three cases, the plots proceeded to the point of attack, but failed due to some combination of luck or technical incompetence. The challenge analytically is that claims of success in the “war on terror” may be ascribing too much importance to what seem to have been essentially good fortune.

In terms of caveats, we also have to acknowledge that Islamist terrorism in the United States has always been a rare phenomenon. Before 9/11, the last major such attack was the 1993 bombing of the World Trade Center, which resulted in six dead and as many as a thousand insured. The al Qaeda threat, however, was not just one of attacks at home. Indeed, 9/11 capped a series of attacks that included the devastating attacks on the U.S. embassies in Kenya and Tanzania in 1998 and the attack on the U.S.S. Cole in 2000.



1. London's King's Cross station after being bombed in 2005. Courtesy flickr user James Cridland.

Taking a wider, global aperture makes the initial optimistic assessment of the last ten years more difficult to sustain. Bali, London, Madrid, and Mumbai were all sites of devastating attacks.

None were as costly as 9/11, but that is hardly a comforting argument. 9/11 can't be seen as the floor for considering an attack a major one. To the extent that the goal of American policy after 9/11 was to prevent future acts of terrorism against

American soil, allies, and interests, the past decade has featured enough failures to call into question any claim of success.

Furthermore, the past decade has cost plenty of American lives. Over six thousand American troops have been killed in Iraq and Afghanistan, many

of them by groups openly affiliated with al Qaeda. Some policy makers, particularly in President Bush's Administration, advocated "fighting them there, so we don't have to fight them here." It is not clear whether this approach makes strategic sense or even describes the situation accurately. Regardless, it seems calloused and wrong to simply dismiss the casualties in Iraq and Afghanistan when assessing the success or failure of American counter-terrorism efforts.

Finally, we need to consider developments in what some analysts see as a larger struggle -- the "war of ideas" or the "long war." Here the evidence is mixed.

Al Qaeda as an organization seems to have been weakened. Many of its major leaders are dead or captured. And the organization's "brand" seems to have been diminished. Furthermore, the number of capable organizations unambiguously devoted to al Qaeda's mission of striking at the "far enemy," (that is, the West) is small.

However, the level of Islamist violence around the world remains high. Islamist terrorism is widespread in Nigeria, Russia, Pakistan, and Somalia. There are significant Islamist terror groups active in Thailand, the Philippines, India, Yemen, Kenya, and Algeria. And of course, violence remains pervasive in Iraq and Afghanistan. According to the U.S. National Counter-Terrorism Center, there were over 5,700 Islamist terror attacks around the world in 2011, a total which remains near historic highs. This does not include attacks by these groups on military forces, which are classified as "guerilla" actions rather than terrorism.

Any claims to success, in other words, have to be muted. There have been successes, but we are not yet successful in our struggle against Islamist terror.

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The Voice of Terrorism

Matthew Wallin

In the months following the 9/11 attacks, a renewed debate about the role of public diplomacy arose, with Americans striving to answer questions about why al Qaeda carried out those devastating attacks. Some political leaders declared that terrorists hate freedom, doing little to help Americans understand the complexities of what had occurred. Others argued that if we better communicated our American ideals, that we could better prevent these types of attacks. Unfortunately, some of these assertions precluded a more honest debate about America's public diplomacy: how and what it communicates to populations overseas, particularly to audiences that are most susceptible to terrorist ideology, misinformation, and propaganda.

While that was an important debate to have, it was equally important to understand how Osama bin Laden, his associates, and other terrorist organizations have conducted their own public diplomacy. Though it may seem discordant to associate diplomacy with efforts to attract others to violence, it is not. Governments often use traditional forms of "soft" diplomacy strategically to expand a "hard power" base, recruiting other states, individuals, or non-state actors to employ violence to accomplish a political goal.

Public diplomacy is an inherent part of this strategy in the modern era. As today's conflicts and international challenges are more "people-centric" than ever before, meeting these challenges requires the recognition of foreign publics as parties integral in seeking a positive outcome. Terrorist organizations know it, and have mounted considerable effort to strategically influence these populations.

The most notable revolution in public diplomacy in the 21st century has been the ability of terrorists to

use public diplomacy for the same purpose as states: as a strategic instrument in the pursuit of power or influence. Indeed, notable terrorists like Abu Musab al Zarqawi revolutionized the way terrorist groups communicate, bypassing the censorship of traditional media and relying on the viral nature of online propagation to spread messages and gruesome videos. While appropriately horrifying masses around the world, Zarqawi's communication tactics fit his strategic goals of recruiting new insurgents and establishing his notoriety in the global jihadi movement.

American public diplomacy was slow to respond, reflecting the relative inefficiency of government communication. Whereas government public diplomacy goes through a process of clearance and approval, relying on strict guidelines to ensure consistency of message and adherence to standards of diplomacy, terrorist propaganda does not. Rather, it follows a much looser path founded on the willingness of an individual to spread and carry the message.

Zarqawi's propaganda was revolutionary not because it was spread via the internet, but rather because it inspired others to replicate his efforts. Since the invasion of Iraq, the internet has been rife with videos of attacks on American or allied soldiers. The videos were meant to propagate the notion that Americans, despite their military superiority, were nevertheless powerless to stop the constant stream of guerilla attacks, ambushes, kidnappings, and murders — thereby weakening the American mythos.

September 11th was a spectacular event, and terrorists rely on the visibility of their actions in order to achieve maximum political effect. However, neither of the wars in Iraq or Afghanistan was defined by spectacular terrorism. Instead, the sheer number of unspectacular, day-to-day attacks captured on video by insurgent groups and spread via the internet became its own spectacle—an unstoppable message intended specifically to challenge the American narrative of these wars. No amount of security, military power, or money thrown at these countries could prevent

dedicated individuals from planting IEDs, committing suicide attacks, or carrying out assassinations.

It is incredibly difficult for a government to attempt to try to compete with terrorist communication on this level. In many cases, it's probably best that governments don't attempt to do so. The messaging, standards, and techniques of government messaging

are entirely different from non-state ad-hoc internet propaganda. It speaks to a different audience, as well. Insurgents or terrorists employ the open display of brutality and violence to achieve their goals, and rely on the initiative of individuals armed with cell phones, video cameras, and laptops to document and spread imagery of these acts independently of a central media nexus. Americans cannot replicate this and expect the same results.

Consider the problem with the images and videos that foreign publics might associate with American soldiers in Iraq and Afghanistan: the Abu Ghraib photos, Marines urinating on dead Taliban fighters,



2. Abu Musab al Zarqawi rose to fame with this video, in which Zarqawi himself is believed to have personally beheaded American citizen Nicholas Berg.

and the Wiki-leaked Apache video. Despite what good may have been done in the course of these wars, and the publication of these good deeds, it is often the negative images produced with soldiers' own omnipresent digital cameras that have become most prominent and taint the American narrative.

However, Al Qaeda in Iraq made one massive miscalculation in its campaign: the brutality of its tactics served to alienate key portions of the Iraqi population. Though AQI recruited enough fighters to make it a tactically viable entity, it failed to retain the support of the populace, which a terrorist organization must have in order to survive.

This serves to demonstrate that like governments, even terrorist organizations must understand the relationship between policy and public diplomacy, as even the "best" communications tactics are unable to counteract policies that alienate populations.

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Ambiguous Public Opinion of the War on Terror

Carolyn Deady

Americans were taken by surprise one year ago with the news that Osama bin Laden was dead. Over the course of many hours, details of the U.S. military action would begin to unfold. This would be one of the biggest news stories of 2011. An overwhelming majority of Americans would approve of the killing of the al Qaeda leader. Justice had been served in the eyes of many. Yet when considering what the demise of bin Laden meant for the broader issue of the war on terrorism, public opinion was much more reserved.

About half of all Americans first heard the news of Bin Laden's death from television. Countless others found out through Twitter and Facebook. The social networks reported thousands of tweets and posts per second at various points that night. New Facebook pages and groups sprung up following the announcement with hundreds of thousands of members joining within minutes. As the story developed, television would be the primary source of information for three-quarters of the public.

Interest in this story was initially very high, yet for the week overall (May 1- 8, 2011) many Americans felt that the Osama bin Laden story had been over-covered. A Pew Research poll revealed that 69% of news coverage that week was on the al Qaeda leader but actual interest in the story was at only 42%. The mainstream media was covering the same themes – what lead up to the raid, what happened during the raid and national and international reaction to it -over and over in the first few days and people became saturated.

Fear of retaliation was one of the main points of interest in the news coverage. One poll found that 57% of Americans were concerned about a terrorist

attack on the U.S. in retribution for the killing of bin Laden. Another reported a much higher 71% were concerned although they felt that an attack would not happen right away. Retaliation was just one of many facets of this tremendous story covered by the press. Accounts of the events, details of the raid, political fallout, the role of Pakistan, U.S. and global reaction and the life of Osama bin Laden were also examined over the days of coverage.



3. *Protesting U.S. war policies at the Supreme Court. Courtesy flicker user PatrickMMoore.*

In the days immediately following, polling companies garnered public opinion on the events at the compound in Pakistan and the resulting death of Bin Laden. Perhaps not surprising, most Americans felt that killing the al Qaeda leader instead of capturing him was the right thing to do. A Gallup poll showed that 93% approved of the military action that killed Bin Laden.

Pollsters also looked for public opinion on the overall threat of terrorism. Were people afraid that the threat had increased because the U.S. had killed bin Laden? Or did they think that there was less of a threat now that the al Qaeda leader was gone? It turns out that neither answer held a majority. In fact, over half of Americans felt that there was no change in the threat level as a result of bin Laden's death. However, when asked if the death of bin Laden makes the U.S. safer or less safe, 54% said safer and 28% said less so. The

polling questions seem very similar in scope yet the wording ("threat", "safer") clearly has an impact on the response.

The ambiguity of these responses – the country is safer, but the threat is not diminished – is puzzling. Americans don't seem to know whether they are winning or losing the struggle against Islamist terrorism. When asked in a CBS poll given last November, "Who do you think is currently winning the war against terrorism?": 42% of those polled said the U.S. and its allies, 42% said neither the U.S. and its allies nor terrorists. A CNN/ORC poll taken the day after bin Laden's death posed the same question with similar results: 44% said that the U.S. and its allies were winning the war on terrorism and 45% said neither was winning. In both polls, just 9% thought that terrorists were winning.

The effect on the war on terrorism by the U.S. military and intelligence communities' success in tracking down and killing Osama bin Laden has been met with a measured response rather than exuberance. The death of bin Laden, the most wanted man in the world, had the approval of a majority of Americans and was considered a victory for the U.S. It would be expected that more Americans would perceive the U.S. and its allies as winning the war on terror. Yet Americans were more guarded, realizing that removing the leader would wound but not eradicate al Qaeda therefore the threat of terrorism is still very real.

It remains to be seen how much longer the public will tolerate a war it can't say "outside" is winning. Now that bin Laden is off the scene, it will probably become more difficult for the government to justify the enormous scope of the war over the past ten years.

So, the real question is how long the public's patience will last.

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The Explosive Growth of the Counterterrorism Industrial Complex

August Cole

The threat posed by Osama bin Laden's leadership of al Qaeda is over, but the counterterrorism industry built up over the last decade pursuing him will endure beyond his demise.

While the story of the raid on bin Laden's compound in Pakistan has been pieced together, what remains veiled is the role contractors almost certainly played in preparing, planning and carrying out the historic operation. Many of the country's most sensitive missions, such as interrogation and surveillance, have been performed by government contractors operating in roles that would have raised eyebrows prior to the Sept. 11, 2001 attacks.

With a decade of this work under their belts, established government contractors such as Lockheed Martin and SAIC have put down roots in the counterterrorism business - and inside the Beltway few seem to care.

The top firms boast top former intelligence officials among their ranks. Before Sept. 11, government contractors barely bothered to give the area any attention. In 2001, the U.S. spent approximately \$11 billion annually on counterterrorism efforts, according to Congressional testimony at the time. ^[1]

Today, counterterrorism spending is woven throughout the nearly \$1 trillion the U.S. government spends each year on national security. It is a core mission at

the Pentagon, which commands the biggest slice of the federal government's discretionary spending each year. With a clear focus on counterterrorism missions, the U.S. Special Operations Command continues to add to its ranks, expecting growth by more than 3,300 in 2013.

This subset of the government contracting industry has its own particular political trajectory apart from the defense industry's traditional production of fighter jets, warships or supplying battlefield services to the Pentagon. While production lines and shipyards usually have reliable patrons in Congress to protect them from penny pinching and obsolescence, it is harder to come up with vocal advocates for the makers of software used to mine vast databases or the training of allied special operations forces. At a moment when all government spending is under intense scrutiny, this would seem to be a big liability for companies

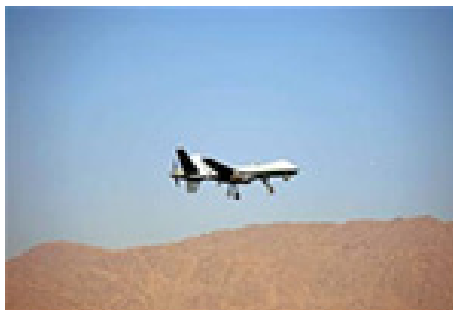
counting on a steady stream of work.

But it is not.

The Obama administration's 2011 National Strategy for Counterterrorism, which does not mention the role of industry, makes clear the U.S. is making progress destroying al Qaeda, and it is not letting

up. Government funds to combat terrorism show few signs of decreasing.

In the 2011 strategy, domestic threats are getting new attention, according to a speech last year by John Brennan, President Obama's top counterterrorism advisor and the former director of the Central Intelligence Agency's National Counterterrorism Center. After his government career, Mr. Brennan himself spent time as chief executive of The Analysis Corp. (now Sotera Defense Solutions), an intelligence contractor located in Northern Virginia that supplies the government with complex software, analysis, and



4.A General Atomics MQ-9 Reaper drone.

surveillance systems.

Just as Southern California grew into the hub of the U.S. aerospace industry during the Cold War, the office parks of Northern Virginia are now the nexus of the counterterrorism industry. While Tysons Corner and Crystal City lack the glamour of the Jet Age, these hubs have their own mystique.

Many of the firms are within a quick drive to the CIA's headquarters, or are located literally on the Pentagon's doorstep further down the Potomac River. This proximity reflects the flow of government officials into the ranks of the contractors, and subsequently the key role many of those workers continue to play at their former agencies.

The counterterrorism industry also has its own metabolism. Consider that the contract to provide the Defense Department with its newest fighter, the F-35, was awarded in 2001, shortly after the latest attacks. A decade later, it is years from being combat ready, plagued by performance problems, manufacturing delays, design flaws, and severe cost overruns.

While bleeding edge fighters can be developed slowly and deliberately, counterterrorism is a race against time. Much of the work is contained in task orders, essentially quick turnaround requests for work from a preselected group of government contractors. Performance is frequently measured in months, not years. This means big government contractors who win the work must manage many subcontractors on deadline, which can be fraught with oversight challenges.

The spending is significant, and not all of it is focused on countering al Qaeda and its affiliates.

One of the largest counterterrorism contracting vehicles is the Defense Department's Counter Narcoterrorism Technology Program Office (CNTPO) initiative. Valued at up to \$15 billion

over five years, the CNTPO overarching contract was awarded in 2007 to five companies: ARINC, Lockheed Martin, Raytheon, Northrop Grumman and U.S. Training Center (formerly known as Blackwater Worldwide). The Pentagon now plans to extend the CNTPO program beyond this year, and beyond that price – but to where, no one can really say.

For the time being, the industry has no bounds.

After the Berlin Wall fell, Southern California lost tens of thousands of jobs as the aerospace industry shrank, and then moved on to flourish in new regions such as Texas, the Gulf Coast and the suburbs of Washington, D.C.

One year after bin Laden's death, Northern Virginia, and the counterterrorism business, does not look to suffer the same collapse anytime soon.

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[1] <http://www.gao.gov/products/GAO-01-556T>

The World is Coming Around to Nuclear Security

Terri Lodge and Bryan Gold

Today there is an estimated 1,440 tons of Highly Enriched Uranium (HEU) in the world, 98% of which is held by nuclear weapon states. Roughly 1,347 tons of HEU is held by Russia and the United States. This is enough material for 60,000 first-generation Hiroshima-type nuclear weapons, each with the capability to destroy a city, kill thousands, and cost millions if not billions in damage to both infrastructure and commerce.

A weapon in the hands of terrorists is a clear and immediate national security threat not just for the United States, but countries around the world. That threat is why the security of fissile material is one of the most important challenges facing the international community.

President Obama has made the issue of reducing nuclear weapons and securing fissile materials one of his central foreign policy initiatives. At the recent Nuclear Security Summit in Seoul he warned the participating nations about the dangers of loose nuclear materials and weapons, stating, “There are still too many bad actors in search of these dangerous materials, and these dangerous materials are still vulnerable in too many places. It would not take much - just a handful or so of these materials - to kill hundreds of thousands of innocent people.”^[1] He is correct: nuclear terrorism may be a low-probability scenario compared to other forms of terrorism, but it is by far the most destructive.

Fortunately, the international community has become aware of the danger that loose nuclear weapons and lightly guarded fissile material pose to safety and security.

However, the Administration’s goal of securing all

vulnerable fissile materials by December 2013 no longer seems achievable. These materials are stored at hundreds of sites in 32 countries, some securely and tightly controlled, others with only a rudimentary security system or vulnerable to sympathetic members of a country’s government or military.

^[2] The international community is continuing to work towards this goal in the two years since the 2010 Nuclear Security Summit. Since the 2010 meeting, participating nations fulfilled over 90% of their summit commitments. This resulted in: the reduction of HEU; reactor conversion; and, a host of anti-smuggling initiatives.^[3]

The 2012 Nuclear Security Summit attempted to recreate this success, but has been criticized for weaker language in the Seoul Communiqué, using “we encourage” instead of the last meeting’s “we shall.” Nonetheless, the summit set a target date of the end of 2013 for countries to announce specific voluntary actions they will take to reduce the amount of HEU in their civilian sectors.



5. Russian Foreign Minister Sergei Lavrov and U.S. Secretary of State Hillary Clinton exchange instruments to begin the New START treaty at the Munich Security Conference in February of 2011.

The participatory nations have also finally recognized the danger posed by unsecured radioactive materials that are used for industrial, medical, and research purposes.

They embrace the idea of establishing national registers to account for material, work closely with

the IAEA on advanced technologies, and share best practices and management of radioactive sources.

At the end of the Cold War the major concern for nuclear security was Russia and the states of the former Soviet Union, who became poster-children for loose and unguarded nuclear materials. Over the past 20 years nuclear security in these states has improved through the Nunn-Lugar Cooperative Threat Reduction Program that secures and dismantles nuclear weapons and fissile materials. But while there have been vast improvements in Russia, work still needs to be done. By some estimates Russia holds roughly 737 tons of HEU and 128 tons of separated Plutonium.^[4] Fortunately, Russian leadership has taken the challenge of nuclear safety seriously and they are working hard to secure their fissile materials.

Today, the major concern for nuclear security is Pakistan; home to between 80 and 110 weapons, 2.75 tons of HEU, and 135 kg of Plutonium, enough for over 100 nuclear weapons and hundreds more if the material was used in a dirty bomb.^[5] The country's instability coupled with its powerful terrorist groups makes it the most worrying area for nuclear security in the world today.

Pakistan's Nuclear weapons in particular are at risk. Recent reports have described the country's dangerous method for transporting its nuclear weapons in civilian-style vehicles with limited security in order to thwart Indian and US intelligence agencies from gathering information on their locations.^[6] Pakistan's nuclear weapons are potentially vulnerable to interception by various terrorist groups.

Pakistan was also the hub for the A.Q. Khan network, which transported and trafficked nuclear technology, knowledge, and enrichment components around the world. In terms of corruption, social stability, and the existence of strong domestic terrorist groups, Pakistan is one of the most dangerous countries for nuclear materials security and should be the focus of international engagement.

Securing fissile materials and pushing countries to secure them is still a difficult proposition. Many nations like China, Pakistan, and Israel are secretive about their nuclear industry and the nature of their nuclear materials security because of their own national security reasons.

However, these nations, specifically Pakistan, must continue to work towards securing their materials against threats. Other nations must continue to secure their fissile materials and work towards further integration with the IAEA and other governments to account for all their radioactive materials.

Above all, the United States must continue to press its nuclear security agenda in the 2014 Nuclear Security Summit and pursue its goal of securing all nuclear material.

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[1] <http://www.whitehouse.gov/the-press-office/2012/03/26/remarks-president-obama-opening-plenary-session-nuclear-security-summit>

[2] Nuclear Materials Security Index, page 6 <http://www.ntiindex.org/>

[3] http://armscontrolcenter.org/policy/nuclearterrorism/articles/2012_nuclear_security_summit_what_it_was_and_wasnt/

[4] Global Fissile Material Report 2011, page 8 and 18

[5] Global Fissile Material Report 2011, page 11 and 19

[6] http://www.theatlantic.com/magazine/archive/2011/12/the-ally-from-hell/8730/?single_page=true

America's Deadly Amnesia

Randy Law

It is often said that America is constantly fighting the last war. That is rarely true: America's historical memory of war is spotty and unreliable. Even so, as America winds down the war in Afghanistan, its history with counterinsurgency and counterterrorism should offer lessons for the future.

The pattern that emerges from studying America's history with small, dirty wars helps us to understand current and future policy discussions. It reveals a century-long penchant for embarking on imperialistic adventures that prompt Americans to learn – but then just as quickly forget – how to better fight against insurgencies and terrorism.

This story begins in 1898 when the United States, having won the Philippines Islands in the Spanish-American War, quickly faced an insurrection led by the Tagalog guerrilla leader Emilio Aguinaldo. His forces capitalized on their intimate knowledge of the terrain, relying on ambushes and hit and run tactics. The United States fought against the insurgency by sending 70,000 soldiers who produced a swift victory by adopting unconventional tactics. American troops operated in small, flexible units that made good use of actionable intelligence, recruited informers and paramilitaries from among non-Tagalogs, and eventually captured Aguinaldo using deception and cleverness, not brute strength.

But the tit-for-tat violence of insurgency, the search for expediency, and barely latent American racism also produced an extraordinarily brutal conflict. Aguinaldo's forces made widespread use of tactics normally associated with terrorism, carrying out symbolic acts of violence against non-Tagalogs and civilian collaborators, executing prisoners, and mutilating American casualties. Meanwhile, American forces "concentrated" as many as 300,000

civilians in camps to prevent them from supplying food, recruits or intelligence to insurgents. US soldiers engaged in their own brand of counterterrorism, waterboarding suspected insurgents and burning entire villages. Despite this nasty behavior, the United States wisely transferred control over the Philippines to civilian authorities when victory was close at hand and mostly carried on the fight against the remaining insurgents and terrorists using police and courts.

But soon, the United States entered the Great War, and the complicated memory of successfully fighting against terrorism and insurgency while engaging in a morally suspect occupation of the Philippines was almost completely suppressed. World War II and Korea further reinforced the drive to master the tools of conventional war.

In the 1960s, Americans found themselves once again fighting against an insurgency spawned by an intervention at the edge of the Pacific – this time in Vietnam. When the Viet Minh unleashed guerrilla warfare against enemy soldiers and terrorism against civilians, the United States responded the only way it knew how: by deploying a large army using massive firepower to grind down the enemy. But the Viet Minh largely refused to fight America's brand of war, instead waging a campaign like Aguinaldo's Tagalogs did sixty-some years earlier – just with better trained and better armed forces far more aware of the tools at their disposal.

This time it took the Americans several years to apply the appropriate techniques first pioneered in the Philippines. The real breakthrough came when military leaders realized that high Vietnamese body counts could not, in and of themselves, win the war. Instead, the US radically transformed its strategy, fighting less against an enemy for territory, and more for the protection and allegiance of the local population, an effort that finally reflected the awareness that guerrilla war and terrorism are tactics – tactics that seek victory by instilling the perception of diminishing security and legitimacy.

But the realization came too late since the war had already been lost back home – in large part because the military had constantly been claiming that victory was imminent, even as it slipped out of view.

The great irony was that by the time the United States retreated from Vietnam, the military had promulgated its new worldview in field manuals, boot camps, and war colleges, and birthed a new generation of warrior intellectuals who supplemented their battlefield experience with academic degrees.

As after the Philippine Insurgency, though, the military establishment forgot both the moral cost of engaging in such conflicts, as well as the means to more successfully do so if forced to engage. After all, the American military was primarily concerned with the threat of a massive conventional war with the Soviet Union.

This was the mindset that still prevailed when the United States launched an elective war against Iraq in 2003. America won the opening phase of the war quickly and convincingly, but American bungling helped spur the emergence of an insurgency and a bloody terrorist campaign. Anarchic Iraq provided an ideal haven for terrorists, as well as the perfect recruiting tool for drawing them into a new international jihadist campaign. Iraq – a country uninvolved in 9/11 and unaffiliated with al Qaeda – had ironically become a front in the War on Terror.

The collective American military establishment had no

idea how to proceed, having once again forgotten all the lessons it had learned twice over. The kneejerk US reaction was to engage as if waging conventional war, using large concentrations of troops and firepower. Such a strategy was disastrous when Iraqi insurgents hid within the population and relied on terrorism.

But then the US military snatched victory – or at least a draw – from the mouth of defeat, and unlike in Vietnam, it came quickly enough to produce results. The military reinvented itself in a few years, implementing

a new vision for waging counterinsurgency based on the lessons learned and forgotten in the Philippines and Vietnam. Not surprisingly, it was a veteran of Vietnam and that academic/military revolution, General David Petraeus, who led the way in applying those lessons. The “Petraeus Plan” helped turn the war in Iraq. The United States has mostly left Iraq, and the situation is still fragile – but no longer analogous to Vietnam in 1972-75.



6. Paktia provincial Deputy Governor Abdal Rahma Mangal, left, talks with tribal leaders in the Jani Khel district during a visit to a remote village Feb. 15, 2009. DoD photo by Fred W. Baker III.

Experts disagree on the status of the Afghan war, where elements of the Petraeus Plan have been applied. The Americans and the Afghans have made some gains but are already planning the timetable for an American withdrawal. Whether the gains can be sustained is debatable – a debate that would not be occurring were it not for the US military’s renaissance.

Again we face a moment American has faced before, the tail end of military engagements that have produced mixed results but great tactical and strategic

insights into the nature of insurgency and terrorism – insights that had to be painfully relearned after being all but forgotten.

And already there are indications that the US is pivoting toward new challenges, for in recent months, the Obama administration has publicized a new military and geopolitical framework that projects China, not low-intensity conflict, as the most likely future challenge.

Are we setting ourselves up for another iteration of the cycle of forgetfulness? Given the prevalence today of guerrilla warfare and terrorism, is it wise to bank on the current age's challenges passing so quickly? Is it smart to believe that we will do a better job mothballing our knowledge this time?

Americans have short memories, and that can be a good thing. Forgetting failure helps you get back in the saddle again.

But forgetting the wisdom that comes from making sense of failure is a recipe for disaster, a recipe that those who use guerrilla warfare and terror will certainly count on at some point in our future.

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Thought Crimes and Terror Trials

Joshua Foust

On April 12, 2012, Tarek Mehanna, a Boston-area U.S. citizen, was sentenced to seventeen and a half years of prison for “conspiracy to provide material support to al Qaeda, providing material support to terrorists (and conspiracy to do so), conspiracy to commit murder in a foreign country, conspiracy to make false statements to the FBI, and two counts of making false statements.”^[1] It has become something of a landmark case because on the surface it appears to be a conviction for what amounts to a thought crime – for not acting on, but believing in violent jihad.

The Mehanna case is made up of two issues at once – Mehanna lied to the feds, and he also engaged in “speech” online that supported some terrorist groups – which has made understanding his case difficult. His sentence is certainly longer than the eight years mandated for making false statements to the FBI in terrorism cases, and the jury at his trial seemed to think that Mehanna had violated more than one law.

But does this make any sort of reasonable sense? No one would argue that lying to a federal law enforcement officer is not a crime. The law governing false statements, 18 USC § 1001, is not a controversial law. But the circumstances under which Mehanna lied should matter in this case. When he was arrested in 2009, Mehanna was accused of traveling to Yemen in 2004 to search for a jihad training camp, and for translating several online jihadist documents and videos into English for further distribution. He was convicted after a two-month trial of providing “material support” to terrorists.

The material support laws Mehanna was convicted under are broadly worded: “any property, tangible or intangible, or service, including currency or monetary instruments or financial securities,

financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), and transportation, except medicine or religious materials.”^[2]

Under such a definition, it is a crime to provide “any service” to a terrorist group – so if Mehanna was indeed translating those documents with the intent of supporting a designated Foreign Terrorist Organization, then he very well might have tripped over the law. The challenge, as David Cole recently recounted, is that the government did not provide any evidence that Mehanna actually communicated with any terrorists.^[3] They argued that his public expression of support, and the provision of translation, was itself material support regardless of whether he knowingly supported a specific group or not.



7. 2009 rally against terrorist trials in Foley Square, Manhattan.
Courtesy flickr user asterix611

So when we look back at why Mehanna may have lied to a federal agent, the case seems a lot murkier. It’s the government’s decision whether to prosecute him for lying to an FBI agent (and there would be little controversy had they done that). But by expanding the case to include charges for actions most people

would consider ordinary speech on the Internet, the government opened itself up to arguments that they are prosecuting thought crimes.

This is the fundamental challenge of effective counterterrorism. The government wants to prevent terrorism from taking place, and to do so it has to detect and unravel conspiracies to commit violence before they take place. But how can you do that while respecting fundamental rights?

It’s easy to glibly write this off as “police work” or “intelligence.” However, the Mehanna case shows that the letter of the law can be used to convict people even when they have neither committed violence nor directly communicated with terrorists – to say nothing of actually engaging in violence. It takes preventive counterterrorism to an extreme that we should find unacceptable. It’s not just a question of normal law enforcement or even of intelligence gathering and analysis – it is a fundamental question of what the U.S. is willing to tolerate from its government.

The material support laws were passed with the right intention – creating a legal framework that would allow the government to identify and undermine terrorists before they could strike. That framework, however, has also resulted in some bizarre legal cases, like Jamshid Muhtorov’s arrest in January of 2012 for communicating with a website owner associated with Islamic Jihad Union (IJU).^[4]

Like Mehanna, Muhtorov was accused of providing material support (in this case, himself) to a designated Foreign Terrorist Organization, and arrested on his way to Istanbul. Another man, Bakhtiyor Jumaev, was later arrested in New Jersey for the crime of sending Muhtorov a check for \$300, which the government alleges was a financial contribution to a terrorist organization.

Far from the immediacy of terrorist plots one sees on TV shows like 24, these three men are not accused of actively engaging in or plotting violence. Instead, they are accused of “supporting” terrorism, with support being defined so broadly that practically any activity can be called “material support.”

The government needs the ability to stop terrorist plots in their tracks, and it needs the right to go after the terrorist networks that enable those plots to move forward. On the other hand, there also needs to be limits on what the government can do. Imprisoning people for engaging in jihad speech on the Internet is a bizarre reaction to Islamist terrorism, something that would have seemed impossible a decade ago.

Yet, the impossible seems to part of the modern fight against terrorism. Far from being an issue of law enforcement, terror trials seem to be moving in a worrying direction where thinking about jihad is as illegal as acting on jihad. It is elevating terrorism from a crime to a thought crime. And unless that system is constrained or limited, it will envelop a lot of innocent people along the way.

In cases of domestic terrorism, federal judges have vehemently defended the rights of U.S. citizens to openly express their hatred for authority. When dismissing the last Hutaree militia case, Judge Victoria Roberts noted that speech and beliefs are not enough to convict people in a trial – even if those beliefs include a desire to attack the U.S. government^[5]. But if a U.S. citizen expresses ideas that also happened to be expressed by jihadi terrorists, he is thrown into prison for seventeen years, like Tarek Mehanna.

The clear double standard in these two cases is intolerable, but hardly unique. High-profile senior U.S. officials have openly lobbied the government on behalf of the Mujahidin-e Khalq-e Iran, or People’s Mujahedin of Iran (MEK), an officially designated Foreign Terrorist Organization. These officials have received large fees and substantial support for their advocacy. Yet, while Mehanna’s internet activity and

Muhtorov’s travel plans earned them arrest and trials, MEK’s supporters are only the subject of a passive “inquiry” by the Treasury Department (and not the FBI)^[6].

We can try to parse out the meaningful differences between al Qaeda and the MEK – one is explicitly religious in its outlook, the other focused on the much more secular goal of change the Iranian regime – but the law doesn’t make that distinction. It is just applied unequally, and happens to target normal people while ignoring powerful people.

It is a system urgently in need of reform. Thought crimes, double standards, and abusive laws should not define our fight against jihadist terrorism – sound principles and fair laws should.

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[1] <http://www.fbi.gov/boston/press-releases/2012/tarek-mehanna-sentenced-in-boston-to-17-years-in-prison-on-terrorism-related-charges>

[2] <http://www.law.cornell.edu/uscode/text/18/2339A>

[3] <http://www.nybooks.com/blogs/nyrblog/2012/apr/19/39-ways-limit-free-speech/>

[4] http://www.denverpost.com/breakingnews/ci_20266258/colorado-terrorism-suspect-muhtorov-pleads-not-guilty-again

[5] <http://www.reuters.com/article/2012/03/29/us-usa-crime-militia-idUSBRE82S1EX20120329>

[6] <http://www.nytimes.com/2012/03/13/us/us-supporters-of-iranian-group-mek-face-scrutiny.html>

How to Negotiate with Terrorists

Brigadier General John Adams, USA (Ret.)

The act of brandishing a weapon on the street always raises the stakes of a personal confrontation. Similarly, in the international arena a display of military force signals that if terms cannot be agreed upon, force will inevitably result. But few want to default to force as their first option. The alternative to using force internationally is negotiation directed at safeguarding our nation's interests. Impetuous military action shares with appeasement the quality of self-destruction – of national interests, welfare, and security. Diplomacy offers a better path.

Interests-focused negotiation offers the best opportunity to achieve national goals without sacrificing core interests. The real issue is not whether the U.S. will engage (a HELLFIRE Missile is a message, after all), but how that engagement will take shape. Does it not make sense, whenever possible, to engage adversaries diplomatically before resorting to force? Moreover, how does the threat of military force affect the ensuing negotiation? Can we apply the principles of negotiation to the most extreme case of engaging with terrorists?

The terrorist is an outlaw, rejecting the norms of civilization. Negotiating with terrorists is a risk, both of implicitly endorsing the terrorists' standing as well as setting a precedent for future terrorists.

However, terrorism doesn't happen in a vacuum; it is a political act - a means to an end - one that can be addressed more effectively if better understood. A military campaign aimed at simply eliminating the terrorists – and failing to address the underlying political motivations – raises the political stakes that engendered the terrorism in the first place. In some cases, this means we should consider seizing the advantages that can only be acquired through engagement or negotiation – even with terrorists.

Negotiation is merely a tactic, aimed at achieving an outcome that best satisfies our own interests. At the outset of dealing with terrorist demands, it makes sense to determine 1) what the terrorists want; 2) what we want from them; and 3) how we can accomplish our goals with the minimum cost. A successful outcome depends on sound, cold analysis of these questions. We need to gather information and to dispel myths.



8. American members of the United Nations Delegation to the Panmunjom Military Armistice Conference attend a daily meeting at the Musanni United Nations Base Camp, 1952.

Of course, the terrorists may not wish to engage meaningfully. However, seeking direct engagement with the terrorists is critical to better understanding both their motivations as well as how we can effectively counter them. In some cases, third-parties to the conflict can act as mediators in order to ensure their own interests are privileged. In both

cases, the primacy of American interests demands that we press for direct engagement as much as possible to ensure our own clarity as well as clarity for the terrorists' understanding of our interests. Only through direct

negotiation can we gain the best understanding of the terrorists' motivations, capabilities, and negotiating redlines.

Gathering information through negotiation is only part of the process; engagement also dispels myths.

The greatest disadvantage of self-imposed refusal to negotiate is that our decision-making will be less informed. Untested and erroneous assumptions about the terrorists' motivations, capabilities and negotiating positions are more likely to remain unformed by facts. Assumptions may be correct or not; however, when assumptions are repeated often enough, they may actually replace facts in decision-making, which can ultimately hurt us.

Therefore, another important role of diplomacy, critical for clear analysis, is the testing and validation of assumptions about the opponent. Only through this winnowing process can incorrect assumptions be eliminated, and the facts upon which sound decisions are made validated.

For the United States, Afghanistan presents the clearest case where we need to avoid dogma. We need a clear-minded focus on American interests in Afghanistan: preventing the return of al Qaeda and safe withdrawal of our troops. As the war drags on, direct American diplomatic engagement with the Taliban becomes more urgent. It is time for the United States to diplomatically engage the Taliban, to ensure that American national security objectives are addressed as priorities.

Military force is the ultimate negotiating tool, but it is a special case in that it prejudices not only the outcome but the character of the negotiation itself. Every country, indeed every political movement in the world, understands that the United States always reserves the right to use military force for the defense of the nation. Premature military action overpowers other actions below the level of force that reduce

the risks to the United States. Moreover, the use of military force without concern for collateral effects actually undermines the goal of preserving American national security.

When we refuse to negotiate with terrorists, whether out of a sense of moral revulsion or because we believe that only force can produce a successful outcome, we limit our own tactical options. This is often for good reason: with groups like al Qaeda there may be no basis for negotiation because they are existentially opposed to us. But with others, like the Taliban, there may be enough wiggle room where negotiations make perfect sense.

When we choose military force first, without attempting to engage diplomatically, we raise both the political stakes as well as impede any potential negotiation process, either during the present conflict or in order to prevent future conflicts.

Diplomacy can aid the process of dealing with terrorists if negotiation is an effective tool for dealing with the problem. Diplomatic options may either profitably accompany military response, or make military response unnecessary.

We should neither reflexively reject the possibility of negotiation nor waive our core interests.

Rather, we should use negotiation as a selective and practical tool for dealing with terrorists to attain the preeminent goal of preserving the security and welfare of the United States.

Brigadier General (Ret.) John Adams retired from the U.S. Army in 2007 and is an independent defense consultant. He is also a member of the Consensus for American Security.

Closing Remarks

Stephen A. Cheney

Although I prefer to call it a war on terrorists, regardless of the title, terrorism will unfortunately be a threat we will likely have to live with in perpetuity. Much as we try to minimize the threat, the sad reality is that we cannot achieve perfect, 100% effective security. We can only hope to effectively manage the risks we face.

The last year has been no exception and the American Security Project (ASP) has closely followed worldwide developments in the effort to defend our country.

ASP is uniquely qualified to discuss this issue.

Our Board of Directors is comprised of many distinguished Americans - Republicans, Democrats, businessmen and women, and generals and admirals from all of our Armed Services. Our staff has deep experience dealing with this issue, with several having spent considerable time in Afghanistan. And our adjunct fellows, analysts, and members of our Consensus for American Security have studied this issue for decades.

Joshua Foust has put together a fine group with views that I believe you will find refreshing and relevant. ASP comes with no partisan bias - our only interest is to improve our nation's security, and you will find several recommendations on how some of us propose to do this.

We believe in responsible journalism based on factual evidence - not the "shoot from the hip" emotional rhetoric that you often see.

I encourage you to visit our website and keep up with what we publish - you'll be better informed as a result!

BGen Stephen A. Cheney USMC (Ret.) is the Chief Executive Officer of the American Security Project

About of the Authors

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Joshua Foust is a Fellow at the American Security Project and the author of *Afghanistan Journal: Selections from Registan.net*. He is also a correspondent for *The Atlantic* and a columnist for *PBS Need to Know*. Joshua is currently researching the role of entrepreneurship in national security strategy, the development of metrics in understanding national security policy, and non-military implementations of foreign policy doctrine.

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Dr. Bernard Finel is an associate professor of National Security Strategy at the National War College and an adjunct senior fellow at ASP. He was Senior Fellow and Director of Research at the American Security Project (ASP) from late 2006 to August 2010. He is the lead author of ASP's annual report, "Are We Winning? Measuring Progress in the Struggle against Violent Jihadism."

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August Cole is a writer focusing on national security issues and a adjunct fellow at ASP. He is currently writing a series of novels about private military contractors involved in covert and clandestine intelligence operations for the U.S. His research centers on how operational and policy priorities, political shifts and budget cuts impact the defense industry and U.S. national security.

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Terri Lodge is the Director for Nuclear Security at ASP and has worked on nuclear issues for many years at various institutions including the US State Department, where she worked for Assistant Secretary Rose Gottemoeller and to help ensure New START ratification.

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John Adams

Brigadier General John Adam, USA(Retired) is a member of the Consensus for American Security and served in the Army for over 30 years in various assignments all over the world. His final military assignment was as Deputy United States Military Representative to the North Atlantic Treaty Organization (NATO) Military Committee in Brussels, Belgium, the highest military authority of NATO.

Stephen A. Cheney

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Further Reading

American Security Quarterly:

Second Edition: April 2012

First Edition: January 2012

20 Years After the Fall: The U.S. and Russia in the post-Soviet World

A collection of essays from our fellows, board members, and adjunct fellows analyzing the evolution of U.S. foreign policy in the 20 years after the collapse of the USSR. Published in partnership with The Atlantic Monthly. These essays examine the last two decades of change in nuclear security, energy policy, the defense industry, regional and bilateral politics, and U.S. posture and geostrategy.

ASP Major Reports:

Climate and Energy Security	America's Energy Choices 2012
Nuclear Security Initiative	Nuclear Security Index
American Competitiveness	Fusion Energy: An Opportunity for American Leadership and Security
Asymmetric Operations	Measuring Success: Are We Winning? 10 Years in Afghanistan
Asymmetric Operations	Abu Sayyaf: The Father of the Swordsman

ASP Fact Sheets and Perspectives:

Cause and Effect: U.S. Gas Prices

Bio Fuels and National Security

Expeditionary Economics

Afghanistan Key Dates - Now until 2014

Significant Iranian Sanctions Since 1995

Iran - Facts and Figures

Are We Winning Reports

Since September 11, 2001, U.S. counter-terrorism policy has focused largely on the worldwide threat posed by Islamist extremism to America.

Through its continuing research, events, and publications, the American Security Project provides critical assessments of this fight against extremism, examining whether or not progress is being made, and prescribing new solutions that keep us safe.

Are We Winning? (AWW) was the first metric-driven assessment of progress in the fight against al Qaeda. It tracks progress in ten discreet areas against historic norms.

The purpose of the report is to provide empirical data as the foundation of reasoned discussion and principled debate. The metrics are designed to be both reproducible and objective.

Are We Winning? (2010)

Are We Winning? Interim Update (2009)

Are We Winning? (2009)

Are We Winning? Interim Update (2008)

Are We Winning? (2008)

Are We Winning? (2007)

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Building a New American Arsenal

The American Security Project (ASP) is a nonpartisan initiative to educate the American public about the changing nature of national security in the 21st century.

Gone are the days when a nation's strength could be measured by bombers and battleships. Security in this new era requires a New American Arsenal harnessing all of America's strengths: the force of our diplomacy; the might of our military; the vigor of our economy; and the power of our ideals.

We believe that America must lead other nations in the pursuit of our common goals and shared security. We must confront international challenges with all the tools at our disposal. We must address emerging problems before they become security crises. And to do this, we must forge a new bipartisan consensus at home.

ASP brings together prominent American leaders, current and former members of Congress, retired military officers, and former government officials. Staff direct research on a broad range of issues and engages and empowers the American public by taking its findings directly to them.

We live in a time when the threats to our security are as complex and diverse as terrorism, the spread of weapons of mass destruction, climate change, failed and failing states, disease, and pandemics. The same-old solutions and partisan bickering won't do. America needs an honest dialogue about security that is as robust as it is realistic.

ASP exists to promote that dialogue, to forge consensus, and to spur constructive action so that America meets the challenges to its security while seizing the opportunities the new century offers.



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