

Pulling the plug on the 'War on Terror'

By Asad Hashim in Americas on Thu, 2011-09-08 20:29.



Photo by Asad Hashim/Al Jazeera

Is it time to end the 'War on Terror'?

That was the motion under debate on Wednesday night in New York City, as the Intelligence Squared Debate series brought experts from inside and outside the government to try and convince the audience that it is either time to declare the open-ended war against "terrorism" over, or that doing so would cripple the US government's ability to protect its citizens.

It's a question that, with the killing of Osama bin Laden, the revolutions in the Arab world, the imminent US withdrawal from Iraq and the beginning of a US troop drawdown in Afghanistan, is in the air in the US. Ten years on from the September 11, 2001, attacks that prompted the US Congress to authorise the use of "all necessary and appropriate force" against those deemed to have planned, or aided in planning, the attacks, there is a sense that it may be time for the US, both as a government and as a nation, to walk away from a definition of war that remains open-ended.

Debating for the motion were Peter Bergen, a national security analyst with first-hand experience of reporting on armed groups and the author of several books on the subject, and Juliette Kayyem, who has served under the Obama administration in the Department of Homeland Security at the federal level and fulfilled a similar role at the state-level.

Against them stood Michael Hayden, the former director of the US Central Intelligence Agency (2006-2009) and the National Security Agency (1999-2005), and Richard Falkenrath, a homeland security adviser to then-US President George W Bush (2001-2003) and former deputy commissioner for counter-terrorism for the New York Police Department (2006-2010).

Bergen, a man who even his opponents conceded has an “encyclopaedic knowledge of the operational details of terrorist groups”, opened proceedings with the view that maintaining the current rhetoric regarding a ‘War on Terror’ “masks other problems”, such as managing the rise of China and maintaining geopolitical stability in other regions and conflicts that are not directly related to “terrorism” as it has come to be known in US political discourse.

For him, the focus of the war needs to be narrowed so that it looks only at al-Qaeda – a group he argued was “on its last legs”, citing a lack of organisation and reach. He also asserted that the group had not been able to launch a major international attack since the July 2006 bombings in London (a claim that victims of attacks by al-Qaeda in the Islamic Magreb and al-Qaeda affiliates in Iraq may well dispute).

“Three hundred people die every year in their bath tubs in the United States,” Bergen said, comparing that to the “far lower” number of US citizens killed by al-Qaeda, on average, every year. “And we’re not afraid of bath tubs.”

Bergen argued that al-Qaeda had “lost the battle of ideas” in the Middle East, and that the revolutions in the Arab world, which have occurred by and large without any reference to the ideology of al-Qaeda or Osama bin Laden, were proof of the group’s declining influence.

Bergen’s point, then, was that al-Qaeda’s abilities had been degraded to the point where the large US counterterrorism and intelligence operations being run against them could be pulled back from the war-footing they have been on for the last 10 years, allowing US national security policy to be based on a broader range of concerns rather than on a “grandiose ... all-encompassing approach” against “anyone who says the word ‘jihad’”.

Kayyem, Bergen’s partner in the debate, though, seemed to be making an altogether different, and more sociological, point. The former Obama administration official argued that what was required after 10 years was a change of “mindset”; that not just the government but the citizens of the United States needed to change their ideology on how to deal with “Islamic fundamentalism”.

Moreover, she argued that as far as the government was concerned, this had already happened, with the evolution of a counterterrorism approach that was less over-arching than in the initial years of the war. What needed to happen, however, was for more elements of the “dark side” of the immediate response to the 9/11 attacks (e.g. military tribunals, arbitrary detention, wiretapping and a “disdain for the judiciary”) to be abandoned in favour of a US security apparatus that is more focused and less diffuse.

For Kayyem, the time for the “War on Terror” has come and gone, and it is time to step away from a language that puts the country into a “war mentality”, and for the nation to move towards a political

space where it would be acceptable (“not political suicide”, to use Kayyem’s words) to declare the “War on Terror” over.

It’s a compelling point, but not one which Hayden and Falkenrath were willing to engage with.

One needs to define the debate “precisely, not in terms of a squishy mindset or set of feelings”, Falkenrath countered.

For Hayden and Falkenrath, this debate was not about ideologies, political atmospherics or discourse: it was about repealing the Authorization for the Use of Military Force (AUMF), passed on September 18, 2001, against those deemed responsible for the 9/11 attacks.

This, of course, they deemed to be a dangerous and unnecessary course of action that would remove certain tools and abilities from the US’s efforts against militant groups deemed to be a threat to it.

“With the perpetrators of 9/11 still at large, we still need this law,” argued Falkenrath, who added that the debate was not about whether the law was “misused” in the early years of the Bush presidency. For him, there was no harm in keeping the law in place, and no benefit to be gained from shelving it, as it would no longer allow the US president to take whatever actions he or she deemed necessary in order to strike at groups considered a threat to the US.

Hayden, moreover, argued that the law did not broaden the scope of the war too much; in contrast, he asserted that it was focused on fighting al-Qaeda, rather than other groups (such as Hezbollah, who he named). He stressed that if the law was shelved, then it would raise troubling legal questions for events like the killing of Osama bin Laden – an event that he argued should have occurred exactly as it did, without consideration for Bin Laden’s Miranda rights.

For Hayden, abandoning the law would mean that the Miranda rights would have to be made more malleable across the board, rather than simply denied to certain people, which had broader implications for civil liberties than what he described as the limited, focused infringements of those liberties under the “War on Terror” laws.

The question of Miranda rights provided for what was, for this non-US member of the audience, a fairly uncomfortable moment when Falkenrath, Hayden’s partner, suggested that abandoning the AUMF would mean that if the US found Ayman al-Zawahiri, al-Qaeda’s new leader, soldiers would have to read him rights rather than shoot him on the spot.

Rather than eliciting a silence, that statement drew giggles from those across the packed auditorium. A wink and a nod, then, that this audience, at least, was comfortable with the idea of killing al-Zawahiri rather than pursuing him in a US or International Criminal Court.

Finally, asked what conditions the side against the motion would set for ending the war at some later point, Hayden said that he had no concrete notion of what that would be, and that “we’ll recognise it when we see it”, a suggestion that Falkenrath said he saw no harm in.

After a lively debate, with plenty in the way of both anecdotal flippancy and historical context, the audience was asked to vote on whether or not they had changed their minds on the motion (the Intelligence Squared debates are judged based not on the absolute numbers for and against the

motion in question, but on voting both before and after the arguments to determine how many switched sides as a result of the debate).

The winners?

Hayden and Falkenrath, who went up 15 percentage points by the end of the debate, as against Kayyem and Bergen's five per cent (11 per cent remained undecided). Tellingly, however, this still meant that the absolute numbers stood at 46 per cent for the motion, and 43 per cent against.

The debate, then, doesn't look like it'll be settled anytime soon.