

# The War on Terror: A False Promise for National Security

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Terrorism is the war of the poor, and war is the terrorism of the rich.

—Sir Peter Ustinov

War is a lie.

—David Swanson

As you might guess—and to put it mildly—I’ve long been a nonbeliever in the “war on terror.” I’m really pleased to take full advantage of this invitation to write what I think.

It is important for students to know the objective facts of “the war” that U.S. officials decided their generation would grow up and be saddled with. It is the basic premise of the “war on terror” that I and many others have constantly tried to expose as faulty and disastrous. It seems we may be at the point now of watching perplexed as the little boy did when the foolish emperor was conned into parading naked. The naked emperor did not know what to do but to continue his prideful march, trying to ignore the boy’s yelling and the crowd’s subsequent snickers.

It is easy to see constant confirmation of the above quotes—fundamental wisdoms making clearer the terrible consequences and costs of this war. Terrorism and war are nothing but the flip sides of each other. Gandhi, Martin Luther King Jr., and many other modern-day ethicists and foreign policy observers have observed that violence only begets violence.

That’s also what the Defense Science Board Task Force concluded in 2004. Donald Rumsfeld had directed this Board to review the impact that the Bush-Cheney administration’s policies—specifically the wars in Iraq and Afghanistan—were having on terrorism and Islamic

radicalism. The resulting report in September 2004 vigorously condemned the Bush/Cheney approach as entirely counterproductive—as worsening the terrorist threat those policies purportedly sought to reduce.<sup>1</sup> The Task Force began by noting the “underlying sources of threats to America’s national security”; namely, the “negative attitudes” toward the United States in the Muslim world and “the conditions that create them.” What most exacerbates anti-American sentiment, and therefore the threat of terrorism? “American direct intervention in the Muslim world,” through our “one-sided support in favor of Israel”; support for Islamic tyrannies in places such as Egypt and Saudi Arabia; and, most of all, “the American occupation of Iraq and Afghanistan.”

It is axiomatic that terrorism and war will therefore always work in sync and serve to ratchet up, not reduce, the other. This, of course, guarantees no end, just ever-increasing conflict, leading to our “global war on terrorism” being aptly renamed “the long” or “the perpetual” war. American citizens may grow weary of it, especially as the costs and the blowback increase, but the Military Industrial Complex and its little brother, the National Security Surveillance Complex, could not have hit upon a better, more self-sustaining profit formula. Dwight Eisenhower was so correct to warn about this.

Since the Bush-Cheney administration’s initial launching of this war in the form of a military assault upon Afghanistan—as a response to 9/11, which essentially occurred before an encyclopedia could be written and even before any real truth had trickled out about why and how the attacks on the World Trade Center and the Pentagon had even occurred—it is noted in this publication that the “war on terror” and terrorism have already perhaps taken about two million lives. It has spread to countries around the world, which the United States now refers to as “the global battlefield.” Accordingly, newspapers including the *Washington Post* report that groups such as “al Qaeda in the Peninsula” have tripled or quadrupled their numbers since the United States began its latest form of warfare, its drone bombing in Yemen. Sectarian hatreds, sparked by U.S. invasions and the toppling of regimes, have spread violence like wildfire. Understandably, polls in the countries comprising the ever-expanding global battlefield show increasing hatred of Americans. This indicates the “global battlefield” will probably only grow

larger. It already encompasses the United States proper as the search for “homegrown terrorists” and “insider threats” has effectively replaced the old mantra of “we’re fighting them *over there* so we don’t have to fight them *here*.”

The attempted “legalizing” of previously unconstitutional tactics such as warrantless monitoring and personal data collection about American citizens, torture, and abusive interrogation as well as drone assassinations were and still are predicated upon the “war powers” in the original “Authorization to Use Military Force.” Worse of all, our government’s declaring war and departing from the rule of law, in many people’s eyes, caused our country to lower itself to the level of the terrorists. Ironically, the declaring of “war” instead of sticking to well-established concepts of criminal justice enhanced the legitimacy and raised the image of the terrorists from mere criminals to a loftier, nation-state status.

Paul R. Pillar, who spent twenty-eight years at the Central Intelligence Agency and rose to be one of the agency’s top analysts, recently wrote about another downside of the precedent set by our “playing of the terrorism card”:

Of course, many dictators and crackdown artists would shout the T-word as a justification for their actions regardless of what the United States does or says. “Terrorist” is an all-purpose pejorative. But the fact that the United States has made the subject such a preoccupation following one event 12 years ago has unquestionably increased the value of this particular card.

Anything that is an obvious preoccupation of the superpower lends credibility to others claiming the same priorities. Invoking the issue also can serve as an appeal for support or at least tolerance from the superpower itself.

The playing of the terrorism card in this manner is in turn but one of the many ways in which the drastic swing of the pendulum of American political priorities in September 2001 still confounds much else the United States is doing, or trying to do, both foreign and domestic.<sup>2</sup>

To be clear, I’ve been a nonbeliever from the start. In my “whistle-blower memo” of May 21, 2002, I even put “war against terrorism” in quotes because no one I knew at the time considered it to even be a real war. We thought it was only being used as a strong metaphor, like the “war on drugs” or the “war on poverty.” At that time, people were still hopeful that the Powell Doctrine would set strict limits on all (real) post-Vietnam Wars. The Powell Doctrine stated

that a list of questions all had to be answered affirmatively before military action is taken by the United States:

1. Is a vital national security interest threatened?
2. Do we have a clear, attainable objective?
3. Have the risks and costs been fully and frankly analyzed?
4. Have all other nonviolent policy means been fully exhausted?
5. Is there a plausible exit strategy to avoid endless entanglement?
6. Have the consequences of our action been fully considered?
7. Is the action supported by the American people?
8. Do we have genuine, broad, international support?

But none of these questions were asked before the “war on terror” was declared. The hope of the existence of any such limits went totally up in smoke when Colin Powell himself helped destroy his namesake doctrine, testifying dishonestly to the United Nations in February 2003 by exaggerating and concocting evidence of “weapons of mass destruction” to justify Bush-Cheney’s ensuing preemptive (and all too real) war on Iraq. The decision to launch a preemptive invasion of a country that had nothing to do with 9/11 terrorism prompted me to write a second whistleblower letter to the FBI director. (Among other things, Robert Mueller had to know Iraq bore no connection to 9/11 and that there was no proof for Vice President Dick Cheney to constantly falsely point to 9/11 hijacker Mohammed Atta having met with Iraqi intelligence.) My warning about how this next “war,” the next step of the “war on terror,” would turn out to be counterproductive, fell on deaf ears, as by that time, the war propaganda had succeeded in getting 70 percent of the American public to believe, without a shred of evidence, that Saddam was behind the 9/11 attacks! Talk about an example of “war is a lie!”

By that time, the ethics training I and other FBI legal counsel happened to have presented just one week before 9/11 “not to puff, shade, skew, massage, tailor or firm up statements of fact” was obviously long forgotten. Truth had become the first casualty of the “war on terror,” as in all wars. None of the various unethical and illegal actions that quickly took the United States not only to hot wars with Afghanistan and Iraq but also to “the dark side”—warrantless monitoring; massive data collections; kidnapping renditions; creation of black sites; indefinite detention of captured prisoners at Guantanamo and elsewhere; declaring that the Geneva Conventions didn’t apply; use of various “enhanced interrogation” torture and

abusive tactics; depriving detainees of their rights to attorney, due process, and to habeas corpus; the costly hiring of millions of “top-secret-cleared” employees through private contractors, and more recently the widespread use of drone assassinations throughout the world far from conventional battlefields—bears any connection to the problems and failures that the 9/11 Commission and other official 9/11 investigations concluded had allowed the attacks to occur. The official conclusions about the factors and real reasons for 9/11, however, came way too late, years after almost all of the kneejerk “dark side” actions had begun.

It was eventually determined there were real failures to share information, not only within agencies and between intelligence agencies but also, and most importantly, with the public. Failures to even read important pre-9/11 intelligence memos, let alone share important intelligence, were identified. But as far as I can tell (noting that I’ve been retired since the end of 2004), none of those failures were ever remedied. If anything, the official excuse for not reading or acting on memos addressed to the top, that “you can’t get a sip from a firehose,” was made thousands of times worse by the initiation of “total-information-awareness”-type massive data-collection programs and by hugely increasing the use of secret classifications to compartmentalize and keep even more information secret. “Secret intelligence” is nothing but a dangerous contradiction of terms.

The various unethical, illegal responses not only had nothing to do with fixing the pre-9/11 lapses but also they made matters worse pragmatically as well as caused the United States to lose the moral high ground. Adopting the “law of war” and departing from judicial “due process” also meant dropping (or greatly reducing) the need for evidentiary showings. Open judicial processes inherently guarantee more accuracy, than for example, instituting bounty systems to capture foreigners who just happened to be in the wrong place at the wrong time but whom it was easy to label “the worst of the worst” and then detain indefinitely at Guantanamo. Guantanamo was selected deliberately so as to be outside the reach of American law. Accuracy was also sacrificed in allowing the CIA to make ex parte decisions to kidnap and torture other suspects, some of whom turned out to be totally innocent. The same ex parte decisional authority later impaired the CIA’s and Pentagon’s drone “kill list” once the faultiness of their prior “capture process” became public knowledge, leading to ramping up the “kill” prong of “kill or capture.”

Even a strong proponent of military drones, journalist Mark Bowden (author of *Blackhawk Down*), in his recent sales pitch for “The Killing Machines” in *The Atlantic*,<sup>3</sup> felt the need to temper some of his praise for President Obama’s drone killing program by admitting that an increasing lack of judiciousness was counterproductive:

As U.S. intelligence analysis improved, the number of targets proliferated. Even some of the program’s supporters feared it was growing out of control. The definition of a legitimate target and the methods employed to track such a target were increasingly suspect. Relying on other countries’ intelligence agencies for help, the U.S. was sometimes manipulated into striking people who it believed were terrorist leaders but who may not have been, or implicated in practices that violate American values.

Reporters and academics at work in zones where Predator strikes had become common warned of a large backlash. Gregory Johnsen, a scholar of Near East studies at Princeton University, documented the phenomenon in a recent book about Yemen titled *The Last Refuge*. He showed that drone attacks in Yemen tended to have the opposite of their intended effect, particularly when people other than extremists were killed or hurt. Drones hadn’t whittled al-Qaeda down, Johnsen argued; the organization had grown threefold there. “US strikes and particularly those that kill civilians—be they men or women—are sowing the seeds of future generations of terrorists,” he wrote on his blog late last year.<sup>4</sup>

(However, Bowden credits John Brennan, Harold Koh, and others with reestablishing “judiciousness” in the “rigorous vetting” that goes into CIA and Pentagon officials’ selecting drone-bombing victims that nonetheless remain secret and obviously *ex parte*. But can “judiciousness” ever be established in the absence of judicial process?)

One of the burning issues that got a lot of attention at conferences that I attended was about whether it was ethical to use torture to interrogate terrorist suspects. A number of those attending, including some of the academics who self-identified as “utilitarian ethicists,” gave presentations and wrote papers that answered in the affirmative, that it was ethical to use torture to gain information to find a “ticking time bomb” or otherwise thwart terrorism. Obviously the “act utilitarian” fictional plots of Jack-Bauer-24-type TV shows that concocted happy outcomes predicated upon the use of unethical,

illegal means had swayed many. I recall constantly raising my hand, based on my FBI experience, to try to refute other attendees' deluded notions that torture "works" to obtain reliable information on a timely basis to save lives.

The most well-established "due process" principles of criminal justice that are embodied in the Bill of Rights have evolved and stood the test of time for a reason—simply because they generally work. Laws prohibiting "dark side" methods—torture, coerced confessions, warrantless search, and arbitrary detainment—ensure the highest degree of reliability and are thus most effective or "rule utilitarian." Anyone who comes onto the scene, subscribing to a "1 percent solution" that the ends justify the means (even if it only works 1 percent of the time but doesn't work as a rule), and who claims that centuries of preexisting legal principles must give way and be redrawn and rebalanced against the demands of "security," should therefore always be viewed with extreme suspicion. Yet *The One Percent Doctrine* (the title of journalist Ron Suskind's book) was exactly what former Vice President Dick Cheney and others publicly vowed with little objection.<sup>5</sup>

If you don't care about the truth and pragmatic facts, it's not that hard to concoct happy outcomes in which practicing torture and abuse is what leads to finding bin Laden; where massive data collection of information about billions of innocent citizens helps detect and thwart terrorist plots; where surgical drone bombing kills only the high-level terrorists; where bending the constitutional and international rule of law due to a state of war and fear-inspired emergency "because the Constitution is not a suicide pact"; where bombing the village saves it; and more, but these are all simply different versions of highly discredited "act utilitarianism." It is also why Jan Goldman's encyclopedia is valuable, because it contains actual facts as opposed to fiction.

No one in their right mind would take a new drug that the FDA (Food and Drug Administration) found to be only 1 percent effective, hoping beyond hope that they would prove to be the exception to the rule, and especially if the testing revealed terrible, longer-range side effects. But the "war on terror" uses propaganda to effectively push Western people's emotional buttons: mostly fear, hate, greed, false pride, and blind loyalty (in that order) to produce an irrational collective mind-set to get people to go along. Since 9/11, no more than fifty Americans have died due to Islamic terrorism outside of

the war zones in Iraq and Afghanistan. And even then, almost all of these fifty victims have been military, CIA, or other U.S. government personnel. By contrast, the United States appears to lead the world in domestic mass shootings, the senselessness of which serves to naturally terrorize us but which are almost never categorized as “domestic terrorism,” despite taking several times the number of American civilian lives as international terrorism. These mass shootings are variously described as spree killings (i.e., the snipers that terrorized Washington, D.C., after 9/11), “going postal” workplace retribution, school shootings, cases in which the shooter suffered from serious mental illness, or military veterans suffering from PTSD. By further contrast, in that same period since 9/11, over 450,000 people in the United States died in (mostly preventable) car accidents, and about 180,000 died as a result of violent crime. Over two million people in the United States may have died due to preventable medical errors or improper use of medications. Even bee stings, which I admit are pretty scary, kill many times more Americans (between fifty and one hundred per year) than terrorism, and bathtub accidents still more (some three hundred drown in U.S. bathtubs per year).

“Nothing so effectively robs the mind of its ability to think or to act as fear,” observed Edmund Burke. To Burke’s observation, I would add that fear can rob us—and mankind in general—of our ability to adhere to ethical and legal norms. After all, didn’t some famous Nazi once explain that all you have to do to get people to go to war is to tell them they are being attacked? This fear-mongering technique works the same in any country, even in a democracy. Pressing the U.S. citizenry’s buttons in this manner has certainly worked thus far to manipulate most into supporting or at least going along with the “war on terror,” especially when it was believed this “long” or “perpetual” war only targeted others, not U.S. citizens. But it has also opened Pandora’s box. It most assuredly has not made us any safer. Quite the opposite is true, as one now sees the growing backlash across economic, diplomatic, environmental, and even domestic security spectrums, given the increasing militarism of both police and violent criminal actors inside the United States. Clearly we have opened a Pandora’s box. Americans now need to get a grip to recover some of their critical-thinking skills, just as Franklin Delano Roosevelt wisely counseled at the outset of World War II. The ethical and legal principles that have stood the test of time, whether described as based on the inherent reciprocity of international law or



simply “the Golden Rule,” to properly balance human freedom and security, should never have been so carelessly and recklessly tossed away.

## Notes

1. United States Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, *Report of the Defense Science Board Task Force on Strategic Communication* (Washington, DC: United States Printing Office, September 2004), 15, <http://www.fas.org/irp/agency/dod/dsb/commun.pdf>.

2. Paul Pillar, “Citing ‘Terrorism’ to Justify Terror,” Consortiumnews.com, August 18, 2013, <http://consortiumnews.com/2013/08/18/citing-terrorism-to-justify-terror/>.

3. Mark Bowden, “The Killing Machines,” *The Atlantic*, August 14, 2013, <http://www.theatlantic.com/magazine/archive/2013/09/the-killing-machines-how-to-think-about-drones/309434/>.

4. Gregory Johnsen, *The Last Refuge: Yemen, al-Qaeda, and America’s War in Arabia* (London: W. W. Norton, 2012).

5. Ron Suskind, *The One Percent Doctrine: Deep Inside America’s Pursuit of Its Enemies since 9/11* (New York: Simon & Schuster, 2007).

**Coleen Rowley** was the chief division counsel of the Minneapolis division of the FBI on September 11, 2001. She has been outspoken in her belief that the mishandling of the Moussaoui case by FBI headquarters contributed to the success of the terrorists’ attacks that day. Rowley received an invitation to testify before the Senate Judiciary Committee in June 2002. Despite assurances that there would be no retaliation from Robert Mueller, Rowley knew that her FBI career was at an end. She retired from the FBI in 2004 after nearly twenty-four years of service. In 2002, she was honored by *Time* magazine as one of their “Persons of the Year.”