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978-0-521-87516-5 - The Matador's Cape: America's Reckless Response to Terror

Stephen Holmes

Excerpt

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INTRODUCTION

“Terrorism wins only if you respond to it in the way that the terrorists want you to, which means that its fate is in your hands.”

– David Fromkin

This book is an attempt to understand and explain America's reckless response to the terrorist attacks of 9/11. It builds on many previous efforts to get the story straight about the al Qaeda attack, the invasion and occupation of Iraq, and American counterterrorism policy more generally. Learning how to think clearly about the 9/11 provocation and America's response to it is an obvious first step toward correcting the tragically misguided course on which the nation has embarked. What follows is my modest contribution to that collective and ongoing endeavor.

A few prescient sentences, written in 1990 by Bernard Lewis to downplay the threat posed at that time by radical Islamists to the West, succinctly convey the extent to which America's response to 9/11 has grievously backfired:

We should not exaggerate the dimensions of the problem. The Muslim world is far from unanimous in its rejection of the West, nor have the Muslim regions of the Third World been the most passionate and the most extreme in their hostility. . . . Certainly nowhere in the Muslim world, in the Middle East or elsewhere, has American policy suffered disasters or encountered problems comparable to those in Southeast Asia or Central America. There is no Cuba, no Vietnam, in the Muslim world, and no place where American forces are involved as combatants or even as “advisers.”¹

Today, American policy has suffered a disaster comparable to those it suffered earlier in Southeast Asia and elsewhere. The principal cause of

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that disaster is the involvement of American forces as combatants in the Middle East. As a consequence of the U.S. occupation, the Muslim world is increasingly passionate in its hostility to the West. Another consequence is that Professor Lewis is no longer counseling his audiences to dial down their expressions of alarm.

How did we get to this point?

To understand the cascading misconceptions, deceptions, and mistakes of the Bush Administration, we need to start with the al Qaeda attack itself. Part I, Chapter One examines in some detail the possible motivations of the 9/11 organizers and perpetrators. It aims to cast doubt on the common assumption that religious extremism “caused” the attack. There are several reasons for approaching the issue from a different angle. Identifying the single dominant purpose of any complex action, whether the 9/11 plot or the invasion of Iraq, will always be difficult. Although they obviously played an important role in motivating the al Qaeda plotters, religious sentiments and commitments were not the only forces at work. Case studies of the operation’s instigators, organizers, and perpetrators reveal a complex web of unstable and contradictory impulses and convictions. One theme that constantly resurfaces, nevertheless, is a craving to avenge real and imagined injuries inflicted by the United States on the Muslims of the world. Emphasizing religious extremism as the motivator for the plot, whatever it reveals, also terminates inquiry prematurely, encouraging us to view the attack ahistorically, as an expression of “radical Salafism,” a fundamentalist movement within Islam that allegedly drives its adherents to homicidal violence against infidels. Emphasizing the craving for revenge, by contrast, whatever it conceals, opens up a wider and more historical perspective on past conditions and future consequences. It directs our attention to concrete events, such as Israel’s crushing defeat of numerically superior Arab armies in 1967, which gave rise to a need for payback and retribution. It has another advantage as well, reminding us of the emotionally powerful lure of murderous retaliation, of the trite but cruelly accurate observation that violence breeds violence in an unending cycle, a primitive pattern that all civilization, including liberal civilization, is ceaselessly struggling to overcome. By implication, a focus on reprisal draws attention not only to the alleged injuries that the 9/11 plotters believed themselves to be avenging, but also to the possibility that America’s response was derailed by pre-rational impulses and muddled causal thinking. The 9/11 attack was an act of mass murder that can be analogized to a matador’s cape in the hands of a malevolent and crazed provocateur. Bin Laden himself has boasted that it is “easy for us to provoke and bait this administration.”² That the United

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States would be tempted to react viscerally rather than with a cool head, that it would be “goaded into a self-defeating reaction”³ such as an indiscriminate use of force, was not inevitable. The psychological quirks of a few power wielders made it perfectly possible, however. Far from assessing threats accurately, human beings typically overestimate or underestimate the dangers around them. Keeping such potentially fatal cognitive biases in mind is, therefore, the first step toward rethinking America's overall response to 9/11.

Despite a slew of carefully researched and insightful books on the subject, the reason why the United States responded to the al Qaeda attack by invading Iraq remains to some extent an enigma. The Conclusion to this book represents my own attempt to unravel that mystery. Many of the crucial factors influencing the fateful choice for war are previewed in Part II. The Pentagon's irresponsible failure to prepare for the postwar reflects Cheney and Rumsfeld's facile optimism first of all. It also reflects their inveterate September 10th mindset, namely a lifelong and unrevised conviction that hostile dictatorships are the only serious threats to American security in the international environment (Chapter Two). Their indifference to the very real threat posed to U.S. interests by state collapse, sectarian warfare, and violent criminalization in Iraq was so blithe that the Cheney-Rumsfeld group did almost nothing, when destroying Saddam's iron-grip on his military arsenal, to prevent an unprecedented proliferation disaster (Chapter Three). That disaster did not occur only because, unbeknownst to the administration, Iraq did not possess the stockpiles of WMD that served as the original *casus belli* for the invasion. In compensation, the war party's obliviousness to the serious threat that state collapse can pose to U.S. security interests produced a social and political disaster.

It is dismaying to contemplate the role of historical accident in the making of such a momentous and consequential decision as the invasion of Iraq (Chapter Four). By sheer misfortune, a personal alliance between Vice President Dick Cheney and then Secretary of Defense Donald Rumsfeld created a policymaking process insulated from and impervious to the strong doubts being expressed by knowledgeable executive-branch officials cut out of the loop (Chapter Five). Insiders were never compelled to provide a coherent and plausible rationale for the invasion. As a consequence, the military and other government agencies assigned to carry out the policy were never provided a comprehensible explanation of what they were supposed to achieve and how they were supposed to achieve it. The Cheney-Rumsfeld group's fatally selective perception of the threat environment resulted from personal prejudice, bureaucratic politics,

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ideological rigidity, and electoral calculations. The catastrophic consequences will be felt for generations, and not only in what will be left of Iraq.

The Administration's response to 9/11 was also shaped to some extent by a number of sophisticated theoretical attempts to define America's role in the world after the Cold War. Several important examples are examined and criticized in Part III. Samuel Huntington did not intend his theory of the clash of civilizations, which seemed to predict a conflict between Islam and the West, to be descriptive merely (Chapter Six). He also meant it to provide new bearings for a U.S. foreign policy that, he feared, was falling into incoherence. America's internal discipline and global authority would be lost, he suggested, unless a new enemy could be found to reoccupy the place vacated by the Soviet Union. Rereading Huntington's extraordinary book in the aftermath of 9/11 and while the Iraq conflict still rages helps us understand how a deep psychological need for confrontation with a malign global enemy, typical of the Cold War holdovers who are only now reluctantly releasing their grip on U.S. foreign policy, continues to distort American perceptions of both the terrorist threat and Islamic civilization today.

The American invasion and occupation of Iraq has led to the deaths of tens and perhaps hundreds of thousands of Iraqi civilians who never harmed America or Americans. This hellish toll of death and destruction is nevertheless a nonissue in U.S. domestic politics, perhaps on the principle – if it is a principle – that out of sight is out of mind. According to the Baker-Hamilton Commission, the American military makes it a policy not to count Iraqi killed and injured: “A roadside bomb or a rocket or mortar attack that doesn't hurt U.S. personnel doesn't count.”⁴ And the American public, having applauded its own willingness to liberate a brutally abused nation, now seems oddly indifferent to the cruel suffering it has inflicted on people for whose sake this “war of liberation” is purportedly being waged. Cheney and Rumsfeld are not the only ones inured to the mayhem and carnage that the United States has inflicted on perfectly innocent foreigners, in other words. Their appalling numbness has deep roots in U.S. public consciousness. Whatever this tells us about American political culture more generally, it also leads us to ask about the role of liberal intellectuals in the run-up to the Iraq war (Chapter Seven). Humanitarian intervention has probably never had so many passionate advocates as it had in the 1990s. Their commitment to stopping genocide at all costs made them willing to bypass the UN system in order to “end evil” by sending American soldiers to topple tyrants inside nominally sovereign states that had not attacked the United States. This posture

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seemed less morally ambiguous in the 1990s than it has come to seem after March 2003. The same can be said about the suggestion, floated by at least some liberal hawks, that opposition to the invasion of Iraq verged on tacit complicity in the savagery of Saddam (Chapter Eight). Antitotalitarian activists and humanitarian interventionists bear no responsibility for the Administration's reckless response to 9/11, but they did help muffle liberal outrage at the decision to invade Iraq. Their moral lapse was not to peer more deeply into the twisted motivations and limited capacities of the public officials who were going to be carrying out the policies that they, the liberal hawks, were embellishing with their good intentions.

The idea that the United States should devote blood and treasure to spreading democracy around the world has not always been fashionable among strong-on-defense American conservatives. Its extraordinary prominence in justifying the Iraq war, although in large measure hypocritical, is therefore worth exploring. What it illuminates, in the end, is the deep incoherence of the U.S. response to 9/11 (Chapter Nine). The idea that jihadist terrorism is caused by lack of democracy in the Arab Middle East deserves to be evaluated and criticized on its own merits. It is a theory officially endorsed by the U.S. President, however. What is remarkable, therefore, is that this theory implicitly acknowledges a strain of justice in the jihadist cause. It assumes that terrorism is an understandable by-product of American-backed autocracy, that is, of the absence of serious opportunities for political participation in much of the Muslim world. The proposal to democratize the Arab Middle East also implies that any durable solution to the terrorist threat must be political, not military. The violent clash of these "neoconservative" assumptions with the working convictions, reflexes, and strategies of Bush's war cabinet has not been sufficiently appreciated.

Part IV addresses the Administration's implicit claim that the rule of law and due process are sources of weakness, hamstringing the executive branch and removing the flexibility it needs to conduct the war on terror. This approach to law is theoretically simplistic and empirically shaky. For one thing, law is best understood not as a set of rigid rules but rather as a set of institutional mechanisms and procedures designed to correct the mistakes that even exceptionally talented executive officials are bound to make and to facilitate midstream readjustments and course corrections. If we understand law, constitutionalism, and due process in this way, then it becomes obvious why the war on terror is bound to fail when conducted, as it has been so far, against the rule of law and outside the constitutional system of checks and balances.

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The intuitive claim that grave emergencies require discretionary authority to act outside and against inherited rules and standard operating procedures is much less plausible than its defenders seem to believe. Visit the emergency room in a hospital and you will find nurses at the bedside of a comatose patient following strict procedures to avoid making a fatal mistake, say, about the correct blood type to administer. Such rules evolve over time because the errors that professionals make in situations of stress and panic are predictable. That politicians and bureaucrats are just as susceptible to avoidable error as doctors and nurses (or airplane pilots or firefighters) goes without saying. Grave emergencies do not suspend the laws of human fallibility or eliminate the need for checklists, devil's advocates, second opinions, after-action reviews, and orderly adversarial procedures.

What is wrong with allowing the executive branch to make important decisions on the basis of undisclosed information? The answer is a general one, not restricted to court proceedings but applicable to all governmental decision making. Secret government invariably increases the rate of potentially fatal error. The rule of law enforces an uncomfortable degree of transparency on the executive. It requires that the factual premises for the government's resort to coercion and force must be tested in some sort of adversarial process, giving interested and knowledgeable parties a fair opportunity to question the accuracy and reliability of evidence. That is how due process serves the public interest and helps reduce the risk of error. To reject the rule of law is reckless because it frees the government from the need to give reasons for its actions before a tribunal that does not depend on spoon-fed disinformation and is capable of pushing back. A government that is not compelled to give reasons for its actions may soon have no plausible reasons for its actions. The distressingly obtuse decisions produced by such an undisciplined and hunch-driven process are on public view today.

The central threat posed by the Cheney-Rumsfeld response to 9/11 is not the violation of civil liberties. The real danger is the bunker mentality that inevitably develops when the executive branch pulls back into a partisan echo chamber, withdrawing from scrutiny and eschewing consultation with anyone outside a small circle, purportedly for fear of delays and leaks. Even in ordinary times, executive-branch officials often express contempt for congressional oversight, viewing committee members as grandstanding ignoramuses with whom as little information as possible should be shared. During a national-security crisis, even this weakened form of checks and balances risks going by the wayside, but an executive branch that undergoes no independent scrutiny and hears no objections is not

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necessarily well-positioned to make intelligent decisions about the conduct of national affairs.

Echoing Bush, Cheney, and many others, Karl Rove, too, has frequently suggested that anyone who wants to fight terrorism within the bounds of constitutionalism and the rule of law is proposing to coddle America's most vicious enemies: "Conservatives saw the savagery of the 9/11 attacks and prepared for war; liberals saw the savagery of the 9/11 attacks and wanted to prepare indictments and offer therapy and understanding for our attackers."⁵ The crass demonization of political rivals is less interesting here than the attempt to steer public craving for revenge into a repudiation of due process. This topic is treated at greater length in Part IV, but a stylized example can be introduced here to suggest what is at stake.

Experts of all political stripes agree that the war on terror depends essentially on information. We should therefore ask about the effect of various proposed policy innovations on the quality and quantity of information concerning possible terrorist activity flowing from private individuals to responsible government agencies. What is the effect on the willingness of private citizens to inform on their neighbors, for example, of loosening ordinary evidentiary standards for arresting and detaining suspects? Two probable consequences stand out. First, malicious individuals, bearing private grudges, will lodge false accusations, expecting that the police will pounce without carefully vetting the evidence. Second, honest individuals will hesitate to report their suspicions, fearing that these suspicions will turn out to be baseless and expecting that the police might do something drastic, such as sending an innocent neighbor to Guantánamo, without carefully vetting the evidence. Loosening evidentiary standards, in other words, discourages honest informants and encourages dishonest ones. The point of this example is not that evidentiary standards should never be loosened. The point is that the Administration's public contempt for the rule of law reveals a dismaying ignorance of the way due process is designed to increase governmental effectiveness in the struggle to protect public safety.

An historical overview of the curtailments of liberty for the sake of security in American history not only reminds us how often international disputes and foreign wars have been turned, domestically, into tools of savagely partisan politics (Chapter Ten). It also raises forcefully the very question that concerns us most: Is it really possible to increase American security in the war on terror by curbing the right of American citizens to examine and criticize their government? Recent experience suggests the

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contrary, confirming the underlying premise of the Founder's Constitution, namely that an unwatched power, sheltered from outside input and criticism, will almost never perform well.

Frustration with international law and multilateral institutions is justified in part. It is nevertheless folly to hope that the United States can, without international cooperation, successfully break up terrorist conspiracies or interdict the clandestine transfer of fissile materials. A doctrinaire preference for unilateral responses to security threats, in fact, can lead to a fatal underestimation of the gravity of those threats that can be parried only cooperatively (Chapter Eleven). Conversely, it can lead to a fateful exaggeration of the urgency of problems, such as a hostile dictatorship in Baghdad, which at first glance appear very easy to handle unilaterally.

An additional perspective on unilateralism is this: An individual who lives alone and never communicates with others can easily become autistic and disconnected from reality. Self-insulation, for nations too, is unlikely to breed clear-eyed realism. It should not be forgotten that allies have ideas and insights as well as interests, and sometimes these ideas and insights are better than the ones we have on our own. Moreover, ongoing cooperative and consultative relations, especially with America's partners in Europe, can provide a reality check, helping American policymakers overcome debilitating blind spots and tunnel vision. American television, it should also be mentioned, has shown a completely different picture of the conflict in Iraq than has been seen on European television (not to mention Arab satellite TV). How can American democracy function properly in a globalized world if American citizens have a picture of the effects of U.S. policy abroad that bears almost no resemblance to what others, in allied nations especially, see? It is not a question of submitting to the opinions of others. It is simply a matter of having some modest understanding of what others, enemies as well as allies, think and why.

The law must obviously adapt, on an ongoing basis, to technological change. There is no reason why this should not also be true of the traditional distinction between American citizens, whose rights should be protected, and aliens abroad, who have no rights at all not to be harmed by American officials. Such a hard-and-fast distinction made some sense in a world where the vast moats of the Atlantic and Pacific insulated the United States from most of mankind. Does it still make sense today, in an age of globalized transportation, migrant labor, and massive flows of anonymous tourists? A nimble and flexible leadership, examining the present-day threat of transnational terror, might well conclude that extending some minimal legal protections to foreigners overseas (that is, to people who

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live one cheap plane ticket away from U.S. shores) may well serve the security interests of Americans in America.

Abusive treatment of detainees, many of them innocent of any offense, has become a trademark of Bush's war on terror. By toppling a weak dictatorship in Iraq, the Cheney-Rumsfeld group apparently hoped to display America's ferocity to the world, frightening others and consoling U.S. citizens for the 9/11 wound. This background raises the concern that American custodial personnel have been replicating macro-politics at the micro level, inscribing America's superior strength on the bodies of the weak and defenseless, not to extract actionable intelligence, but to vent outrage and display power. That hypothesis may seem farfetched, but it becomes more plausible when we look at the Administration's problematic rationale for what it calls unconventional methods of interrogation (Chapter Twelve). This rationale dissolves upon inspection. Its fatal flaw lies in a shoddily constructed "necessity defense." There are many reasons to doubt the word of an individual who, claiming to have committed homicide in self-defense, insists that he could not have saved himself in any other way. For a state, with vast resources at its disposal, to prove that it was compelled to torture captives because it could not have unearthed vital information in any other way is very difficult, if not impossible. This consideration does not settle the issue of how custodial authorities must act in every conceivable situation, but it does reveal something about the slipshod analysis of Bush's hired-gun lawyers for torture.

From his experiences in the Nixon and Ford administrations, Vice President Cheney apparently concluded that America would be able to behave as a dominant world power only if the executive branch were freed from legislative oversight and interference. An eccentric attempt to read Cheney's longed-for imperial executive into the dreams of the American Framers is interesting chiefly for what it inadvertently reveals (Chapter Thirteen). What it helps us understand, in fact, is that the authors of the Constitution had excellent and still valid reasons for refusing to concentrate all power, even in wartime, in a single individual and his immediate entourage. They refused to assign unchecked power to the executive branch because they believed that public officials, even when elected, were just as fallible and susceptible to cognitive bias and emotionalism as ordinary citizens. All human beings, especially politically powerful ones, are reluctant to admit the grave mistakes that they inevitably make. To improve the chance that human fallibility will not inflict irreparable harm on the country, the Framers placed in Congress and the courts the right and the power to compel the executive to give reasons for its actions and,

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when necessary, to correct the executive's egregious errors. That any attempt to dismantle or weaken the constitutional system of checks and balances would produce a cascade of policy disasters is exactly what the Framers would have predicted.

Neoconservative defenders of the administration's gloves-off response to 9/11, when backed into a corner, regularly reach for Chapter Seventeen of *The Prince* where Machiavelli famously remarks that it is better to be feared than loved.⁶ Ridiculing a writer who argues for "greater respect for international law," for example, Max Boot states that this simple-minded author, "like other critics of the Bush administration, ignores Machiavelli's dictum that 'it is much safer to be feared than loved.' George W. Bush may not have increased the love for the United States, but if he has increased respect for American power, that's an underappreciated achievement."⁷ Apart from the shrewdly placed "if" in the last phrase, this passage nicely summarizes a viscerally antiliberal and historically dubious view, typical of the Cheney-Rumsfeld group and its defenders, that violence begets compliance, simply because frightened people will kneel before their intimidator and do whatever he wishes. It also, incidentally, reveals the author's curious ignorance of Chapter Seventeen of *The Prince* which argues, yes, that it is better to be feared than loved, but which adds pungently: It is worst of all to be hated. The same violent and repressive actions – that was Machiavelli's point – may simultaneously provoke fear and hatred. Because hatred is more volatile and quick to spark action than fear, provoking hatred alongside fear can be immensely dangerous. Power-hungry groups that try to work their will by inducing fear may even end up hastening their own ruin through the revolutionary violence and murderous rage that their swaggering brutality unintentionally arouses. America's bellicose response to the 9/11 provocation was not only dishonorable and unethical, given the cruel suffering it has inflicted on thousands of innocents, but also imprudent in the extreme because it was bound to produce as much hatred as fear, as much burning desire for reprisal as quaking paralysis and docility. Some of the sickening effects are unfolding before our eyes. That even more malevolent consequences remain in store is a grim possibility not to be wished away.