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A Counterterrorism Strategy for the “Next Wave”



Douglas and Sarah Allison Center for Foreign Policy Studies



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A Counterterrorism Strategy for the “Next Wave”

By The Heritage Foundation Counterterrorism Task Force

Abstract

In June 2011, President Barack Obama released a new National Strategy for Counterterrorism. This document profoundly misreads the nature of the global transnational threat. Following this strategy for a few years will result in a resurgent threat as dangerous as that shortly after 9/11. Dealing with the “next wave” of transnational terrorism will require a different course. The strategy for the next wave must regain the initiative that has been lost by this President, bring a successful end to the long war, and leave behind an enduring and sustainable counterterrorism enterprise—one that can adeptly respond to future emerging threats.

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Since 9/11, at least 40 Islamist-inspired terror plots aimed at the United States have been thwarted. All categories of successful terrorist attacks against U.S. targets (both at home and overseas) have been on a downward trend since 2005, although the number of disrupted plots has risen considerably since 2007. Al-Qaeda has been substantially defeated in Iraq, flushed from Afghanistan, and hounded in Pakistan. A number of affiliated groups across Southeast Asia (in part through U.S. counterterrorism assistance and cooperation) were also rooted out. Terrorist networks have been dispersed and disaggregated, reduced to making “open calls” online to strike the West. At the same time, al-Qaeda established alternative bases of operation in Yemen, and new allies, such as al-Shabaab in Somalia, as part of an ongoing strategy of insurgency around the globe.

Progress against al-Qaeda’s attempts to attack the U.S. was the result of taking the offensive in the war on terrorism. The successes that President Obama has trumpeted resulted from a decade of effort to disrupt terrorist sanctuaries, attrit the cadre of terrorist leaders, preempt planning and operations, disaggregate networks, thwart terrorist travel and communications, and disrupt fundraising and recruiting. Specifically, drone missile strikes in Pakistan’s tribal areas have helped degrade al-Qaeda’s operational capabilities, while also significantly contributing to the U.S. ability to place al-Qaeda on the defensive. Even before the release of the “new” strategy, however, the President had distanced himself from the post-9/11 effort. The Administration declared its intent to close the detention facilities at Guantanamo Bay, restrict interrogation policies, and adjure conceptualizing operations as a wartime conflict. The President banished terms like “the long war,” “the global war on terror,” and “unlawful combatants.” He refused to identify Muslim terrorist groups as Islamist (those who use Islam to justify the slaughter of innocents to promote a radical agenda).

Furthermore, President Obama declared his intent to withdraw combat forces from Iraq and Afghanistan, specifically announcing his timeline for withdrawal from Afghanistan at the same time that he announced the troop surge, effectively undermining the overall Afghan counterinsurgency strategy. He also stated his intent to pursue significant cuts in conventional forces, substitute “soft” for “hard” power, and rely increasingly on international organizations rather than strong bilateral relations to advance U.S. interests.

Then, in June 2011, President Obama unveiled his new National Strategy for Counterterrorism.¹ The Administration now seeks to treat terrorism under a law enforcement paradigm that failed to protect Americans from terrorism when it was adopted by the Clinton Administration before 9/11. In addition, the White House intends to follow a “small footprint” strategy for overseas operations, relying primarily on Special Forces operations, covert action, and strikes with unmanned aerial vehicles.

Why the President’s Strategy Will Fail

The President’s strategy cedes the initiative to America’s enemies and provides them the opportunity to reconstitute both their moral and physical assets.

Islamist beliefs are rooted in a culture that the President’s strategy fails to appreciate. While Western conceptions of honor rest on occidental notions of virtuous acts and beliefs, the Islamist mindset equates honor with power. When the U.S. successfully conducted war on al-Qaeda, the honor of the Islamist cause was greatly diminished—and the U.S. garnered grudging respect from al-Qaeda and its supporters for its strength and determination to defend itself. Further discrediting al-Qaeda’s cause worldwide, most of the victims in this war have been, and still are, Muslim innocents slaughtered by Islamist terrorists. The popularity of the jihadist movement declined significantly in much of the Muslim world. By unilaterally withdrawing from the conflict, however, the

1. “National Strategy for Counterterrorism,” The White House, June 2011, at http://www.whitehouse.gov/sites/default/files/counterterrorism_strategy.pdf (August 21, 2011).

Administration allows al-Qaeda to paint a narrative of the U.S. in retreat. It also reinforces Osama bin Laden's contention that the U.S. is a paper tiger that will retreat when attacked, as it did in Lebanon in 1984 and Somalia in 1994. One successful major terrorist attack or reversal in Afghanistan or Iraq will be sufficient for al-Qaeda to claim a "victory" and regain its "honor."

Meanwhile, the President's new strategy does much to sap America's moral strength and resolve to combat transnational terrorism. It is increasingly unclear to most Americans whom their country is fighting and what it is fighting for. The U.S. is unprepared to fight a war of ideas against Islamist ideology at home or abroad. In particular, the Administration's ambivalent and unimaginative response to the "Arab Spring" was a lost opportunity to build a plan for the future of U.S. engagement with the "new" Middle East which would break from the past and focus on engagement with the people of the region rather than their oppressors.

President Obama's new counterterrorism strategy saps America's moral strength and resolve to combat transnational terrorism.

The Administration has also created opportunities for al-Qaeda to physically re-establish itself in the Afghanistan–Pakistan theater. The premature drawdown in Afghanistan will allow the Taliban to re-establish space for al-Qaeda to rebuild its sanctuaries in the country. Meanwhile, Pakistan will have

little incentive to pursue al-Qaeda and its affiliates. As a result, in a few years, al-Qaeda will have much greater flexibility to broaden its operational base.

Perhaps even more important, the Administration's policies ignore what al-Qaeda has been doing on a global scale. Describing al-Qaeda simply as a "terrorist group" does not explain why the organization trained thousands of *mujahidin* during the 1990s and spread them throughout the Muslim world; why al-Qaeda has worked since then to co-opt or gain control of jihadist insurgent groups around the globe; and what al-Qaeda is doing in Pakistan, Yemen, Somalia, the Sahel, and dozens of other places around the world. U.S. focus on its own safety has, in fact, led the U.S. to ignore a very real problem—that al-Qaeda is not merely concerned with attacking the homeland, but has a global insurgency intent on taking over areas of the world. While covert strikes can be a successful tactic for hunting down the leaders of terrorist groups, attrition is counterproductive when combating an insurgency. The prospect of "body counts" as the proper metric for measuring success should give Americans pause about the strategy pursued by the Administration. Additionally, without persistent presence and engagement of threatened governments and civilian populations, the U.S. will lack the real-time actionable intelligence necessary for effective targeting of terrorists and the successful suppression of insurgencies.

Finally, the President's strategy pays insufficient attention to state-sponsored terrorism, which will increasingly be a major force to be reckoned with. Iran is one of the most prominent and aggressive state sponsors of terror and its protégés—both Hamas and Hezbollah—represent potentially grave threats. In addition, transnational criminal cartels in Mexico are increasingly taking on the character of terrorist networks.

What the U.S. Must Do

The first and most quintessential element of U.S. strategy must be persistence. No counterinsurgency can succeed without the sustained political will to see the strategy through.

The primary goal of the U.S. counterterrorism strategy must be to prevent the emergence of a global Islamist insurgency. The danger to the security, freedom, and prosperity of the U.S. and the Western world is far graver than what might be achieved by any individual terrorist act. An insurgency is a threat to the fundamental legitimacy of all free societies.

The right way to achieve this goal is to divide and defeat—first, prevent any one group from garnering the coalition of resources, allies, and support to mount a global insurgency; then, craft specific strategies to deal with significant terrorist threats aimed at the U.S. Finally, even as these groups are defeated, the U.S. must retain in place a robust, enduring, and sustainable enterprise to identify and combat transnational terror threats.

The means to implement this strategy will be primarily through “hard” power and strong bilateral cooperation between the U.S. and nations that share a commitment to defending free, just, and open societies. “Soft” power complements hard power and is most effective when America’s friends and enemies know that the U.S. has the will and determination to defend its citizens and values.

Where to Start

A strategy for the next wave must start in South Asia. Regardless of the disastrous conditions that may emerge after the premature drawdown in Afghanistan, the U.S. must maintain a persistent engagement with Afghanistan, Pakistan, and India.

The strategy must link Pakistan’s approach to dealing with al-Qaeda affiliates, such as Lashkar-e-Taiba in Pakistan, with future security assistance to the country. U.S. security aid to Pakistan is already legally tied to its counterterrorism efforts against al-Qaeda and other terrorist organizations. In March, Secretary of State Hillary Clinton certified to Congress under the Enhanced Partnership with Pakistan Act of 2009 that Pakistan was, among other things, making progress in “preventing al-Qaeda...from operating in” Pakistani territory. This requirement should be unshakable.

Pakistani officials privately argue to U.S. officials that local terrorist groups such as Lashkar-e-Taiba are too powerful and pervasive for the military establishment to handle. These arguments are specious and merit testing, and the U.S. must reject them. Former President Pervez Musharraf repeatedly told U.S. interlocutors that he could “better control” or “keep tabs on” the terrorist groups if his intelligence agencies retained links to them. However, if such groups are in contact with the world’s most wanted terrorists without the Pakistani military’s knowledge, who is keeping tabs on whom? The U.S. should never settle for Pakistani excuses for avoiding a full-throttle approach against these terrorist groups and instead demand that Pakistan be accountable for the activities of all terrorist groups on its soil. The U.S. government has so far avoided designating Pakistan as a state sponsor of terrorism. But U.S. officials should remind Pakistani officials that the U.S. will continue to evaluate the nature of Pakistan’s relationship with these terrorist groups.

Despite the severe differences between Islamabad and Washington over terrorism, it is in the interest of the U.S. to remain engaged with Pakistani leaders and to demonstrate U.S. interest in the development of a prosperous and moderate Pakistan free of the terrorist scourge. If the U.S. cuts aid to Pakistan altogether, or degrades its diplomatic engagement with the country’s leadership, the assistance that Pakistan does provide in fighting terrorism will dry up completely.

While there is no direct role for the U.S. to mediate the Indo–Pakistani dispute over Kashmir, the U.S. must encourage the two countries to move forward with their dialogue and inject ideas into the process to help spur it along. Indo–Pakistani rapprochement can help reduce conflict in Afghanistan, by reducing competition for influence and the associated violence between India and Pakistan within Afghanistan, and facilitate a political solution. Pakistan overstates Indian influence in Afghanistan, but also overlooks New Delhi’s legitimate security interests in ensuring that the country does not return to Taliban rule. The strongest case for moving Indo–Pakistani dialogue forward is to improve prospects for Pakistan’s future. Islamist extremists whose lifeblood is regional conflict are strengthening their grip in Pakistan. Taking steps to restore confidence and trust between India and Pakistan will help inoculate Islamabad from extremist forces that threaten to reverse economic and democratic progress and undermine the stability of the state.

At the same time, the U.S. and India have many common security concerns. The U.S. must make every effort to improve defense, counterterrorism, and homeland security cooperation. One innovative tool for advancing this cooperation would be to establish technology sharing through bilateral action based on the Support Anti-Terrorism by Fostering Effective Technologies (SAFETY) Act. Passed after 9/11 to encourage innovation in the development of security technology, the SAFETY Act provides a safe harbor for manufacturers of new “Qualified Anti-Terrorism Technologies.” The U.S. can contribute to this cause most effectively by continuing the implementation of the

SAFETY Act and by sharing best practices and lessons learned with India. In turn, the Indians can establish their own liability-protection regimes. The U.S. should, as a matter of policy, agree to share qualified security technology on a reciprocal basis. If India adopts a liability-protection regime comparable to that outlined in the SAFETY Act, the two countries could form a partnership to promote innovation. As national liability protection proliferates, new opportunities for international cooperation would emerge.

Future U.S. strategy in Afghanistan will have to adapt to the conditions on the ground. It is possible that the elimination of bin Laden will encourage the Taliban to re-evaluate its alliance with al-Qaeda and seek to become part of a negotiated political settlement. A hastening of U.S. troop withdrawals unmerited by conditions on the ground would undermine U.S. leverage at the negotiating table. If the Afghan government fails to develop into an effective force to fight the Taliban and reconciliation talks fail as the U.S. continues to withdraw its forces, the U.S.

will inevitably find itself compelled to back indigenous groups that are committed to freeing the nation from domination by extremists.

Despite the severe differences between Islamabad and Washington, it is in the interest of the U.S. to remain engaged with Pakistan and to demonstrate U.S. interest in the development of a prosperous and moderate Pakistan free of the terrorist scourge.

Finally, the U.S. must retain a robust capacity to project military power in this part of the world and be prepared to deal with the worst-case scenarios. These scenarios would address the challenges of dealing with humanitarian assistance for catastrophic incidents, failed states and the proliferation of weapons of mass destruction, as well as associated technologies and materials.

A similar strategy must be adopted for helping able partners deal with the insurgencies in their own territories. Aid, advice, and support for Algeria, Morocco, Tunisia, Indonesia, Malaysia, the Philippines, Turkey, and elsewhere will help good partners to find the right mixture of counterinsurgency tactics that will work for their particular environments. Other countries that are less able and yet willing partners in the fight, such as Mauritania, Chad, and Niger, will require deeper involvement and contingency planning for worst-case scenarios. The U.S. needs to know much more about the tribal and social structures of these countries, the specifics of al-Qaeda's penetration and involvement in their territories, the history of the ongoing insurgencies, and a complete workup of potential allies in order to prepare for the worst. This is all the more urgent for places like Somalia and Yemen, which have far less capable governments and thus less capacity to defend themselves.

What Else Must Be Done

The iron triangle of state-sponsored terrorism—Iran, Hamas, and Hezbollah—is potentially as significant a threat to U.S. interests as a reconstituted al-Qaeda. Iran remains the world's foremost state sponsor of terrorism. Breaking the triangle apart can only be accomplished by bringing freedom to the people under the tyranny of the leadership in Tehran—change that has to come from within the country. The U.S. can contribute to this end by:

- **Imposing and enforcing the strongest sanctions.** The U.S. should push other concerned countries to enforce targeted sanctions on the Iranian regime and its internal security organs; ban all foreign investment, loans and credits, subsidized trade, and refined petroleum exports to Iran; and deny visas to its officials.
- **Targeting public diplomacy to expose the regime's human rights abuses.** Such a campaign should document the abuses and aid victims, step up broadcasting and support for independent Iranian broadcasters outside the country to expose corruption of officials and the regime's lavish aid to terrorists, and educate Iranians about genuine representative democracy.
- **Facilitating communication among dissidents.** The U.S. government should help opposition groups communicate privately with each other using technology that can evade government surveillance and censorship.

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- **Aiding opposition groups.** U.S. intelligence services should provide covert financial and material assistance to democratic opposition groups to strengthen opposition to the regime, similar to the help extended to the Polish Solidarity movement during the Cold War.
- **Reducing Iran’s meddling in Iraq.** The U.S. should maintain the strongest troop presence that Iraq will permit to aid in containing and reducing Iran’s influence. A stable and democratic Iraq offers Shiites an alternative model that helps delegitimize Iran’s Islamist system.
- **Targeting covert actions to discredit the regime.** U.S. intelligence services should distribute printouts of Iranian officials’ foreign bank accounts and other assets, as well as pictures of their mansions and villas outside Iran to drive a wedge between the corrupt regime and the people.
- **Supporting regime change in Syria.** Syria’s Assad regime has long been Iran’s most important Arab ally and a major state sponsor of terrorism. A more forceful U.S. policy of supporting the Syrian opposition could pay dividends by depriving Iran, Hezbollah, and Hamas of a key ally.
- **Modernizing the U.S. nuclear arsenal.** The U.S. should develop and deploy a new generation of nuclear weapons to convince Tehran that any attempt to use nuclear weapons against the U.S. or Israel will fail to achieve whatever political and military objectives they have in mind.
- **Expanding U.S. military capabilities to defend U.S. interests and allies.** Targeting and holding at risk the regime’s top leaders, its nuclear weapons program, and its internal security forces would protect the U.S. from Iranian aggression.
- **Deploying a robust and comprehensive missile defense system.** Land-based, sea-based, and ultimately space-based systems that can intercept Iranian ballistic missiles would minimize the ability of Iran to threaten the U.S. and its allies.

All these steps will serve to pressure, isolate, and delegitimize the current Iranian regime, increasing the demand and likelihood that the government will collapse from within and be replaced by a regime less willing to be a state sponsor of terrorism.

After the Arab Spring

The U.S. must start with the countries where it has the most influence to build like-minded partners that share an interest in combating state-sponsors of terrorism and global insurgency. The two most important countries are Iraq and Israel.

The U.S. must remain firmly committed to preserving a stable and free Iraq. Now is not the time to risk the emergence of a new center of instability in the region or risk losing a friendly nation that is struggling to secure its own freedom from tyranny. Although it has fallen off the front pages, Iraq remains a troubled country that requires continued high-level attention. While Iraq’s security situation has greatly improved, political progress has been slow. Iraqi leaders have tentatively cobbled together a coalition government after last year’s elections, but it remains to be seen whether that government can effectively address Iraq’s complex problems.

Washington should stand patiently by the Iraqi government to support its army and police, help it provide better services to Iraq’s citizens, mediate disputes between Kurds and Arabs, and prevent Iraq from falling under Iran’s hostile influence. The U.S. should maintain the strongest possible support for continued development of the country, using U.S. military forces for training and assisting Iraq’s military forces in combating common enemies, such as al-Qaeda in Iraq and pro-Iranian Shiite militias. The mantra for Baghdad should be: “Americans, go home, but not yet.”

The U.S. must reassert the need for its close strategic cooperation with Israel. The political instability that has swept the Arab Middle East is a reminder of the fact that Israel is the only ally in the region that the U.S. can reliably count on. Furthermore, when the U.S. equivocates on its support for Israel, it only encourages aggression against

America's most important ally in the region. The U.S. should prioritize Israel's security in any peace process that aims to achieve a two-state solution.

A prerequisite to any two-state solution should include recognition by the Palestinians of Israel's right to exist as a Jewish state and the creation of a Palestinian state that will not threaten Israel, ally itself with Iran, or repress the freedom of its own people. The peace and security of the region is not advanced by creating another pariah state sponsor. The U.S. must craft strategies to deal with individual nations—working for a region populated by democracies (committed to the rule of law, human rights, and political, economic, and religious freedom) rather than dominated by dictatorships. As the first nation founded on the principle of the sanctity of individual freedom, an American failure to advocate that same principle for all other peoples is to deny the universality of the belief that all humans ought to be free. Furthermore, the more free nations in the world, the safer it is for all nations—including America.

The U.S. must remain firmly committed to preserving a stable and free Iraq. Now is not the time to risk the emergence of a new center of instability in the region.

The Founders believed that advocating freedom throughout the world by promoting liberty and justice, and even preventing others from intervening and imposing nondemocratic governments, in a manner consistent with the U.S. national interest must be a central tenet for the nation's foreign policy. It was the right answer then—and it still is. These principles must be the guiding light in developing U.S. programs for engaging with every nation in the region from Turkey and Egypt to Yemen.

How to Add to the Ranks

In dealing with global insurgencies, the U.S. will have to have an engaged and persistent presence. In many cases, that presence can be actualized through building the capacity of friendly and allied nations to counter insurgent threats and strengthen their security and civil society. To counter 21st-century threats—from aggressive rogue states to despots to terrorists and international criminals—the United States and its partners should fashion new arrangements that promote security and protect liberty.

What is urgently needed is a new, more flexible association of free nations around the world—a Global Freedom Coalition—whose members have both the will and the means to defeat threats to their security and also the desire to promote the kind of stability in which freedom can flourish. A Global Freedom Coalition should not be bound by geography, as many small nations in every region of the world have already demonstrated their commitment to fighting the war on terrorism, interdicting the illicit proliferation of nuclear weapons technology, and increasing law enforcement and intelligence capabilities to stem human trafficking and international narcotics and crime networks. To help develop such a coalition, the United States should take the lead and create a new fund to provide emerging democracies with the resources they need to build their military and institutional capabilities.

To help nations committed to liberty and security develop their capabilities to contribute to such a coalition, the Administration should establish a Security for Freedom Fund (a program that could be established by discontinuing funding for less effective foreign assistance programs). America has many friends in the developing world that share American interests and values and that have helped the U.S. in Iraq and Afghanistan, but that lack the capabilities at this time to meaningfully contribute to a new coalition. Current foreign military sales (FMS) and foreign military financing (FMF) programs are insufficient, impeded by a tangle of restrictions and bureaucratic delays that often render U.S. security assistance tardy or ineffective. Creating a Security for Freedom Fund could be a vehicle by which the Administration revamps the entire U.S. foreign military assistance program so that America and its friends and allies around the world can respond to unfolding threats to their security in new, more flexible, and more creative ways than the current international system allows.

The Security for Freedom Fund should apply the model established by the Millennium Challenge Account (MCA)² to security-assistance grants. As is the case with the MCA, the Security for Freedom Fund should dedicate its resources to financing foreign military sales that fulfill specific criteria including: a demonstrated commitment to freedom and human rights (Does the country hold regular and transparent elections? Does it have a record of upholding basic political and economic freedoms as measured by the *Index of Economic Freedom* and Freedom House?); a commitment to the rule of law and governance (Does the government have a record of promoting fundamental freedoms abroad? Does it observe its international agreements? Is there civilian control of the armed forces?); mutual bilateral security interests with the U.S. and its allies (Is the country concerned about the same threats that menace the United States and the other members of the Global Freedom Coalition? By promoting the applicant nation’s security, will the U.S. also promote its own?); and a demonstrated need for U.S. military assistance (Is the assistance requested appropriate to the threats that country faces? Is capacity building in its military forces and civilian security institutions necessary to make that nation a productive member of the Global Freedom Coalition? Does the country have any arrangements with countries to which the U.S. restricts military sales?).

The U.S. Must Adopt Sensible Detention Policies Once and For All

The President, as Commander in Chief, must have all lawful tools available to him to capture, interrogate, detain, and prosecute current and future combatants. The capacity to lawfully detain and interrogate unlawful combatants is vital to an effective global strategy to ensure that valuable and necessary intelligence can be obtained, as well as provide increased security of the United States and its allies by preventing belligerents from returning to armed conflict.

In past wars, combatants were typically associated with established governments that had organized militaries or militias that carried arms openly, wore uniforms, and complied with the laws of war. But the current wars are different. Those behind 9/11 and other terrorist attacks on Americans—a group of non-state actors operating under the umbrella authority of al-Qaeda—do not act at the behest of any state. The laws of war applied to stateless pirates in the 18th and 19th centuries (although there are some novelties as applied to this new enemy) still apply. First and foremost is that during wartime, the detaining country is not required to choose between detaining the combatant and trying him in a court of law (military or civilian). The U.S. may legally detain these unlawful combatants, at Guantanamo Bay and elsewhere, for the duration of hostilities.

The solution, far beyond closing the detention facility at Guantanamo, is to solve the broader challenge of holding accountable and incapacitating terrorists in a detention framework that is lawful, durable, and internationally acceptable. To begin, the September 18, 2001, Authorization for Use of Military Force (AUMF) must be updated specifically to include the legal authority to detain unlawful combatants and clarified as to the scope of that detention authority.

As the U.S. military captures future high-value terrorists outside Afghanistan and concludes that some may not be prosecuted in a military commission or federal court, the U.S. will need a sustainable legal framework and procedures to detain these captives. Military detention, authorized by law and properly calibrated to protect our national security, will enhance the nation’s ability to prosecute this war. Furthermore, if done properly, it may discourage the courts, especially the Supreme Court, from meddling in issues of national security policy, which is best left to the political branches.

The solution to dealing with unlawful combatants, far beyond closing Guantanamo Bay, is to solve the broader challenge of holding accountable and incapacitating terrorists in a detention framework that is lawful, durable, and internationally acceptable.

2. Created by President George W. Bush in 2002 and administered by the U.S. Agency for International Development (USAID), the Millennium Challenge Account is a pool of funds to be used for economic and development aid in developing countries. Access to that pool is granted after a rigorous process in which country applications are judged according to set criteria. See USAID, “Millennium Challenge Account Update,” June 3, 2002, at http://www.usaid.gov/press/releases/2002/fs_mca.html (August 21, 2011).

The President must have the flexibility to decide whom to capture and interrogate, whether to detain or prosecute (and in which forum: military commission or federal court), and, absent a court order, when to release a particular detainee. Congress has an appropriate oversight role in these matters, but must not unnecessarily limit the President's full range of options. Furthermore, treating all captured enemy combatants as mere criminal defendants who must be tried in domestic criminal court or set free is dangerous and reckless and weakens the country and its defenses. The battlefield is not a CSI lab and it should not be treated as such. Additionally, holding captured enemy combatants onboard Navy ships for short periods of time is no substitute for a thoughtful, intelligent, and comprehensive detainment framework.

The U.S. government must have a sustained counterinsurgency strategy for cyberspace terrorism.

At the same time, requiring the President to use military commissions as the sole prosecution forum for captured enemy combatants is equally problematic. The President must have the flexibility to decide on a case-by-case basis which prosecutorial forum is most appropriate for any particular detainee.

Finally, Guantanamo Bay must not be closed unless and until a viable alternative exists, supported by a detailed policy and express congressional legislation, signed by the President. At a minimum, that policy should: include express authorization to detain unlawful combatants who cannot be safely prosecuted in a military commission or federal court, and who cannot in good conscience be set free; expressly prohibits any judge from ordering the release of any combatant into the United States, even if the judge, through the *habeas corpus* process, orders the detainee released from U.S. custody; and reaffirms the continued viability of military commissions, both in theaters of operations and in the United States, during wartime. For the time being, Guantanamo Bay is the most logical detention facility for high-value captures, and should be used as such until an alternative exists.

The U.S. Must Win the War Online

The Internet has become an invaluable tool for global terrorism used for propaganda, gathering intelligence, fundraising, recruiting, planning operations, and conducting cyber-criminal activities. The U.S. can anticipate the growth of cyber-terrorist insurgencies as their capabilities develop. It is too narrow to think of dealing with terrorists online as a battle of “our electrons against their electrons.” While the U.S. government has authored a number of cybersecurity strategies, they all focus too much on technology and not enough on a comprehensive approach to battling cyber activity as another form of insurgency.

The U.S. government must have a sustained equivalent counterinsurgency strategy for cyberspace. The American strategy must be much more expansive than treating cyber threats primarily as a technical challenge.

The government's biggest challenge is stringing its offensive, defensive, covert, and overt operations into a cohesive whole rather than operating segmented from one another. In order for cyberstrategy to work, the right hand has to know what the left is doing or there will be gaps for enemies to exploit—or worse, activities may interfere or work at cross-purposes, wreaking more havoc than solving problems. A cyber-insurgency approach to battling bad actors online must include:

- **Collecting intelligence.** Dealing with cyber insurgents requires human intelligence (HUMINT) on the operation of non-state actors in cyberspace. Rather than concentrating on technical intelligence, “human intelligence” focuses on information collected by human sources (such as through conversations and interrogations). HUMINT can provide all kinds of information on the cyber insurgents, not only the technical means of attack, but motivations, relationships, and finances—identifying weaknesses and vulnerabilities in their network that might not be available from merely deconstructing malicious software or searching the files of an Internet service provider.
- **Integrating government and civilian action.** As in the kinetic world, much of the U.S. effort will require coordination between military and civilian government assets. In cyberspace, the situation has the added

layer of complexity posed by the need to coordinate with private-sector actors. For a cyber-insurgency strategy to be effective, it is critical that the U.S. develop mechanisms to ensure that “successes” and “best practices” are translated into a suitable doctrine and become part of the professional development of private-sector and public-sector leaders. Among other needs, there will be demands for education, training, and experience that qualify public and private actors to be real cyber leaders. A doctrine that addresses public-private cooperation must be a centerpiece of that strategy. No adequate effort to address this shortfall is currently underway.

- **Building host-nation cybersecurity.** Strengthening the capacity of friends and allies for network security and resilience must be an essential part of counter-cyber insurgency. The more that nations with common purpose and values work together, the more that can be done to shrink the cyberspace available to cyber insurgents.

The foregoing is just a start—other questions of resilience and offensive operations will also need to be addressed. These kinds of initiatives reflect how all the nation’s resources should be employed in the cyber war. To win the battle for cyberspace, cyber strategy must become much more multifaceted.

The U.S. Must Name the Enemy

Radical groups employing terrorism against governments and civilians have an agenda, and that is to destroy certain governments, challenge Western values of civilization, and erect in their place their own governments and notions of culture and religion. Extremist ideology alone is not the problem. Rather, the issue is that Islamist extremists are using terror as a weapon, employing their ideology as justification to kill in the name of Islam in order to further their radical agenda.

Might something be wrong with the U.S. government’s stated policy if it cannot articulate an obvious fact about its strategic aims? It is one thing to be tactically clever and not alienate innocent people or potential allies. It is another if that reluctance blurs the reality of America’s objectives and confuses people—particularly Americans—about the identity of the enemy and what is at stake.

Former British Prime Minister Tony Blair spoke clearly when he said, “The best defense of the Muslim community in this country is for that leadership to be exercised and for the mainstream Muslim community to take on the extremists within their midst, within our midst.” He recognized that this struggle against radical Islamists will never be won unless Muslims themselves become as outraged as non-Muslims when terrorists kill in the name of Islam.

No program battling radicalization, recruiting, or other extremist activities makes sense unless it is rooted in identifying the enemy—an Islamist ideology that promotes the slaughter of innocents to support a radical agenda.

Do Not Neglect Our Own Backyard

The U.S. must pay attention to the transnational criminal cartels in Mexico as well as established networks by Hamas, Hezbollah, Iranian intelligence, and other terrorist organizations throughout Latin America. In particular, it is time to recognize that the Mexican cartels have features of both terrorist networks and insurgencies.

The U.S. must take concrete steps to expand its security umbrella in the Western hemisphere—that means a more comprehensive cooperative strategy with Mexico in combating the cartels beyond the Merida initiative.³ In addition, inviting Mexico to join the North American Air Defense Command (NORAD) would be the right first

3. The Merida Initiative is a U.S.-funded program in which the U.S. collaborates with the governments of Mexico, the nations of Central America, the Dominican Republic, and Haiti to confront transnational criminal organizations. See U.S. Department of State, “Merida Initiative,” at <http://www.state.gov/p/inl/merida/> (August 21, 2011).

step for a better multinational effort to make North America safer and more secure. Making NORAD an effective instrument will require more than just adding another member. Effective teamwork will require more training and information sharing. Only through mutual cooperation, enhanced understanding, and increased flexibility can NORAD keep North America safe in the 21st century.

Given the U.S. military's responsibility to monitor air and sea approaches to the United States, NORAD could make significant contributions to counternarcotics efforts through the air and maritime warning portions of its mandate, particularly if NORAD was expanded to include Mexico. The Merida Initiative, which will increase drug enforcement cooperation among the United States, Mexico, and Central America, is not focused on detecting foreign crafts, but rather on improving the resources, training, and methods of the law enforcement agencies responsible for drug control. If the Merida Initiative is to succeed, it must enable Mexican and Central American police agencies to better identify drug smuggling suspects, find evidence against them, and uncover hidden drugs.

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While the Merida Initiative provides surveillance aircraft and detection equipment, it relies heavily on local law enforcement and on human intelligence gathering. An expanded NORAD could provide additional hardware, particularly radar equipment, which would complement efforts already underway. A joint command structure would facilitate intelligence sharing and the exchange of effective practices. Better coordination and interoperability would benefit all countries involved. Mexico's inclusion in NORAD could serve as the basis of a new multinational and multi-agency partnership for counternarcotics operations in North America.

The U.S. Needs the Right Military-Intelligence Team

An effective global strategy requires a robust tool kit that can address a range of tasks, not a few individual tools that have limited application. The U.S. must invest in the building blocks of both conventional and irregular warfare capabilities. Every threat cannot be predicted and Pentagon procurement cycles can take decades to yield finished products. Therefore, the military should plan around a broad strategy and hedge against various risks by building core capabilities that can meet a range of future requirements. Many of these fundamental capabilities—including air dominance, maritime control, space control, and counterterrorism and counterinsurgency measures—require next-generation equipment that is not yet in the hands of the military, but is affordable under current budget projections.

Before 9/11, 15 years of Pentagon underfunding and military budget cuts were intended to save money. Ironically, these political decisions have instead forced American taxpayers to spend billions more than necessary. This is because it is far more cost-effective in the long run to provide sustained funding to the military and perform consistent maintenance and regular upgrades than it is to allow the military to collapse, and then rebuild it virtually from scratch. Unfortunately, that is the direction in which the U.S. military is headed. America's armed forces are under stress after eight years of constant combat in Iraq and Afghanistan and their equipment is increasingly dated and aging rapidly.

Key to an effective global strategy is urgently addressing this problem by funding the military's pressing modernization needs. Politicians should not repeat the destructive defense budget cuts of the 1990s in the shortsighted but politically convenient belief that world peace is nigh. Nor should policymakers view defense cuts as a source of revenue to pay for ballooning domestic programs. Rather, Congress should sustain a "core" defense budget of at least 4 percent of gross domestic product (GDP) for five to 10 years to alleviate next-generation military equipment shortfalls, maintain readiness, and sustain current operations.

What is Needed on the Home Front

Effective domestic counterterrorism programs and cooperative efforts to thwart terrorist travel and financing are the most effective tools to keep a global insurgency from flooding America’s shores.

Rather than talking about the need for state and local “information sharing,” which really just means sending information to the federal government, the U.S. should first properly apportion roles and responsibilities between the federal government and states and localities based on the respective resources that each possesses (money, people, and experience). What is needed is a national domestic counterterrorism and intelligence framework that clearly articulates how intelligence operations at all levels should function to combat terrorism, while keeping citizens safe, free, and prosperous.

With at least 40 known plots foiled since 9/11, the United States continues to face a serious threat of terrorism. As such, national security investigators continue to require the tools and authorities to track down terror leads and dismantle plots before the public is in any danger. Those tools include the authorities provided by the PATRIOT Act, which served to modernize intelligence and legal authorities, ensuring that terrorism investigators have the same tools as those available in criminal investigations. Yet despite the fact that no provision contained within the PATRIOT Act has been found unconstitutional, and in most cases its provisions have more procedural safeguards in place than similar criminal investigative tools, Congress has not yet elected to make the entirety of the act permanent. This has left three key provisions—the Roving Surveillance Authority, the Business Record Orders, and the Lone Wolf Provision—subject to repeated authorizations. The continued success of U.S. counterterrorism efforts requires that these sunset provisions not expire. Instead the Administration should seek permanent authorization for them.

Countering violent extremism is an important complementary effort to an effective counterterrorism strategy. This August, the U.S. government released a plan called “Empowering Local Partners to Prevent Violent Extremism in the United States.”⁴ The strategy focuses on outlining how federal agencies can assist and empower local officials, groups, and private organizations to prevent violent extremism. It includes strengthening law enforcement cooperation and helping communities understand how to protect themselves against and counter extremist propaganda (particularly online). Unfortunately, this plan is not a true strategy. It fails to assign responsibilities and direct action and resource investments. More must be done to transform a laundry list of good ideas into an effective program to support communities in protecting and strengthening civil society.

Furthermore, the U.S. must retain and expand robust programs that thwart terrorist travel. Specifically, the Visa Waiver Program, which allows citizens of member countries to travel to the U.S. for up to 90 days without obtaining a visa, and prevents terrorists, criminals, and other dangerous travelers from setting foot on U.S. soil by requiring pre-screening of passengers, should be expanded to include other key U.S. allies. Likewise, the Secure Flight program, which ensures that known or suspected terrorists are prevented from boarding commercial airplanes in the U.S. by checking passenger data against all available information on known or suspected terrorists, should also be further developed by improve passenger name record (PNR) data. Further, efforts should also be taken to fully implement the stalled Visa Security Officer program, which would place security officials at consular offices to oversee visa issuance and conduct interviews.

Finally, the U.S. should also stop senseless security measures that are unworkable or add little value, while consuming scarce resources. These include a national biometric exit program and a 100 percent interview requirement for all visa applicants, which only serve to throw money at the problem at the expense of true security.

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4. Press release, “Empowering Local Partners to Prevent Violent Extremism in the United States,” The White House, August 3, 2011, at <http://www.whitehouse.gov/the-press-office/2011/08/03/empowering-local-partners-prevent-violent-extremism-united-states> (August 21, 2011).

These programs demand enormous investments in tools that do not provide commensurate benefits in combating terrorist travel or enforcing U.S. immigration laws. Current tools are sufficient for tracking foreigners exiting the country and compliance with U.S. immigration laws. Visa interviews should be based on “risk,” ensuring that resources are focused on classes of persons, states, and individuals of greatest concern.

Providing for the Common Defense

Paying for this strategy does not require more national security spending. On the other hand, the strategy recognizes that the U.S. cannot protect itself on the cheap. Nor is it necessary for Americans to compromise on their security in order to restore the nation’s fiscal health. National security is not the source of the nation’s economic woes. On the contrary, as a percentage of national wealth, the U.S. is spending about half what it did during the Cold War to protect all Americans from a variety of dangers (including transnational terrorism and insurgencies). Compromising on security to balance the budget would not only make the nation less safe—it would not solve the fiscal problem. Federal spending on entitlement programs is growing at an unsustainable rate. High levels of taxation and excessive government regulation retard economic growth. Unless these challenges are addressed it will be impossible to get government spending under control. These are the areas of government where restraint must be exercised—not gutting national security spending. Effective security contributes to the goal of promoting economic growth by helping create the conditions to keep the nation safe, free, and prosperous.

The Heritage Foundation Counterterrorism Task Force has pointed out areas in the President’s new strategy where there are efficiencies to be gained by discontinuing practices that are wasteful and not efficacious. Those savings should be reinvested in the security efforts that *are* needed. It would be a grave error to abandon a robust counterterrorism strategy on the mistaken belief that it is not affordable. On the contrary, battling terrorism is an investment that cannot be neglected.



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