Vigilance in an Evolving Terrorism—and Counterterrorism—Landscape

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This past May President Obama offered a meaningful overview of how our decade-plus focus on terrorism should evolve. To his credit, the President recognized the changing face of terrorism, the painful truth that we will never entirely rid ourselves of its scourge, and ways in which our counterterrorism efforts might be better grounded in our legal and policy traditions. Although the speech was far from comprehensive, it was as complete a statement of the President’s view on the evolving face of terrorism—and how we should combat it—that we have seen during his Presidency.

Events before and since the President’s speech have kept terrorism and how we confront the threat on the front page. Whether it is Benghazi and Boston, or the leaks concerning U.S. drone programs and those of Edward Snowden, there is arguably as much public discussion of terrorism as at any time since September 2001. But despite the President’s speech and subsequent debate, important pieces of the counterterrorism puzzle are missing. Regrettably, some of these missing pieces are strategically significant. And if we don’t address these issues sooner rather than later, we will likely face a greater threat despite the gains of the past twelve years.

The Threat

Before addressing these “missing pieces,” we should consider the state of the terrorism threat. What is it? From where does it emanate? And ultimately, how serious is it?

Although it is always difficult (and politically hazardous) to estimate accurately and precisely the state of the terrorist threat, the vast majority of serious observers agree that the risk of a large scale, catastrophic terrorist attack in the United States is the lowest it has been since 9/11. From my perspective this is certainly the case: al Qa’ida in Pakistan is a shadow of its former self—and adamantly so with the death of bin Ladin. Al Qa’ida next most potent affiliate, al Qa’ida in the Arabian Peninsula based in Yemen, certainly still poses a threat to the region and the United States (as illustrated by attacks like the Christmas Day bomber, its attempt to detonate bombs on two cargo flights en route to the United States, and the disrupted 2012 plot to again down an airliner), but even this threat is less deadly and less broad than that which we faced in 2001.

Looking elsewhere in the world, the al Qa’ida threat is even less organized and likely less able to pull off an attack anything close to the tragedy that killed almost 3,000 in September 2001. Whether it is North Africa, East Africa, Southeast Asia, or Europe, al Qa’ida affiliates are—even where experiencing greater freedom to organize than in the past due to events associated with the Arab Awakening—far from the methodical and efficient al Qa’ida that we have faced in the past. The tragic attack on our diplomatic post in Benghazi represents this threat well: Americans and our interests remain at risk, but not in a markedly different way than in past decades (and centuries).
And despite the horrifying events at the Boston Marathon, this diminished threat of a massive attack like 9/11 is equally if not more true of the colloquially termed “homegrown threat.” U.S. residents who have either spontaneously or with guidance from al Qaeda elements overseas sought to attack in the homeland in al Qaeda’s name will not disappear from the radar, but the scale of these attacks tends to look far more like previous terrorist periods of the 20th Century than what we feared in 2001: massive civilian casualties on a scale that dwarfed the most deadly nation-state attacks of the past.

There is perhaps no illustration of this success more powerful than the truly remarkable fact that since 9/11 al Qaeda and those it inspired have killed only eighteen people in the United States. Although every loss is tragic, we must also recognize that in terms of scale this is only a slightly greater loss of life as the number of teenagers killed in the U.S. *every day* in automobile accidents.

None of this is intended to make light of tragedies like Boston, which ended the lives of four innocent victims and caused irreversible harm to countless others and their families. Nor is it to suggest that actuarial body counts are the full measure of terrorism, as events like Boston have a vastly different psychological impact than more deadly and frequent aviation accidents and the like. But even given all of these caveats, in my view the threat we face today is not remotely of the same order as what we feared on September 12, 2001 (or for many years thereafter).

This is, of course, the good news but not the whole story. Down is not out and al Qaeda—not to mention other terrorist groups like Hizballah—is most certainly the former and not the latter. Syria has become the biggest magnet for Sunni extremists from Western Europe and elsewhere since the war in Iraq, and al Qaeda in the Arabian Peninsula remains a potentially deadly adversary. Al Qaeda’s message is not prospering but it remains attractive to enough that combined with poorly or ungoverned spaces, significant hotspots for terrorism or transnational plotting can survive.

Overall, good intelligence, offensive successes, able partners, and defensive measures have made terrorists’ work more difficult but as already noted their efforts continue. One can easily imagine how different (and less optimistic) this story would be had Northwest Flight 253 been downed over Detroit, if multiple cargo jets disappeared from radar, or scores had been killed by the failed Times Square bomber.

This success without total victory—something that is almost certainly impossible in this realm—leaves us susceptible and demands a continued focus on strategic counterterrorism issues. More specifically, how we respond to “terrorism fatigue,” the increasing ease with which terrorists might obtain weapons of mass destruction, fraying counterterrorism partnerships, decreasing confidence in oversight mechanisms, and declining counterterrorism resources.

**Terrorism Fatigue**

After ten-plus years of near constant public discussion of terrorism—in our politics, the media, and through public messaging like the Department of Homeland Security’s “See Something, Say Something” campaign—people and politicians have simply had enough. This is not all bad as an unhealthy obsession with the threat of terrorism at the expense of countless other societal woes would in many ways hand our enemy a victory. On the other hand, there is real value in public discussion of terrorism: it can build resilience in the population, it can lead to the tackling of tough public policy questions like what level of...
domestic intelligence we want, and the like. With terrorism fatigue setting in, we run a real risk of not addressing these issues in a way that provides a lasting counterterrorism framework.

Recent leaks by Edward Snowden may, in an odd and excessively destructive way, have ensured that politicians and the public face some of these questions. Having a discussion about how we target terrorists overseas or what domestic security bargain should be struck vis-à-vis privacy and civil liberties is critical and in my view we have previously made only marginal substantive and sustained progress on these points. I have little doubt that such discussions could have been initiated through non-criminal means, but we should now at least make lemonade out of this torrent of leaked lemons and decide how we will—or will not—sustain capabilities that many argue have been valuable in disrupting terrorist plots at home and abroad.

But terrorism fatigue poses an additional challenge. With all of our counterterrorism success such victories have become expected and any failure—no matter how small—can result in political finger pointing and excoriation of our counterterrorism professionals. In effect we have become victims of our own success and unlike in 2001, perfection has become a political expectation. Although we should continuously examine how we can improve our capabilities, we must guard against ex poste investigations that lack a serious appreciation for the ex ante difficulties of counterterrorism.

Some of these dangers can be mitigated by the Executive Branch continuing to engage in effective, non-alarmist messaging to the public about the nature of the threat. Equally important, post-election the Congress should reinvigorate bipartisan counterterrorism caucuses that have fallen away over the recent years; such efforts can contribute to more thoughtful discussion during quiet times and (one can hope) have a mellowing effect after an event.

*Weapons of Mass Destruction*

There is no doubt that smallish terrorist attacks or at least attempts will continue to occur at home and abroad. Such attacks can cause enormous pain and suffering to victims and their families, but they are clearly of a scale that is dwarfed by other societal ills such as routine criminal activity. The same cannot be said of terrorists’ use of weapons of mass destruction—and more specifically biological weapons or an improvised nuclear device (IND).

Although we have also made progress in reducing the likelihood of terrorists obtaining WMD, for the foreseeable future we are faced with the possibility that a terrorist organization will successfully acquire these weapons. In this case, technology is not yet our friend as the ease with which these weapons can be obtained and hidden continues to exceed our ability to detect them.

Weapons of mass destruction pose a unique challenge as they are the prototypical low likelihood, high consequence event and thus determining the proper allocation of resources to combat them is particular contentious. That being said, we must continue to protect against the most dangerous of materials (*e.g.*, HEU) being obtained by terrorists, secure weapons in the most dangerous places (*e.g.*, Pakistan), and pursue research and development that will assist in detecting chemical and biological weapons in places where they would do the most harm.
**Counterterrorism Partnerships**

Counterterrorism has always been and continues to be a “team sport.” Although the U.S. can do much alone, we are incredibly reliant on a vast network of friendly nations that have extended our intelligence, law enforcement, military, and homeland security reach. Even before the Arab Awakening we witnessed some weakening of these partnerships. Whether it was fatigue on our partners’ part, their own resource challenges, or differing views on the proper scope of counterterrorist efforts (e.g., fights over data sharing between the U.S. and the European Union), these partnerships have been under some pressure. Post-Arab Awakening we face an even more daunting task, having lost some of our most valuable partners in the very places we need them most.

The flood of unauthorized disclosures—from WikiLeaks to Snowden—have already and will continue to further undermine our most important partnerships. Because of our inability to protect other nations’ secrets our partners will share less intelligence, enter into fewer sensitive collection arrangements, and simply be less willing to listen to our guidance. Moreover, even Snowden’s inaccurate descriptions of Intelligence Community relationships with technology companies run the risk of reducing corporate cooperation in ways that have been critical to post-9/11 U.S. security.

To maintain our partnerships we must carefully preserve funding for programs that provide critical capabilities—and potentially more important, a positive US presence—for our allies. The increase in funding for special operations forces is a good step, but relatively tiny investments in Department of State and Justice programs can also deliver real results in this realm. In addition, we will have to approach new governments in the Middle East with sophistication and ensure they continue to view terrorism as a mutual threat. Finally, although it may be perceived as a fool’s errand, we must seek to change the way in which we provide security clearances, monitor access to information, and ultimately protect the real secrets—especially those of our partners’—that must be kept from public view.

**Oversight**

While an oversimplification, oversight serves two primary purposes. First, it helps ensure that the Executive Branch actually operates lawfully. Second, it helps generate greater public trust that the government is operating within the bounds of the law. But oversight in the counterterrorism realm is particularly complicated, given that standard oversight tools—public administrative processes, open congressional hearings, and Article III courts—play vastly smaller or nonexistent roles. Instead, oversight of counterterrorism occurs largely through the 40-plus-year-old outgrowths of the Church-Pike hearings: Executive Branch oversight that operates in secret, congressional committees that operate mostly behind closed doors, and the Foreign Intelligence Surveillance Court that is largely invisible to the public.

Whether current oversight is fulfilling its first purpose (I believe it is, but there are many others who are dubious), I think it is clearly doing less well fulfilling its second purpose. This is likely the result of many factors, but the end result is that the public appears to have less and less faith in its government’s pledge that it operates lawfully and respectful of civil liberties, putting at risk the continued legitimacy of a range of counterterrorism tools. I fear that if this tide is not stemmed, it will be more and more difficult for any sensitive intelligence programs—counterterrorism or otherwise—to be maintained.
There is no easy fix to this problem, but we can do better. Congress and the Foreign Intelligence Surveillance Court can talk more about their work and at a level of generality that does not put sources and methods at risk. Other entities, like Inspectors General and the President’s Civil Liberties Oversight Board, can be further empowered and provide high-level public reports on their labors. We should not seek the same transparency that exists in other areas of public policy, but we must confront the fact that current oversight of intelligence is outdated and simply not working especially well—at least from the public’s perspective.

**Resources**

Finally, and not entirely inappropriately, counterterrorism resources at the federal, state, and local levels will undoubtedly decline significantly—perhaps 25% or more—in the coming years. It is difficult to estimate accurately how much has been spent on counterterrorism over the past eleven years, but the amount certainly comes close if not exceeds $100 billion a year. Some of this was undoubtedly well spent, but it is folly to think that inefficiencies and redundancies do not exist widely. In this sense, a bit of frugality is likely a very good thing.

The question, however, is whether we will be willing or able to make smart reductions to preserve critical capabilities. Our historic ability to direct funds where the threat is greatest—as opposed to where the political forces are strongest—have not been good. Perhaps the declining threat will mean that we can continue to spend imperfectly, but this is surely a dangerous bet to make.

We should use this imposed frugality to do serious mission-based—as opposed to Department and Agency-specific based—budgeting in the federal government. This approach will require enormous changes within the Executive and Congressional branches, but looking across the counterterrorism budget, identifying the critical capabilities we must preserve, and then figuring out how that matches Department-specific budgets can be done. And if we are serious about maintaining these capabilities we have little choice.

There are no easy fixes to any of these challenges but all of these risks can—like the terror threat itself—be reduced. There is far more good counterterrorism news than bad. But these gains are fragile and can only be preserved if we address inevitable changes in the landscape.