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The Report of the 9/11 Commission: A balancing act

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The report of the Independent National Commission on Terrorist Attacks Upon the United States, a panel established by Congress to investigate the events before, during and after the September 11 attacks, is a crowd pleasing act of bipartisan balancing. Instead of pointing the finger at the incumbent commander-in-chief, the report spreads the blame. Neither the Clinton administration nor its successor could grasp the seriousness of the terrorist threat, says the report. The intelligence community does get its share of the blame, particularly for failing to communicate with one another (especially the CIA and the FBI). But 9/11 was not so much a failure of intelligence as a failure of imagination, because the leaders of the country could not simply imagine such attacks as happened to the World Trade Centre and the Pentagon.

No one can accuse the Commission of taking the threat of terrorism lightly. While releasing the report on 23rd July, its Chairman, Thomas Keane, citing the opinions of terrorism experts, warned of the possibility, even probability, of an attack of even greater magnitude than the September 11 attacks.

While the report's findings and recommendations are too numerous to be described here, two of its balancing acts stand out. First, while America must act immediately against the danger of terrorist attacks by strengthening homeland security and promoting counter-terrorism measures globally, the report does not see this as a justification for outright military intervention of the kind that creates the fear and dislike of America in the Islamic and non-Islamic world alike. While the report recommends action to "identify, disrupt, capture, or kill" terrorists and terrorist organizations in sanctuaries in places such as Pakistan, Thailand and central Europe, it also contends that America's response to terrorism requires 'more than a war'

. Indeed, the report appears to cast doubt on the Bush administration's effort to place central emphasis of its counter-terrorism grand strategy on policies such as preemption and regime change through direct military intervention. More than military measures, success in eradicating the scourge of terrorism 'demands the use of all elements of national power: diplomacy, intelligence, covert action, law enforcement, economic policy, foreign aid, public diplomacy, and homeland defence.

Gone are the self-serving shifts that lay at the heart of the Bush administration's war on terror: from 'containment' to 'regime change', or from 'deterrence' to 'preemption.' The fact that the term "preemption" does not occur even once throughout the 585-page report, is itself revealing. The report does say that the US counter-terrorism strategy should include

offensive operations...accompanied by a preventive strategy that is as much, or more, political as it is military". And the report stresses the need for "turning a national strategy into a coalition strategy", thereby symbolically disassociating from the "National Security Strategy of the United States", the 2002 document that articulated the Bush Doctrine and the rationale for the Iraq War.

This is largely a concession to reality. Security measures, including selective military strikes against terrorist hideouts, when needed, require for their success the cooperation of other countries. So do the broad range of measures the report advocates, such as intelligence-sharing, curbing of terrorist financing and efforts to limit the spread of weapons of mass destruction. Only by acting on a multilateral, and fairly world-wide basis does one succeed in these.

A second balancing act is between the report's support for homeland security and its stringent criticism of government secrecy and calls for better executive accountability for expanded surveillance and investigative powers. Hence, there should be more rigorous screening, biometric identification, more comprehensive and easy to follow watch-lists of suspected terrorists and strengthened emergency response procedures. At the same time, the burden of proof for maintaining expanded governmental power such as those found in the Patriot Act should lie with the executive, which must show that such powers had been really enhancing the nation's security and submit them to adequate supervision and oversight. It criticizes government secrecy and over-classification as threats to open government and national security.

The report has a few weaknesses. It does not address the issue of what causes terror, unless one finds it exclusively within the report's detailed account of the rise of Osama bin-Laden (spelled Usama Bin Ladin in the report), and his brand of "Islamist terrorism". Its recommendations for organizational reform are top-heavy; yet efficacy here would depend on building capacity at all levels. The centralization of intelligence could mean greater tendency towards single and sanitized assessments reflecting bureaucratic consensus, rather than fostering competition within and between agencies that could throw up dissenting views.

Impact of Report

The Report is significant, however, not the least because it is the latest of a series of recent investigations into the way the Bush administration and the Blair government in Britain have conducted the war on terror. The others include the report of the US Senate's Select Committee on Intelligence on prewar intelligence assessments on Iraq, and the Butler report on pre-war British intelligence on Iraq. These reports are similar in the sense that they all tend to spread the blame, perhaps mindful of their impact on forthcoming elections as in the case of the US and out of a recognition, eminently justified, that the struggle against terrorism requires cooperation among all parties.

All the reports deal extensively with the intelligence aspects of the war, and the Independent Commission goes the furthest in recommending changes to the US counter-terrorism apparatus, including the creation of a national intelligence czar and a national counter-terrorism centre. While its recommendations have been welcomed by civil rights groups, the American Civil Liberties Union has expressed concern that the recommendation to create a standard driving license and cabinet level czar as potential dangers to civil liberties.

The impact of these reports has been made more salient by other developments. As the fallout of the Abu Ghraib prison torture continued to reverberate around the world, the US Senate passed an amendment to the defence budget that would require the President to abide by the Geneva Conventions, account for all prisoners who have been denied POW status and ‘expeditiously prosecute’ cases of terrorism to avoid the ‘indefinite detention of prisoners’. And on June 28, 2004, while the US Supreme Court backed the Bush administration’s right to hold prisoners (both American and foreigners) without trial in Guantanamo Bay, it also ruled against the administration’s decision to deny them recourse to US courts (on the pretext that they were being held outside the territory of the US). It affirmed such prisoners’ right to due process of law and to speedy and public trial.

In the meantime, James Mann, author of ‘The Rise of the Vulcans: The History of Bush’s War Cabinet’ has proclaimed the neo-cons, whose dubious ideas prompted the shift from containment to regime change, to be a ‘spent force’, with their core ideas such as preemption and “axis of evil” losing their shine over continuing post-invasion Iraqi instability, the continuing impasse in the Middle East peace process, and the revelations of torture. Against this backdrop, the reports may go some way in remedying the conceptual weaknesses and reality gaps that have hitherto dogged Bush’s war on terror and addressing the current legitimacy deficit in the US global counter-terrorism policy.

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