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Identifying the Enemy in Counterterrorism Operations - A Comparison of the Bush and Obama Administrations

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INTRODUCTION

Twelve years after 9/11, the time is ripe to analyze the impact and consequences of these attacks on the Bush and Obama administrations—their perceptions of the nature of the threat, the identity of the enemy and their counterterrorism policies.

America's counterterrorism policy, like that of all other liberal democratic States, is the result of a calculated decision-making process. The decision-making process in the field of counterterrorism presents one of the most complex and problematic challenges facing decision makers in the modern era as it is a function of many components: the lack of consensus regarding a definition of the phenomenon; the wide range of players active in the arena of terrorism and their various characteristics, methods of operation and types of attacks; the great public and media interest that makes it a constant test for the leadership; the operational and ethical constraints that limit the options available to decision makers in the field; the severe implications that the wrong decisions are liable to have; the level

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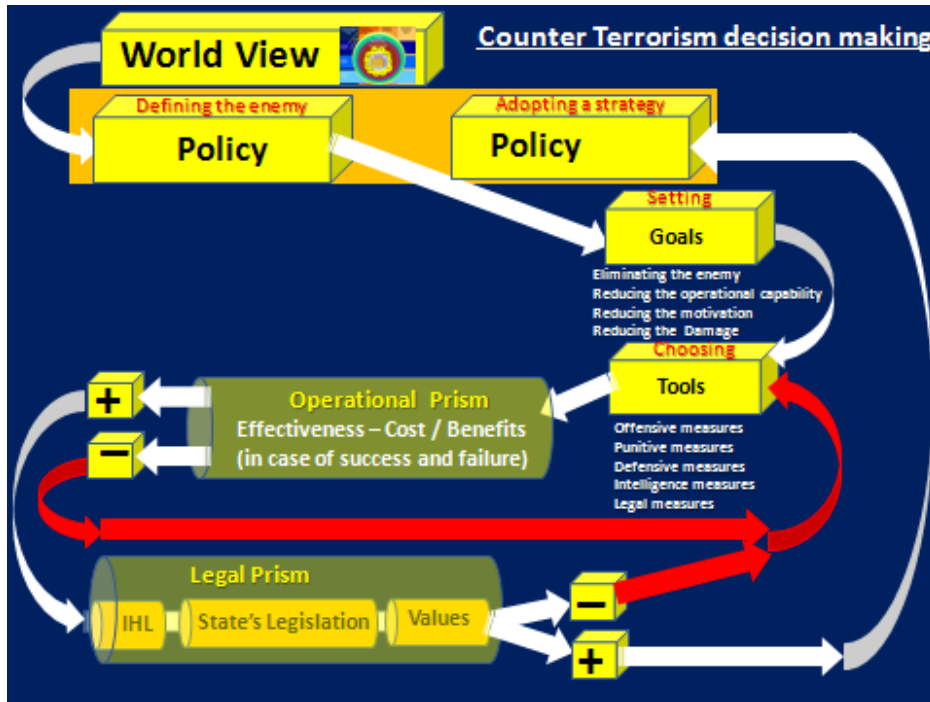
of terrorism's threat and its psychological implications on the public's morale and sense of security; terrorism's influence on internal and international political processes; and the dynamic evolution of the phenomenon, which varies by region and period of time.

Decision-making processes in matters of counterterrorism, as in other strategic matters, are influenced by the decision maker's worldview (as a result of one's education, belief system and ideology), as well as input from different security agencies, government offices, political groups, domestic and international pressure groups, experts and advisors, and the decision maker's peer group. At the same time, decision-making processes are also influenced by considerations and constraints that stem from domestic and international systems, such as economic, security and political conditions; international and regional events and developments; the scope and characteristics of terrorism; and concrete intelligence information.

A decision maker in the field of counterterrorism is, therefore, in a constant state of tension between aspiring to maximum effectiveness and striving to maintain a country's liberal-democratic character and values. This tension, which I refer to as "the democratic dilemma in counterterrorism,"¹ essentially dictates the decision-making process in the field of counterterrorism.

1. BOAZ GANOR, THE COUNTER-TERRORISM PUZZLE—A GUIDE FOR DECISION MAKERS 147 (2005).

Diagram A presents the decision-making process as a flow chart:



As previously stated, the entire decision-making process is influenced by the leader's worldview, which is formed over the course of many years as a result of his education and life experience, and his perception of the political and security situation prior to making a decision. Based on these values and considerations, the first component of constructing counterterrorism policy is understanding the nature of the threat and defining the enemy. A distorted perception of the enemy and threat could negatively affect the entire decision-making process by focusing efforts on an irrelevant enemy or granting too much importance to a marginal threat. In this context, it is important to remember that a specific country may often face several enemies and terrorist threats with essentially different goals and methods of operation.

As soon as a terrorist enemy is defined, decision makers must also define the goals they seek to achieve against the enemy and vis-à-vis the concrete threat. The decision maker could set the maximum goal of eliminating the enemy and completely neutralizing the terrorist threat. Alternatively, the decision maker could set the goal of damaging the

enemy's operational capability and reducing his ability to carry out terrorist attacks. In other instances, the decision maker could set the goal of neutralizing the motivations and reasons for terrorism, whether by solving the disputes underlying the conflict or by placating and appeasing the perpetrators of terrorism. Finally, the decision maker could act in the interest of "realpolitik" to set more limited goals for counterterrorism, such as reducing the damage and loss of life inflicted by terrorism, preventing certain types of terrorist attacks (for example, suicide attacks as they generally cause a greater loss of life than other attacks) and perhaps even accepting the phenomenon of terrorism in its current scope while trying to prevent escalation.

Once a concrete enemy is identified and the decision maker defines the goal of his counterterrorism operation, the next stage begins. The decision maker will now have to choose the most appropriate tools for combating terrorism and achieving the defined goals—in other words, a combination of the measures and operational processes involved in counterterrorism. These measures can be chosen from a large and diverse toolbox, including various components in the field of counterterrorism: offensive measures, operative measures, defensive-security measures, punitive measures, intelligence tools and legal measures. A structured counterterrorism strategy will naturally include a range of measures derived from each of the above-mentioned components. The first test that a counterterrorism measure must withstand is, of course, a test of its effectiveness, i.e., whether a specific measure is likely to achieve the goal defined by the decision maker.

The effectiveness test of each measure must be examined under both the premise of the operation's success and the premise of its failure, i.e., it must take into account the implications of a potential failure. Measures that do not pass the effectiveness test are abandoned and the decision maker or his agents must return to the toolbox in order to choose alternative measures. Measures that do pass the effectiveness test are then examined through the legal prism. The legal analysis is, among other things, a function of the characteristics of the threat and the enemy, the goals previously identified and the operational constraints. The legal test will establish whether the measure and method of operation contemplated comply with applicable laws and regulations, including the domestic legislation of the country in question, relevant international law and the values and worldview espoused by the country. Measures and methods of operation that fail the legal test are abandoned and alternative measures are

sought from the toolbox. Measures and methods of operation that are found to be effective in achieving the counterterrorism goals and that successfully pass the legal test are selected to perform counterterrorism assignments and, together with other measures and methods of operation, shape the counterterrorism strategy and policy of the country.

In this article, I show how the definition of the threat and the enemy at the policy level impacted both the Bush and Obama administration's fight against terrorism. But before I discuss these policies in greater detail, I would like to emphasize their common roots. They are both deeply grounded in liberal values. At the heart of the two administration's counterterrorism policies lies a profound commitment to democratic values and the belief that these should be upheld regardless of the circumstances.

The comparison between the counterterrorism policies of these two American administrations will be based on the following three guidelines in order to analyze both the common denominators and the differences in approach between the Bush and Obama administrations:

- The manner in which the administrations defined their enemy;
- The goals and objectives that the administrations set for themselves in the war on terrorism; and
- The measures and methods of operation perceived by the decision makers to be legitimate and effective means for achieving these objectives.

The examination will be carried out by comparing the official documents defining the administrations' counterterrorism strategies, as well as speeches given by Presidents Bush and Obama and their counterterrorism advisors which revealed the principles behind their counterterrorism policies to the public.

PART I: DEFINING THE THREAT

The foundation of any counterterrorism strategy is defining the enemy: Who is the enemy (or enemies) that the country is facing? What are their goals and methods of operation? Where are they deployed and where do they operate? What are their strengths and weaknesses?

Answering the question of who is the enemy is by no means a theoretical or philosophical matter. Any variation in the answer, or even a slight nuance in the definition of the enemy, eventually dictates different policies, strategies and practices for coping with terrorism. In the introduction written by President Obama to the U.S. *National Strategy for Counterterrorism*, he emphasized this point: "To defeat al-Qa'ida, we must

define with precision and clarity who we are fighting, setting concrete and realistic goals tailored to the specific challenges we face in different regions of the world.”² Defining the enemy thus constitutes an essential preliminary step in formulating a focused strategy that allows for an effective response to the challenges and threats of terrorism. It also has major implications for the legal analysis and, subsequently, for the methods that can be used to fight terrorism.³

The first attempt at identifying the enemy occurred, unsurprisingly, in the immediate wake of 9/11. In the 2001 Authorization for Use of Military Force, which has since then formed the legal basis for the use of force against Al-Qaeda and its affiliates, the enemy was identified in very broad terms:

[T]he President is authorized to use all necessary means and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.⁴

Far from shunning the question of the enemy’s identity, President Bush brought it into focus again in an address to Congress and the nation just a few days later: “Americans are asking: Who attacked our country? The evidence we have gathered all points to a collection of loosely affiliated terrorist organizations known as al Qaeda.”⁵

President Bush further clarified that Al-Qaeda was not merely a sporadic compound of terrorist cells, and pointed to the fact that these terrorist groups share the same ideology and radical, religious, Islamist worldview. However, he immediately took pains to emphasize that these

2. THE WHITE HOUSE, NATIONAL STRATEGY FOR COUNTERTERRORISM (2011), available at http://www.whitehouse.gov/sites/default/files/counterterrorism_strategy.pdf [hereinafter OBAMA NATIONAL STRATEGY].

3. For a discussion on the definition of terrorism, see, e.g., GANOR, *supra* note 1, at 1; BRUCE HOFFMAN, INSIDE TERRORISM 1 (2006); ALEX SCHMID & ALBERT JONGMAN, POLITICAL TERRORISM (2005).

4. Authorization for Use of Military Force Act of 2001, Pub. L. No. 107-40, 115 Stat. 224 (2001) (codified as 50 U.S.C. § 1541 (2012)).

5. President George W. Bush, Address to a Joint Session of Congress and the American People (Sept. 20, 2001) (transcript available at <http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010920-8.html>) [hereinafter Joint Session Address].

radical Islamist elements do not represent the spirit of Islam and even contradict the religion's values:

The terrorists practice a fringe form of Islamic extremism that has been rejected by Muslim scholars and the vast majority of Muslim clerics—a fringe movement that perverts the peaceful teachings of Islam. The terrorists' directive commands them to kill Christians and Jews, to kill all Americans, and make no distinction among military and civilians, including women and children.⁶

President Bush defined the enemy as more than Al-Qaeda's core group, and included the circles that surround the organization as well. The first circle included other organizations that support a similar ideological religious view and either work together with Al-Qaeda or are inspired by it, such as the Egyptian Islamic Jihad and the Islamic Movement of Uzbekistan: "There are thousands of these terrorists in more than 60 countries. . . . Our war on terror begins with al Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated."⁷

Importantly, Bush's description of the enemy did not end with Al-Qaeda and its affiliates. He identified a second circle of enemies, defined as countries and governments that provide protection, aid and shelter to Al-Qaeda and its supporters. Specifically, Bush addressed the Taliban regime in Afghanistan demanding, among other things, that the Taliban stop protecting Al-Qaeda, disarm the organization, arrest its people and hand over its leaders to the United States:

By aiding and abetting murder, the Taliban regime is committing murder. . . . The enemy of America is not our many Muslim friends; it is not our many Arab friends. Our enemy is a radical network of terrorists, and every government that supports them. . . . As long as the United States of America is determined and strong, this will not be an age of terror; this will be an age of liberty, here and across the world.⁸

From this description, three important characteristics stand out: the global nature of the threat, the centrality of Al-Qaeda and its affiliates, and the existence of a second circle of enemies.

6. *Id.*

7. *Id.*

8. *Id.*

Two years after 9/11, in its *National Strategy for Combating Terrorism*, the Bush administration elaborated on its definition of the enemy:

The enemy is not one person. It is not a single political regime. Certainly it is not a religion. The enemy is terrorism—premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents. Those who employ terrorism, regardless of their specific secular or religious objectives, strive to subvert the rule of law and effect change through violence and fear. These terrorists also share the misguided belief that killing, kidnapping, extorting, robbing, and wreaking havoc to terrorize people are legitimate forms of political action.⁹

This statement by the Bush administration has moral and utilitarian undertones. From a utilitarian standpoint, the administration identified a common feature among the enemies threatening U.S. security: they use terrorism, understood as the intentional use of political violence against non-combatants. According to the Bush administration, any entity that resorts to such illegitimate tactics is an enemy. President Bush did not map out the dissenting and supporting organizations and factions in order to analyze their ideologies and examine their motivations and justifications. Rather, he set a clear line and anyone who crossed it would be considered an enemy of the United States. In addition to its utilitarian purpose, this line also demonstrated strong moral undertones as it neutralized the well-known argument that “One man’s terrorist is another man’s freedom fighter.” In upholding the same moral values that underlie humanitarian law, President Bush declared the intentional use of violence against non-combatants as the standard for differentiating between friend and foe.

Six years later, in a radical and much-noticed shift, President Obama set out his vision in the “Cairo speech.” The overarching policy was clear: “To seek a new beginning between the United States and Muslims around the world.”¹⁰ President Obama explained that “Islam is not part of the problem in combating violent extremism—it is an important part of promoting

9. THE WHITE HOUSE, NATIONAL STRATEGY FOR COMBATING TERRORISM 1 (2003), available at https://www.cia.gov/news-information/cia-the-war-on-terrorism/Counter_Terrorism_Strategy.pdf [hereinafter BUSH NATIONAL STRATEGY].

10. President Barack Obama, Address at Cairo University, Cairo, Egypt: A New Beginning (June 4, 2009) (transcript available at http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-at-Cairo-University-6-04-09) [hereinafter Cairo University Address].

peace” and added that the enemy is “violent extremists who pose a grave threat to our security.”¹¹

Ostensibly, according to Obama’s definition, the enemy has no Islamist identity and despite his attempt to avoid the alienation of the Muslim world from the United States, Obama established a connection between the “extremists” and Muslim communities around the world when he stated in that same speech, “The sooner the extremists are isolated and unwelcome in Muslim communities, the sooner we will all be safer.”¹²

The Obama administration takes a critical view of the Bush administration’s characterization of terrorism as the enemy. In his speech in August 2009, President Obama’s Deputy National Security Advisor for Homeland Security and Counterterrorism, John Brennan, explained that the President did not describe the struggle as “a war on terrorism.”¹³ The explanation given by Brennan was that terrorism is a tactic and, of course, one cannot defeat a tactic. According to Brennan, even the terms “jihadists” and “Islamists” cannot be used to define the enemy as using this term gives the terrorists the legitimization they seek but do not deserve, as “jihad” literally means “to purify oneself or to wage a holy struggle for a moral goal.”¹⁴

Who then is the enemy according to President Obama’s counterterrorism advisor? The Al-Qaeda terrorist organization and its partners. The Obama administration not only rejects the idea that terrorism might be the enemy, it also disapproves of the definition of the threat as a global one. Such a definition, the administration argues, would only reinforce the image that Al-Qaeda is trying to achieve, as a very organized global entity ready to replace the government of sovereign countries with a global caliphate.¹⁵

Instead, the Obama administration’s *National Strategy for Counterterrorism* seeks to defeat Al-Qaeda and its affiliates:

11. *Id.*

12. *Id.*

13. Remarks by John O. Brennan, Deputy National Security Advisor for Homeland Security and Counterterrorism, at the Center for Strategic and International Studies: A New Approach to Safeguarding Americans (Aug. 6, 2009) (transcript available at http://www.whitehouse.gov/the_press_office/Remarks-by-John-Brennan-at-the-Center-for-Strategic-and-International-Studies/).

14. *Id.*

15. *Id.*

A decade after the September 11, 2001 terrorist attacks, the United States remains at war with al-Qa'ida. . . . The United States deliberately uses the word “war” to describe our relentless campaign against al-Qa'ida. However, this Administration has made it clear that we are not at war with the tactic of terrorism or the religion of Islam. We are at war with a specific organization—al-Qa'ida. . . . Although Al-Qaeda is our strategic as well as tactical CT [counterterrorism] priority, other designated terrorist organizations pose a significant threat to U.S. strategic interests. . . . Iran and Syria remain active sponsors of terrorism, and we remain committed to opposing the support these state sponsors provide to groups pursuing terrorist attacks to undermine regional stability.¹⁶

Notably, the administration expands the definition of the enemy to include homegrown terrorism: “Al-Qaeda and its affiliates and adherents represent the preeminent terrorist threat to our country. We know that these groups are actively seeking to recruit or inspire Americans to carry out attacks against the United States, particularly as they are facing greater pressure in their safe-havens abroad.”¹⁷

The change in the definition of the enemy under Obama had a clear impact on the administration’s understanding and evaluation of the threat. Immediately after the terrorist attack against U.S. soldiers at Fort Hood in 2010, President Obama said: “We cannot fully know what leads a man to do such a thing.”¹⁸ Shortly thereafter he added, “given the potential warning signs that may have been known prior these shootings, we must uncover what steps—if any—could have been taken to avert this tragedy.”¹⁹

16. OBAMA NATIONAL STRATEGY, *supra* note 2, at 2, 3, 18.

17. THE WHITE HOUSE, EMPOWERING LOCAL PARTNERS TO PREVENT VIOLENT EXTREMISM IN THE UNITED STATES 2 (Aug. 14, 2011), *available at* http://www.whitehouse.gov/sites/default/files/empowering_local_partners.pdf [hereinafter EMPOWERING LOCAL PARTNERS].

18. President Barack Obama, Weekly Address: President Obama Extends Condolences to the Fort Hood Community (Nov. 7, 2009) (transcript available at <http://www.whitehouse.gov/the-press-office/weekly-address-president-obama-extends-condolences-fort-hood-community>).

19. President Barack Obama, Weekly Address: President Obama Calls for Comprehensive Review of Events Leading to Tragedy at Fort Hood, Barack Obama on Investigating the Fort Hood Massacre (Nov. 14, 2009) (transcript available at <http://www.whitehouse.gov/the-press-office/weekly-address-president-obama-calls-comprehensive-review-events-leading-tragedy-fo>).

But what warning signs can there be when Islamists and jihadists are not defined as part of the threat? According to the Obama administration's definition of the threat, a situation in which a Muslim American soldier becomes a jihadist and spends time at religious centers known to serve as meeting places for Islamists and jihadists did not constitute a warning sign. When jihadists and Islamists are not defined as the enemy, weeds such as the Tsarnaev brothers, who perpetrated the Boston Marathon attack in April 2013, do not appear on the radar of the security services. Such terrorists are not members of Al-Qaeda nor are they part of the operational network surrounding the epicenter of Al-Qaeda. They are inspired by the Salafi–Jihadist ideology that motivated them to carry out terrorist attacks, yet these ideologies are not being defined as triggers of terrorism. This is either the result of a misconception in reference to the definition of the enemy or an outcome of political correctness. Either way, the consequences can be very damaging.

The Bush and Obama administrations took opposing approaches on defining the enemy. While the Bush administration took the overly comprehensive approach by declaring war on terrorism around the world, the Obama administration took the overly narrow approach by declaring war on Al-Qaeda and its affiliates. Whether the definition of the threat is too broad or too narrow, it has significant implications on the methods used to contain it. When the definition of the threat is too broad, it becomes less effective by making it more difficult to find the appropriate methods to deal with the problem. The definition of the threat by President Bush created a situation whereby, in the name of the war on terrorism, the United States entered into an exhausting and unnecessary war in Iraq.

When the definition of the threat is too narrow, it may overlook important aspects and components of the threat. By focusing on Al-Qaeda, while ignoring the Islamist-jihadist global characteristics of the terrorism threat, Obama's definition of the threat undermines the U.S. ability to detect in advance the perpetrators, initiators and supporters of terrorism, and to thwart terrorist attacks.

PART II: SETTING THE GOALS OF COUNTERTERRORISM

The efficacy of a counterterrorism policy is measured against the goals and objectives on which it was founded. Sometimes the goals are limited and unsatisfactory, and even when obtained they do not provide an appropriate response to the threat of terrorism. At other times the goals are irrelevant, in the sense of “looking for the quarter under the light,” and their achievement may, at most, contribute to the good feeling and public relations of the decision makers. In yet other cases, the counterterrorism goals are extremely comprehensive and far-reaching; achieving them is, in fact, impossible, and sometimes not even required for effectively coping with this threat. In this regard, it should be noted that decision makers may take a comprehensive approach even if the goals are unattainable in order to set a high point of reference for which all entities dealing in counterterrorism are to strive. Finally, decision makers set a relatively low bar of attainable counterterrorism goals and objectives in order to prove to their constituencies that their counterterrorism policy is effective.

Immediately following the 9/11 terrorist attacks, President Bush adopted a comprehensive approach in determining American counterterrorism objectives. The United States, he explained, did not intend to make any distinction between the terrorists who carried out the 9/11 attacks and those who support them.²⁰ Bush’s approach was characterized as proactive, and involved eliminating terrorism and destroying it anywhere it was found to be growing.²¹

The Bush administration’s counterterrorism strategy was further elaborated a year and a half after the attacks. Though the strategy continued to advocate a comprehensive counterterrorism approach, a shift in the definition of the goals was noticeable.

The goal—which had been the defeat of terrorism around the world—became the defeat of terrorist organizations with global aspirations. Ultimately, the U.S. counterterrorism policy’s strategic goal was not only to protect Americans, but also to free the world of fear and apprehension from terrorism:

20. President George W. Bush, 9/11 Address to the Nation (Sept. 11, 2001) (transcript available at <http://www.americanrhetoric.com/speeches/gwbush911addresstothenation.htm>).

21. Joint Session Address, *supra* note 5.

Our goal will be reached when Americans and other civilized people around the world can lead their lives free of fear from terrorist attacks. . . . Ultimately, our fight against terrorism will help foster an international environment where our democratic interests are secure and the values of liberty are respected around the world.²²

Much like its definition of the enemy, the Bush administration's definition of objectives was a statement of values and morals. However, beyond the value/moral aspect, which it can be argued represents a utopian and even simplistic worldview, the question remains as to whether this comprehensive policy is justified in utilitarian terms. Are the goals set by the Bush administration attainable? Is there a global connection between the terrorist entities threatening the United States and its interests around the world that necessitates the defeat of the global jihad phenomenon worldwide? Can the United States be protected from terrorist organizations without dealing with the wider context of the terrorism phenomenon? The answer given by President Bush in January 2002 to these questions was unequivocal: "America is no longer protected by vast oceans. We are protected from attack only by vigorous action abroad, and increased vigilance at home."²³

In light of the above, the Bush administration's counterterrorism strategy ("The 4D Strategy") had four objectives from which, at times, its operative goals were derived:

- **Defeating** terrorist organizations with a global agenda and global aspirations by attacking their leadership, their command and control systems, their bases, their communications systems and their financing. To that end, it was determined that the United States would work at identifying the terrorist organization and its operatives, ascertain their staging location, and destroy them.
- **Denying** the continued support of terrorist organizations and insisting that countries take upon themselves the responsibility to act against entities in their territory that are threatening the world, by demonstrating zero tolerance for the phenomenon of countries supporting terrorism, creating unified standards for combating terrorism and creating a

22. BUSH NATIONAL STRATEGY, *supra* note 9, at 1, 3.

23. President George W. Bush, Address to a Joint Session of the Congress on the State of the Union (Jan. 29, 2002) (transcript available at <http://www.presidency.ucsb.edu/ws/?pid=29644>).

unified international front by building a strong coalition of countries fighting terrorism.

- **Defending** the United States and its citizens and interests, both at home and around the world, while identifying and neutralizing threats as early as possible, *inter alia*, by increasing the American public's awareness of the dangers of terrorism, streamlining the integrative activity of the security systems in the United States in times of crisis, and establishing the Department of Homeland Security with the aim of mobilizing, organizing and improving U.S. security preparedness.

- **Diminishing** the conditions exploited by terrorist organizations by creating international partnerships for reinforcing weak States and preventing the development of terrorism in these countries as well as achieving victory in “the war of ideas”; preventing the conditions and ideologies that create fertile ground for the support of terrorism, instilling the principle that all terrorist activities are illegitimate and reinforcing the drive for liberty among communities ruled by supporters of global terrorism.²⁴

For his part, President Obama chose to take the narrow approach in defining the goals and objectives of his counterterrorism policy, emphasizing the need to set realistic goals in face of a specific enemy (Al-Qaeda):

This Strategy builds on groundwork laid by previous strategies At the same time, it outlines an approach that is more focused and specific than were previous strategies. . . . This Strategy stands to testify to our friends, our partners, and to our terrorist enemies: Here is our plan of action to achieve the defeat of Al-Qaeda and its affiliates and adherents. It is this outcome we seek, and indeed it is the only one we will accept.²⁵

This official document details the main goals of the Obama’s administration in this field: defending the American people, the homeland and American interests; defeating Al-Qaeda, its agents and supporters, and attacking their network; preventing the terrorists’ development and ability to obtain weapons of mass destruction; eliminating their sanctuaries; establishing and reinforcing international alliances in the field of counterterrorism; coping with Al-Qaeda’s ideology and the support that the organization receives; neutralizing the motivations for violence that Al-

24. BUSH NATIONAL STRATEGY, *supra* note 9, at 15–28.

25. OBAMA NATIONAL STRATEGY, *supra* note 2, at 2, 19.

Qaeda exploits for its own needs; and depriving terrorists of the means that motivate them.²⁶

The goals at the basis of the American strategy under Obama are all tied, in one way or another, to a direct confrontation with Al-Qaeda. According to the document, the United States is facing a developing threat and every effort must be made to neutralize the resonance of Al-Qaeda's messages. This is achieved by addressing the root causes motivating the violence and slowing down Al-Qaeda's recruitment of new generations of terrorists.²⁷

Obama interprets this as requiring the development of de-radicalization processes among the relevant communities in the United States. This strategy was detailed in a separate document, published in August 2008, entitled "Empowering Local Partners to Prevent Violent Extremism in the United States."²⁸ The document emphasizes the need to prevent violent extremists and their supporters from influencing, radicalizing, financing or recruiting individuals or groups within the United States for the purpose of carrying out violent acts. The administration calls on local communities, the private sector and the entire American public to cooperate in developing effective programs and initiatives. The document refrains from defining the danger in a manner connecting it to Islam or to Islamist elements. It stresses that history teaches that threats change from time to time, erupting in the name of different ideologies and alleged injustices: though the threat currently originates from one sector of the American population, it may originate from a different sector in the future. As for the role of federal authorities in de-radicalization, the administration contemplates increased federal involvement in providing support to communities that may be a target for subversion by violent extremists. Such support, however, is beyond the scope of national security and focuses instead on civilian issues, such as employment, health and human rights.²⁹ Obama's strategy on de-radicalization might be regarded as an indirect preventive policy - but, importantly, it does not identify an internal enemy in the United States.

Comparing the two administrations' goals and objectives reinforces the basic difference between their approaches—a comprehensive approach

26. *Id.* at 8–10.

27. *Id.* at 19.

28. EMPOWERING LOCAL PARTNERS, *supra* note 17, at 5.

29. EMPOWERING LOCAL PARTNERS, *supra* note 17, at 5.

taken by the Bush administration versus a narrow approach taken by the Obama administration. Adopting the comprehensive approach after a severe terrorist attack or a series of attacks, such as the 9/11 attacks, is a natural, almost deterministic process, especially for a democratic government attentive to the people's wishes and desires. It points to the government's action in the field of counterterrorism and to its efforts in bringing back the personal security of its citizens, almost at any price. In contrast to President Bush's comprehensive objective of defeating terrorism around the world, requiring a prolonged attrition campaign, President Obama—who came into power eight years after 9/11—set the narrower objective of defeating the Al-Qaeda terrorist organization. This objective, Obama believes, can be attained in a focused campaign hunting the organization's leaders and main operatives. At the same time, as noted above, Obama developed a de-radicalization strategy to build on the cooperation of Muslim communities within the United States.

PART III: THE MEANS AND METHODS FOR COPING WITH TERRORISM— THE TOOL BOX

The two administrations greatly differed in the way in which they intend to achieve the goals that they set for themselves. In accordance with his broad definition of the threat and his comprehensive approach, President Bush clarified his intention to harness all of the American administration's abilities, allocate the necessary resources and grant security forces the required prerogatives to effectively cope with terrorism: "We will direct every resource at our command—every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war—to the disruption and to the defeat of the global terror network."³⁰

President Bush further stated that the United States would attack the entities financing terrorism, turn the terrorists against one another, force them to run from place to place, and hunt the countries giving shelter and asylum to terrorists. Most emblematic of his broad strategy, President Bush also gave a clear message to the world's nations: every government must define whether it stands alongside the United States in the campaign against terrorism or if it stands alongside the terrorists; neutrality cannot be

30. Joint Session Address, *supra* note 5.

maintained.³¹ Bush's goal was to establish a wide international coalition equipped with every means possible to cope with terrorist organizations and their supporters—military, political, diplomatic, intelligence, financial, legal, technological and other.³²

In contrast to the Bush administration's efforts to counter the operational capability of the terrorists, the Obama administration put the emphasis on countering terrorists' motivation. Instead of condemning the Islamic extremist perceptions that motivate terrorists all over the world, Obama's administration preferred a conciliatory approach. This approach was demonstrated in the remarks made by John Brennan in May 2010: "Nor do we describe our enemy as 'jihadists' or 'Islamists' because jihad is a holy struggle, a legitimate tenant of Islam, meaning to purify oneself or one's community"³³

The Obama administration initiated this process of reconciliation immediately after President Obama's first election victory in his 2009 Cairo speech:

I have come here to seek a new beginning between the United States and Muslims around the world; one based upon mutual interest and mutual respect; and one based upon the truth that America and Islam are not exclusive, and need not be in competition. Instead, they overlap, and share common principles—principles of justice and progress; tolerance and the dignity of all human beings.³⁴

At the base of its counterterrorism strategy, the Obama administration placed the need to adhere to core American values—human rights, the right for privacy, civil liberties, governance and transparency, and maintaining the rule of law. According to Obama, each of these is meant to reinforce security, but practically they are limiting the prerogatives of the American security and law enforcement agencies. An example of the tension between the above-mentioned liberal values and the effectiveness

31. President George W. Bush, Rose Garden Speech (June 24, 2002) (transcript available at <http://www.americanrhetoric.com/speeches/gwbush2wostatesolution.htm>).

32. BUSH NATIONAL STRATEGY, *supra* note 9, at 29–30.

33. John Brennan, Deputy National Security Advisor for Homeland Security and Counterterrorism, Remarks at the Center for Strategic Study and International Studies: Securing the Homeland by Renewing American Strength, Resilience and Values (May 26, 2010) (transcript available at <http://www.whitehouse.gov/the-press-office/remarks-assistant-president-homeland-security-and-counterterrorism-john-brennan-csi>).

34. Cairo University Address, *supra* note 10.

of the counterterrorism strategy can be seen in the difficulties faced by the Los Angeles Police Department in implementing its policy of mapping the Muslim community.³⁵ Although the principle of mapping was meant to help identify the weeds and set them apart from the overall community, this policy was criticized as endangering the community's right to privacy and its civil liberties.³⁶

Alongside its indirect activities aimed at neutralizing the sympathetic environment in which Al-Qaeda and its branches operate, the Obama administration continued its direct attacks on the organization's terrorist abilities, which contributed to its success in eliminating Osama bin Laden in Pakistan in May 2011.

CONCLUSION

Though the counterterrorism strategies of both American administrations stem from similar worldviews and values, they significantly differ in their understanding of the threat. The Bush administration adopted a proactive strategy designed to promote democracy in problematic countries and regions as part of the campaign against terrorism. In contrast, the Obama administration translated its democratic liberal worldview into a policy that limits the prerogatives and work methods of American security and intelligence agencies.

An analysis of the administrations' policies reveals that the main difference lies in their definition of the enemy and the nature of the threat. While the Bush administration declared war on terrorism around the world, the Obama administration took a narrow and focused approach clearly directed at Al-Qaeda and its affiliates.

When the definition of the threat is too broad, it may undermine the efficacy of the counterterrorism strategy and make it more difficult to identify appropriate measures required to cope with the phenomenon. President Bush's definition of the threat created a situation whereby, in the name of a "war on terrorism," the United States became embroiled on various fronts for much longer than it had originally planned. When the

35. Azi Paybarah, *When Bratton quit Muslim mapping*, CAPITAL (Dec. 12, 2013, 5:00 AM), <http://www.capitalnewyork.com/article/city-hall/2013/12/8537222/when-bratton-quit-muslim-mapping>.

36. Richard Winton et al., *LAPD defends Muslim mapping effort*, LOS ANGELES TIMES (Nov. 10, 2007), <http://www.latimes.com/local/la-me-lapd10nov10,0,2077315.story?page=2#axzz2xODVTDJo>.

definition of the threat is too narrow, it may not include important aspects and elements of the threat. And indeed, the definition of the threat according to the Obama administration overlooks the roots of jihadist terrorism, blurs the distinction between moderate entities and radical jihadist entities in the Muslim world, and harms the motivation of moderate Muslims to face and hold a true internal battle with violent Islamists.

The question to be asked then is which one of the two administrations was correct in its attitude towards Islamists and jihadists? As noted by Bernard Lewis, while Osama bin Laden and his Al-Qaeda followers probably do not represent Islam, and many of their activities and statements contradict the main principals of Islam, they certainly emerged from the Islamic culture as much as Hitler and the Nazi party emerged from the Christian world.³⁷ Therefore, Lewis argues that the phenomenon of global jihad needs to be examined in its cultural, religious and historical context.³⁸ In this way, the eradication or weakening of global terrorism may be achieved over time. On the other hand, ignoring Islamist-jihadist ideology, goals and activities, which call for the death of anyone who does not accept their radical and dangerous interpretation of Islam, will not lead to true reconciliation between the United States or the West and Islam; rather, it will only weaken the moderate Muslims who require great courage when facing these fundamentalists. The Obama administration would do well to listen attentively to the pleadings of the founder of the Muslim Congress in Canada, Tariq Fatah, when he said: "Please understand there is a difference between Islam as a faith and Islamism which is a political ideology stating that the Western culture has to be destroyed."³⁹ Without addressing the ideological root causes of terrorism, the surgical targeted

37. BERNARD LEWIS, *THE CRISIS OF ISLAM: HOLY WAR AND UNHOLY TERROR* 134 (2004).

38. *Id.*

39. David Wood, *Tarek Fatah Talk at Ideacity 2011*, ANSWERING MUSLIMS: THE ISLAMOBLOG OF ACTS 17 APOLOGETICS (Aug. 12, 2011, 2:01 PM), <http://www.answeringmuslims.com/2011/08/tarek-fatah-talk-at-ideacity-2011.html>; quoted in Boaz Ganor, *The U.S. Counter Terrorism Policy – The Calm before the Storm* INTERNATIONAL INSTITUTE FOR COUNTER-TERRORISM (Sept. 11, 2011), <http://www.ict.org.il/NewsCommentaries/Commentaries/tabid/69/Articlsid/982/currentpage/1/Default.aspx>. This argument was also discussed at length in Daniel Pipes, *Islam and Islamism: Faith and Ideology*, THE NATIONAL INTEREST, Spring 2000, at 87, available at <http://www.danielpipes.org/366/islam-and-islamism-faith-and-ideology>.

killings of Al-Qaeda leaders will not result in the disappearance of the phenomenon. The elimination of bin Laden and his cohorts may provide the United States temporary peace, but it will be the calm before the storm.

This article demonstrates the intimate link between policy and law when it comes to counterterrorism. Identifying the enemy plays a crucial role in providing the government with the authority needed to fight terrorism—from the authority to investigate threats to the authority to detain and use lethal force. The two administrations significantly differ in their understanding of the enemy, both at the organizational and individual levels. They also differ in their understanding of the boundaries of the battlefield. Ultimately, contrasting the policies adopted by the Bush and Obama administrations reveals that the early identification of the enemy by decision makers shaped the nature and scope of each administration's counterterrorism strategies.