Ten years on: Obama’s war on terrorism in rhetoric and practice

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Ten years after the terrorist attacks on New York and Washington DC of 11 September 2001, the United States remains embroiled in a long-term struggle with what George W. Bush termed the existential threat of international terrorism.1 On the campaign trail, his successor as US president, Barack Obama, promised to reboot the ‘war on terror’. He claimed that his new administration would step back from the rhetoric and much of the policy of the Bush administration, conducting a counterterrorism campaign that would be more morally acceptable, more focused and more effective—smarter, better, nimble, stronger.2 Those expecting wholesale changes to US counterterrorism policy, however, misread Obama’s intentions. Obama always intended to deepen Bush’s commitment to counterterrorism while at the same time ending the ‘distraction’ of the Iraq war. The continuities in US counterterrorism do not indicate that Obama is trapped by Bush’s institutionalized construction of a global war on terror so much as that he shares a conception of the imperative of reducing the terrorist threat to the US, as demonstrated by his pursuit and elimination of the Al-Qaeda leader Osama bin Laden.

This article focuses on the difficulties Obama has had in distinguishing his counterterrorism policy from that of his predecessor and explores how his rhetoric has been reconstituted as his policy has been translated into action. In particular, attention is focused on the problems associated with fulfilling his promise to continue combating terrorism while adhering to core moral values and principles. By addressing his policies towards Afghanistan and Pakistan, Guantánamo Bay and torture, and the use of unmanned drone attacks, it will be argued not only that Obama’s ‘war’ against terrorism is in keeping with the assumptions and priorities of the last ten years but also that, despite some successes, it is just as problematic as that of his predecessor.

While on the campaign trail, Obama portrayed himself as an antidote to the excesses of the Bush administration. He rejected and condemned the extremes

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of Bush’s foreign policy, in particular the conduct of the ‘war on terror’, and vowed to return the US to a moral, benign and cooperative foreign policy based on foundational values and principles: ‘We must adhere to our values as diligently as we protect our safety with no exceptions.’ Upon taking office, Obama immediately confronted what he considered the most objectionable aspects of Bush’s prosecution of the ‘war on terror’. In one of his earliest actions, President Obama signed executive orders ordering the closure of the detention centre at Guantánamo Bay and forbidding the use of torture by the United States. In doing so, Obama claimed to ‘restore the standards of due process and the core constitutional values that have made this country great’—standards that, he argued, could be maintained ‘even in the midst of war, even in dealing with terrorism’. The message to the rest of the world was clear, Obama argued: that the US can prosecute the war against terrorism in ‘a manner consistent with our values and our ideals’.

Obama also claimed he would effect ideological change. This meant reconstructing the narrative of the ‘war on terror’ by ceasing to use the same language as the Bush administration. Indeed, in March 2009 Secretary of State Hillary Clinton announced: ‘The administration has stopped using the phrase and I think that speaks for itself.’ Accordingly, the administration not only sought to avoid particular phrases, but also attempted to reframe the ‘war on terror’ by giving it a lower profile alongside a wide range of other foreign policy priorities such as nuclear disarmament and non-proliferation. Obama has actively sought to prevent counterterrorism from dominating his presidency or indeed even his foreign policy. In doing so he has followed in the tradition of many presidents, including Reagan and Clinton, who recognized counterterrorism as a zone of unpredictable political risk. However, while the message has changed—denoted by an important speech addressed to the Islamic world in June 2010 in Cairo—the policies have shifted less. Announcing the closure of Guantánamo Bay was an important symbolic move, but revising the substance of American counterterrorism has proved problematic, as the continued presence of detainees at the US base on Cuba demonstrates. As this article will emphasize, political realities have had a habit of complicating or undermining Obama’s attempts to change both the substance and the tone of the struggle with terrorism.

Obama was certainly keen to make strategic changes. He was determined to refocus the fight against terrorism by gradually extracting the US from Iraq while deepening the commitment to the campaign in Afghanistan and Pakistan, which he effectively characterized as the ‘real war on terror’. Once again, the twin claims of ‘better’ and ‘cleaner’ were present. Obama asserted that he would do this in

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ways that were not only more effective than those used by his predecessor but also more transparent, more cooperative with allies, and more responsive to the democratic ideals of the American people and the US Congress. The degree to which Obama has lived up to the expectations of this renewal of US counterterrorism policy in terms of both ideas and action is a matter of much debate.

The texture of Obama’s counterterrorism strategy is highly contested. Over the past two years, Obama has been subjected to fierce criticism by the right for reversing the policies of the Bush years and simultaneously savaged by liberals for consolidating the Bush strategy. The debate has been fuelled by moments of apparent indecision and hesitation in the Obama White House, most obviously in the prolonged debate over whether to commit more troops to Afghanistan. Washington Post journalist Bob Woodward’s fly-on-the-wall account of the deliberations, and the media furor that followed its publication, strongly emphasized the conflicts and suggested that indecision and hostility were rife within the administration. A closer reading, however, suggests that Obama is a highly deliberative and careful president who contrasts favourably not only with Bush but also with other predecessors who were caught in difficult wars, such as Lyndon Johnson during Vietnam. As James T. Kloppenberg has observed, Obama exhibits a philosophical pragmatism that ‘embraces uncertainty, provisionality, and the continuous testing of hypotheses through experimentation’. Obama’s style might frustrate those who seek quick decisions, but it appeals to others who consider him willing to listen to alternative viewpoints before then acting decisively once he has considered all options.

There have certainly been successes—one more marked than the tracking down and killing of Osama bin Laden on 2 May 2011. Obama has therefore been able to claim the greatest victory yet in Washington’s ‘war on terror’, and one that had constantly eluded and frustrated his predecessor George W. Bush. By taking out the head of the terror network responsible for the 9/11 attacks, and the individual in whom the threat of international terrorism was so strongly personified, Obama may appear to have successfully insulated himself from any further criticism over his counterterrorism policies. Yet while the killing of bin Laden drew substantial praise from across the political spectrum, the fault-lines over US counterterrorism policy run deep, and Obama’s problems in the face of the intractable problem of international terrorism remain great.

7 ‘Obama’s remarks on Iraq and Afghanistan’.
Despite the elimination of bin Laden, overall the story of the last two years is one of faltering change. Bush loyalists have been reluctant to praise Obama for continuing Bush policies for fear that it will make it harder for Obama to persevere in them. However, in private they are shaking their heads with amazement at how little substantial change there has been. How can we explain the distance between the apparent rhetoric of change in 2008 and what has followed? There are at least three explanations. First and most important is the rhetoric of counterterrorism. Obama foreshadowed much of his programme in his pre-election speeches; yet audiences were selective in what they heard, displaying a strange kind of psychological dissonance. Obama repeatedly promised to get tougher on America’s ‘real’ enemies in locations such as Pakistan, to deepen the war in Afghanistan and to improve intelligence—but the audience was not listening, seeming to believe instead that Obama would draw back significantly from Bush’s ‘war on terror’ once in office.

Second, few have appreciated how much the Bush strategy was quietly modified in the last three years before Obama’s accession. Partly under pressure from European allies and partly as a result of internal squabbles, there was a step-change in strategic thinking during 2006 and 2007. In other words, Obama has adopted a counterterrorism strategy that is late-Bush rather than early-Bush. He has introduced some significant changes of his own, but even these were in the spirit of the adaptations that were already under way. Many of the things that Obama promised to fix were already being fixed in the last year of the Bush presidency.

Finally, government is different from opposition. Even as Obama prepared to take office in January 2009 he faced a terrorist plot directed at his inauguration. At the end of the same year, the so-called ‘Christmas Day Plot’ underlined the vulnerability of the presidency to charges of weakness in the context of terrorism. Umar Farouk Abdulmutallab, a 23-year-old from Nigeria, was able to board a plane for Detroit with explosives despite his father visiting the US embassy in Lagos to denounce his son to the authorities. The day after the failed Detroit attack, Obama’s rhetoric became more openly martial. ‘We are at war,’ he declared. As the tenth anniversary of the 9/11 attacks approaches, the Obama administration’s dedication to combating the threat of terrorism in ways not overly different from its predecessor shows no signs of abating and, consequently, questions about the moral underpinnings of US counterterrorism remain.

12 A Gallup poll conducted in the days following Obama’s election in November 2008, for example, showed high expectations that while he would keep the US safe from terrorism (62%), the new President would also increase respect for the US abroad (76%) following the fall in respect under Bush, and withdraw US troops from both Iraq (66%) and Afghanistan (58%). See Jeffrey M. Jones, ‘Americans hopeful Obama can accomplish most key goals’, Gallup Poll, 12 Nov. 2008, http://www.gallup.com/poll/111835/Americans-Hopeful-Obama-Can-Accomplish-Most-Key-Goals.aspx, accessed 14 June 2011.
13 Baker, ‘Obama’s war over terror’.
Obama’s rhetoric and the ‘war on terror’

When Barack Obama was campaigning for the presidency he made ‘change’ the main theme of what he was offering the American electorate. Although for the vast majority of voters the economy was the most important factor affecting their decision of whom to vote into the White House, there was nonetheless a strong sense among those who threw their weight behind Obama that he would lead the US away from the deeply unpopular foreign policy of President Bush—not least in withdrawing the US from the war in Iraq and renewing good relations with America’s allies. Candidate Obama emphasized both these priorities in his campaign speeches and writings, seemingly to great advantage. Of the 41 per cent of voters in the 2008 presidential election who ‘strongly disapproved’ of the Iraq war, for example, an overwhelming 87 per cent voted for Obama. The Democratic challenger also won the votes of 55 per cent of the further fifth of voters who ‘somewhat disapproved’ of the war. Only just over a third of the voters approved of the Iraq war in November 2008, and these leaned heavily to his Republican opponent John McCain. As he prepared to take the oath of office in January 2009, two-thirds of Americans believed Obama would handle the withdrawal of US forces from Iraq ‘about right’. The expectations extended well beyond a withdrawal from the unpopular war in Iraq, however. There was a chorus of analysts and observers either expecting or calling for Obama to significantly shift the foreign policy emphasis away from terrorism. Roger Cohen in the New York Times asserted that ‘Obama has to lay out a vision that goes beyond the war on terror and draws the partners of a re-imagined United States, less powerful but still indispensable, into a shared push for greater prosperity and security’. High-profile academics such as Andrew Bacevich hoped that Obama’s election would ‘signal a clear repudiation of his predecessor’s reckless and ill- advised approach to national security policy’. Observers confidently declared in inauguration week that change had come to Washington. As the New York Times put it in its editorial on Obama’s inaugural address: ‘In about 20 minutes, he swept away eight years of President George Bush’s false choices and failed policies and promised to recommit to America’s most cherished ideals.’

Such high expectations have given way to a great deal of disappointment over the first two years of Obama’s presidency. As Bacevich put it in January 2010, his hopes that Obama’s election would bring ‘a clear break from the past’ and open the way for a full debate on US foreign policy priorities, strategy and tactics turned out to be a ‘great illusion’. He concluded: ‘The candidate who promised to “change the way Washington works” has become Washington’s captive.’ Richard Jackson has

19 Bacevich, ‘Obama at one’.

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shown convincingly how the Bush administration constructed a deeply resonating narrative of terrorism as an existential threat to the US that must be confronted in a perhaps unending conflict. Jackson argues that the Bush administration ‘institutionalised and normalised’ the war on terrorism, not only as the centrepiece of its foreign policy but also through the reorientation of the national security structure and an embedding of the ideas and assumptions about the terrorist threat within American culture. He concludes that it has ‘become a powerful social structure (a hegemonic discourse or “regime of truth”) that both expresses and simultaneously co-constructs US interests and identity’.

If the war against terrorism has become institutionalized as common sense within US society, it is then extremely difficult for any policy-maker or opinion-shaper in the US, even a new president dedicated to ‘change’, to seriously challenge the underlying assumptions of the ‘war on terror’ and move policy significantly in a new direction. So even though Obama may wish to shift the rhetorical emphasis away from the more Manichaean and aggressive aspects of Bush’s approach, it is argued that he is nonetheless trapped in the core assumptions established by his predecessor’s administration about the meaning of 9/11, the existential nature of the terrorist threat and the imperative of meeting that threat globally. For many critics of Obama on the left, therefore, it is somewhat heartening to believe that his adherence to much of the Bush ‘war on terror’ narrative and policy is attributable to the difficulty of overriding the existing narrative. Yet there is considerable evidence to suggest that, far from being trapped in the Bush narrative, Obama has always shared its core assumptions and that, long before he was elected president, he was a ‘true believer’ in the war against terrorism. Indeed, his key criticism of the Bush administration was not that it was giving too much emphasis to terrorism in its foreign policy, but that it allowed itself to be distracted from the ‘real’ war on terror by invading Iraq. A close reading of Obama’s publications and speeches prior to his election makes clear that he had no intention of stepping back from the struggle against terrorism, and that any reworking of Bush’s narrative was designed to reorient counterterrorism, both rhetorically and in policy practice, in order to make it more streamlined, focused and effective.

As early as 2 October 2002, when he was still an Illinois state senator, Obama gave a speech at Federal Plaza, Chicago, against the growing clamour in the Bush administration for an invasion of Iraq. He made crystal clear his understanding of the events of 9/11 and his approval of the war against Al-Qaeda and its supporters: ‘After September 11th, after witnessing the carnage and destruction, the dust and the tears, I supported this Administration’s pledge to hunt down and root out those who would slaughter innocents in the name of intolerance, and I would willingly take up arms myself to prevent such a tragedy from happening again.’ In his 2006


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autobiography *The audacity of hope*, Obama admitted that ‘the effect of September 11 felt profoundly personal’ and that he believed ‘chaos had come to our doorstep’. He made clear that he believed ‘we would have to answer the call of a nation’ and that he wholeheartedly supported the administration’s war in Afghanistan against Al-Qaeda and the Taliban as a necessary response to the terrorist attacks. At Federal Plaza, in his autobiography, and then in numerous presidential campaign speeches, Obama emphasized time and again that he believed the war in Iraq was an unnecessary distraction from the real priority of the war on terror, which was to contain or defeat Al-Qaeda. As he put it in his 2007 *Foreign Affairs* article: ‘Iraq was a diversion from the fight against the terrorists who struck us on 9/11.’ What was needed, he argued, was to ‘refocus our efforts on Afghanistan and Pakistan—the central front in our war against al Qaeda’.23

Obama laid out the detail of his foreign policy strategy in a speech on 15 July 2008. In keeping with the strong antiterrorism rhetoric he had maintained since the September 2001 attacks, he again emphasized the need to reinvigorate efforts against Al-Qaeda, not only in Afghanistan but also in Pakistan. Obama presented a litany of missed opportunities in post-9/11 US foreign policy, headed by the claim that ‘We could have deployed the full force of American power to hunt down and destroy Osama bin Laden, al Qaeda, the Taliban, and all of the terrorists responsible for 9/11, while supporting real security in Afghanistan.’ The problem, he reiterated, was Iraq, a war that ‘distracts us from every threat that we face and so many opportunities we could seize’. It was, he asserted, ‘unacceptable that almost seven years after nearly 3,000 Americans were killed on our soil, the terrorists who attacked us on 9/11 are still at large’. The answer, therefore, was that, as president, Obama would ‘make the fight against al Qaeda and the Taliban the top priority that it should be. This is a war that we have to win.’24

Given how openly and forcefully he had asserted its core imperatives in his campaign for office, it should not have come as a surprise to anyone that President Barack Obama would continue Bush’s ‘war on terror’ in all but name. The administration might have dropped the phrase itself by March 2009, but Obama nonetheless continued to reinforce rhetorically not only his commitment to continuing to fight the terrorist threat but also his interpretation of the events of 11 September 2001, which was one he essentially shared with Bush. If supporters and critics alike had not noticed that Obama was a ‘war on terror’ advocate during his campaign for office, it certainly became more apparent as the first year of his administration unfolded, both in terms of actions taken and increasingly in the administration’s rhetoric. Commenting on the 9/11 attacks on his first anniversary of those events as president, for example, Obama reiterated that it was ‘a tragedy that will be forever seared in the consciousness of our nation’. He emphasized ‘the real and present danger posed by violent extremists who would use terrorism against Americans at home and around the world’. He assured the public that

24 ‘Obama’s remarks on Iraq and Afghanistan’.
protecting them against further attacks was his greatest responsibility and that he was dedicated to providing ‘the necessary resources and strategies to take the fight to the extremists who attacked us on 9/11 and who have found safe haven in Pakistan and Afghanistan’.25 Two months later, after an extensive and at times fraught review of the AFPAK campaign, when Obama announced the commitment of a further 30,000 US troops in December 2009 he gave a spirited justification of his campaign against terrorism. He focused squarely on the attacks of 11 September 2001 as the rationale for continuing and deepening the fight against Al-Qaeda and the Taliban in both Afghanistan and Pakistan, emphasizing how important it was ‘to recall why America and our allies were compelled to fight a war in Afghanistan in the first place’. And following the failed Detroit bombing plot Obama gave his clearest exposition of his dedication to the war against terrorism, using language that could just as easily have been deployed by his predecessor:

Over the past two weeks, we’ve been reminded again of the challenge we face in protecting our country against a foe that is bent on our destruction. And while passions and politics can often obscure the hard work before us, let’s be clear about what this moment demands. We are at war. We are at war against al Qaeda, a far-reaching network of violence and hatred that attacked us on 9/11, that killed nearly 3,000 innocent people, and that is plotting to strike us again. And we will do whatever it takes to defeat them.26

The administration may have made attempts to enhance other aspects of its foreign policy, but terrorism always remained at the centre of Obama’s agenda, he consistently conceived of it as an existential threat from long before he became president, and he determinedly focused the administration’s efforts on pursuing what he considered a more focused and effective counterterrorism policy. Although he and other core administration officials may have sought more sophisticated ways of conveying their priorities on terrorism and the way they perceived national security dangers, the fundamental nature of Obama’s view of the threat posed by Al-Qaeda meant that increasingly he fell back on his long-held beliefs about the nature of the organization, its objectives, and the necessity of combating it militarily wherever and whenever possible in order to protect the US and its interests. That he did so meant that he sounded increasingly like George W. Bush when he spoke publicly about terrorism and its place in his administration’s policies. Yet he still maintained that his approach to the terrorist threat was more comprehensive, more considered, more principled, more nimble and ultimately more effective than that of his predecessor. Both symbolically and in terms of tangible results, however, Obama’s counterterrorism policy faced considerable difficulties, especially in terms of meeting his claims that it would be rooted in high principles.

The ‘realities’ of meeting the threat of terrorism on several levels appear to have caused Obama to step back from his rhetorical claims to a more ‘moral’ counter-terrorism.

Guantánamo Bay and torture

The first and most publicly principled stand that Obama made as president to demonstrate the difference between his counterterrorism approach and that of Bush was to order the closure of the detention centre at the US naval base at Guantánamo Bay and to insist that torture would no longer be used in interrogations by US officials. The executive orders in which these decisions were embodied, signed during Obama’s second full day of business as president, have nonetheless thrown up considerable questions concerning his ability or indeed willingness to carry out fully his promise to conduct the war on terror in keeping with high moral principles.

Ordering the closure of Guantánamo had been a central pledge of Obama’s campaign for the presidency and he wasted little time issuing the executive order that should have brought one of the most controversial aspects of George W. Bush’s ‘war on terror’ to an end. Obama’s order decreed that ‘prompt and appropriate disposition of the individuals currently detained at Guantánamo and closure of the facilities in which they are detained would further the national security and foreign policy interests of the United States and the interests of justice’. It also stipulated that the detention facilities would be closed ‘as soon as practicable, and no later than 1 year from the date of this order’.27 Implementing the executive order has proved far more difficult than Obama had expected, however: now, more than two years later, there remain 172 detainees at the base, and the time when it can be closed still appears to be a long way off.28

There are two major stumbling blocks preventing Obama from fulfilling his promise of closing the detention facilities, one erected by the legacy he inherited and the other relating to recalcitrance in the US Congress. Of those detainees remaining at the base from the Bush years, the administration agrees that 47 cannot be released because they pose too great a threat to the US and its security; but neither can they be tried, because the evidence against them was gathered through improper methods such as torture or remains too highly classified to be used in court. Perhaps more problematic, however, in terms of the remaining detainees, is a provision in the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (HR 6523), which was passed at the end of the 2010 congressional session after a politically charged national debate about whether and to where in the US detainees from Guantánamo could be moved. Section 1032 of this major

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defence appropriations act, reluctantly signed into law by Obama, forbids the use of federal funds to transfer Guantánamo detainees to the US for either detention or trial, and section 1033 places similar restrictions on the transfer of detainees to the custody or effective control of foreign countries. In what the New York Times described as ‘an act of notable political cowardice’, and the White House characterized as ‘a dangerous and unprecedented challenge to critical executive branch authority’, the Congress effectively tied Obama’s hands and prevented his administration from finding a workable plan to finally close the detention centre.29

Although Obama committed his administration to repealing these provisions, by March 2011 he had implicitly admitted defeat and issued a new executive order that effectively institutionalizes indefinite detention at Guantánamo. The new executive order established a regular review process for those held to determine whether they can be released or tried, but allowed for the resumption of military commission trials rather than the administration’s stated preferred route of trials in civilian criminal courts in the US.30 Within a month of this new order, Attorney General Eric Holder concluded that Khalid Sheikh Mohammed and four other suspects accused of planning the 9/11 attacks would face military commission trials rather than the civilian trials originally announced in 2010. The negative response from critics of Obama’s inability to follow through on his Guantánamo closure promises was swift and unequivocal. The senior counterterrorism counsel at Human Rights Watch, Andrea Prasow, was representative of the depth of feeling: ‘The Obama administration has squandered a key opportunity to reject the unlawful counterterrorism policies of the past. It has sacrificed fundamental protections under the US constitution and international law in what may be the single most important case of President Obama’s tenure.’ Although Human Rights Watch admitted that the process for military trials had been much improved since the end of the Bush administration, it nonetheless condemned the decision because such trials at Guantánamo were ‘marred by procedural irregularities, the use of evidence obtained by coercion, inconsistent application of ever-changing rules of evidence, inadequate defense resources, poor translation, and lack of public access’. Prasow concluded: ‘Any trial in the military commission system will carry the stigma of Guantánamo and be subject to challenge and delay.’31

The key symbolic opportunity for the Obama administration to demonstrate that its approach and attitude towards counterterrorism are significantly different from those of the Bush administration has therefore turned into a political and moral albatross of which the President and his advisers seem incapable of unbur-


dening themselves. The blame for the stalemate on what to do with the remaining prisoners can too easily be shifted to Bush’s legacy or Republican politicking in Congress. Since Obama acted so swiftly to issue the closure order, however, the lack of significant progress towards that goal suggests an absence of effective forward planning on the issue or a paucity of commitment to use the necessary political capital to ensure it would happen. With the President having issued the original executive order in January 2009, supporters of the closure might have expected an immediate push by the administration to resolve the thorny issues that have simply grown and ramified in the last two years. Instead, Obama expended political capital in other areas, mostly on domestic policies such as health care that raised the ire of his opponents and made congressional opposition to the closure plans more acute and more riven by partisan politics. The result is a sense of deep disappointment on the part of those who expected real change from Obama and concern that other aspects of his supposed transformation of US counterterrorism activity were little more than empty promises designed to placate the left and deflect attention from the President’s determination to maintain and deepen the ‘war on terrorism’ footing adopted by his predecessor.

The executive order issued alongside that calling for the closure of Guantánamo has been rather more effective. By April 2009, CIA Director Leon Panetta could state categorically that the CIA no longer employed any of the ‘enhanced interrogation techniques’ that were authorized by the Justice Department from 2002 to 2009. In line with Obama’s executive order, only methods consistent with the *Army Field Manual* would be used during interrogations of terrorist suspects, and these interrogations would no longer be contracted out to non-CIA officers. Panetta also gave assurances that the CIA had ceased to operate ‘detention facilities or black sites’ and that all remaining sites would be decommissioned.32 The CIA also refrained from seizing, detaining and interrogating suspects abroad, other than in Afghanistan and Iraq, relying instead on foreign intelligence and security services to ‘debrief’ suspects and share the information gathered.

Although the changes in interrogation, seizure and detention policies were widely praised by Obama’s supporters, his opponents emphasized the degree to which a blanket ban on such methods could seriously undermine the effectiveness of US counterterrorism. Former Justice Department official John Yoo, who had written the memos justifying the use of extreme methods during the Bush administration, lambasted Obama for ‘drying up the most valuable sources of intelligence on al Qaeda’ and limiting the techniques available in ways that would ‘seriously handicap our intelligence agencies from preventing future terrorist attacks’.33 Members of Congress were also critical of the administration for effectively outsourcing its interrogations to the intelligence services of other countries.

As the ranking Republican member of the Senate Intelligence Committee, Saxby Chambliss, put it: 'It is a shame that our administration has made the decision to defer to others to pursue the detention and interrogation of our enemies. Now we’ll have to rely on a foreign government to grant us access . . . to obtain vital intelligence, if we’re lucky.'

The Obama administration was also strongly criticized by its opponents for focusing attention on the details of practices adopted during the first half of Bush’s presidency. In April 2009, Holder released legal memoranda from the Bush era that described in great detail the interrogation techniques used by the CIA, the degree of deliberate coercion exerted over individual suspects, and the limits placed on those practices not in order to ensure that they were within the bounds of acceptable treatment but more to ensure that they could have the greatest effect on the extraction of information. The media and the Bush administration’s critics pored over the details, much to the chagrin of former officials such as Dick Cheney. Holder also reopened investigations into the use of improper methods by CIA operatives, beginning a long legal process that continues two years later. Current and former officials have not hesitated to make known their belief that investigation of and retribution for past misdeeds will have a direct price on the efficiency of security agencies. Former CIA Director Michael Hayden recalls warning Jim Jones, then Obama’s National Security Advisor, that retrospective investigation of the CIA would not only undermine morale but would result in a risk-averse service: ‘You’re about to spend the next 46 months without a clandestine service. If these guys don’t think you have their back, they’re not going to be very adventurous.’

The debate over the effectiveness of enhanced interrogation techniques has deepened again as a result of the eventual tracking down and killing of Osama bin Laden. Supporters of the Bush administration are claiming it was intelligence gathered through the extreme measures adopted in the early part of the ‘war on terror’ that provided the crucial information that began the trail to finding bin Laden. Former Attorney General Michael Mukasey, for example, has argued in the Wall Street Journal that without the use of ‘harsh interrogation techniques’ such as waterboarding and the ‘torrent of information’ being acquired from captives such as Khalid Sheikh Mohammed, Obama would not have been able to locate and kill bin Laden. The impact of any such intelligence has been flatly downplayed by CIA Director Panetta. In a private letter to John McCain, the senator perhaps most vociferously opposed to the use of torture by the US, Panetta argues that while a handful of those providing information on bin Laden and his closest associates may have been subjected to enhanced techniques, much of the intelligence gathered in this way was deeply suspect due to the prisoners fabricating

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35 Baker, ‘Obama’s war over terror’.
information while under duress. He insists that any such information made up only a very small proportion of the wide range of sources that finally led to bin Laden’s demise. As the Obama administration is swift to point out, if those methods of interrogation had been truly effective it should have been possible to locate and kill or capture bin Laden much earlier than May 2011. While coercive measures were at their height, whatever flow of information did come from the use of these techniques failed to provide adequate intelligence to enable an operation to eliminate Al-Qaeda’s leader. Rather, notwithstanding intense efforts to elicit information about his whereabouts, bin Laden remained elusive throughout the Bush presidency. Having succeeded where his predecessor failed, Obama has the opportunity to assuage concerns over his approach and his relative toughness on terror threats, and argue that it is possible to achieve the ends of frustrating and destroying core elements of Al-Qaeda without relying on the questionable interrogation methods established by Bush. In this sense, it would appear that Obama has been true to his word and has developed a cleaner and more effective approach to gathering intelligence on the terror threat.

**Kill-not-capture: drones and targeted killing**

Despite the success of the bin Laden campaign, Obama’s stated opposition to maintaining Guantánamo indefinitely, the difficulties of relocating those held there, and the more general problems associated with the seizure of terrorist suspects and their incarceration either in the US or in other territories have nonetheless had consequences for policy and practice that raise further questions about the President’s commitment to combating terrorism in more morally principled ways than his predecessor. Rather than resolving the complex issues of what to do with captured suspects, where to hold them, how to interrogate them humanely, how to try them and where to incarcerate them, the administration has come to rely more and more on a rather more immediate and permanent solution to combating the threat posed by individual terrorists. During the first year of the Obama administration there were 51 reported uses of unmanned Predator drones against targets housing alleged terrorists in Pakistan alone, more than the 45 used during the entire presidency of George W. Bush. In 2010 this number more than doubled to 118, and by the middle of May 2011 there had already been 27 such attacks in Pakistan. Further counterterrorism drone attacks have also occurred in Yemen, Somalia and Afghanistan. Technological advances can partially explain

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the growth in usage from Bush to Obama, but there is more going on here. While the CIA under Obama has reportedly dropped out of the ‘detention and interrogation business’,\(^39\) it has considerably stepped up the business of killing suspected terrorists in these targeted drone attacks, signalling that Obama prefers a kill-not-capture policy.

The heavy reliance on drone attacks raises all sorts of questions relating to legitimacy, morality, proportionality and accountability. How can these unmanned, remotely targeted strikes be justified as legitimate policy by a constitutional, democratic state? How accountable are the CIA and private company officers tasked with supplying target information and deploying the weapons? Who gives authority for the hit lists and what is their legality? Who is responsible for the decisions on whether or not to strike a target? Can civilian casualties be justified in order to kill terrorist suspects? What impact do these attacks have on relations with Pakistan? And is the killing of terrorists, particularly their ‘leaders’, actually effective?

The administration has not been particularly vocal about the question of legitimacy in relation to drones, but when officials have talked about the critical questions being raised they have tended to support Obama’s use of these weapons unequivocally. For example, Harold Koh, legal adviser to the Department of State, has argued that the US has ‘authority under international law, and the responsibility to its citizens, to use force, including lethal force, to defend itself, including by targeting persons such as high-level al-Qaeda leaders who are planning attacks’. Such use of force is particularly necessary if there is an ‘imminence’ of threat and the states where the suspects are operating lack ‘willingness’ or ‘ability’ to ‘suppress the threat the target poses’. Koh insists that the administration goes to great lengths to ensure that any attacks are consistent with ‘law of war principles’. In particular, they adhere to the principles of ‘distinction’, whereby the objectives are military and civilians are not the specific object of the attack, and ‘proportionality’, which prohibits attacks likely to cause loss, injury or damage to civilians or civilian targets that are excessive compared with ‘the concrete and direct military advantage anticipated’.\(^40\)

It appears from such careful, prescriptive explanations of the targeted killing campaign that it is very clean and effective. This sense is deepened by the remote nature of the attacks themselves. Arguably, having ground troops advance on a terrorist target of the kind regularly being hit by drone attacks would entail a much higher risk of collateral civilian deaths and injuries as a result of forces battling their way through potentially hostile environments in order to reach their targets. The troops themselves would also be placed at great risk. Launching missiles from drones, on the other hand, appears much cleaner and more risk-free, since its computer-guided targeting minimizes the impact on buildings and people surrounding the target and also takes away the risk of US military

\(^{39}\) Dilanian, ‘CIA has slashed its terrorism interrogation role’.

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deaths or injuries, since the officers controlling the drones can be hundreds if not
thousands of miles away. Indeed, the majority of drone operations are conducted
by civilian intelligence officers and private contractors mostly based at the CIA’s
US headquarters in Langley, Virginia. These anonymous officers use joysticks
and computer screens to prosecute the drone attacks without risk of attack or
reprisal. They have been nicknamed ‘cubicle warriors’, who report for work as if
they were doing any other desk job, unleash deadly attacks at the push of a button,
then drive home for dinner with their families and friends. Since these combatants
are operating immune from danger and sacrifice, they are fighting what Sir Brian
Burridge, a former British air chief marshal in Iraq, has disparagingly described as
“a virtueless war”, requiring neither courage nor heroism.41

In a less than guarded moment in May 2009, Leon Panetta claimed that the
drone attacks in Pakistan were ‘very effective’ and admitted: ‘Very frankly, it’s
the only game in town in terms of confronting or trying to disrupt the al Qaeda
leadership.’42 How effectively the drone attacks are fulfilling Obama’s counter-
terrorism objectives is a matter of some debate, however. David Kilcullen, who
helped design the Iraq surge as a counterinsurgency adviser to General David
Petraeus, told a congressional hearing: ‘We need to call off the drones’, not because
they are ineffective in killing Al-Qaeda leaders and disabling the command
structure of the organization, but because of the high-level impact on Pakistani
public opinion and the potential recruitment effects for terrorist groups.43 Some
high-level Al-Qaeda leaders and operatives have been killed by drone attacks,
not least Baitullah Mehsud, the leader of Tehrik Taleban Pakistan (TTP), who
was held responsible for the assassination of the former Pakistani Prime Minister
Benazir Bhutto in December 2007. By the end of 2010, however, Peter Bergen
and Katherine Tiedemann of the New America Foundation estimated that ‘of
the some 1,260 militants reported killed in [drone] strikes since 2004, only 36, or
around 2 percent, have been leaders of al Qaeda, the Taliban, or other militant
groups’. The effectiveness under Obama of killing confirmed militants rather than
civilians in these attacks has been substantially higher (approximately 80 per cent)
than under Bush (55 per cent), but the majority of those killed ‘appear to be lower
or midlevel militants’ rather than the key leadership targets on the US kill-or-
capture list.44 The administration would claim that even these deaths are having
significant impacts on the way Al-Qaeda can operate within the Afghanistan–
Pakistan border region, that their ‘safe havens’ are being heavily disrupted, that

and Andrew McDonald Exum, ‘Death from above, outrage down below’, New York Times, 16 May 2009,
lines of command are constantly under threat or being severed, and that both the planning of attacks and the ability to recruit and train new operatives are being seriously undermined.

The practical effectiveness of the targeted killing programme can be regarded as relatively high. Yet it remains a deeply problematic approach to counterterrorism, not least because although it may alleviate an immediate threat, it also eradicates the possibility of acquiring intelligence from the target who is killed. As Daniel Byman, senior fellow at the Saban Center for Middle East Policy, observes: ‘Even when they work, killings are a poor second to arrests. Dead men tell no tales and thus are no help in anticipating the next attack or informing us about broader terrorist activities. So in any country with a functioning government, it is better to work with that government to seize the terrorist than to kill him outright.’

Although bin Laden was not killed with a drone attack, the operation that led to his death has sparked some controversy as to whether the orders given to the Navy Seals team were to capture the Al-Qaeda leader or simply to kill him regardless of whether or not he resisted arrest. Initial reports suggested that a ‘kill order’ had been given, but the White House insists that capturing bin Laden had always been considered a possibility, provided he made it known that he was willing to surrender. Jay Carney, the White House press secretary, read a prepared statement on 4 May 2011, clarifying the position: ‘The team had the authority to kill Osama bin Laden unless he offered to surrender; in which case the team was required to accept his surrender if the team could do so safely … The operation was planned so that the team was prepared and had the means to take bin Laden into custody.’

As recently as February 2011, Leon Panetta had testified to Congress that if bin Laden were ever captured, ‘We would probably move [him] quickly into military jurisdiction’, most likely Bagram air base in Afghanistan, ‘and then eventually move [him] probably to Guantánamo.’ Obama’s problems with closing Guantánamo and with the issues around what to do with high-risk terror suspects or prisoners, however, have made a kill-not-capture rather than kill-or-capture approach far more attractive in terms of eliminating threats while also alleviating the strain on the thorny legal questions around seizure and detention. Even in the case of bin Laden, there would have been a high chance of problematic debate, for the administration at least, over exactly what should be done with him in terms of detention, trial and possible execution, all of which has been avoided by his death.

Although publicly insisting that he sees the world in shades of grey rather than black and white, Obama nonetheless seems to divide insurgents and terrorists into those who can be reasoned with and those who cannot. In line with his determination since 11 September 2001 to ‘hunt down and root out those who would slaughter innocents in the name of intolerance’, a cause for which he admitted
in 2002 that he would ‘willingly take up arms myself’, Obama appears to have decided to kill as many members of Al-Qaeda as he can through the targeted killing programme. Yet in Afghanistan, the ‘front-line’ of his ‘war on terror’, the President appears willing to take a more nuanced approach to achieving his objectives of protecting the US from further terrorist attack while also finally extricating the US from its longest combat campaign.

Afghanistan—talking with the Taliban

Although the military situation in Afghanistan has shown improvement since Obama ordered his ‘surge’ in the US troop commitment in late 2009, the likelihood of a stable, secure Afghanistan without a substantial foreign military presence still appears as far off as it has done for the last ten years. While Obama promised ‘new thinking’ regarding the situation in Afghanistan and Pakistan, months of deliberation did not bring about any radical change in strategy. The prolonged debate within the White House itself indicated that many, including Vice-President Biden, regarded the western presence in Afghanistan as deeply problematic if not counterproductive. Partly through deliberate choice but partly through the accidents of what might be called ‘the politics of command’, Obama has ended up mirroring the Bush surge strategy in Iraq. The public plan is an increased presence of foreign troops to ensure the security of the Afghan people until the Afghan National Army and Afghan police are ready to assume the responsibility. In private, the plan is to negotiate with Taliban insurgents inside Afghanistan insofar as this can be done without the US appearing to cut and run on a campaign that is already longer than the major period of combat in the Vietnam War. The appointment of General Petraeus as the commander in Afghanistan only strengthened the parallels with Bush and Iraq.

Alongside the military surge, the Obama administration has fairly quietly adopted, with its NATO counterparts, a strategy of beginning to talk with disparate elements of the insurgent groups within Afghanistan and the Pakistan border region. The executors of this policy have gone to great lengths to open up dialogue between the Taliban and the Kabul government and to sweeten the deal for the commanders and leaders who are invited to participate, several of them from the Quetta shura, which controls Taliban operations inside Afghanistan, the hard-line guerrilla faction called the Haqqani network, and the Peshawar shura from eastern Afghanistan. NATO forces have even been guaranteeing safe passage for these Taliban leaders as they travel to and from Kabul and its outskirts for talks, not only by securing roads but also by using NATO air transports. Although the talks have been getting under way, they are thought still to be of a fairly preliminary nature. There has been a deliberate attempt to close off any discussion with elements too close to the Taliban’s overall leader, Mullah Muhammad Omar, since those talks

\[48\] Obama, ‘Against going to war’.

that are taking place are designed to drive a wedge between competing elements of the leadership structure who Washington and officials on the ground believe to be vulnerable to persuasion and who might be tempted to defect to the Afghan government’s side, or at the very least trade violence for participation in the political process, perhaps even seeking representation through elections.\footnote{Steve Coll, ‘US–Taliban talks’, New Yorker, 28 Feb. 2011, http://www.newyorker.com/talk/comment/2011/02/28/110228taco_talk_coll, accessed 16 May 2011; Dexter Filkins, ‘Taliban elite, aided by NATO, join talks for Afghan peace’, New York Times, 19 Oct. 2010, http://www.nytimes.com/2010/10/20/world/asia/20afghan.html, accessed 16 May 2011.} In the aftermath of Osama bin Laden’s death, the administration is even more hopeful that progress can be made in bringing significant factions within the Taleban leadership into meaningful negotiations. State Department officials are convinced that much of the closeness between the Taleban and Al-Qaeda has been due to the personal relationship between bin Laden and Mullah Omar. With that link severed, the US calculation has shifted so that, as Secretary Clinton has stated publicly, ‘it opens up possibilities for dealing with the Taleban that did not exist before’.\footnote{Hillary Rodham Clinton, ‘Remarks at the National Conference of Editorial Writers, May 4, 2011’, US State Department, http://www.state.gov/secretary/rm/2011/05/162568.htm, accessed 16 May 2011.}

For some of Obama’s political opponents, talking with the very people held responsible for the terrorist attacks against the US ten years ago appears highly dubious, even though the Bush administration also contemplated opening such discussions towards the end of its time in office.\footnote{Yochi J. Dreazen, Siobhan Gorman and Jay Solomon, ‘US mulls talks with Taliban in bid to quell Afghan unrest’, Wall Street Journal, 28 Oct. 2008, http://online.wsj.com/article/SB12253124330674269.html, accessed 16 May 2011.} The Obama administration is clear, however, that it was just such willingness to open dialogue with recognized enemies, even those considered terrorists, in previous conflicts that enabled progress towards peaceful resolutions to be made. As Clinton emphasized in a February 2011 speech outlining the conditions under which there could be successful negotiations with Taleban members:

I know that reconciling with an adversary that can be as brutal as the Taliban sounds distasteful, even unimaginable. And diplomacy would be easy if we only had to talk to our friends. But that is not how one makes peace. President Reagan understood that when he sat down with the Soviets. And Richard Holbrooke made this his life’s work. He negotiated face-to-face with Milosevic and ended a war.\footnote{Hillary Rodham Clinton, ‘Remarks at the launch of the Asia Society’s series of Richard C. Holbrooke Memorial Addresses’, US Department of State, http://www.state.gov/secretary/rm/2011/02/156815.htm, accessed 16 May 2011.}

Such an approach is not without its risks or problems, however. One weakness is that while the US is offering talks on the Afghan side of the border, it is stepping up the lethal attacks on Taleban and Al-Qaeda leaders on the Pakistani side. While this could be interpreted as a complex psychological game of ‘negotiate or be killed’, it runs the risk of undermining any trust that is slowly being built if those leaders being escorted to and from the talks are then immediately vulnerable to being targeted again once they return to their havens in Pakistan. The leaders of the Taleban and of groups such as Haqqani remain on the US ‘kill or capture’ list,
Ten years on
despite their potential participation in these secret talks. Many of them are also
named in UN Security Council Resolution 1267, which lists 138 individuals who
are associated with the Taleban and subject to sanctions including the freezing of
their assets and tight restrictions on their ability to travel.54 These overlapping
approaches to dealing with the Taleban run the risk, then, of looking muddled
at best and inherently counterproductive at worst, with any progress through
negotiation running great risks of being stalled or literally destroyed as a result of
a drone attack or other targeted killing.

With domestic pressure in western capitals, including Washington, increasingly
clamouring for a clear exit strategy to get NATO’s troops out of harm’s way in
Afghanistan, negotiating a way out appears attractive no matter how patchwork
the results. The agreed date of 2014 for complete withdrawal of foreign troops
and security handover to the Afghan authorities may appear optimistic to many
observers, but since the death of bin Laden the pressure on NATO to fulfil this
plan is greater than ever. Yet those within the Obama administration and those
advising from outside are puzzling over what to recommend by way of meeting
it. The administration has committed itself to beginning to withdraw US combat
troops in July 2011, but officials including the outgoing Secretary of Defense
Robert Gates are warning against too rapid a withdrawal for fear of a Taleban
resurgence. As he told NATO partners in June: ‘Gains could be threatened if
we do not proceed with the transition to Afghan security lead in a deliberate,
organized, and coordinated manner.’55

Experienced policy-makers have offered various political solutions that could
build upon the negotiations already under way. In July 2010 Robert Blackwill,
a respected national security official who served under both Bush presidencies,
advocated ‘partitioning’ the country between the Taleban in the predominantly
Pashtun south and the multi-ethnic north and west, which is relatively secure.56
Blackwill’s call for a reappraisal of what can be realistically achieved has been echoed
and adapted by Richard Haass, president of the Council on Foreign Relations and
another long-serving official, who has made a high-profile call for ‘decentraliza-
tion’. Under this scenario, the US would arm, train and provide economic aid to
those local leaders who rejected Al-Qaeda, respected human rights and did not
pose a threat to their neighbours. Under such plans, less emphasis is necessary on
a nascent national police and military structure to ensure security and stability.57

No matter which plan is being advocated, however, there is a strong sense that
what really matters is less the eventual outcome for Afghanistan than satisfying

54 United Nations Security Council, ‘The consolidated list established and maintained by the 1267 Committee
with respect to Al-Qaida, Usama bin Laden, and the Taliban and other individuals, groups, undertakings
57 Richard N. Haass, ‘We’re not winning, it’s not working: here’s how to draw down in Afghanistan’, Newsweek,
May 2011.
the needs of domestic US political constituencies looking to reduce expenditure and draw down troop levels. For all the insistence from Obama that decisions will be based on the situation on the ground, the imperatives of domestic politics, not least prospects for re-election in 2012, are looming larger and larger over Afghanistan policy and counterterrorism more generally.

**Remember, remember, September 11**

Since becoming president, Barack Obama has shifted the tone, at least initially, and the emphasis, but not the underlying assumptions or the sense of imperative in the ‘war’ against terrorism. Like his predecessor, Obama has frequently impressed on the US public his deeply held belief that terrorists are continually plotting attacks against the US and that without eternal vigilance at home and unwavering dedication to directly combating threats abroad the US remains vulnerable. The climate of fear may have subsided somewhat, symbolized by the administration’s abolition of the colour-coded terror alert system; but ten years after the attacks on New York and Washington, terrorism still hangs heavy in the air as a constant perceived threat to the US public and the ‘American way of life’.

Obama has attempted to approach and deal with this threat in ways that are qualitatively different from those adopted by his predecessor and that meet a higher moral standard than those followed after the 9/11 attacks. Yet the business of counterterrorism remains a messy affair. Obama has struggled to consistently fulfil his pledge to bring the practice of the ‘war on terror’ in line with the foundational values and principles at the core of American political culture. Practical barriers, political machinations and the genuine threat potential of long-held detainees have largely scuppered his commitment to close Guantánamo. The restrictions imposed on seizure, detention and interrogation practices, while themselves helping to answer some of the more damning assessments of US counterterrorism practice, have nonetheless driven the administration further into the murky moral maze of drone attacks and targeted killings. The increased reliance on secretive lethal force threatens not only to undermine any progress Obama has made in restoring the good image of the US globally, but also to complicate and potentially ruin the more nuanced aspects of his counterterrorism approach, such as opening dialogue with elements of the Taleban. He has largely succeeded in drawing down the US commitment to the ‘distraction’ of Iraq, while upping the ante in both Afghanistan and Pakistan, which he sees as the front line against terrorism. Arguably, the increased threat of destruction through the targeted killing programme has severely disrupted the ability of Al-Qaeda to function in the formerly remote and ‘safe’ Afghan border areas. It may take some months for the full impact of the elimination of Osama bin Laden to become apparent, but it is nonetheless being recognized in the US as a major coup for the administration.

As the US public commemorates the tenth anniversary of the terrorist attacks of 11 September 2001, they may celebrate the demise of bin Laden, the figure who most personified the perceived threats against them, but they will also know
the struggle with terrorism is far from over. Barack Obama has perpetuated and in many ways deepened that struggle. Despite some rhetorical changes, he has recommitted the US to an interpretation of that day’s events and its consequences that reasserts the imperatives of an unending conflict against terrorism. Such perceptual boundaries have made difficult his self-imposed task of renewing that ‘war on terror’ in ways that are more principled and moral, as well as smarter, nimbler and more effective, than those of his predecessor. As attention shifts to the 2012 ballot box, the struggle over how best to move forward with US counter-terrorism policy shows few signs of easing as the ‘war on terror’ moves into its second decade.