

# HOMELAND SECURITY AND FEDERALISM

Protecting America  
from Outside the Beltway

MATT A. MAYER

*Foreword by the Honorable Edwin Meese III*

In this most timely book, Mayer uses the principle of federalism to present a compelling case that the best way to protect America from terrorists is to get the power out of Washington and into the hands of governors, mayors, and the countless men and women serving on the front lines in our communities.

His book takes the reader from the streets of Ismailia, Egypt, in 1921 to New York City on September 11, 2001, and from America's Colonial period to the inner workings of the U.S. Department of Homeland Security to show what worked historically and why the approach taken after September 11 failed to heed the bright lessons of history on how best to protect our nation against this new threat.

After asking where today's federalists are—those who will push back on Washington's power grab—Mayer develops a rational risk model to guide where our limited resources should be allocated so that they will lead to less pork and more protection. The book then systematically builds the case that states and localities are uniquely suited to lead efforts on terrorism preparedness, disaster management, illegal immigration, counterterrorism, and community resiliency. Case studies throughout the book highlight best practices from outside the Beltway that, once again, vindicate the role of federalism in solving America's complex challenges.

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HOMELAND SECURITY AND FEDERALISM  
MAYER

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Second Edition

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from Outside the Beltway

*Foreword by the Honorable Edwin Meese III*

# **HOMELAND SECURITY AND FEDERALISM:**

**PROTECTING AMERICA FROM OUTSIDE THE BELTWAY**

*WITH A FOREWORD BY EDWIN MEESE III*

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## Chapter 1 A New Kind of War

Islam cannot accept any compromise with jahiliyyah (the state of ignorance outside of Islam), either in its concept or in the modes of living derived from this concept. Either Islam will remain, or jahiliyyah; Islam cannot accept or agree to a situation which is half-Islam and half-jahiliyyah. In this respect Islam's stand is very clear.

Sayyid Qutb<sup>1</sup>

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

The Declaration of Independence<sup>2</sup>

This war is not a new war for America. It simply represents yet another battle in the ageless war on behalf of liberty. The intolerance and systematic oppression of freedom represented by Islamic jihadism differs only in degrees to the ideologies we have fought and defeated over the last two hundred and thirty-two years. While the battle is ours to fight today, many nations throughout history have fought freedom's battles. From the Spartans' courageous clash with the Persians at the Battle of Thermopylae in 480 B.C. to William Wallace and the Scottish rebellion in the Wars of Scottish Independence from 1297 to 1305 A.D., this war between freedom and oppression is as old as time.

Americans first joined the epic struggle in its own War for Independence from a tyrannical king. We later fought a battle among ourselves over the shameful institution of slavery during the Civil War. Later, the rise of foreign militarism required our steadfast efforts in the First World War. Soon thereafter, fascism reared its ugly head and led to the death of millions of people during the Second World War, including the extermination of six million men, women, and children simply because they were Jewish. Finally, we fought communism during the Cold War for over four decades until it, too, joined the other bankrupt belief systems on the "ash heap of history."<sup>3</sup>

We will win this battle—not because it is our destiny, but because freedom is an idea no man, government, army, or oppressor can defeat. It may take many years and the costs may be high in both life and treasure, but ultimately man's own yearning for freedom will prevail. The seeds of freedom can take root in the harshest of conditions and in the hardest soil. Eventually, freedom will take root among a few of our enemy's fighters and it will spread. Once it does, Islamic jihadism, like communism before it, will rot from within as those surrounded by it fight for a better life for themselves and their families.

America must recognize that the battle with Islamic jihadism is, however, different from the other battles it has fought. America's previous battles involved opponents who represented defined political jurisdictions. The soldiers in those battles wore uniforms, used traditional means of warfare, and mostly kept the killing on the fields of battle. Islamic jihadism rejects a political jurisdiction. It is represented by a loose collection of true believers who hide themselves across the world. Their "nation" is a hypothetical nirvana where the world's peoples submit to their warped version of Islam. Its "soldiers" don't wear uniforms, and they use non-traditional means of warfare. The greatest difference is that Islamic jihadists mostly seek to kill civilians.

With military and diplomatic efforts, we can take the fight to the enemy so that they cannot find the refuge in which to plan and launch new attacks on free nations. Even with those efforts, however, we likely cannot defeat Islamic jihadism; rather, we can only weaken it until freedom once again conquers oppression. As military historian Caleb Carr notes:

There can be little question that both that strategy (targeting civilians) and those tactics will prove self-defeating: the current agents of terror have unwisely chosen to ignore the lessons of similar campaigns (although it is perhaps unrealistic to think that people who spend their time immersed in medieval religious rumination and bomb schematics

would do anything else). Instead, they have elected to deliberately victimize civilians in a manner and on a scale not seen in generations, perhaps centuries. In so doing, the organizers, sponsors, and foot soldiers of every terrorist group involved in the September 11 attacks have unwittingly ensured that their extremist cause will be discredited among many of their sympathizers, disowned by most of their former sponsors, and finally defeated by their enemies: two thousand years of the lessons of terror dictate that this is the ultimate fate that awaits the attackers, no matter how many noncombatants they manage to kill along the way.<sup>4</sup>

America and the West must do everything possible to foment this abandonment, and tread cautiously so as not to extend the timeframe of this unwinding with counterproductive actions.

While the use of terror tactics is not new, other than minor skirmishes in our history, America has never fought enemies who used primarily terror as its means of fighting. As Carr notes, “terrorism, in other words, is simply the contemporary name given to, and the modern permutation of, warfare deliberately waged against civilians with the purpose of destroying their will to support either leaders or policies that the agents of such violence find objectionable.”<sup>5</sup> Knowing it cannot match America’s military on a field of battle, Islamic jihadists take the fight to the streets and alleys of cities where it can win the Long War by inflicting death and destruction on the innocent.

Critically, America must be prepared to fight this war. At times, that fight may occur in American cities. It must show the enemy and those who sympathize and support it that democracy and capitalism have not turned America into the “weak horse.” Americans may have been late in seeing the rise of modern terrorism—just as America was late in entering the Second World War—but ultimately we will see the fight through to victory because, our very way of life—our lives—are directly at stake.

## **FROM ISMAILIA TO NEW YORK CITY<sup>6</sup>**

At the height of the Roaring Twenties in America, a future enemy half a world away arose in an unremarkable town in Egypt that eventually would give rise to events far beyond what could have been imagined at the time. In March 1928, Hassan al-Banna, a Sufi schoolteacher living in Ismailia, founded the Muslim Brotherhood in reaction to what he and others believed was a loss of original Islam due to Western influences.<sup>7</sup> The Muslim Brotherhood was a religious, political, and social organization in Egypt that subscribed to the founding belief statement that “Allah is our objective; the messenger is our leader; the Quran is our law; Jihad is our way; dying in the way of Allah is our highest hope.”<sup>8</sup> Al-Banna did not believe in freedom; rather, he believed that it was “the nature of Islam to dominate, not to be dominated, to impose its law on all nations, and to extend its powers to the entire planet.”<sup>9</sup>

In just over twenty years, the Muslim Brotherhood grew so rapidly that its membership swelled to roughly two million members by 1948.<sup>10</sup> Due to some of its secret activities, the Egyptian government dissolved the Muslim Brotherhood in December 1948.<sup>11</sup> In reaction, a member of the Muslim Brotherhood assassinated Egyptian Prime Minister Mahmud Fahmi Nokrashi on December 28, 1948.<sup>12</sup> A short time later, al-Banna was killed, and instantly became a martyr to the cause.

At around the same time, in November 1948, on his first trip outside of Egypt, a middle-aged government bureaucrat named Sayyid Qutb traveled to America where he spent time in New York City, Washington, DC, Colorado, and California.<sup>13</sup> Qutb would stay for only nineteen months, but, in that time, he saw America as “a spiritual wasteland.”<sup>14</sup> Instead of appreciating the benefits of freedom and becoming more moderate, Qutb reacted to the excesses of freedom that he saw and left a more radical man.<sup>15</sup> He returned to Egypt believing that “only by restoring Islam to the center of their lives, their laws, and their governments could Muslims hope to recapture their rightful place as the dominant culture in the world.”<sup>16</sup>

Over the next fifteen years, Qutb became the intellectual leader for the Muslim Brotherhood and other Islamic jihadists. His literary work has become the foundation for today’s radical interpretation of the Quran, especially his book *Ma’alim fi-l-Tariq* (Milestones) and his commentary *Fi Zilial al-Qur’an* (In the

Shades of the Qur'an) that redefined the concept of jihad for Muslims. Qutb wrote both Milestones and In the Shades of the Qur'an while in prison following the attempted assassination of Egyptian President Gamal Abdel Nasser.<sup>17</sup>

Prior to Qutb's interpretations, many Muslims at that time believed jihad involved a personal struggle (the English translation of jihad is "to struggle") or required armed resistance in defense of Islam. Qutb moved beyond this interpretation and wrote that "J'haad in Islam is simply a name for striving to make this system of life dominant in the world ... Thus, wherever an Islamic community exists which is a concrete example of the Divinely-ordained system of life, it has a God-given right to step forward and take control of the political authority so that it may establish the Divine system on earth."<sup>18</sup> Qutb gave Islamic jihadists the Quranic interpretation to use jihad offensively to conquer others on behalf of Islam.

After almost ten years in prison, the Egyptian government released Qutb, but rearrested him only six months later.<sup>19</sup> After being tried for plotting to overthrow the government, the court found Qutb guilty and sentenced him to death.<sup>20</sup> Just before being hanged, Qutb's sister tried to get him to appeal his sentence to which Qutb prophetically responded, "My words will be stronger if they kill me."<sup>21</sup> On August 29, 1966, Qutb was executed by hanging, and, like al-Banna, immediately became a martyr for the cause.<sup>22</sup> 22

Qutb's legacy grew larger over the course of time and was carried forward by his brother, Muhammad Qutb. The Egyptian government imprisoned Muhammad at the same time as Qutb, but it did not try him; instead, he spent the next seven years in prison.<sup>23</sup> When released, he went to Saudi Arabia where he became a Professor of Islamic Studies, and where he lectured on Qutb's writings and beliefs, as well as his own thoughts on Islam.<sup>24</sup> One of his students was a young man named Ayman al-Zawahiri.<sup>25</sup>

Zawahiri's path to radicalism started at a young age when he joined with other young men to form an underground group aimed at putting "Qutb's vision into action."<sup>26</sup> Over the next fifteen years, Zawahiri led the Egyptian Islamic Jihad, and worked secretly to overthrow Egypt's government so that an Islamic state could be established.<sup>27</sup> After the assassination of Egyptian President Anwar Sadat, Zawahiri was imprisoned, tried, and convicted of trafficking in weapons.<sup>28</sup> While in prison, in what was a surprise to many, he turned on his brothers and revealed the location of one of the most wanted men in Egypt, Essam al-Qamari.<sup>29</sup> Shortly after getting out of prison, Zawahiri moved to Saudi Arabia where he met Muhammad Qutb.<sup>30</sup>

Eventually, Zawahiri went to Pakistan in the late-1980s to help the Mujahideen in Afghanistan fight the Soviet Union.<sup>31</sup> In Pakistan, Zawahiri became a close associate of Saudi Osama bin Laden.<sup>32</sup> It was in Pakistan that Zawahiri seemed to turn his focus from overthrowing the Egyptian government to supporting takfir (excommunication), which is a declaration against those who have committed apostasy.<sup>33</sup> The punishment for committing apostasy is death.

During this time, Zawahiri battled with Sheikh Abdullah Azzam for bin Laden's attention.<sup>34</sup> Unlike Zawahiri's growing belief in takfir, Azzam believed that the "struggle was against nonbelievers ... not within the community of faith," and he explicitly did not think it was consistent with Islam to engage in "the intentional killing of civilians, especially women and children."<sup>35</sup> Azzam did, however, subscribe to Qutb's call for the establishment of an aggressive qaeda (base) on which to build a new Islamic nation.<sup>36</sup> As events would come to show, Zawahiri's support for takfir would defeat Azzam's more moderate views.

Zawahiri then went to Sudan to continue plotting against the Egyptian government.<sup>37</sup> At one point, consistent with our enemy's past exploitation of our freedoms and open borders, Zawahiri—a convicted Egyptian with known ties to terrorists—traveled to the United States in 1993 where he raised money to support the activities of Egyptian Islamic Jihad.<sup>38</sup> This trip occurred one month after the first World Trade Center (WTC) attack in 1993.<sup>39</sup>

After a botched attack on an Egyptian official in 1993 that caused the death of a young girl, the Muslim Street turned against Zawahiri and the Egyptian Islamic Jihad.<sup>40</sup> Zawahiri left Sudan in 1996 and "became a phantom."<sup>41</sup> In mid-1997, Zawahiri ended up in Afghanistan where he formally joined forces with bin Laden and launched today's version of al Qaeda.<sup>42</sup>

The road to Afghanistan for bin Laden started in Saudi Arabia. Even though he was the son of one of

Saudi Arabia's wealthiest citizens, bin Laden grew up in a modest environment, and went to a school populated by students from across Saudi society who gained admittance by way of a merit-based competitive examination.<sup>43</sup> When bin Laden was fourteen, he became more religious and sympathetic to the plight of the Palestinian people in Israel.<sup>44</sup> During this time, bin Laden began his lifelong commitment to fasting two days a week as the Prophet Mohammed had done.<sup>45</sup>

In his later teens and college years, bin Laden joined the Muslim Brotherhood and began reading Qutb's famous works, as well as attending lectures by Mohammed Qutb.<sup>46</sup> During this period, bin Laden became a close associate of Azzam who urged many young Muslims to go to Afghanistan to fight with the Mujahideen against the Soviets.<sup>47</sup> In support of Azzam's efforts, bin Laden housed recruits and began to develop the fundraising skills and connections that would prove invaluable in funding al Qaeda activities after 1996.<sup>48</sup>

By 1986, bin Laden was fully engaged in the Afghan War, and oversaw the construction of massive tunnels and caves to serve as weapon depots in an unknown area that later would become known around the world as Tora Bora.<sup>49</sup> At the conclusion of the Afghan War, bin Laden, along with a cohort of other jihadist groups, established a loose collection of al Qaeda training camps and networks.<sup>50</sup>

On returning to Saudi Arabia in late-1989, bin Laden continued raising money for his Afghan jihadist network, and exercised increasing levels of independence from the Saudi government until his activities in Yemen created so many problems that the Saudi government took his passport.<sup>51</sup> The foundation for bin Laden's growing hatred of America began with the presence of American soldiers in Saudi Arabia during the first Gulf War in 1990 and 1991.<sup>52</sup> After turning down bin Laden's offer to protect Saudi Arabia from Iraq, King Fahd bin Abdul Aziz Al Saud allowed the United States to base operations from Saudi Arabia.<sup>53</sup> It angered many Muslims and enraged bin Laden that King Fahd had allowed non-Muslims into the heart of Islam so that they could attack other Muslims.<sup>54</sup>

The final break with the Saudi government came after bin Laden got back his passport and went back to Pakistan in the spring of 1992. Contrary to expectations, he expressly opposed the Saudi government's action in Afghanistan by undermining the efforts of Saudi Prince Turki al-Faisal, the head of Saudi Arabia's intelligence service.<sup>55</sup> Unable to return to Saudi Arabia, bin Laden accepted the invitation of the Sudanese government and moved his family and operations to Sudan by the end of 1992.<sup>56</sup>

In Sudan, al Qaeda's mission changed when, following the bombing in Aden, Yemen that was aimed at American soldiers and killed two innocent bystanders, bin Laden's imam, Abu Hajer al-Iraqi, issued two fatwas (religious opinions issued by an Islamic scholar)—one authorized the killing of American soldiers and the other permitted the killing of innocent civilians.<sup>57</sup> As Lawrence Wright noted:

Al-Qaeda would concentrate not on fighting armies but on killing civilians. The former conception of al-Qaeda as a mobile army of mujahideen that would defend Muslim lands wherever they were threatened was now cast aside in favor of a policy of permanent subversion of the West. The Soviet Union was dead and communism no longer menaced the margins of the Islamic world. America was the only power capable of blocking the restoration of the ancient Islamic caliphate, and it would have to be confronted and defeated.<sup>58</sup>

In bin Laden's view, America was not a mighty hegemon; rather, it was weak.<sup>59</sup>

Due to Egyptian pressure because of jihadist violence coming across its border with Sudan, the Saudi government finally stripped bin Laden of his citizenship and cut him off from his inheritance in the spring of 1994.<sup>60</sup> He was now a man without a country and without the family fortune that had allowed him to build the far-flung al Qaeda empire. The final insult came when the Sudanese government confiscated his remaining assets and, under pressure from the United States, told bin Laden to leave.<sup>61</sup> On May 18, 1996, bin Laden, his family, and his fellow jihadists left Sudan and flew to Afghanistan where he would eventually partner with the Taliban and become a household name in America.<sup>62</sup>

In August of 1996, bin Laden issued his first fatwa against America titled, "Declaration of War against the Americans Occupying the Land of the Two Holy Places."<sup>63</sup> The fatwa seemed focused on

expelling the U.S. military from Saudi Arabia and not on a broader war with America.<sup>64</sup> Specifically, bin Laden states:

Clearly after Belief (Imaan) there is no more important duty than pushing the American enemy out of the holy land ...

Terrorising you, while you are carrying arms on our land, is a legitimate and morally demanded duty. It is a legitimate right well known to all humans and other creatures. Your example and our example is like a snake which entered into a house of a man and got killed by him ...

It is a duty now on every tribe in the Arab Peninsula to fight, Jihad, in the cause of Allah and to cleanse the land from those occupiers. Allah knows that there [sic] blood is permitted (to be spilled).<sup>65</sup>

In the fatwa, bin Laden casts the obligation to jihad in defensive terms, not in the more controversial offensive terms laid out by Qutb.

After joining forces in 1997, Zawahiri and bin Laden waged a broader war on America. On February 23, 1998, they issued a fatwa against America that stated: “To kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it” (emphasis added).<sup>66</sup> In quoting from the Quran, the fatwa noted the legitimacy of killing apostates: “But when the forbidden months are past, then fight and slay the pagans wherever ye find them, seize them, beleaguer them, and lie in wait for them in every stratagem (of war).”<sup>67</sup>

In encouraging Muslims to rise against the Americans and become martyrs for Islam, the fatwa, citing the Quran, included this threat of eternal punishment for failure to act:

O ye who believe, what is the matter with you, that when ye are asked to go forth in the cause of Allah, ye cling so heavily to the earth! Do ye prefer the life of this world to the hereafter? But little is the comfort of this life, as compared with the hereafter. Unless ye go forth, He will punish you with a grievous penalty, and put others in your place; but Him ye would not harm in the least. For Allah hath power over all things.<sup>68</sup>

Ultimately, the fatwa laid the groundwork that inspired young, middle class Muslims to become suicide bombers, including the nineteen terrorists who executed the September 11 attack.

In the seventy years from al Banna’s founding of the Muslim Brotherhood and Qutb’s radical interpretation of the Quran to Zawahiri’s and bin Laden’s declared war against America, this new enemy, hardened in the rough terrain of Afghanistan against an overwhelmingly superior military force, challenged America and its institutions that had been built to fight traditional wars against traditional enemies using traditional weapons and subject to traditional warfare restrictions and traditional diplomatic pressures. Traditions would be of little use in this new era of terrorism.

## **THE GATHERING STORM**

For almost ten years before the September 11 attack, bin Laden repeatedly attacked and killed Americans. Critically, bin Laden had come to believe that while America appeared strong militarily, in reality, that military strength concealed a fundamental weakness.<sup>69</sup> This belief was alluded to several times in the 1996 fatwa when bin Laden asked, “where was this false courage of yours when the explosion in Beirut took place on 1983 A.D. (1403 A.H.). You were turned into scattered pits and pieces at that time; 241 mainly marines soldiers were killed.”<sup>70</sup> This weakness is what led bin Laden to believe that America could be driven from the Middle East.

The first known bombing conducted by al Qaeda occurred on December 29, 1992, when terrorists detonated a bomb in the Gold Mohur Hotel in Aden, Yemen.<sup>71</sup> The hotel housed American soldiers en route to Somalia.<sup>72</sup> America did not respond to the bombing. Based on his 1996 fatwa, the Aden bombing



was another example to bin Laden of America's unwillingness to incur casualties. The fatwa posed a rhetorical question to Secretary of Defense William Perry: "And where was this courage of yours when two explosions made you to leave Aden in lees [sic] than twenty-four hours!"<sup>73</sup>

Shortly thereafter, on February 26, 1993, in an attempt to bring down two buildings and kill thousands of Americans, terrorists financed by al Qaeda via Khalid Sheikh Mohammed and led by his nephew Ramsi Yousef drove a van packed with explosives into the parking garage of Tower One of the WTC.<sup>74</sup> The explosion damaged Tower One, killed six people, and injured 1,042 victims.<sup>75</sup> This bombing represented the first modern-era large-scale terrorist attack on America soil. Other than law enforcement operations to apprehend and try the perpetrators, the United States did not militarily respond to the attack.

Later that year, in June 1993, the Federal Bureau of Investigation (FBI) stopped a plot targeting "major New York landmarks, including the Holland and Lincoln Tunnels."<sup>76</sup> The Farouq mosque in Brooklyn and its cleric, Sheikh Omar Abdel Rahman, served as common links between the first WTC attack and the "landmark" plot.<sup>77</sup> Rahman had served in prison with Zawahiri in Egypt the early-1980s following the Sadat assassination where the two fought over the correct way to foment an Islamic revolution.<sup>78</sup> The rivalry continued in the late-1980s in Pakistan over bin Laden's attention.<sup>79</sup>

While never directly linked to al Qaeda, the downing of two Black Hawk helicopters during the First Battle of Mogadishu in Somalia on October 3 and 4, 1993, again confirmed in bin Laden's mind his belief that America could not sustain casualties.<sup>80</sup> In the 1996 fatwa, bin Laden referred to the event as follows:

But your most disgraceful case was in Somalia; where—after vigorous propaganda about the power of the USA and its post cold war leadership of the new world order—you moved tens of thousands of international force, including twenty eight thousands American solders into Somalia. However, when tens of your solders were killed in minor battles and one American Pilot was dragged in the streets of Mogadishu you left the area carrying disappointment, humiliation, defeat and your dead with you. Clinton appeared in front of the whole world threatening and promising revenge, but these threats were merely a preparation for withdrawal. You have been disgraced by Allah and you withdrew; the extent of your impotence and weaknesses became very clear.<sup>81</sup>

Whether right or wrong, bin Laden believed that the perceived American response to Beirut, Aden, and Mogadishu showed that the United States was a "weak horse."

In January 1995, another plot involving Mohammed and Yousef came to light via Philippine authorities.<sup>82</sup> The Manila plot involved simultaneously blowing up twelve airplanes heading toward America in mid-flight.<sup>83</sup> Although authorities eventually captured Yousef, Mohammed fatefully eluded the police and later served as the mastermind behind the September 11 attack.<sup>84</sup>

On November 13, 1995, al Qaeda disciples exploded a truck bomb at a Saudi Arabian National Guard center where Americans were training Saudi soldiers in Riyadh, Saudi Arabia.<sup>85</sup> The attack killed five American soldiers.<sup>86</sup> America did not respond.

Seven months later, on June 25, 1996, terrorists likely affiliated with al Qaeda detonated another truck bomb at the Khobar Towers complex in Dharhan, Saudi Arabia.<sup>87</sup> The attack killed nineteen American soldiers.<sup>88</sup> America did not respond to the Khobar Towers attack despite knowledge of al Qaeda connections to the attacks in Aden and Mogadishu, as well as the Manila incident.<sup>89</sup>

Then, on August 7, 1998, al Qaeda suicide bombers launched near-simultaneous truck bombs on the U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania.<sup>90</sup> The bombs killed 240 people, including twelve American citizens.<sup>91</sup> The response from the United States consisted of bombing a pharmaceutical plant in Khartoum, Sudan, and two al Qaeda camps near Khost, Afghanistan.<sup>92</sup>

In December 1999, authorities in Jordan detected and stopped planned millennium attacks at three locations in Jordan aimed at American tourists.<sup>93</sup> Authorities in the United States also intercepted a planned millennium attack aimed at Los Angeles, California.<sup>94</sup>

Finally, just eleven months before the September 11 attack, on October 12, 2000, seventeen American soldiers were killed and massive damages were inflicted on a military ship when two al Qaeda terrorists

exploded a bomb-laden boat next to the U.S.S. Cole in the harbor in Aden, Yemen.<sup>95</sup> Despite such a direct and damaging attack on a military target, America did not respond to the U.S.S. Cole attack. The failure to respond was best characterized by the State Department's Counterterrorism Coordinator Michael Sheehan's prophetic question posed to Department of Defense officials, "Does al Qaeda have to attack the Pentagon to get their attention?"<sup>96</sup>

In hindsight, these attacks represented a gathering storm to which America failed to recognize. As George Friedman pointed out: "Before September 11, there was a tendency to vastly underestimate Al Qaeda's capabilities. This was particularly true because of Al Qaeda's efficient use of simple technologies. After September 11, the United States flipped its evaluation, vastly overestimating them."<sup>97</sup>

## **THE SLEEPING GIANT AWAKENS**

In January 2000, the first two of the nineteen al Qaeda members who would hijack the four jetliners arrived in Los Angeles, California.<sup>98</sup> Over the course of the next twenty months, the remaining seventeen al Qaeda members made their way to the United States and began the final phase of preparations. During this time, the terrorists lived among Americans in many different cities such as San Diego, California; Phoenix, Arizona; Alexandria, Virginia; Paterson, New Jersey; and Fort Lauderdale, Florida.<sup>99</sup> The terrorists attended flight schools where they learned to fly commercial airliners, and conducted multiple surveillance trips on coast-to-coast flights in preparation for the attack.<sup>100</sup> They had adopted Western dress and shaved their beards, and blended into the American "melting pot."

On September 11, 2001, al Qaeda finally got the attention it deserved when it struck America and killed 2,973 people.<sup>101</sup> As one government worker stated at 10:02 A.M. that morning, "This is a new type of war."<sup>102</sup> In his address to the American people that fateful day, President George W. Bush enunciated what would come to be known as the centerpiece of the Bush Doctrine: "We will make no distinction between the terrorists who committed these acts and those who harbor them."<sup>103</sup> Nine days later, President Bush remarked, "Tonight we are a country awakened to danger."<sup>104</sup> As the trail of attacks highlighted above indicates, that awakening should have occurred much sooner than September 2001, and the doctrine should have been known as the Clinton Doctrine.

Although the National Commission on Terrorist Attacks upon the United States (the 9/11 Commission) equivocated on the issue of whether the federal government could have prevented the September 11 attack, it seems fairly straightforward that it did too little based on what it knew. After all, if the federal government had enough information that allowed it on four separate occasions (1998, late-1999, fall 2000, and July 2001) to warn the Taliban "that they would be held accountable for further attacks by Bin Laden," then certainly the U.S.S. Cole attack should have resulted in military strikes on the Taliban to demonstrate to them in a language they could understand that the United States was deadly serious.<sup>105</sup> As the 9/11 Commission noted about our warnings to the Taliban, "delivering it repeatedly did not make it more effective."<sup>106</sup> It simply fed into bin Laden's theory of the weak horse.

Just sixteen days after the September 11 attack, Secretary of Defense Donald Rumsfeld gave a speech titled, "A New Kind of War." Rumsfeld, a veteran of three presidents and holder of the distinction as both the youngest and oldest Secretary of Defense in America's history, stated flatly: "This will be a war like none other our nation has faced."<sup>107</sup> Within twenty-six days, American troops were in Afghanistan routing the Taliban and searching for bin Laden.

Although the enemy was new, America's history held lessons on how it should respond to this new kind of war.