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## *“The Same Procedure as Every Year”: U.S. Counterterrorism Policy since 9/11*

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The quote above refers to the recurring dialogue between Miss Sophie, a sophisticated English lady, and her butler James in a British comedy sketch from 1963. Miss Sophie every year celebrates her birthday by holding a festive dinner for her friends, Mr. Pomeroy, Mr. Winterbottom, Sir Toby, and Admiral von Schneider. Unfortunately, Miss Sophie has long outlived all her friends, so she is the only one seated at the table; her guests are represented by her butler James, who ends up waiting on the imaginary guests and consuming all of their alcoholic beverages while toasting Miss Sophie. All four courses of the dinner follow the same pattern: Miss Sophie will choose the beverage that best fits with the course, followed by James asking, “The same procedure as last year, Miss Sophie?” and Miss Sophie answering, “The same procedure as every year, James!”

The exchange might also be used to describe U.S. counterterrorism strategy since the 9/11 attacks. Even though Presidents George W. Bush, Barack Obama, and Donald Trump could not be more different in terms of their political outlooks, personalities, and leadership styles, there has been a remarkable continuity in their approaches. Since 9/11, U.S. counterterrorism policies have focused on externalizing the terrorism threat, designed to prevent the enemy from coming close to the U.S. homeland, by means of border security and surveillance measures, and tie them up offshore, either on far away battlefields, at Guantanamo Bay detention camp, or in other overseas prisons. Military operations have been a dominant feature of U.S. responses since 2001, including full-scale invasions, airstrikes, armed drones, and special forces, as well as intelligence,

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surveillance, and reconnaissance troops.

The article's unique contribution is two-fold. The first part assesses the counterterrorism records of the three administrations, drawing attention to the many similarities over the past 19 years. The second part seeks to explain this pattern using American strategic culture, a concept best understood as a set of shared perceptions and beliefs that are influenced by U.S. historic experiences, geopolitical status and location, political culture, and government structures.

### *Counterterrorism Responses under Bush, Obama, and Trump*

Many of the key U.S. counterterrorism responses after 9/11 had one thing in common. They represented an attempt to externalize the threat and keep it far away from the U.S. homeland. Since 9/11, the U.S. has thus been pushing the border and line of defense outwards. While the prevention of terrorist attacks became the overarching counterterrorism objective, this was to be achieved by attacking and battling the terrorists *abroad*. To keep Al Qaeda tied up on the battlefield far away from the U.S. homeland and prevent terrorists from coming here (or deter state sponsors of terrorism from harboring them), the U.S. under President George W. Bush declared a Global War on Terror (GWOT) that continues to this day, relying on (1) full-scale military invasions, various degrees of airstrikes and ground troop engagements, as well as (2) drone strikes. Following the same logic, terrorist suspects were (3) imprisoned, interrogated, or tortured in faraway places like Guantanamo and other offshore detention centers around the world. Consistent with the externalization approach, the U.S. has further focused on the (4) detection (via mass surveillance) and (5) diffusion (via offshore interdiction of passengers and cargo) of threats *before* they reach U.S. borders. The next segment details the counterterrorism approaches of the Bush, Obama, and Trump administrations across these five categories.

### *Laying the Foundation: The Bush Years (January 2001-2009)*

(1) Military campaigns: In the global war on terrorism, a term the Bush administration coined a few days after the 9/11 attacks,<sup>1</sup> military responses featured heavily. Soon after 9/11, the Bush administration sent troops to Afghanistan to hunt down al-Qaeda leaders deemed responsible for the attacks, as well as their Taliban allies who had been

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<sup>1</sup> "Transcript of President Bush's address," CNN, September 21, 2001, <http://edition.cnn.com/2001/US/09/20/gen.bush.transcript/> (accessed July 31, 2020).

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harboring and aiding them. Once the Taliban were driven from power in December 2001, a United Nations-mandated International Security Assistance Force was deployed in Kabul and expanded across the country, with the North Atlantic Treaty Organization (NATO) in charge of the command. Over time, U.S. troop levels in Afghanistan increased due to concerns about a resurgent Taliban and insurgency violence, from 2,500 combat and special forces troops in December 2001 to some 33,000 at the end of 2008.<sup>2</sup> However, U.S. combat deployments there were always overshadowed by U.S. military efforts in Iraq. After the March 2003 Iraq invasion was launched, the country quickly deteriorated into chaos. In an effort to end the ever-growing Iraqi insurgency, U.S. troop levels there quickly increased, from 104,000 in early 2004 to almost 170,000 in 2007. The surge was followed by the 2008 U.S.–Iraq Status of Forces Agreement (SOFA), which laid out the withdrawal of U.S. forces from Iraq and reduced troop numbers to 146,000 by the end of Bush’s second term in late 2008.<sup>3</sup>

(2) Drone strikes: Targeted killings by means of armed drone strikes did not play a key role in the Bush administration response that centered on two full-scale military invasions. Of the 57 strikes launched during the Bush administration, 52 focused on Pakistan’s border region; the majority occurred in the latter half of 2008 when the U.S. escalated the drone campaign to go after the leaders of al-Qaeda believed to be living in Pakistan’s remote tribal areas near the Afghan border.<sup>4</sup> Other strikes of note included the first armed drone ever used in combat (against an al-Qaeda military leader in Afghanistan) in November 2001, as well as several in Yemen and Somalia.<sup>5</sup>

(3) Guantanamo detention and torture policies: The U.S. began

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<sup>2</sup> “A timeline of U.S. troop levels in Afghanistan since 2001,” *AP*, July 6, 2016, <https://www.militarytimes.com/news/your-military/2016/07/06/a-timeline-of-u-s-troop-levels-in-afghanistan-since-2001/> (accessed July 31, 2020); Heidi Peters and Sofia Plagakis, “Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2018,” *CRS Report for Congress*, May 10, 2019, 7.

<sup>3</sup> Peters and Plagakis, “Troop Levels,” 13; “Report: Army Could Be Near Breaking Point,” *AP*, January 24, 2006, [http://www.nbcnews.com/id/11009829/ns/us\\_news-life/t/report-army-could-be-near-breaking-point/#.XyyjZ6-SlPY](http://www.nbcnews.com/id/11009829/ns/us_news-life/t/report-army-could-be-near-breaking-point/#.XyyjZ6-SlPY) (accessed July 31, 2020).

<sup>4</sup> “The Bush Years: Pakistan Strikes 2004-2009,” The Bureau of Investigative Journalism, <https://www.thebureauinvestigates.com/drone-war/data/the-bush-years-pakistan-strikes-2004-2009> (accessed July 31, 2020).

<sup>5</sup> New America, “America’s Counterterrorism Wars: The War in Somalia,” <https://www.newamerica.org/international-security/reports/americas-counterterrorism-wars/the-war-in-somalia/> (accessed July 28, 2020); New America, “America’s Counterterrorism Wars: The War in Yemen,” <https://www.newamerica.org/international-security/reports/americas-counterterrorism-wars/the-war-in-yemen/> (accessed July 28, 2020).

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sending the so-called unlawful enemy combatants they picked up in Afghanistan, Pakistan, and elsewhere to the U.S. Naval base at Guantanamo Bay, Cuba, in January 2002; terror suspects were also detained in places like Afghanistan and Iraq. The Guantanamo detainees were not entitled to any prisoner-of-war or habeas corpus rights as the U.S. suspended the Geneva conventions. They were to be held indefinitely and without knowing the charges against them; some were subjected to torture practices like waterboarding; some were to be tried by the newly installed military commissions, a court system designed to facilitate convictions. The overall detention regime thus was a prime example for externalizing the threat: The detainees were safely tucked away from the United States mainland, and, so the Bush administration claimed, were therefore also outside of U.S. court jurisdiction. In a series of landmark rulings between 2002 and 2008, the U.S. Supreme Court forced several corrections to this view, first establishing court jurisdiction in Guantanamo and later granting habeas corpus rights to both U.S. citizens and foreign detainees.<sup>6</sup> Military Commissions did not get off to a good start: Of the three convictions obtained under the Bush administration, two later were overturned in full and one in half.<sup>7</sup> The Bush administration also started the process of transferring a total of 533 detainees, the vast majority of the 780 detainees ever held in Guantanamo, to their home or third countries.<sup>8</sup>

Congress banned the U.S. military from using enhanced-interrogation techniques, aka torture practices, starting in 2006; however, the practice of waterboarding had effectively stopped in 2003. While the Central Intelligence Agency (CIA) was not officially banned from using torture until President Obama came to power, they did not use coercive-interrogation tactics after November 2007.<sup>9</sup> The Bush administration also was a frequent client of extraordinary rendition practices: Terror suspects were apprehended in foreign (often allied) countries and trans-

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<sup>6</sup> *Rasul v. Bush*, 542 U.S. 466 (2004); *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004); *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006); *Boumediene v. Bush*, 553 U.S. 723 (2008).

<sup>7</sup> "The Guantanamo Trials," Human Rights Watch, last updated August 9, 2018, <https://www.hrw.org/guantanamo-trials#> (accessed July 31, 2020).

<sup>8</sup> "Q&A: Guantanamo Bay, US Detentions, and the Trump Administration," Human Rights Watch, June 27, 2018, <https://www.hrw.org/news/2018/06/27/qa-guantanamo-bay-us-detentions-and-trump-administration> (accessed July 31, 2020).

<sup>9</sup> The Senate Intelligence Committee report on torture: Committee Study of the Central Intelligence Agency's Detention and Interrogation Program, December 9, 2014, 9–11, 16; see also Jack Goldsmith, "Trump's Self-Defeating Executive Order on Interrogation," *Lawfareblog.com*, January 25, 2017, <https://www.lawfareblog.com/trumps-self-defeating-executive-order-interrogation> (accessed July 31, 2020).

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ferred to third countries known for their poor human rights records, in an effort to take advantage of tough interrogation and torture techniques prohibited in the United States.

(4) Mass surveillance: As became known in 2004, the Bush administration launched a secret National Security Agency (NSA)-led surveillance program after 9/11, which bypassed traditional oversight and warrant-application procedures involving the special Foreign Intelligence Surveillance Act (FISA) court. The FISA, passed in 1978, governs foreign intelligence collection in the U.S. and also established a court responsible for issuing surveillance and search warrants as part of foreign intelligence investigations in the U.S. The scope of the classified NSA program was vast, global, and targeted all international phone and internet communications of people in the U.S. with suspected terrorists abroad.

(5) Border security: Taking advantage of the U.S.' unique location and protective sea borders, a new system of layered border security was designed to stop dangerous people and goods *before* they reached the U.S. homeland. Launched in 2002, the Container Security Initiative (CSI) was especially indicative of this overarching externalization approach: The program mandated almost 60 ports across the world to screen high-risk containers for WMD-explosives *before* they left for the United States. Similarly, the 2001 Passenger Name Records (PNR) system collected reservation information on foreign airline travelers before they were headed to, from, or through the United States, to determine "which passengers require additional inspection . . ." in an effort to "prevent, detect, investigate, and prosecute . . . [t]errorist offenses and related crimes. . . ." <sup>10</sup>

***Change One Cannot Believe in:  
Counterterrorism under Obama (January 2009-2017)***

The Obama administration also largely stuck with the externalization strategy, even if the initial goal was to distance itself as much as possible from Bush era counterterrorism policies. However, Obama came to realize that his lofty intentions ran into practical hurdles on the ground, which was especially true for his plan to end the Guantanamo detention regime as well as the war in Afghanistan.

(1) Military campaigns: Having inherited 32,500 U.S. combat troops and a protracted insurgency in Afghanistan, Obama came to office plan-

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<sup>10</sup> U.S. Department of Homeland Security, "U.S. Customs and Border Protection Passenger Name Record (PNR) Privacy Policy," June 21, 2013, [https://www.cbp.gov/sites/default/files/documents/pnr\\_privacy\\_3.pdf](https://www.cbp.gov/sites/default/files/documents/pnr_privacy_3.pdf) (accessed July 31, 2020).

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ning to end U.S. military engagements in the Central Asian country. In an apparent change of heart, he soon sent an additional 40,000 troops; moreover, in an effort to replicate counterinsurgency successes similar to those obtained in Iraq, Obama ordered a surge of 30,000 troops in Afghanistan in late 2009, bringing troop levels close to 100,000 in 2011.<sup>11</sup> Designed as a temporary deployment, the withdrawal of all combat troops began soon after and was completed by December 2014. And yet, when Obama left office in 2016, 8,500 U.S. ground troops, deemed vital for the advising and training of Afghan forces as well as counterterrorist operations, remained in Afghanistan.<sup>12</sup> Obama further pledged to continue the Iraq drawdown negotiated and started by the Bush administration. The withdrawal of all U.S. troops was thus completed at the end of 2011, as per the SOFA mandate.<sup>13</sup> However, U.S. ground troops returned there after the Islamic State of Iraq and Syria (ISIS) emerged as a regional threat in 2014. Obama ordered 5,000 troops re-deployed to Syria and Iraq by 2016 in an effort to train Iraqi and Kurdish forces, conduct intelligence work, and support the U.S.-led international air coalition against ISIS.<sup>14</sup>

(2) Drone strikes: During the first year of Obama's presidency, the United States had already launched more drone strikes than were carried out during the entire Bush presidency, targeting al-Qaeda militants in Pakistan, Somalia, and Yemen. This increase can be attributed to technological advances and ever more accurate drone technology, but it also reflected the desire to withdraw the U.S. military from foreign entanglements with large military footprints and costly civilian casualties. Throughout its two terms, the Obama administration was heavily engaged in Afghanistan and, starting in 2016, also launched frequent attacks against Islamic State forces in Iraq and Syria, as well as Libya.<sup>15</sup> All in all, Obama ordered a total of 563 strikes compared to 57 under Bush.

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<sup>11</sup> Peters and Plagakis, "Troop Levels in Afghanistan and Iraq: 2007-2018," 7; Danielle Kurtzleben, "CHART: How the U.S. Troop Levels in Afghanistan Have Changed Under Obama," *NPR.org*, July 6, 2016, <https://www.npr.org/2016/07/06/484979294/chart-how-the-u-s-troop-levels-in-afghanistan-have-changed-under-obama> (accessed July 31, 2020).

<sup>12</sup> Kurtzleben, "CHART."

<sup>13</sup> R. Chuck Mason, "U.S.-Iraq Withdrawal/Status of Forces Agreement: Issues for Congressional Oversight," *CRS Report for Congress*, July 13, 2009, 7, 10.

<sup>14</sup> Helene Cooper, "U.S. to Send 600 More Troops to Iraq to Help Retake Mosul from ISIS," *New York Times*, September 28, 2016.

<sup>15</sup> Bureau of Investigative Journalism, "Obama's Covert Drone War in Numbers: Ten Times More Strikes Than Bush," January 17, 2017, <https://www.thebureauinvestigates.com/stories/2017-01-17/obamas-covert-drone-war-in-numbers-ten-times-more-strikes-than-bush> (accessed July 31, 2020).

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(3) Guantanamo detention and torture policies: Obama assumed office determined to close the Guantanamo Bay detention center; this would have marked the most dramatic break with Bush administration counterterrorism practices. While he ended up transferring 197 of the remaining 242 detainees out of Guantanamo,<sup>16</sup> closing the Guantanamo prison remained an elusive goal—mainly because Congress was strongly opposed to moving the inmates to supermax prisons on the U.S. mainland owing to security concerns. At the end of Obama’s second term, 41 detainees were left in Guantanamo, including a special category of 23 detainees that were to be held indefinitely without charge or trial. Obama’s ban on enhanced interrogation techniques marked the official end of any torture practices, including those used by the CIA. However, in a surprising move, the administration did not end all extraordinary rendition practices. The U.S. would continue sending terror suspects to other countries and also rely on “assurances from the receiving country” that the individuals were not to be tortured.<sup>17</sup> This language was thus reminiscent of assurances the Bush administration also requested when sending individuals to countries like Syria or Egypt. In doing so, the Obama government collaborated with foreign intelligence services on capturing and jointly interrogating terror suspects.<sup>18</sup> And even though Obama ordered the CIA-run black site program (used to detain and torture terror suspects in countries around the world) officially terminated, the U.S. engaged in countless prisoner transfers in places like Afghanistan and Iraq, effectively subjecting detainees to the torture practices of indigenous security services.<sup>19</sup>

Due to widespread opposition in New York and elsewhere, Obama’s plan to try key 9/11 suspects held in Guantanamo in a federal court room in New York City imploded. Providing further ammunition to the critics, it also did not help that Ahmed Ghailani, one of the suspected perpetrators of the 1998 U.S. embassy bombings in Kenya and Tanzania,

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<sup>16</sup> “Facts about the Transfer of Guantanamo Detainees,” Human Rights Watch, <https://www.humanrightsfirst.org/resource/facts-about-transfer-guantanamo-detainees> (accessed July 31, 2020).

<sup>17</sup> Department of Justice, Office of Public Affairs, Special Task Force on Interrogations and Transfer Policies Issues Its Recommendations to the President, August 24, 2009, <https://www.justice.gov/opa/pr/special-task-force-interrogations-and-transfer-policies-issues-its-recommendations-president> (accessed July 31, 2020).

<sup>18</sup> Cora Currier, “CIA Director Describes How the U.S. Outsources Terror Interrogations,” *The Intercept*, March 13, 2015, <https://theintercept.com/2015/03/13/cia-director-explains-u-s-outsources-terror-interrogations/> (accessed July 30, 2020).

<sup>19</sup> Rupert Stone, “America is about to go backwards on torture under Trump—and that doesn’t just mean waterboarding,” *The Independent*, January 19, 2017.

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was transferred to the U.S. for prosecution but only found guilty on 1 of 285 counts, the destruction of federal property. Civilian criminal courts were nonetheless used for all new terrorism cases. While Obama continued to hold on to the ill-fated military commissions, despite earlier campaign promises, his administration also introduced some reforms: Statements obtained by means of torture were no longer admissible (although coerced and hearsay evidence could still be used); defendants now had access to all evidence presented against them; they could attend their entire trial and had access to classified evidence; they could further cross-examine hostile witnesses and also call their own. Only five convictions were issued under the Obama administration, of which one already was vacated.

(4) Mass surveillance: In 2013, news of the Planning Tool for Resource Integration, Synchronization, and Management (PRISM) program illustrated the wide-ranging and global reach of NSA foreign intelligence collection, this time under Obama administration auspices.<sup>20</sup> PRISM was a system the NSA used to gain access to the private communications of users of nine popular Internet services (including Yahoo, Google, Facebook, Skype, and Twitter) by collecting directly from servers. The program, which operated within the legal confines of FISA, targeted foreign users of such platforms, with the NSA rating the degree to which it spies on a given country on a red to green scale. PRISM was overseen by the special FISA court and therefore also by Congress. Section 702 of FISA allowed senior Obama administration officials, the Director of National Intelligence and the Attorney General, to “authorize” the “targeting of persons reasonably believed to be located outside the United States.”<sup>21</sup> What was remarkable about the 2013 revelations of NSA surveillance were the scope and scale of these operations. Even though the system started under President Bush in 2007, “government surveillance of communications . . . expanded dramatically under [Obama’s] watch”<sup>22</sup> as a result of technological advances.

(5) Border security: Bush administration border security measures were continued and further expanded under President Obama, who once again pushed U.S. borders further outward. Specifically, the Obama administration in 2009 introduced new travel restrictions for the mil-

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<sup>20</sup> “Edward Snowden: Leaks that Exposed US Spy Programme,” *BBC News*, January 17, 2014, <https://www.bbc.com/news/world-us-canada-23123964> (accessed July 30, 2020).

<sup>21</sup> Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 (Public Law 110-261), section 702.

<sup>22</sup> Jessica Stern, “Obama and Terrorism,” *Foreign Affairs* 94, no. 5 (September/October 2015): 66.

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lions of passengers arriving from so-called visa waiver countries located mostly in Europe—whose citizens could travel to the U.S. for business or tourist purposes and stay up to 90 days without obtaining a visa. The newly conceived Electronic System for Travel Authorization (ESTA) required non-immigrant travelers from 39 mostly Western countries not only to submit their personal data but also to apply for entry to the United States *before* ever setting foot on a plane.

***Business as Usual: The Trump Presidency (January 2017-2021)***

A close look at counterterrorism policy under President Trump paints an already familiar picture. With one exception (Trump ordered Guantanamo to remain open) overall trends continued or counterterrorism practices even expanded following an already well-established pattern.

**(1) Military campaigns:** Bringing American troops home from costly wars in the Middle East and Central Asia was arguably one of Trump's most prominent campaign promises. By June 2020, the Trump administration had brought down U.S. troop levels in Afghanistan to 8,600—roughly the level that the Obama administration had left him with three years prior. What happened to Trump's campaign promise? In a surprise move, Trump decided in fall 2017 that an additional 3,000 troops were needed for training, advising, air support, and counterterrorism ops; another 4,000 forces followed so that in 2018 troop levels were at 15,000, almost twice the contingent he had inherited.<sup>23</sup> The 2020 withdrawal was a result of the February U.S.-Taliban peace agreement, with an aim to reduce the overall U.S. military footprint to zero within 14 months (by April 2021).<sup>24</sup> In an effort to bring U.S. troops home even sooner—in other words, before the November 2020 presidential elections—the Trump administration debated the withdrawal of another 4,000 troops by fall 2020;<sup>25</sup> this would leave a total of 4,500 troops over the winter, the lowest number of U.S. troops deployed in Afghanistan since December

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<sup>23</sup> John Haltiwanger, "The Forever War: U.S. Military Now Has 15,000 Troops in Afghanistan and That Number Could Soon Increase," *Newsweek*, November 9, 2017.

<sup>24</sup> Mujib Mashal, "U.S. Troops in Afghanistan Reduced to 8,600, General Says," *New York Times*, June 20, 2020.

<sup>25</sup> Karen DeYoung and Missy Ryan, "Trump is Determined to Bring Home Military Forces from Somewhere," *Washington Post*, July 21, 2020; Leo Shane III, "Trump suggests US troop levels in Afghanistan could be cut in half by Election Day," *Military Times*, August 4, 2020, <https://www.militarytimes.com/news/pentagon-congress/2020/08/04/trump-suggests-us-troop-levels-in-afghanistan-could-be-cut-in-half-by-election-day/> (accessed August 13, 2020).

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2001.<sup>26</sup>

While Trump inherited a 5,000 troop-strong contingent in Iraq, he also decided to send 2,000 combat and support troops to help root out ISIS in Syria.<sup>27</sup> The latter deployment was only short lived. In December 2018, Trump ordered the withdrawal of all troops from Syria (he later partially reversed his decision and ordered 400 troops to stay behind indefinitely).<sup>28</sup> The coalition air strikes against ISIS in both Iraq and Syria continued under Trump. In 2017, the President further made headlines when he ordered the explosion of the biggest non-nuclear bomb in the U.S. arsenal in an ISIS-held tunnel system in Afghanistan.<sup>29</sup>

(2) Drone strikes: Targeted killings via armed drone strikes further expanded under Trump. In its second year in office, the Trump administration had already flown more drone strikes than were conducted during Obama's eight years in office, an increase of almost 25 percent.<sup>30</sup> Similar to Obama, Trump found drone strikes the more attractive alternative to costly ground troops, for example in Yemen and against ISIS forces in Syria and Iraq. In the same way, the Trump administration launched a total of 40 drone strikes in Somalia from January to May 2020; in comparison, both the Bush and Obama administrations conducted a total of 41 airstrikes in Somalia from 2007 through 2016.<sup>31</sup>

(3) Guantanamo detention and torture policies: Not only did Donald Trump come to power ordering the detention facility to stay open (a clear departure from Obama administration policies) but also Trump suggested that newly captured detainees in armed conflicts could once again be sent to Guantanamo—something that had not been done since March 2008.<sup>32</sup> The same executive order also mentioned the possibility

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<sup>26</sup> "A timeline of U.S. troop levels," *AP*.

<sup>27</sup> John Ismay, "U.S. Says 2,000 Troops Are in Syria, a Fourfold Increase," *New York Times*, December 6, 2017.

<sup>28</sup> Roberta Rampton and Idrees Ali, "In Reversal, U.S. to Leave a Total of About 400 Troops in Syria," *Reuters*, February 22, 2019, <https://www.reuters.com/article/us-mideast-crisis-syria-usa-troops/in-reversal-u-s-to-leave-a-total-of-about-400-troops-in-syria-idUSKCN1QB26K> (accessed August 13, 2020).

<sup>29</sup> Jessica Donati, Ben Kiesling, and Dion Nissenbaum, "U.S. Drops 'Mother of All Bombs' on ISIS Tunnels in Afghanistan," *Wall Street Journal*, April 13, 2017.

<sup>30</sup> "Trump revokes Obama rule on reporting drone strike deaths," *BBC News*, March 7, 2019.

<sup>31</sup> Kelsey Atherton, "Trump Inherited the Drone War but Ditched Accountability," *Foreign Policy*, May 22, 2020, <https://foreignpolicy.com/2020/05/22/obama-drones-trump-killings-count/> (accessed July 30, 2020).

<sup>32</sup> White House, "Presidential Executive Order on Protecting America Through Lawful Detention of Terrorists," January 20, 2018, <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-protecting-america-lawful-detention-terrorists/>

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of criminal prosecution, an option also supported by the Obama administration. Trump's order further continued Obama's policy of reviewing existing Guantanamo cases so that detainees could potentially be released if cleared—at least on paper. "Though the executive order largely reaffirms existing U.S. government policies,"<sup>33</sup> Trump ordered only one detainee transfer out of Guantanamo while in office. However, the Trump administration also did not add any new detainees, likely seeking to avoid the legal quagmire military commissions entail to this day, instead preferring the federal court system.<sup>34</sup> His administration sent mixed signals on other fronts, too. While Trump has openly endorsed waterboarding and other "worse" torture techniques,<sup>35</sup> reports of these methods' actually being used have not yet surfaced. Like its two predecessors, the Trump administration embraced extraordinary rendition practices on the condition that other countries to which detainees were rendered provided "diplomatic assurances."<sup>36</sup>

(4) Mass surveillance: The Trump administration, with the help of Congress, also continued NSA surveillance and collection of online communications from foreigners overseas, a program that first started under Bush but gained international notoriety under Obama. While Trump "would have preferred a permanent reauthorization" of the relevant FISA portions covering PRISM, in January 2018, section 702 of FISA was reauthorized for another six years.<sup>37</sup>

(5) Border security: The Trump travel ban of 2017 went beyond previous border security practices (which also continued) in issuing an immigration ban for several mostly majority-Muslim countries. The ban went through several iterations: The initial January 2017 version barred individuals from Iran, Iraq, Syria, Yemen, Somalia, Sudan, and Libya from entering the United States for 90 days. Interestingly, the Obama ad-

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(accessed July 30, 2020).

<sup>33</sup> "Q&A: Guantanamo Bay," *Human Rights Watch*.

<sup>34</sup> Charlie Savage and Adam Goldman, "Following Trump's Lead, Republicans Grow Quiet on Guantánamo," *New York Times*, November 4, 2017.

<sup>35</sup> Jenna Johnson, "Trump says 'torture works,' backs waterboarding and 'much worse,'" *Washington Post*, February 17, 2016.

<sup>36</sup> U.S. Senate Select Committee on Intelligence, "Prehearing Questions for the Honorable Mike Pompeo upon his nomination to be the Director of the Central Intelligence Agency," January 3, 2017, <https://www.intelligence.senate.gov/sites/default/files/documents/pre-hearing-b-011217.pdf> (accessed July 21, 2020).

<sup>37</sup> White House, "Statement by the President on FISA Amendments Reauthorization Act of 2017," January 19, 2018, <https://www.whitehouse.gov/briefings-statements/statement-president-fisa-amendments-reauthorization-act-2017/> (accessed July 31, 2020).

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ministration had focused on the same “countries of concern” and those considered “state sponsors of terrorism” when seeking travel restrictions for people who wanted to travel to the U.S. under the visa waiver program and had been present in the aforementioned countries since March 2011.<sup>38</sup> After the Supreme Court struck down the Trump order, the revised order no longer contained Iraq; after another Supreme Court intervention in 2017, Sudan was also moved off the list and replaced with Chad, North Korea, and Venezuela. The final iteration of the 2017 order indefinitely suspended the issuance of immigrant and nonimmigrant visas to applicants from the five Muslim-majority countries, Libya, Iran, Somalia, Syria, and Yemen—plus North Korea and Venezuela.<sup>39</sup> In February 2020, the ban was extended to four more countries, including Nigeria, Eritrea, Myanmar, and Kyrgyzstan.<sup>40</sup>

### *Summary*

Contrary to common expectations, Bush era counterterrorism policies did not change much during Obama’s or Trump’s tenures. Both continued measures initiated by the Bush administration (at times with minor changes), opted for similar ones (as in Afghanistan), or even expanded some (especially when it came to drone warfare and travel restrictions).

The consistency in all things military is perhaps most puzzling. After all, both Obama and Trump campaigned on a platform of military retrenchment—looking to set themselves apart from Bush-era, crusader-style invasions in the name of democracy promotion and nation building. Obama inherited two wars from Bush, although the withdrawal of U.S. troops from Iraq had already been negotiated during Bush’s watch. Once the Islamic State evolved into a regional foe, Obama re-engaged in Iraq, authorizing an air campaign and sending troops to Iraq and Syria. Trump continued this pattern. While all combat troops technically left Afghanistan at the end of 2014, 8,500 ground troops remained and were thus inherited by Trump. Even though Obama and Trump were eager to end the war in Afghanistan, both ended up sending *more* troops before reducing U.S. contingents. As much as Obama and Trump preached

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<sup>38</sup> The Visa Waiver Improvement and Terrorist Travel Prevention Act (P.L. 114-113) was passed in December 2015.

<sup>39</sup> Josh Gerstein and Jeremy C.F. Lin, “Why these 7 countries are listed on Trump’s travel ban,” *Politico*, June 26, 2018, <https://www.politico.com/interactives/2018/trump-travel-ban-supreme-court-decision-countries-map/> (accessed July 31, 2020).

<sup>40</sup> In addition, citizens from Tanzania and Sudan were banned from applying for the visa lottery. Maria Sacchetti, Abigail Hauslohner, and Danielle Paquette, “Trump’s entry ban extended to 6 more nations, most in Africa,” *Washington Post*, February 1, 2020.

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change, the reality on the ground thus told a different story. Similarly, their official rhetoric avoided the term “nation-building” at all costs. While Obama referred to capacity building and strengthening, *inter alia*,<sup>41</sup> Trump strongly rejected the notion of being engaged in “nation-building again.”<sup>42</sup> Yet, when justifying their troop contingents, both cited the need for troops that could train, advise, and assist Afghan armed forces in providing security<sup>43</sup>—a service that must be considered *the* most essential facet of nation building. As Max Weber argued, states are founded on force; governments unable to protect their people and territories cannot function and flourish.

At the end of Obama’s term, it was difficult to ignore the fact that the U.S. military was “involved in more countries . . . than when Obama took office in 2009.”<sup>44</sup> Military involvement included bombing campaigns; deployment of combat troops; and U.S. troops providing intelligence, surveillance, and reconnaissance in support of other countries’ armies in places like Afghanistan, Pakistan, Somalia, Yemen, Syria, and Iraq—all considered hotbeds of Jihadi terrorist activity.<sup>45</sup> Likewise, Trump “hasn’t meaningfully altered the U.S. global military footprint he inherited from President Barack Obama,”<sup>46</sup> but, rather, has increased U.S. counterterrorism involvement in places like Afghanistan and Syria, among others.<sup>47</sup> Similarly, drone strikes spiraled under Obama and even more under Trump, albeit with some changes in policy. Obama implemented more detailed guidelines and restrictions on launching strikes, moved most of the drone program from the CIA under the auspices of

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<sup>41</sup> See, for example, The White House, National Strategy for Counterterrorism, June 28, 2011, 4-5, 9, 13, 16 (hereafter referred to as Obama CT Strategy); see also “Transcript of Obama speech on Afghanistan,” CNN, December 2, 2009, <https://www.cnn.com/2009/POLITICS/12/01/obama.afghanistan.speech.transcript/index.html> (accessed July 31, 2020).

<sup>42</sup> White House, “Remarks by President Trump on the Strategy in Afghanistan and South Asia,” August 21, 2017, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-strategy-afghanistan-south-asia/> (accessed July 31, 2020).

<sup>43</sup> See, for example, Barbara Starr and Ryan Browne, “Mattis confirms White House has given him authority to set Afghanistan troop levels,” CNN, August 24, 2017, <https://edition.cnn.com/2017/06/13/politics/pentagon-afghanistan-troop-levels/index.html> (accessed August 17, 2020).

<sup>44</sup> Edward Delman, “Obama Promised to End America’s Wars—Has He?” *The Atlantic*, March 30, 2016; see also Robert Malley and Jon Finer, “The Long Shadow of 9/11,” *Foreign Affairs* 97, no. 4 (July/August 2018): 58.

<sup>45</sup> Delman, “Obama Promised.”

<sup>46</sup> Paul MacDonald and Joseph Parent, “Trump Didn’t Shrink U.S. Military Commitments Abroad—He Expanded them,” *Foreign Affairs*, December 3, 2019.

<sup>47</sup> Malley and Finer, “Long Shadow,” 59.

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the Pentagon, and also provided more transparent information about civilian casualties. Conversely, Trump gave greater targeting authority to military commanders and the CIA in more areas of the world, effectively reducing White House involvement, and eliminated most reporting on casualties.<sup>48</sup>

The Bush administration designed the Guantanamo detention regime, which Obama did not manage to close and Trump insisted on keeping open, even though all three struggled with military commission proceedings and convictions. Of the mere eight convictions that were issued by military commissions since 2001 (five under the Obama administration), three have been overturned in whole and one in part. All three administrations determined that a certain group of detainees needed to be held indefinitely without charge at Guantanamo. The Bush administration discontinued torture in practice before it was officially outlawed by Obama, and as far as is known, was not continued by Trump. However, all three Presidents retained some variation of extraordinary renditions, relying on third parties in faraway countries to do the dirty work of torture and interrogations. All three administrations have heavily relied on ever-increasing NSA mass surveillance of phone calls, emails, internet usage, and social media around the world. The majority of border security measures were installed by Bush but expanded by both Obama and Trump. While Obama focused on imposing new restrictions on the visa waiver program and perceived threats from other Western countries (mainly Europe), Trump focused on preventing citizens from majority Muslim countries from coming to the U.S.—the same countries that had also been indirectly targeted with increased travel restrictions under Obama. All administrations were consistent in externalizing cargo and passenger screenings at offshore locations.

### ***Why this Consistency? Strategic Culture at Play***

What was striking not only about the initial response to the 9/11 attacks but also the counterterrorism programs and policies adopted by President Bush's two successors was their large military component, global scope, and externalization focus. The second part of the article turns to U.S. strategic culture as a key concept in explaining these consistencies.<sup>49</sup> Since Jack Snyder first coined the term in 1977, there appears

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<sup>48</sup> Kelsey Atherton, "Trump Inherited the Drone War but Ditched Accountability," *Foreign Policy*, May 22, 2020.

<sup>49</sup> While one group of scholars views strategic culture as an independent variable that determines outcomes, others see it as a more intervening variable that shapes decisions.

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to be very little consensus regarding what factors and characteristics should be taken into account when analyzing or assessing strategic culture. While some scholars include geographic, political, material, or structural factors, others only focus on constructed patterns of behavior, perceptions, beliefs, and assumptions of strategic decisionmakers. In the context of this article, American strategic culture may be best conceived as a set of shared beliefs, perceptions, and assumptions, informed by geopolitical standing and capabilities as well as U.S. history, political culture, and government structures. A cultural concept, it is woven into the fabric of society and therefore influences how decisionmakers view the world in Washington, D.C., as well as the instruments at their disposal.

### *U.S. History and Political Culture*

What are some of the main historic and cultural features with relevance for post-9/11 counterterrorism decision-making? According to the notion of American exceptionalism, a term coined by Alexis de Tocqueville in the nineteenth century, the United States holds a special place in the world, due to its unique history, location, liberal democratic values, and political system. These features have contributed to a sense of moral authority—what is considered good and right from an American perspective—and leadership claims in the world. Since its unique creation, the U.S. was “[d]estined to bring political and economic liberty to a waiting world,”<sup>50</sup> either by leading by example or by spreading democracy and liberty by force. Henry Kissinger once described this sense of special purpose as follows: “It is part of American folklore that while other nations have interests, we have responsibilities; while other nations are concerned with equilibrium, we are concerned with the legal requirements of peace.”<sup>51</sup> More recently, the Trump counterterrorism strategy displayed some of these same sentiments: “The United States—forever the sentinel of democracy and freedom—will prevail over ter-

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These two positions are usually associated with Alastair Iain Johnston and Colin Gray. Consistent with the Gray school of thought, this article considers strategic culture an influencing variable. See Colin Gray, “Strategic Culture as Context: the First Generation of Theory Strikes Back,” *Review of International Studies* 25, no. 1 (January 1999); Alastair Iain Johnston, “Strategic Cultures Revisited: Reply to Colin Gray,” *Review of International Studies* 25, no. 3 (July 1999).

<sup>50</sup> Charles Kupchan, “The Clash of Exceptionalisms,” *Foreign Affairs* 97, no. 2 (March/April 2018): 139.

<sup>51</sup> Henry Kissinger, *American Foreign Policy* (New York: W.W. Norton and Company, 1974), 91-92.

*“The Same Procedure as Every Year”*

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rorism and preserve the American way of life. Through our triumph, we will demonstrate that American strength remains a lasting force for good in the world.”<sup>52</sup>

Similarly, these moral principles have facilitated a certain kind of black-and-white, good-versus-evil, and all-or-nothing thinking among political elites; there is little ‘grey,’ as enemies, threats, and security are more easily perceived in absolute terms. Examples abound: Reminiscent of Ronald Reagan’s reference to the Soviet Union as an evil empire, George W. Bush in 2002 labeled the rogue regimes of North Korea, Iran, and Iraq the “axis of evil.” Even though the U.S. faced a transnational terrorist network, presenting considerable challenges to traditional domestic and foreign security divides, the focus has been on fighting the evil *outside* U.S. borders. Homegrown terrorism only exists with reference to international terrorism. In other words, even if people who were born and have spent all of their lives in the U.S. are becoming radicalized and infected with the Jihadi virus, Jihadi terrorism is viewed and prosecuted as foreign terrorism. Just as President Bush spoke of “winning the War on Terror” and “ridding the world of terrorism,”<sup>53</sup> Obama’s counterterrorism strategy promised that “the final outcome of our war with al-Qa’ida is certain,”<sup>54</sup> and Trump detailed the “path to victory”<sup>55</sup> in “a war that the United States will win.”<sup>56</sup> As “American society has adopted a zero-tolerance policy toward terrorism,”<sup>57</sup> the illusion of being able to achieve perfect security has contributed to a variety of feel-good security measures in the counterterrorism realm. When Congress in 2007 mandated screening for nuclear devices of *all* 12 million shipping containers that arrive in the U.S. each year before they leave foreign ports, experts warned that such a policy based on absolute security was neither viable nor realistic; the technological and logistical challenges have proved insurmountable to this day. The 2017 Trump travel ban falls into this category as well. In its final iteration it prevented citizens from five majority Muslim countries, plus North Korea and Venezuela, from setting foot onto U.S. soil, even though the vast number of terrorist attacks after 9/11 were attempted and carried out by U.S. residents and citizens.

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<sup>52</sup> The White House, *National Strategy for Counterterrorism of the United States*, August 2018, 3 (hereafter referred to as Trump CT Strategy).

<sup>53</sup> “Transcript of President Bush’s address”; see also The White House, *National Strategy for Combating Terrorism*, February 2003, 30 (hereafter referred to as Bush CT Strategy).

<sup>54</sup> Obama CT Strategy, 19.

<sup>55</sup> Trump CT Strategy, II.

<sup>56</sup> *Ibid.*, 1.

<sup>57</sup> Malley and Finer, “Long Shadow,” 60.

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In fact, none of the 16 perpetrators of lethal jihadist terrorist attacks in the States between 9/11 and 2020 came from any of the travel ban countries, nor were any of the 9/11 attackers from the listed countries. All were U.S. citizens or legal permanent residents. When including the 19 individuals whose domestic attacks failed or were foiled, the travel ban would have made a difference in a total of four cases; in at least two of those cases, the perpetrators came to the United States as children. Taken altogether, if implemented in 2001, the 2017 ban would have kept out 10 percent of all domestic Jihadi terrorist attackers in the past 19 years.<sup>58</sup>

As the United States has come to see itself as the global beacon of hope, moral leader, and guardian of the free world, its historic experience has been strongly influenced by its fear of foreign entanglements. As is well known, U.S. foreign policy until 1941 was mostly guided by isolationism. The first American President, George Washington, famously established the guidelines for U.S. foreign policy, which were to last until the end of World War II, warning against political connections with foreign nations when offering his “great rule of conduct.”<sup>59</sup> Similarly, Thomas Jefferson warned to stay clear of “entangling alliances,”<sup>60</sup> a dictum that would remain official policy until WWII. Only after 1945 did the United States enter permanent peacetime alliances, as epitomized by the founding of NATO in 1949. Isolationism became an official doctrine in 1823, with the formulation of the Monroe Doctrine; however, the Spanish-American war of 1898 marked the end of this doctrine in the Western hemisphere, where the United States increasingly acted as an imperial power. Tapping into the image of the U.S. as chosen arbiter of world affairs, the Roosevelt Corollary to the Monroe Doctrine justified this new theme in 1904 when asserting the right of the United States to intervene in Latin America in cases of “flagrant and chronic wrongdoing by a Latin American Nation.”<sup>61</sup> Roosevelt announced to Congress that “the adherence of the U.S. to the Monroe Doctrine may force the U.S., however reluctantly, . . . to the exercise of international police power,”<sup>62</sup>

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<sup>58</sup> “Part II: Who are the Terrorists?” New America, <https://www.newamerica.org/in-depth/terrorism-in-america/who-are-terrorists/> (accessed July 31, 2020).

<sup>59</sup> Annals of Congress, 4th Congress, p. 2869–2870, <https://memory.loc.gov/cgi-bin/ampage?collId=llac&fileName=006/llac006.db&recNum=678> (accessed November 10, 2020).

<sup>60</sup> *The Papers of Thomas Jefferson, Volume 33: 17 February to 30 April 1801* (Princeton University Press, 2006), 150.

<sup>61</sup> Theodore Roosevelt’s Corollary to the Monroe Doctrine (1905), <https://www.ourdocuments.gov/doc.php?flash=false&doc=56> (accessed August 17, 2020).

<sup>62</sup> Quoted in McCormick, *American Foreign Policy and Process* (Stamford, CT: Cengage Learning, 2009), 18.

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one of the first mentions of the kind of role the U.S. was to assume in international affairs after WWII owing to its responsibilities as the world's anchor of moral authority. Similarly, Woodrow Wilson went before a joint session of Congress to seek a Declaration of War against Germany so that the world could "be made safe for democracy."<sup>63</sup> Wilson's "Fourteen Points" not only were guided by American moral principles but also included a system of collective security to facilitate world peace.<sup>64</sup> One of the reasons the Senate did not ratify the League of Nations treaty was the sentiment that the country was not ready permanently to commit the U.S. to world politics. Wilson's successor, Warren Harding, thus felt the need to call for a return to normalcy in foreign policy, as well as "relief from the burdens that international engagement brings."<sup>65</sup> Congress even passed a series of neutrality acts between 1935 and 1937, but Franklin Roosevelt managed to reverse U.S. isolationist policies for good in the spring of 1941 when Congress passed the Lend-Lease Act under his leadership. The act permitted the U.S. to assist other countries considered vital to U.S. security. Senator Arthur Vandenberg exercised tremendous foresight when he called the act the death-knell of isolationism: "We have tossed Washington's Farewell Address into the discard. We have thrown ourselves squarely into the power politics and the power wars of Europe, Asia, and Africa. We have taken a first step upon a course from which we can never hereafter retreat."<sup>66</sup> The United States entered WWII soon after. And yet, continued U.S. commitment to global affairs was still not a forgone conclusion. After the end of WWII, President Truman and Congress ordered the "most rapid demobilization in the history of the world,"<sup>67</sup> so that active-duty troop levels fell by more than 85 percent, from 12 million in 1945 to less than 1.5 million in 1948.

As this brief historic summary illustrates, the U.S. has been torn between global engagement and isolation throughout most of its history. But even during periods of retrenchment, U.S. policing powers were considered indispensable. At the dawn of the Cold War, U.S. foreign pol-

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<sup>63</sup> Address to Joint Session of Congress, April 2, 1917, <https://www.ourdocuments.gov/doc.php?flash=false&doc=61> (accessed November 13, 2020).

<sup>64</sup> President Woodrow Wilson's Fourteen Points, 8 January 1919, [https://avalon.law.yale.edu/20th\\_century/wilson14.asp](https://avalon.law.yale.edu/20th_century/wilson14.asp) (accessed September 17, 2020).

<sup>65</sup> Quoted in Eugene Wittkopf, Christopher Jones, and Charles Kegley, Jr., *American Foreign Policy: Policy and Process* (Thomson & Wadsworth, 1998), 37.

<sup>66</sup> Quoted in Henry Kissinger, *Diplomacy* (New York: Simon & Schuster, 1994), 389.

<sup>67</sup> Stephen Ambrose, *Rise to Globalism: American Foreign Policy since 1938* (New York: Penguin, 1988), 76; however, the U.S. did have a nuclear monopoly until 1949 and also was home to the largest navy in the world.

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icy strategy shifted permanently, due to the perceived need for “a long-term, patient but firm and vigilant containment of Russian expansive tendencies.”<sup>68</sup> Once Paul Nitze’s more militarized and global interpretation of containment won out over George Kennan’s more limited version, and the Korean War validated the alarmist scenario cast by Nitze’s policy review, there stood nothing in the way of a massive expansion of the U.S. military budget, as well as a colossal conventional and nuclear buildup. What also shifted was the U.S. attitude toward exceptionalism. No longer would the U.S. just lead by example, expecting other countries to emulate American ideals and values, but from now on it would, if necessary, use hard power to spread democracy, freedom, and liberty in the world. In other words, “If the United States could no longer shield itself from the world . . . it would have to run the world by more actively projecting its power and values.”<sup>69</sup> Moreover, the U.S. would lead the world community by means of a myriad of institutions designed to regulate the international system after WWII. NATO, which continues to serve as key justification for the deployment of U.S. troops in Europe today, thus emerged as a central part of this containment strategy. In East Asia, the U.S. also heavily relied on U.S. troop deployments and the threat or actual use of military force. This “Cold War Consensus,”<sup>70</sup> forged to meet the perceived need to contain the communist threat at all costs and supported by large parts of the political elites and the American public, was put under severe strain in the late 1960s. But even as the Vietnam war put an end to costly ground invasions until after 9/11, the global war on communism continued on other fronts and by means of alternative strategies. Despite all this, and although U.S. willingness to send troops into combat has ebbed and flowed since the end of WWII, U.S. military deployments around the globe continued to be massive, even in the post-Cold War world.

In what might be dubbed the GWOT Consensus, post 9/11, the Cold War Consensus has been replaced by broad public and bipartisan agreement over the need to combat terrorism, considered one of the greatest threats the United States faces today. Presidents Bush, Obama, and Trump elected to keep the American people safe, thus sought to prevent the next terrorist attack against the American people by any means. What has made their global military engagements possible and an at-

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<sup>68</sup> “861.00/2 - 2246: Telegram,” (Kennan Long Telegram), <https://nsarchive2.gwu.edu/coldwar/documents/episode-1/kennan.htm> (accessed August 17, 2020).

<sup>69</sup> Kupchan, “Exceptionalisms,” 142.

<sup>70</sup> See McCormick, *American Foreign Policy and Process*, 62.

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tractive fallback option was the fact that, after the end of the Cold War, the U.S. never initiated the kind of drawdown that followed World War II. While the Bush administration, just like those of Obama and Trump,<sup>71</sup> pledged to use all instruments of statecraft in the prosecution of the 9/11 attacks, including diplomatic, informational, military, economic, financial, intelligence, and law enforcement,<sup>72</sup> military means played a central role in the ensuing war on terror. The war declaration signaled resolve to U.S. citizens and enemies alike and the possibility of victory and retaliation. Calling the 9/11 attacks an act of war further justified unilateral and/or preemptive responses involving military invasions and air strikes: the U.S. would not wait until the threat was fully formed. Of the two military invasions launched after 9/11, Afghanistan was less controversial since the Taliban regime was directly linked to supporting and harboring al-Qaeda operatives. By way of contrast, the 2003 invasion of Iraq was preventive and only very indirectly connected to al-Qaeda—what if the Hussein regime were to succeed in acquiring nuclear weapons and share them with al-Qaeda, so the hypothetical argument went—and launched by an administration with neoconservative goals, determined to oust the much-hated Hussein dictatorship and spread democracy by means of military might. In what has been called America's longest war, U.S. military involvement in Afghanistan continues throughout 2020, despite widespread war fatigue, two administrations and several campaign promises to the contrary. U.S. military involvement in the name of counterterrorism continues in countless other places too, in addition to extensive drone wars.

After the Bush administration declared a GWOT, Presidents Obama and Trump chose to continue this global battle, if not in name but in practice. Even though Obama rejected the war on terrorism terminology, the U.S. was still “at war with . . . al-Qa’ida.”<sup>73</sup> Likewise, Trump proclaimed that “we remain a nation at war”<sup>74</sup> in the ongoing “war on terrorism.”<sup>75</sup> Interestingly, the George W. Bush administration was not the first to use this kind of language and rationale, illustrating the pervasive strategic culture. When the Clinton administration in 1998 debated about how best to respond to the Eastern Africa embassy bombings, they not only referred to the planned military airstrikes as an act of self-

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<sup>71</sup> Obama CT Strategy, 2; Trump CT Strategy, 1, 13.

<sup>72</sup> Bush CT Strategy, 1.

<sup>73</sup> Obama CT Strategy, 2.

<sup>74</sup> Trump CT Strategy, 1.

<sup>75</sup> *Ibid.*

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defense needed to preempt other imminent attacks against the United States but also commented on the beginnings of a “real war against terrorism.”<sup>76</sup> Dubbed Operation Infinite Reach, the Clinton retaliation was designed to showcase U.S. global reach and resolve and to protect superpower status and interests, by simultaneously striking targets on two different continents. Consistent with this line of thinking, the scale of the 9/11 attacks—with the mass casualties suffered and perpetrated against the U.S.’ two biggest financial and military hubs—warranted not only a global response but a war on terrorism.

### *U.S. Geopolitical Standing, Capabilities, and Location*

Helping to encourage the massive response was that U.S. troops were not just readily available but were also vastly superior to all others. U.S. dominance in the first Gulf War demonstrated its military ‘hyperpower’ and unparalleled strength. Thirty years later, in 2020, the United States continued to outspend the other four permanent UN Security Council members, spending more than the next ten countries combined.<sup>77</sup> Much of the attractiveness of the GWOT consensus can thus be related to U.S. capabilities and geopolitical status. As the remaining global superpower, the U.S. had the capacity to demonstrate its reach, project sustained military power on a global scale, and protect its global interests and leadership claims.<sup>78</sup> In other words, it is in part due to its “unparalleled power in the world and the absence of counter-balancing constraints, [that] the U.S. is predisposed to the use of hard power.”<sup>79</sup> America’s military campaigns have not ended, despite drawdowns in Iraq and Afghanistan, but instead were escalated remotely after 2009 by means of drone technology and airstrikes. Targeted killings represented the instrument of choice not only for the Obama but also the Trump administration because of U.S. supreme capabilities in this arena. Their many advantages are hard to beat: They are less costly, both in the financial and human sense, as ever more precise technologies reduce the risk of collateral damage and civil-

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<sup>76</sup> Richard Russell, “American Military Retaliation for Terrorism: Judging the Merits of the 1998 Cruise Missile Strikes in Afghanistan and Sudan,” *Pew Case Studies in International Affairs* (Washington D.C.: Institute for the Study of Diplomacy at Georgetown University, 2000), 7.

<sup>77</sup> “U.S. Defense Spending Compared to Other Countries,” Peter G. Peterson Foundation, May 13, 2020, [https://www.pgpf.org/chart-archive/0053\\_defense-comparison](https://www.pgpf.org/chart-archive/0053_defense-comparison) (accessed July 31, 2020).

<sup>78</sup> On this point see also Jeremy Shapiro and Daniel Byman, “Bridging the Transatlantic Counterterrorism Gap,” *The Washington Quarterly* 29, no. 4 (Autumn 2006): 33-50.

<sup>79</sup> Wyn Rees, *Transatlantic Counter-terrorism Cooperation* (London: Routledge, 2006), 72.

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ian deaths. By a similar token, NSA surveillance capabilities have been compared to nuclear weapons, while many other countries' abilities are the equivalent of only guns. Washington has employed this vast arsenal because it can, owing to its technical abilities and because it is determined to fight terrorists on a global scale and as far as possible from the homeland, to keep Americans safe.

The war rhetoric, very importantly, also carried the battle back to the enemy, away from the U.S. shore. Related to the geopolitical status of the U.S. is its unique location. The global war on terror represented an unprecedented effort to externalize the threat in an attempt to insulate the United States from the evils of international terrorism. As a country protected by oceans and with few land borders, the U.S. is uniquely positioned to intercept people and goods headed for the United States and further prevent or deter them from coming to U.S. shores in the first place. In his Farewell Address of 1796, George Washington already noted that his young nation's "detached and distant situation invites and enables us to pursue a . . . course" different from Europe; the U.S. location afforded it the luxury of staying aloof and keeping threats at bay. The distinction between *homeland security* and overseas threats has been emphasized to a great extent and is also tied to wanting to restore the sense of pre-9/11 invulnerability and sanctuary. With few exceptions, the U.S. homeland (and especially mainland) has been spared from foreign invasions, wars, and sustained terrorist campaigns.

### *The U.S. Political System*

Coupled with the traumatic experience of 9/11, the militarization of the struggle helped garner the political will to overcome the Vietnam trauma. Most importantly, however, the GWOT proclamation enabled President Bush to utilize and expand constitutionally dubious war powers (without benefit of a formal declaration of war by Congress) that have been retained by both Obama and Trump. Obama may not have claimed additional unilateral executive power as explicitly as the Bush administration had done<sup>80</sup> or as President Trump would subsequently do when going against congressional will and statutes. Yet Obama did not surrender any of the executive authority carved out by his predecessor, either. The U.S. political system played a key role in the expansion of unilateral presidential war powers after 9/11 and thus continued a trend

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<sup>80</sup> On this point, see Dawn Johnson, "The Lawyers' War," *Foreign Affairs* 96, no. 1 (January/February 2017).

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that has been ongoing since WWII. As is well known, the Constitution allocates competing war powers to both the President and Congress; while the President holds the power of the sword as commander in chief and may repel sudden attacks in times of crisis, Congress holds the power of the purse and is supposed to declare wars. However, wars favor the executive. In times of war, Congress tends to fade into the background to facilitate quick decision-making, showing broad tolerance for unilateral tools and being complicit in facilitating executive programs. Such was the case at the beginning of the Cold War. The nuclear age required quick decision-making under single, decisive leadership (not involving 535 members of Congress), and Congress even ended up furnishing the executive branch with institutional resources like the National Security Council, CIA, Department of Defense, and Joint Chiefs of Staff deemed necessary to counter the communist threat. While Congress played the leading role accorded by the framers during large parts of the nineteenth and twentieth centuries, after the end of World War II, the scales were tipped in favor of the President, giving rise to the terms “chief legislator” and “imperial presidency.” The Vietnam war changed some of this, ushering in a period of congressional involvement and persistent oversight in foreign and security affairs, which some considered excessive. The 9/11 attacks presented a unique opportunity to strengthen unilateral executive powers and undo what Vice President Dick Cheney had long viewed as the creeping “erosion of [presidential] power” and “congressional overreaching” in foreign affairs.<sup>81</sup>

The broadly formulated Authorization for the Use of Military Force (AUMF),<sup>82</sup> inked by Vice President Cheney’s office and passed by Congress in October of 2001, thus signed away far-reaching powers to the President. Congress would no longer be involved in much (if any) counterterrorism decision-making and vetting. The arrangement proved politically opportune, because it allowed lawmakers to avoid voting on controversial operations and thereby dodge accountability for any decisions gone awry, as the finger pointing in the aftermath of the 2003 Iraq War resolution so clearly illustrated. In the meantime, the sweeping

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<sup>81</sup> Dick Cheney, “Congressional Overreaching in Foreign Policy,” in *Foreign Policy and the Constitution*, eds. Robert A Goldwin and Robert A Licht (Washington, DC: American Enterprise Institute, 1990), 101-122.

<sup>82</sup> The AUMF authorized the President “to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States.”

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language of the AUMF has served as the catch-all legal justification for many different counterterrorism measures, including Operation Enduring Freedom in Afghanistan, drone strikes, Guantanamo detention and torture, and NSA mass surveillance. Apart from the war in Afghanistan, the AUMF also has been cited as the legal basis for “37 distinct military campaigns in 14 different countries.”<sup>83</sup>

In fact, a good argument can be made that after 9/11 Congress abdicated most powers and largely took “a leave of absence” when it came to counterterrorism decision-making in the foreign policy realm. At times, the Supreme Court ended up reminding lawmakers of their constitutional duties, for example, when ruling in 2005 that the President could not unilaterally create a new court system—aka the military commissions for unlawful enemy combatants held in Guantanamo—without congressional input. Once the GWOT was in full swing, Congress proved too high of a hurdle for Obama’s planned closure of Guantanamo, illustrating how the legislative branch helped perpetuate counterterrorism policy options since 9/11, either by signing powers away or by preventing full-fledged changes.

### *Conclusion*

The United States’ unique history, political culture, and government, paired with its capabilities, location, and standing in the world, have given rise to a unique strategic culture, one that senior counterterrorism decisionmakers have found difficult to escape since President George W. Bush left office in early 2009. The militarized and global nature of U.S. counterterrorism policy is here to stay, as is the focus on neutralizing threats before they reach U.S. borders.

While it is difficult to come by accurate statistics,<sup>84</sup> and notwithstanding President Trump’s claim that “we will not dilute our counterterrorism efforts by attempting to be everywhere all the time, trying to eradicate all threats,”<sup>85</sup> one cannot help but notice that under Trump U.S. counterterrorism forces have either remained or further expanded in Afghanistan, Iraq, and Syria, in addition to countless other deployments in Asia and Africa.<sup>86</sup> Similarly, future presidents will likely find it difficult

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<sup>83</sup> Stephen Vladeck, “Testing the Legal Limits of the War on Terrorism,” *Foreign Affairs*, February 12, 2018.

<sup>84</sup> The Trump administration stopped including U.S. troop deployments in Afghanistan, Syria, and Iraq in its official troop counts in December 2017.

<sup>85</sup> Trump CT Strategy, 11.

<sup>86</sup> Thomas Gibbons-Neff and Eric Schmitt, “Despite Vow to End ‘Endless Wars,’ Here’s

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fulfilling campaign promises involving military drawdowns or shifting counterterrorism gears altogether, especially in the Middle East, as they also are beholden to American strategic culture.

Even if troops were increasingly withdrawn, military counterterrorism operations would arguably continue in the form of armed drone strikes. Targeted killings represent easier objectives than, say, nation-building, democracy promotion, or finding lasting solutions to tribal conflicts and insurgencies, in the sense that they make for more tangible and measurable<sup>87</sup> (but often misleading) success stories that can be used to boost U.S. morale, create a (false) sense of ‘feel-good’ security, or show government responsiveness amidst public calls for revenge and justice. However, an overreliance on force often results in blowback in the form of further radicalization and also does not deal with the root causes of local grievances. Similarly, nation-building activities have gotten a bad rap and are associated with imperial overstretch. But if local governments cannot provide basic services and make people feel safe, the vacuum invites others to move in and render their own ‘protective’ services; alternatively, local populations will turn elsewhere for support.<sup>88</sup> Presidents Obama and Trump were affected by this conundrum as well, as evinced by the incomplete U.S. withdrawal from Afghanistan.

Despite some notable success stories in the counterterrorism realm—Al Qaeda has been greatly weakened and Osama bin Laden killed; ISIS lost most of its territory in Iraq and Syria; countless terrorist leaders and foot soldiers have been decapitated and killed around the world—military victories have been only temporary. The hydra’s duplicating heads keep on haunting the Western world, as could be expected from a protean network sustained and fed by Salafi-Jihadi ideology. As terrorism is not going away, President Trump and his successors will be just as affected by U.S. strategic culture, so deeply embedded as to lead “officials [to] quickly absorb the unspoken norms associated”<sup>89</sup> with it. Future U.S. presidents will face public pressure to treat terrorism as an absolute, existential threat and protect the American people at all costs. Hence they will be just as tempted to resort to military power and surgical force to tackle the issue as part of a global battle (and view the U.S. as destined

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Where About 200,000 Troops Remain,” *New York Times*, October 21, 2019; see also Malley and Finer, “Long Shadow,” 66-67.

<sup>87</sup> Malley and Finer, “Long Shadow,” 66.

<sup>88</sup> See also Katherine Zimmerman, “The Never-Ending War on Terror,” *Foreign Affairs*, May 11, 2018.

<sup>89</sup> Wyn Rees and Richard J. Aldrich, “Contending Cultures of Counterterrorism: Transatlantic Divergence or Convergence?” *International Affairs* 81, no. 5 (2005), 907.

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to lead the fight) and will find externalization policies, designed to keep the threat far away from the city upon the hill, most appealing. When we find ourselves asking the next U.S. president: Will it be the same counterterrorism procedure as last year?, we already know the answer that, yes, it will be the same procedure as every year since September 11, 2001.