

**20TH ANNIVERSARY OF 9/11 SPECIAL EDITION
LESSONS FOR THE NEXT TWENTY YEARS: WHAT
WE’VE LEARNED IN THE TWO DECADES SINCE
9/11 A PROJECT OF SYRACUSE UNIVERSITY’S
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Foreword

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INTRODUCTION

Some moments in history appear decisive only in hindsight. Others make clear that a new era has begun. The shocking terrorist attacks of September 11, 2001 instantly altered the American way of life. As with the surprise raid on Pearl Harbor, Americans knew at once that we would not return to the way things were.

We remember the nearly 3,000 Americans who perished that day, and the deaths that followed as the consequences of the attacks unfurled. We remember the innocent mothers, fathers, daughters, and sons murdered at the World Trade Center, the Pentagon, and on the four hijacked airliners. We remember the fire-fighters and police officers who answered their final call with undaunted courage, racing into the burning towers to rescue others. We remember the passengers of

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Flight 93, who fought back and saved untold lives on the ground in Washington. We remember the military personnel, intelligence officers, and diplomats who left life and limb in Afghanistan, Iraq, and other lonely corners of the globe where they went to protect their homeland. We remember the sickness and suffering of the first responders who braved the hellscape of Ground Zero. We remember those killed in the attacks on the U.S.S. Cole, the East Africa embassies, and the World Trade Center in 1993, warnings our leaders did not adequately heed. And we remember the family members whose lives were irrevocably changed by these losses.

Other changes wrought by 9/11, though less tangible, have shadowed our society and our world since that day. Security is an omnipresent, visible fixture of American life; Americans under 25 would hardly know that it was not always thus. Twenty years of inconclusive war in South Asia and the Middle East have taxed our military, strained our international credibility, and catalyzed distrust of government and experts. Some elements of the response bruised America's reputation as a champion of human rights. Relentless attention to jihadism has reduced the threat of another 9/11-style attack, but new, endemic forms of radicalization and terrorism have emerged.¹

Crises are unforgiving. In the hours and days after the 9/11 attacks, policy-makers were forced to react quickly under conditions of uncertainty. Were other hijacked planes in the air? Had other al Qaeda sleeper cells infiltrated the United States? Were more attacks imminent? Had al Qaeda acquired nuclear material to build a 'dirty bomb'? Was the anthrax scare in Washington, D.C., a terrorist plot? What groups and places presented the greatest threat? Leaders had to act, with only tenuous information. Under those conditions, some errors were inevitable. The hope is that leaders will get the essential things right.

In late 2002, Congress created the National Commission on Terrorist Attacks upon the United States—popularly known as the 9/11 Commission. The statute that authorized the Commission required it to “examine and report upon the facts and causes” of the attacks; evaluate, report and build upon evidence previously collected and work undertaken by other government bodies investigating 9/11; make a “full and complete accounting of the circumstances surrounding the attacks,” including “the United States’ preparedness for, and immediate response to, the attacks”; and “report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.”² The Commission conducted a comprehensive investigation, reviewing more than 2.5 million pages of documents, interviewing more than 1,200 people in ten countries, holding 19 public hearings, and receiving public testimony from more than 160 witnesses.

1. See, e.g., OFF. OF DIR. OF NAT'L INTEL., (U) DOMESTIC VIOLENT EXTREMISM POSES HEIGHTENED THREAT IN 2021 (2021), <https://perma.cc/G2XF-5NXJ>.

2. Intelligence Authorization Act for Fiscal Year 2003, Pub. L. No. 107-306, tit. VI § 602 (2002).

In August 2004, the Commission issued its final report. *The 9/11 Commission Report* “endeavored to provide the most complete account we can of the events of September 11, what happened and why”³—covering topics including the origins of al Qaeda, emergency response in New York and at the Pentagon, gaps in aviation and border security, the decades-long evolution of U.S. counterterrorism policy, and many others. We concluded that the government had missed various opportunities to disrupt the attacks, and that these missed opportunities stemmed from failures of imagination, policy, capabilities, and management. The report concluded with forty-one recommendations to defeat Islamist terrorist organizations, prevent the spread of terrorism, make the United States more secure and resilient, and reorganize the government to achieve these objectives. The Commission sought to provide the most complete account possible, but we were also conscious of our limits; we recognized that over time new information would inevitably come to light.

I. POST-9/11 SUCCESSES

Twenty years after the attacks, and seventeen years after the *9/11 Commission Report*, we have the benefit of greater hindsight.

Looking back, one overriding success stands out: The patriotism and skill of our intelligence, military, diplomats, homeland-security, and law-enforcement personnel prevented another mass-casualty attack on the homeland. In the wake of 9/11, it was far from clear that we would be successful. Some of these efforts garnered headlines: for example, the operation that tracked down Osama Bin Laden. Others called for quiet, often thankless, persistence: for example, TSA and Customs and Border Protection officers’ methodical, ceaseless, unheralded work to screen air travelers and people entering the United States. The countless officials who have waged this counterterrorism struggle for the past 20 years, in all of its theaters, deserve our gratitude.

At the same time, the Commission’s prediction that this would be a generational struggle has proven correct: twenty years later, international terrorism remains a threat. Al Qaeda persists, with a much-weakened core cadre, but having spawned several dangerous regional affiliates.

Al Qaeda’s deadliest offshoot has proven to be its branch in Iraq, which mutated into ISIS. Since jolting the world with its lightning conquest of Syrian and Iraqi territory in 2014, ISIS has directed and inspired mass-casualty attacks in Europe and the United States. It has now spawned its own vicious affiliates, from Mozambique to Afghanistan.

One of the Commission’s most important recommendations was that the government prevent the emergence of new terrorist sanctuaries. The U.S. military, intelligence services, and diplomats pursued this goal relentlessly and achieved some important successes, albeit at great cost. ISIS’s quasi-caliphate in Syria and

3. U.S. COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES, *THE 9/11 COMMISSION REPORT* xvii (2004) [hereinafter 9/11 COMMISSION REPORT].

Western Iraq was destroyed, but only after it served as a launchpad for several bloody attacks in the West.

The sanctuary that inspired the Commission's recommendation was Afghanistan, from which Osama bin Laden and his accomplices planned the 9/11 attacks. For nearly twenty years, U.S. forces have battled al Qaeda and the Taliban there. The Biden Administration's decision to withdraw all U.S. troops by September 11, 2021, will have consequences, some foreseeable, others not. The Taliban emerged from the civil war that followed the Soviet Union's withdrawal in 1989. Once in power, it granted al Qaeda the sanctuary that enabled it to plan the 9/11 attacks. What strategies will be put into place to prevent Afghanistan from reverting to a safe haven for international terrorist groups?

A. Institutional Reform

On a brighter note, one of the biggest challenges we identified—reforming intelligence and counterterrorism capabilities—has largely been achieved, making Americans much safer. The foundational restructuring and investments of the years after 9/11 have produced a much more capable and vigilant counterterrorism apparatus. The intelligence community has become accustomed to “connecting dots” across the foreign-domestic divide. U.S. intelligence agencies also routinely disseminate counterterrorism leads to U.S. allies.⁴ Cooperation and intelligence sharing among federal, state, local, and tribal authorities, lacking before the 9/11 attacks, has significantly improved.

The most important institutional driver of these changes has been the creation of a Director of National Intelligence, or DNI. In the 9/11 Commission Report, we explained that the Director would replace the office of Director of Central Intelligence, which had struggled to reconcile the dual challenges of running the CIA and weaving the disparate agencies of the intelligence community into a unified, collaborative enterprise.

In the Intelligence and Terrorism Prevention Act of 2004, Congress implemented our recommendation, creating the office and designating the DNI the head of the intelligence community and the principal intelligence adviser to the President.⁵ The Act also prohibited the new DNI from concurrently serving as Director of the Central Intelligence Agency or any other IC element. The Act effected the most significant reorganization of the national intelligence apparatus since the National Security Act of 1947. Like all new institutions, the DNI took time to gain its footing. Some early occupants crossed swords with the CIA and Department of Defense over managerial control and budget and personnel authorities. As two intelligence experts explained in a 2015 essay, each of the first four directors “pursued a distinct vision, prolonging debate on whether the new

4. See, e.g., *Statement by Chairman Adam Klein on the Terrorist Finance Tracking Program*, U.S. PRIV. & C.L. OVERSIGHT BD. (Nov. 19, 2020), <https://perma.cc/CD47-LNRE>; “*Section 702*” *Saves Lives, Protects the Nation and Allies*, NSA/CSS (Dec. 12, 2017), <https://perma.cc/5K3U-Q3Q7>.

5. Intelligence and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, tit. I (2004).

leader's charge was to unify and direct, integrate, or merely coordinate" intelligence agencies' work.⁶

Over time, the DNI found its role. It is now executing the mission envisioned by the 9/11 Commission. It is focusing on long-term challenges requiring inter-agency coordination rather than micromanaging internal agency operations or seeking to control intelligence collection and covert action.⁷ DNI initiatives on information sharing, joint duty, joint intelligence assessments, and transparency reporting are well established within the intelligence community. The DNI is recognized as the public face of the intelligence community, communicating a shared view on threats and priorities.⁸ It is leading community-wide initiatives related to privacy, civil liberties, transparency, and the implications of new and emerging technologies.

B. National Counterterrorism Center

A second important recommendation was the creation of a National Counterterrorism Center, or NCTC. As we noted in the report, "[s]urprise, when it happens to a government, is likely to be a complicated, diffuse, bureaucratic thing," and often reflects "responsibility so poorly defined or so ambiguously delegated that action gets lost."⁹ NCTC was meant to remedy this by integrating "all sources of information to see the enemy as a whole."¹⁰

Seventeen years after its creation, NCTC is succeeding in this core role, serving as a central node for CT-related information and analysis in government. (Other parts of the Board's vision for NCTC have not materialized—in particular, a leading role in planning counterterrorism operations.) Today, NCTC is a mature agency where analysts work to connect the dots, prevent attacks, and produce all-source intelligence reports on counterterrorism. NCTC also maintains the Terrorist Identities Datamart Environment, or TIDE, the government's "central repository of information on international terrorist identities" and an important (though controversial) part of terrorist watchlisting.¹¹

C. Privacy and Civil Liberties

Our report also emphasized the importance of protecting privacy and civil liberties and providing transparency in an era of expanding government power. Since then, this topic has become even more vital: Onrushing digitization has dramatically increased the amount of relevant data available, while enabling governments to more easily collect, analyze, and retain it. Unauthorized leaks in 2013

6. Stephen Slick & Michael Allen, *The Office of the DNI's Greatest Hits*, FOREIGN POL'Y (Apr. 21, 2015, 6:30 PM), <https://perma.cc/W7AW-7Y4F>.

7. *Id.*

8. OFF. OF DIR. OF NAT'L INTEL., *supra* note 1.

9. 9/11 COMMISSION REPORT, *supra* note 3, at 406 (quoting Thomas Schelling, foreword to Roberta Wohlsetter, *Pearl Harbor: Warning and Decision* (Stanford Univ. Press, 1962), p. viii).

10. *Id.* at 401.

11. *Terrorist Identities Datamart Environment (TIDE)*, NAT'L COUNTERTERRORISM CTR. (2017), <https://perma.cc/82L3-EVN3>.

opened new avenues of discussion on these issues but caused significant harm to intelligence operations and foreign affairs.

Fortunately, the privacy-related reforms recommended in our report have largely been implemented. The top-line intelligence budget is now declassified each year, providing transparency and democratic accountability without harm to national security. Meanwhile, the Privacy and Civil Liberties Oversight Board is operational and providing independent, bipartisan oversight of sensitive counter-terrorism programs.

On the other hand, AI, biometrics, and data science, mobile communications, and other technologies have made staggering leaps forward since our 2004 report. These advances have already altered the balance between citizens and governments. Looking forward, the question will persist: Can we employ these technologies to enhance our security in a manner that is fair, aligns with public expectations, and preserves traditional expectations of privacy?

In sum, we can be grateful for many successes, even as challenges in each of these areas persist. In other areas, however, progress stalled.

II. POST-9/11 CHALLENGES

Looking back at the trajectory of the last 20 years, three primary failures stand out: rising partisanship, the declining effectiveness of Congress, and our inability to address the upstream causes of terrorism.

A. Partisanship

In our view, the most consequential of these is the escalating, ever-more-vicious partisanship poisoning our political system and leaching into seemingly every area of American life. The 9/11 Commission, comprised of five Republicans and five Democrats, debated controversial issues—including pre-9/11 failures and intelligence related to the Iraq War—during a heated presidential election. The partisan tensions of that time, which rocked the Commission’s own work, would barely even register on today’s scale. The speed of our politics’ descent into brutal tribalism is alarming.

One risk here is internal: that Americans will turn on one another as enemies. Increasing domestic political violence, of all ideological stripes, shows the real-world consequences of a body politic that seethes with anger.

But zero-sum partisanship has external consequences as well. The Constitution’s framers noted that republics’ tendency to factionalism leaves them vulnerable to external manipulation. “One of the weak sides of republics, among their numerous advantages,” noted Alexander Hamilton in Federalist No. 22, “is that they afford too easy an inlet to foreign corruption.” Similarly, in his Farewell Address, President Washington warned that factionalism “opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.” Unfortunately, today’s digital

platforms make it easier than ever before for foreign adversaries to reach into the United States from afar and incite Americans to hate one another.

B. Congressional Dysfunction

A second and related disappointment is the increasing dysfunction of Congress. In the 9/11 Commission report, we noted the need for “a strong, stable, and capable congressional committee structure to give America’s national intelligence agencies oversight, support, and leadership.”¹² To that end, we recommended that Congress concentrate powers for authorizing and funding intelligence agencies and streamline its fragmented oversight of DHS.

Those recommendations were not implemented. Most distressingly, the Department of Homeland Security continues to report to dozens of oversight committees, leading to wasted effort and distracting agency leaders from priority missions. Despite salutary efforts by successive leaders of the House Homeland Security Committee, of both parties, Congress has been unable to pass a reauthorization bill for the Department in nearly two decades since its creation in 2003. The result: “without an authorization, Congress has largely ceded the shaping of the Department’s policies and programs to the Executive Branch.”¹³ Paradoxically, fragmented committee jurisdiction means that DHS expends more time responding to congressional requests even as it receives too little focused oversight and guidance.

The House and Senate intelligence committees also face worrying trends. Classification necessarily precludes public and press scrutiny of secret intelligence programs, meaning that the committees may be the sole source of external oversight. That weighty responsibility, coupled with the fact that the committees usually met in secret, typically meant that the committees were an oasis from the partisanship seen elsewhere in Congress.

In recent years, however, partisanship has increasingly infected the intelligence committees too, particularly on the House side. If those committees break, there is no outside entity with comparable access that can fill the resulting oversight gap. The urgent task for leaders of those committees, on both sides of the aisle, is to rebuild trust and reinforce the tradition of bipartisan oversight of intelligence programs.

C. Causes of Terrorism

A third area in which the United States has fallen short is addressing the upstream causes of terrorism. In the *9/11 Commission Report*, we noted that “offensive operations to counter terrorism” must be “accompanied by a preventive strategy that is as much, or more, political as it is military.”¹⁴ Regrettably, “[o]ur success in defeating terrorists has not been matched by success in ending the

12. 9/11 COMMISSION REPORT, *supra* note 3, at 419.

13. Letter from Reps. Bennie G. Thompson, Peter T. King & Michael T. McCaul to Speaker Nancy Pelosi & Minority Leader Kevin McCarthy (Nov. 12, 2020), <https://perma.cc/75UQ-2X3H>.

14. 9/11 COMMISSION REPORT, *supra* note 3, at 364.

spread of terrorism.”¹⁵ The U.S. government has grown skilled at finding, surveilling, and intercepting terrorists. Unfortunately, we have not achieved the same unity of effort within the government on preventing the spread of international terrorist ideology. This failure to invest in non-military, preventive approaches has resulted in far greater costs once threats materialized.

In a 2019 report, the U.S. Institute of Peace Task Force on Extremism in Fragile States, which we chaired, proposed a new approach focused on preventing new terrorist threats from emerging. The Task Force’s approach would aim to “strengthen societies that are vulnerable to extremism so they can become self-reliant, better able to resist this scourge, and protect their hard-earned economic and security gains.”¹⁶ Importantly, this strategy is primarily political, though offensive counterterrorism operations will always be on the table to address imminent threats. Investments in fostering “resilient societies in the Middle East, the Horn of Africa, and the Sahel that are capable of resisting the spread of extremism,” as we proposed, would be far less costly than military interventions to address the consequences of extremism down the line.¹⁷

III. RECOMMENDATIONS

We conclude, in the spirit of the 9/11 Commission, with recommendations.

The most urgent task facing political leaders today is to begin to heal the broken bonds of trust and amity in Congress, in our political system more broadly, and in American society.

Appeals to civility and bipartisanship are welcome and important, but do not suffice. Members of Congress, officials in the States, and leaders in society who are concerned about the long-term danger of spiraling partisanship must unite around a program of concrete reforms to institutionalize bipartisanship and make Congress work again.

These could include:

- Changes to congressional rules designed to foster bipartisanship and civil, substantive deliberation. Ideas to consider include returning to regular order and consideration of amendments; ensuring passage of appropriations bills on the traditional calendar rather than relying on continuing resolutions and omnibus bills; and requiring swift approval or disapproval of all executive branch nominees, including those below cabinet level and federal district court nominees.

15. TASK FORCE ON EXTREMISM IN FRAGILE STATES, PREVENTING EXTREMISM IN FRAGILE STATES: A NEW APPROACH (2019).

16. *Id.* at 3.

17. *Id.* at 2.

- Measures to end gerrymandering and produce a Congress less clustered around two distant ideological poles. States have considerable leeway to consider such ideas as ranked-choice voting,¹⁸ multi-member districts,¹⁹ and assigning redistricting to neutral arbiters rather than legislators.
- Ending, or at least abating, the rancorous partisan debate over ballot access and election security by proposing model voting rules to simplify access for all eligible voters while ensuring ballot integrity.

Twenty years later, international terrorism remains a challenge, as the 9/11 Commission predicted it would. But it is no longer the preeminent challenge facing our country. From abroad, we face a rising and confident China, a revanchist, militarily capable Russia, and pervasive cyber-insecurity emanating from nation-states and private actors alike.

Yet our most urgent challenges are internal. Can we summon the unity of purpose needed to prevail over external threats, as Americans have done so often in the past? Can we achieve the mutual understanding needed to share power, solve problems, and coexist across this vast, diverse continental nation? Can we heal wounds inherited from our history, while unifying around the shared ideals that define us as Americans?

Our experience on the 9/11 Commission, and the nation's experience rallying together after the attacks, shows that we can. Americans and their leaders will determine whether we will.

18. Dale Kooyenga & Daniel Riemer, *Opinion: Wisconsin Should Adopt Innovative Final-Five Voting as One Cure for Political Polarization*, MILWAUKEE JOURNAL-SENTINEL (May 20, 2020), <https://perma.cc/3XXH-Y3B6>.

19. Dan Eckam, *How Multimember Districts Could End Partisan Gerrymandering*, FULCRUM (Sept. 24, 2020), <https://perma.cc/Y45Q-GERA>.
