

## **Bureaucracy hinders 9/11 commission recommendations**

By Shane Harris and Greta Wodele [National Journal](#) January 13, 2006

It felt like the end of a traveling show. The players looked tired. A bittersweet air hung about them. For Thomas Kean and Lee Hamilton, the chair and vice chair of the 9/11 commission, Monday, Dec. 5, was the end of a long saga, the day they released their final assessment of the nation's security following that fateful morning in September 2001.

For the previous 17 months, Kean and Hamilton had picked up where they and their eight co-commissioners had left off when they published the best-selling narrative account of the events preceding 9/11 and the horror that unfolded that day. The commission, formally known as the National Commission on Terrorist Attacks Upon the United States, officially closed on August 21, 2004.

Then, from an office on Dupont Circle in Washington, Kean, Hamilton, and a tiny staff had run the 9/11 Public Discourse Project, an effort to keep a fire going in the nation's gut to implement the commission's 41 recommendations for improving national security and overhauling U.S. intelligence.

That Monday morning, Kean and Hamilton met with a small group of reporters over breakfast, looking beleaguered -- not by the early hour, but by the bad news they had to deliver, in the form of a report card on the progress made. The grades ranged from barely passing to failing.

Congress still hadn't improved its oversight of intelligence agencies; those agencies still weren't cooperating with each other or with law enforcement; airline cargo still wasn't being fully checked for explosives; and the government still hadn't figured out how to keep terrorists off airplanes without ensnaring harmless citizens.

Hamilton, a spry septuagenarian, rubbed his graying head, trying in vain to come up with something more original to say than the simple, "Not enough has been done." Kean appeared puzzled that so many of the commission's suggestions, which seemed so uncontroversial, had gone almost nowhere. "We are very disappointed, in many ways," he said.

Common sense pretty much guided the commissioners and their staffers, who are now among the most well-informed people on national security strengths and weaknesses in the United States. So the question remains: Why hasn't the government implemented its recommendations?

To get answers, *National Journal* looked at 14 of the 17 most-important commission recommendations that scored the worst grades -- the D's and F's -- and examined the roadblocks to their implementation. The causes behind the failing and near-failing grades fall into six categories: a Congress resistant to institutional change; a bureaucracy that bucks new ideas; lack of money; lack of leadership; special interests that have the ear of Congress or the White House; and, finally, an inability to accurately see how the United States is perceived abroad.

To be sure, not everyone agrees that the 9/11 commission's recommendations are the end-all, be-all cure -- the commissioners themselves admit that their conclusions are imperfect. Critics of particular recommendations may be motivated by nothing more than a differing view of how best to combat terrorism.

Still, the commission's report card represents the most thorough assessment to date of how far the country has come in bolstering its security since 9/11. At the end of their long trip, Hamilton and Kean could have invoked Robert Frost: We have miles to go before we sleep.

## **A Congress Resistant To Change**

### **Allocate homeland-security funds based on risk: F**

After 9/11, Congress created several grant programs to help train and equip police officers, firefighters, and other emergency personnel to better respond to acts of terrorism. But rural states such as Wyoming and Alaska ended up receiving more money on a per capita basis than did more-likely targets, such as New York. Critics slammed the funding formula as just another vehicle for pork-barrel spending.

The 9/11 commission called its recommendation to revamp the funding formula a "no-brainer." Yet the reform has repeatedly been blocked in Congress.

In the Senate, Republican Susan Collins of Maine and Democrat Joe Lieberman of Connecticut have so far persuaded their colleagues to reject attempts to change the formula. Every state needs a predictable and adequate amount of funding, they argue.

In the House, the situation has evolved. Two years ago, Rep. Harold Rogers, R-Ky., chairman of the powerful Homeland Security Appropriations Subcommittee, accused House members from urban districts in New York and New Jersey of trying to "hog" first-responder funding. Rural lawmakers beat back several attempts by New Yorkers to force a floor vote on changing the formula.

In 2005, however, Rogers and other key lawmakers reversed their position. Rep. Peter King, R-N.Y., now chairman of the House Homeland Security Committee, said that pressure from the 9/11 commission and media reports about wasteful spending by rural first responders helped to change their minds.

House appropriators tweaked the formula to dole out more of the funding on the basis of risk. And three times in 2005, the House overwhelmingly approved a commission-backed bill to make the change. The legislation would lower the guaranteed amount each state receives in first-responder grants, in order to free up more money for high-risk areas.

But Collins and Lieberman have blocked efforts to attach the House proposal to legislation in the Senate. Instead, the two senators have offered a compromise that would establish risk criteria for distributing funds but would guarantee rural states more money than the House proposal does.

The House and Senate recently had yet another opportunity to change the formula, after the House attached formula language to a bill to extend the USA PATRIOT Act. But Senate Intelligence Committee Chairman Pat Roberts, R-Kan., and Judiciary Committee ranking Democrat Patrick Leahy of Vermont -- two powerful conferees from rural states who were negotiating the anti-terrorism law -- called the formula change "anti-rural" and got it stripped from the bill.

When the commissioners issued their final report card in December, they vowed to continue lobbying Congress to revise the funding formula along the lines of the House bill.

**Reform intelligence oversight: D**  
**Declassify overall intelligence budget: F**

Time and again, the commission criticized Congress for its resistance to institutional changes that would improve legislative oversight over the executive branch's intelligence operations. The commission called for a strengthened committee system in both chambers and more openness about the intelligence budget. Congress has achieved neither goal -- because of the lack of support from House and Senate leaders and the White House, and because of turf battles within the executive and legislative branches.

Last year, Congress rejected the commission's recommendation to create one joint, bicameral intelligence panel with power to both authorize and appropriate funding for intelligence activities.

"I don't think anybody welcomed that proposal," said Steven Aftergood, director of the Project on Government Secrecy at the Federation of American Scientists. House and Senate appropriators rejected the idea because it would take away their power to steer money as they saw fit, he said. "It wouldn't serve the interests of those who benefit from the status quo."

The Senate passed a resolution in 2004 to create an intelligence subcommittee of the Senate Appropriations Committee, but the House took no similar action. Aftergood said the House GOP leadership opposed the creation of an intelligence appropriations subcommittee partly as a way to duck the 9/11 commission's related reform proposal: disclosure of the intelligence community's top-line budget figure. Most experts agree that

creating Appropriations subpanels on intelligence would pressure Congress to publicly reveal the intelligence budget.

The Senate attached a proposal to declassify the intelligence budget to the 2004 legislation that overhauled the intelligence community. The GOP-led House and the White House objected to the provision, however.

In House-Senate negotiations, House Armed Services Committee Chairman Duncan Hunter, R-Calif., and then-Defense Appropriations Subcommittee Chairman Jerry Lewis, R-Calif., led the successful fight to remove the language from the bill. Defense Secretary Donald Rumsfeld and Vice President Cheney backed Hunter and Lewis, according to sources familiar with the negotiations.

As long as the overall intelligence budget remains classified, and dwells primarily within the Pentagon, oversight of the intelligence community will remain weak, critics contend. "The intelligence community goes around the authorizing committees because they don't have control over the money," Hamilton said. "You need a subcommittee that focuses exclusively on intelligence to have robust oversight."

The bureaucratic stakes also became higher after the intelligence reform bill passed in 2004. Declassifying the intelligence budget would have strengthened John Negroponte, the new national intelligence director, at the expense of Defense Secretary Rumsfeld. The Pentagon steadfastly opposed any such move.

## **The Bureaucratic Bog**

### **Improve airline passenger prescreening: F**

The government's failure to set up an effective screening program that prevents terrorists from getting on airplanes but does not overly invade the privacy of U.S. citizens has many fathers. But most of them are in the bureaucracy, where turf battles, bureaucratic overreach, and its opposite -- inertia -- are rampant.

First of all, the government has failed to integrate all of its various terrorist watch lists into one list that can be effectively used to screen airline passengers. The Transportation Security Administration isn't responsible for merging those lists -- ultimately, the FBI is - - but TSA does manage the existing passenger prescreening program, a piecemeal and cumbersome process that, far from catching many would-be terrorists, has ensnared people unlikely to threaten aviation, including aged grandmothers and Sen. Edward Kennedy, D-Mass.

"Few improvements have been made to the existing passenger screening system since right after 9/11," the commissioners wrote.

To be fair, the government has tried to make those improvements for almost a decade. But officials have consistently failed to build a technological system sophisticated enough to screen out true risks and still protect passenger privacy.

The latest scrapped effort, known as CAPPS II, aimed to algorithmically rate passengers' risk levels and screen their names for outstanding warrants for violent crimes. Privacy protectionists on the left and the right assailed the system as arbitrary and invasive because of the large amount of personal information that passengers would have had to submit to airlines in order to buy a ticket.

Rep. Dan Lungren, R-Calif., who chairs the Homeland Security Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, says that TSA officials "created a cloud over the approach" to passenger screening by repeatedly crafting programs that raised too many privacy concerns and by failing to see any screening program through to completion. "They kind of blew it," he says. Lungren introduced a bill last month to restructure TSA and tighten passenger screening.

Indeed, some actions by TSA employees have called the agency's grasp of privacy regulations into question. In the spring of 2002, TSA officials in charge of developing CAPPS II, along with Transportation Department officials, met with a data-mining company called Torch Concepts, which was building a profiling system that it hoped to sell to the Army. The TSA officials thought the system might work for them too, and they agreed to help the company obtain personal passenger data from an airline to test its technology.

A few months later, a "relatively new employee of TSA" sent a request to discount airliner JetBlue to provide the passenger data, according to the Homeland Security Department's chief privacy officer. The airline complied. The employee's bosses, however, hadn't approved the TSA request.

The privacy officer concluded that a number of employees involved in the data transfer "acted without appropriate regard for individual privacy interests or the spirit of the Privacy Act of 1974.... While these actions may have been well intentioned and without malice, the employees arguably misused the oversight capacity of the TSA to encourage this data-sharing."

The TSA's office that manages screening programs has been something of a revolving door between government and industry. In December, Justin Oberman, the top official in charge of passenger screening and credentialing, announced that he was leaving the government to work for Crestview Capital Funds, a hedge fund that invests in small companies -- including three that provide screening and credentialing services to governments and business.

Oberman's successor is Stephanie Rowe, a former senior executive with Accenture. Rowe was a consultant on several Homeland Security programs, including Secure Flight, the replacement for CAPPS II, and the US-VISIT program that monitors the entry and exit of

foreigners. Accenture is also the lead contractor on the multibillion-dollar US-VISIT program.

In addition to privacy challenges, passenger screening faces logistical hurdles. Only the Terrorist Screening Center can access the various watch lists, but that FBI-led operation adds another layer of bureaucracy. And according to the Justice Department's inspector general, the center maintains incomplete and inaccurate lists; uses poor technology; and is plagued by personnel turnovers, owing at least in part to understaffing and poor working conditions.

The 9/11 commission contrasted the failure of TSA's passenger screening programs with the success of the US-VISIT entry-exit program for foreign visitors (partly run by the State Department), and "Real ID," the new law that sets standards for state-issued identification cards and driver's licenses. Those initiatives benefited from something the screening programs don't have -- powerful champions. Former Homeland Security Secretary Tom Ridge frequently pushed US-VISIT as an essential element of border and port security. And Rep. Jim Sensenbrenner, R-Wis., doggedly supported the Real ID Act, even threatening to block the 2004 intelligence reform legislation if it didn't include Real ID.

**Change incentives for information-sharing: D**  
**Improve government-wide information-sharing: D**

Just about everyone says that had the CIA and FBI been better at information-sharing, they might have discovered the 9/11 plotters. Yet the commission gave the government D's for its efforts to improve the information-sharing regime.

"Designating individuals to be in charge of information-sharing is not enough," the commission wrote. "They need resources, active presidential backing, policies, and procedures in place that compel sharing, and systems of performance evaluation that appraise personnel on how they carry out information-sharing."

That's a polite way of saying that intelligence personnel aren't being punished for not sharing. Intelligence agencies' Cold War penchant for secrecy, which leads to information-hoarding, still persists, say many intelligence veterans.

"The real cultural ethos of intelligence ... was that you had to compartmentalize your secrets so the Russians wouldn't get them," says Ronald Marks, a 16-year CIA veteran and a former liaison to the Senate.

But that often-cited inability to change the intelligence "culture" doesn't fully explain the sharing problem. The truth is that law enforcement and intelligence agencies still don't fully trust each other to guard their hard-won information. For example, the Homeland Security Department's intelligence unit has faced an uphill battle in prying information from the FBI that DHS needs to provide threat assessments to states and localities.

Intelligence agencies have been burned when sensitive information gets shared too widely, Marks says.

Sometimes, sources and collection methods are revealed -- and sometimes, people die because of it, he says. "Enough bad things have happened," according to Marks, "that people flinch hard" when they're told to give up their secrets.

Moreover, some federal authorities don't accept that they're obligated to provide information to state and local officials, according to one veteran CIA manager. "The CIA and the Defense Department have their own contacts with state and local officials, but Langley and the Pentagon see sharing information with them as a service (almost a favor) rather than a responsibility for which they can be held accountable," John Brennan, the former deputy executive director of the CIA, wrote in a November op-ed in *The Washington Post*.

A new "program manager" has been named in the Office of the Director of National Intelligence to develop an intelligence-wide sharing system. But he leads a skeleton crew. In June 2005, the president appointed John Russack, a career intelligence officer, to the post for two years. At the time, Russack's office had a staff of two, including him. As of mid-November, Russack's staff stood at 12, but he had no line-item budget for the current fiscal year.

Rather than increase the office's funding and aggressively hire a new and larger staff, the administration has assigned it personnel from other agencies on a temporary basis. The president has issued executive orders instructing other agencies and departments to cooperate with the coordinating office.

James Carafano, a homeland-security analyst at the Heritage Foundation, blames lawmakers for failing to give Russack's position a detailed set of requirements and for putting the office in a policy-focused agency rather than an operational agency. As it is, the "information-sharing environment" that Russack is supposed to build -- in only two years -- is a vague, ill-defined concept with few measures of effectiveness, Carafano says. An information-sharing system must be government-wide, he argues, and must come from a strong central authority, such as the Office of Management and Budget.

## **Lack of Funding**

### **Improve checked bag and cargo screening: D**

After 9/11, Congress required that all airline passengers' baggage be screened for explosives. Aviation experts said accomplishing that would take far longer and cost much more than lawmakers anticipated. They were right.

"The main impediment [to full screening] is inadequate funding," the 9/11 commissioners wrote. While 100 percent of passenger luggage (as opposed to cargo) is screened for

explosives with scanning equipment, many airports still lack the "in-line" systems that would speed up the process.

Those systems, installed underground at airports, quickly move baggage through screening mechanisms on conveyer belts. Equipping every airport with the systems will cost tens of billions of dollars and could take years, some experts believe. In the first 18 months after 9/11, the government spent \$3 billion on explosive-detection technology, but the money has flowed less freely in recent years.

But it's not just the lack of dollars that has stalled this recommendation. Politics and bureaucracy are also part of the problem. Congressional Republicans have never really liked the Transportation Security Administration, the new airport-security bureaucracy that they were practically forced into setting up after 9/11. Ever since TSA was established, GOP leaders have tried to trim it back, and TSA hasn't helped matters much by gaining a reputation for inefficiency, clumsiness, and high staff turnover.

House Republicans, in particular, have kept a tight hand on TSA's purse strings. Rep. John Mica, R-Fla., who chairs the aviation subcommittee that oversees TSA, has derided it as a bungling bureaucracy and warned against spending large amounts of money on explosive detection without assurances that the machines will work.

In the wake of the 1996 explosion of TWA Flight 800 off the Long Island coast, which was later determined to be an accident, Mica said, some \$441 million was spent on explosives-detection equipment. Some of that equipment "worked," he said, but "some did not work, and some sat idle."

Outsiders, however, argue that Congress's tightfistedness hasn't helped TSA's performance. Writing in *The Washington Post* last April, Brookings Institution senior fellow Paul Light said that by slashing the budget and, in 2003, capping the size of the passenger screener workforce, Congress contributed to a "tailspin" of mismanagement at the agency and "delayed the development of new technologies" to improve passenger and baggage screening.

House and Senate lawmakers have roundly rejected the president's proposal to increase security-related airline ticket fees by \$3; the higher fees would have added \$1.7 billion a year to TSA's budget. Some lawmakers viewed the fee as an unwarranted tax on the airline industry at a time when it is already teetering on the brink of economic collapse.

"I think both houses of Congress have spoken to that very loudly in the last couple of years," Sen. Conrad Burns, R-Mont., told Homeland Security Secretary Michael Chertoff. "I see no reason why you should pursue that, because I don't perceive it to become a reality."

But Congress isn't solely to blame for the slow progress on screening. TSA hasn't been able to keep an administrator in place for more than a year, and the screener workforce

has suffered from high turnover, low morale, and inefficiency. Mica has called the screening system a "centralized, Soviet-style, command-and-control operation."

Progress on screening airline cargo -- which, unlike baggage, goes largely uninspected -- faces another challenge in addition to scarce dollars.

"The technology does not exist for us to effectively, 100 percent, inspect cargo," says Brandon Fried, the executive director of the Airforwarders Association. "Cargo is a unique animal. Unlike a passenger, ... [it] comes in all shapes and sizes," he says, which means that machines must be built to accommodate various packages and containers. Full inspection would slow the movement of goods, Fried says, and "would be injurious to the nation's flow of commerce."

## **Absence of Leadership**

### **Mount a maximum effort to secure weapons of mass destruction: D**

"Countering the greatest threat to America's security is still not the top national security priority of the president and the Congress," the commissioners concluded. The administration made pursuit of weapons of mass destruction in Iraq the front line of its counter-proliferation strategy. Since failing to find any such weapons, officials now are focused on interdicting suspected weapons shipments at sea, breaking up black markets, and stopping North Korea and Iran from developing big stores of nuclear weapons.

But those initiatives will hardly make a dent in what most nonproliferation experts see as the greatest potential source of deadly weapons for terrorists: the thousands of so-called "loose nukes" scattered around the states of the former Soviet Union; many of these weapons aren't secured, and experts fear that terrorists could steal them or buy them on the black market.

Compared with the hundreds of billions of dollars the United States has spent on invading and occupying Iraq, it has invested relatively little money on rounding up the loose nukes and on providing better jobs for Russian nuclear scientists as a way to ensure that they don't sell their expertise to Al Qaeda and other terrorist groups.

The administration acknowledges that unsecured nuclear material poses a threat, and the president has raised the matter in conversations with Russian leaders. But "this continues to be a rhetorical priority, not a political or a budgetary priority," says Joseph Cirincione, the director for nonproliferation at the Carnegie Endowment for International Peace.

The administration is spending about \$1 billion a year in securing nuclear material, which is only a slight increase over the Clinton administration's program. At that rate, it will take until 2020 to get all of it, Cirincione says. About 50 tons of radioactive material housed in the former Soviet Union could be used in weapons. So far, he says, nonproliferation programs have secured only 286 kilograms.

Cirincione argues that it's not too late to change course on nonproliferation, but he doubts a policy shift is likely. "If you don't have the president repeatedly telling his staff that he wants this job done, then the natural bureaucratic barriers ally to slow and eventually block progress.... If you were serious about this, if you really thought that the No. 1 threat was a terrorist getting hold of a nuclear weapon and hitting the United States with it ... you would vastly accelerate the effort to eliminate that material before the terrorists could get it."

### **Strengthen the Privacy and Civil Liberties Oversight Board: D**

The oversight board is supposed to ensure that, in waging the war on terrorism, intelligence and law enforcement agencies don't trample citizens' liberties. The 9/11 commission criticized both the Senate and the Bush administration for foot-dragging on establishing the board.

President Bush's nominations for the board's chair and vice chair have been languishing in the Senate Judiciary Committee since last September. But the 9/11 commission said it saw "little urgency in the creation of the board.... Funding is insufficient, no meetings have been held, no staff named, no work plan outlined, no work begun, no office established."

Critics say that the current controversy over the National Security Agency's domestic surveillance indicates yet again this administration's disdain for oversight and its preference for secrecy, and that both tendencies will always trump civil liberties.

"This has never been an administration that welcomes oversight," says Peter Rundlet, who served as a counsel to the 9/11 commission and is now the vice president for national security and international affairs at the Center for American Progress. "Clearly, they're not interested in having a check on the executive branch when it comes to the war on terror."

Rundlet calls the operating budget for the board -- \$1.5 million -- a "ridiculous amount." The relevant experience of the board members -- who don't serve full-time -- is also a mixed bag. The nominated chairman, Carol Dinkins, is a Texas lawyer who served in the Reagan Justice Department as an assistant attorney general in the Environment and Natural Resources Division.

Other nominees for the board include a former Agriculture Department general counsel and a Clinton White House special counsel. The only board member with significant government experience in counter-terrorism is former Ambassador Francis Taylor, who was the coordinator for counter-terrorism at the State Department until 2002.

The only member with any obvious civil-liberties and constitutional law background is Theodore Olson, a Bush loyalist and former U.S. solicitor general who is now a partner in a Washington law firm, and whose wife was killed in the plane that hit the Pentagon on 9/11.

## **Stalemate of Special Interests**

### **Provide adequate radio spectrum for first responders: F**

The 9/11 commission recommended that portions of the public airwaves be set aside for emergency first responders to help them communicate with each other more effectively. But the broadcasting industry has, for years, successfully fought the government over when and how to return that valuable radio spectrum, which the government has let broadcasters use exclusively until now.

Broadcasters use the spectrum to beam analog television signals to more than 20 million homes. Even in an age of cable TV, many households still get signals over a pair of rabbit ears, and if broadcasters are forced to return the spectrum before consumers can buy TV sets that receive digital frequencies, many viewers will end up with blank screens. Legislation pending before Congress would force broadcasters to give up the spectrum by 2009.

But the 9/11 commission wanted the date pushed forward by two years. Sen. John McCain, R-Ariz., has been one of the strongest voices for the spectrum return. In a statement in September, McCain invoked the response to Hurricane Katrina as evidence that the handover must come quickly. "Broadcasters are blocking access to spectrum for first responders," he declared.

The broadcasters have long flexed their muscle in Washington. They enjoy a close relationship with most lawmakers, in part because local stations provide the airtime for campaign ads. As far back as 1986, broadcasters lobbied the Federal Communications Commission and members of Congress to postpone spectrum reallocation while the industry studied a transition to high-definition television and, later, to digital TV.

In the mid-1990s, Sen. Trent Lott, R-Miss., a college friend of the former head of the National Association of Broadcasters, moved to let the Federal Communications Commission, rather than Congress, decide whether to give broadcasters an additional channel to use until consumers made the switch to digital television.

Once broadcasters got the channel, however, they began worrying that the digital deadline would come before consumers were ready to switch. Former Rep. Billy Tauzin, R-La., stepped in on behalf of broadcasters and added a provision to the 1997 Balanced Budget Act spelling out that the spectrum handover would come only when 85 percent of households owned digital TV equipment.

The industry says that broadcasters provide public services when they warn of impending natural disasters, such as floods and hurricanes. "That's something that we don't think should be ignored as part of this debate," says Dennis Wharton, an NAB spokesperson. Broadcasters in the Gulf Coast weren't operating on the channels the commission wants reserved for public safety, he said.

On the other hand, some experts question how well prepared state and local first responders are to effectively use the spectrum. Communications equipment makers have no incentive to make more-advanced technologies, they say, until a handover date is set by law.

### **Support reform in Saudi Arabia: D**

Most of the 9/11 hijackers were Saudis, and the country is a wellspring of fundamentalist ideology. More than four years later, the Saudi Arabian government hasn't stanching the flow of funds to extremist groups or moved to promote social tolerance and moderation, the commissioners said. Given the Bush family's long-standing personal ties to the Saudi royal family, and the United States' reliance on imports of Saudi oil, many critics have questioned the administration's willingness to take a hard line with its Persian Gulf ally.

Democratic reform in Saudi Arabia seemed possible a few years ago, but the fight against Al Qaeda -- which has vowed to overthrow the House of Saud -- has led Saudi officials to crack down on freedoms in an effort to squelch official dissent. In 2004, the Saudi Council of Ministers made it a crime for government employees to sign petitions or speak critically of the government to the press.

The Bush administration publicly supports democracy in Saudi Arabia but has done little to push the Saudi government toward that goal. The country is an essential supporter of the Bush administration's Middle East peace process and has provided, albeit cautiously, support for the war in Iraq. The administration thus finds itself in a difficult position -- supporting democracy and reform, but unable to take a tough line with a key ally.

U.S. relations with Saudi Arabia pose a good example of how allegiances to authoritarian monarchies in the Mideast, as well as other decades-long policies, have generated negative blowback for the United States.

"I think the great problem we face here is also understanding just how serious anger is against us in the Islamic and Arab world, and the reasons that anger occurs," Anthony Cordesman, a Middle East expert at the Center for Strategic and International Studies, told the Senate Judiciary Committee in late 2005. "It is, unfortunately, our alliance with Israel. It is our presence in Iraq.... And if you look at polls of popular reactions in ... Islamic countries or countries with strong Islamic movements, you find a broad-based support for extremism."

### **A Tin Ear Abroad**

#### **Set coalition standards for terrorist detention: F**

The United States hasn't engaged in a "common-coalition" approach with other countries to develop standards for detaining and prosecuting captured terrorists, the commissioners noted in their report card. Although some U.S. allies, most notably the United Kingdom,

have years of experience in pursuing and detaining terrorists across national borders, the Bush administration doesn't appear interested in setting any transnational standards.

Instead, just about the only international cooperation the administration has sought is in the practice of "extraordinary rendition," under which the CIA has shipped "high value" terrorist suspects to third countries for interrogation and imprisonment, and possibly for torture.

As the 9/11 commission noted tersely: "U.S. treatment of detainees has elicited broad criticism, and makes it harder to build the necessary alliances to cooperate effectively with partners in a global war on terror."

The administration believes that its treatment of terrorist suspects and detainees is an indispensable weapon in the war on terror, and one that doesn't need any additional justifications under international law. But during her most recent trip to Europe, Secretary of State Condoleezza Rice was put on the defensive in country after country as she answered questions about the rendition policy and the overall American treatment of detainees.

To monitor the United States' adherence to international conventions on the treatment of prisoners of war, the United Nations' special rapporteur on torture, Manfred Nowak, had requested access to U.S. detention facilities at Guantanamo Bay, Cuba. But he canceled a planned visit in December because the military refused to grant him private interviews with detainees. Officials also refused to allow a representative of the Organization for Security and Cooperation in Europe to meet with Guantanamo prisoners.

Former Secretary of State Madeleine Albright said in December that this treatment of detainees has greatly harmed the United States worldwide. Referring to Rice's trip to Europe, Albright said, "When a secretary of State has just spent all her time explaining a position, instead of dealing with the problems of terrorists that [had recently attacked] in London, Madrid, and Jordan, then it is a stunning problem."

**Support secular education in Muslim countries: D**  
**Support scholarship, exchange, and library programs: D**

As part of its public diplomacy mission, the State Department conducts educational exchange programs, some aimed at bringing underprivileged or "non-elite" students to the United States, and it also offers scholarship assistance to foreign students. The government also operates libraries and information centers in foreign countries, where people can read material about the United States and get texts that might not be available in their own country's libraries.

The commission acknowledged these programs, but declared they haven't gone far enough toward informing foreigners about the United States. "Funding for educational and cultural exchange programs has increased.

But more American libraries (Pakistan, for example) are closing rather than opening," the commissioners noted. The number of young Middle Easterners coming to the United States to study is also dropping; it was down 2 percent in 2005, following drops of 9 percent and 10 percent in the previous two years, the commission reported.

One obstacle to enhancing these exchange and education programs is the fact that they can conflict with other anti-terrorism policies.

Some of the 9/11 hijackers were in this country on student visas, for example. In 2003, the administration tightened rules on the issuance of those visas and implemented a foreign-student tracking program. That action coincided with the drop in student immigration.

Increasingly, foreigners perceive that the United States, post-9/11, is no longer interested in sustaining academic exchange, according to Tre Evers, a commissioner with the United States Advisory Commission on Public Diplomacy.

The student tracking system, called SEVIS, run by the Homeland Security Department, has been derided as intrusive by some foreigners and by many academic leaders in the United States. Under SEVIS, the government monitors what courses students are taking and keeps tabs on when the students enter and exit the country.

Some immigration-reform advocates herald the program as a reasonable step; foreign students are guests of the government, they assert. Administration officials also note in their defense that, in general, waiting time for visas has decreased in recent years. But the overall number of students even applying for those visas is down dramatically since 9/11.

Rather than beefing up exchange and library programs, the administration and Congress have chosen to put more resources into higher-profile broadcasting initiatives aimed specifically at Middle Eastern youth. The centerpieces have been a public-relations campaign to showcase Muslims living the good life in the United States and new broadcasting initiatives designed to counter Middle Eastern media.

The U.S. Broadcasting Board of Governors oversees Radio Sawa and an Arabic-language satellite television station called Al Hurra. Those initiatives have received bipartisan support on Capitol Hill. In particular, Sen. Joseph Biden, D-Del., the ranking member of the Foreign Relations Committee, has been an ardent supporter of government broadcasting, viewing it as a compelling means to deliver the United States' message to a young, Middle Eastern audience. Biden is also a longtime friend of radio mogul Norman Pattiz, who founded Radio Sawa and Al Hurra, as well as Westwood One Communications.

Library programs have also been sacrificed because of security concerns abroad. The State Department has concentrated instead on building more "virtual" outposts on the Internet.

Another 9/11 commission recommendation called for new funding efforts to provide students in the Middle East more access to secular education. For decades, Middle Eastern countries have suffered from a shortage of skilled teachers, and the region faces widespread illiteracy and a dearth of institutions where boys and girls learn side by side. Religious schools, called madrassas, have mushroomed in many nations, particularly in Saudi Arabia, but they sometimes become a magnet for fundamentalists.

To counter the rise of religious education, the 9/11 commission recommended the establishment of an International Youth Opportunity Fund to help pay for more teachers and secular textbooks in the Mideast. The commissioners viewed this as a vital effort for cutting off extremist teachings at their source, and the fund was established by the 2004 intelligence reform act.

But the effort has languished, with no effective legislative sponsor and no momentum from the administration to ramp it up. To date, the administration has requested no money for the program.