U.S.-EU Counterterrorism Responses Post 9/11:

Time for Strategic Cooperation

By
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Introduction

The lead up to the Iraq War and its conduct has highlighted significant differences in transatlantic perspectives, capabilities, and methods. While terrorism has been America's central fixation since 9/11, Europe still sees terrorism as one of several important threats today, with proliferation of weapons of mass destruction, failed states, regional conflicts, and organized crime among the other top tier threats.[1] The U.S. possesses a comparative advantage in intelligence gathering and kinetic strike capability. This military strength has enabled the U.S. to favor it as its top tool in waging its global war on terrorism (GWOT). On the other hand, Europe's tendency toward employment of troops for nation-building and peacekeeping missions is in line with its strengths and its preferences. European countries also favor an extensive consensus building period of diplomatic maneuvering to establish a widely accepted multilateral response to threats. America under the current administration, however, has insisted on remaining

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[1] European Security Strategy, 12 December 2003, p. 3-4.

unconstrained if allies do not accept its position on important matters, such as the use of force against Iraq.[2]

These divergent "strategic cultures[3]" led some pundits to herald the coming death of the transatlantic alliance.[4] Yet since the Iraq invasion, the U.S. and Europe continue to partner effectively in Afghanistan. In fact, the French remain poised to contribute troops to the most dangerous sector in the Eastern portion of the country where the U.S. currently holds responsibility and is engaged in hunting down Al Qaeda leaders.[5] This apparent contradiction begs the question: what are the prospects for transatlantic counterterrorism cooperation in the post 9/11 world?

The long term prospects for transatlantic counterterrorism cooperation in the post 9/11 world are good despite U.S. – European differences over the Iraq War and over the urgency of and methodology for fighting terrorism. The prospects are good because Europe and America share a common threat and a common interest. They also share many values, a history of working victoriously together against threats, both in the Cold War and in the first Gulf War. So, both the past and the present indicate that the transatlantic partnership will weather its current challenges, contrary to naysayers who focus on the short term challenges rather than on the long term history and common interest.

Definitions

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[2] Lawrence F. Kaplan and William Kristol, The War Over Iraq: Saddam's Tyranny and America's Mission. p. 92.
[3] Heinz Gartner and Ian M. Cuthbertson, European Security and Transatlantic Relations After 9/11 and the Iraq War. p. 183-185.
[4] Elizabeth Pond, Friendly Fire: The Near-Death of the Transatlantic Alliance.
[5] Jolyon Howorth, The Future of the European Security Strategy: towards a White Book on European Defence, 6 March 2008, p. 6.

Various scholars and politicians view terrorism and counterterrorism differently. Some see it as specific to non-state actors, while others see states as capable of committing terrorism against their citizens. Critics of that view argue that states may commit *acts* of terrorism, but that a definition of *terrorism* should apply only to non-state actors. As most view terrorism in this light, I will use the following definition for terrorism as the basis for my references to it throughout this paper: terrorism involves violence or the threat of violence against non-combatants to influence a wider target audience to accomplish a politically motivated objective.[6] Counterterrorism, then, involves the broad spectrum of operations designed to combat the actions of terrorism. A comprehensive counterterrorism effort should include intelligence operations, law enforcement actions, freezing the financial assets of terrorist organizations, a robust public relations campaign, surgical military operations, and coordination with allies on every front.

The Importance of the Slogan

Counterterrorism rhetoric is significant because it defines what the mission is. It shapes American and international perspectives about the task and about what the U.S. values. It impacts how the world views the U.S. and whether other countries support American endeavors in the 'war,' and to what extent. Finally, it becomes the ultimate measure of success.

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[6] This definition was the one utilized by Professor Stuart Gottlieb of Yale University in his *Terrorism and Counterterrorism* class, Spring 2007.

The U.S. response to the terrorist attacks on 9/11 has been the "global war on terrorism (GWOT)." The choice of terminology is understandable but problematic.[7] It is understandable because there are terrorists around the world and because the tremendous psychological effect of 9/11 drove the U.S. to a huge response. It is problematic because by calling it a 'war' the U.S. overemphasizes the military aspect of the war[8] and confers combatant status on the terrorists it is fighting.[9] The Bush administration realized that the slogan carried some bad connotations and officially changed it to "the global struggle against violent extremism,[10]" though GWOT remains the slogan most commonly used. The new slogan addresses the previously stated concerns, but is still problematic because it indicates that the struggle is against an amorphous idea, rather than a concrete group of people. Thus, to win it, the U.S. would presumably have to eradicate violent extremism—an impossible task.[11] So, the U.S. has set itself up for failure with its self imposed label of what it is undertaking.

A better slogan would be "the global struggle against terrorists and their ideology" with the added caveat that although the struggle is likely a permanent one, we should measure success by continual improvement in key areas. A couple of the key areas are cooperation between countries and nations' defenses against terrorists. Another involves progress in crippling the leadership, financial support, and most importantly the ideological support for terrorist activity. Significant and steady improvement in each of

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[7] LTC Reid Sawyer, *"Hot Coffee-Hot Topics Talk on Terrorism and Evaluating the Effectiveness of America's Counterterrorism Efforts Since 9/11,"* Fall 2007.
[8] Fred Kaplan, *"Say G-WOT? Terror Attacks, Taliban Resurgence, Suicide Bombs—Obviously, It's Time to Change the Slogan,"* July 26, 2005.
[9] Tom Parker, Iranian Humans Rights Documentation Center Executive Director, during a dinner talk to Studies in Grand Strategy students, February 20, 2008.
[10] Fred Kaplan, *"Say G-WOT? Terror Attacks, Taliban Resurgence, Suicide Bombs—Obviously, It's Time to Change the Slogan,"* July 26, 2005.
[11] Josh Bradley, Robert Berschinski, John Frick, and I discussed this topic at various times during the Spring of 2007 as we took Professor Stuart Gottlieb's *Terrorism and Counterterrorism* class.

these areas will tip the balance in this struggle in favor of the good guys and away from the terrorists.

Significance of Terrorism for the U.S. Today

The magnitude and nature of the attacks on September 11th rocked American perceptions on several accounts. America was attacked on its own soil, from within its own borders, and the result was that more people died than in any other single terrorist attack in history[12]—even more than died in the infamous attacks on Pearl Harbor on December 7, 1941.[13] Americans' sense of invulnerability vanished as they realized that their wonderful geographic location was no longer enough to protect them. What if terrorists obtained weapons of mass destruction and the means to deliver them? Surely 9/11 would pale in comparison. The number of casualties might not be confined to the thousands; millions of Americans might die in a single attack. This was simply unacceptable to the American psyche.

So, just as Congress declared war immediately after Pearl Harbor,[14] so too did it authorize the President to use military force against those responsible for perpetrating the attacks.[15] Once again the struggle would be global. Only this time the war would be

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[12] Infoplease Encyclopedia, "*Terrorism*," available at http://www.infoplease.com/ce6/history/A0848247.html, accessed April 6, 2008.
[13] Hal Lindsey, "*Pearl Harbor vs. 9-11: The Key Difference*," January 16, 2003, available at http://www.wnd.com/news/article.asp?ARTICLE_ID=30512, accessed April 6, 2008.
[14] President Franklin D. Roosevelt, "*A Day that will Live in Infamy*," and the "*Joint Congressional Resolution for War*," December 8, 1941, available respectively at http://www.hbci.com/~tgort/infamy.htm and http://www.hbci.com/~tgort/japan.htm, accessed April 6, 2008.
[15] Richard F. Grimmet, "*CRS Report to Congress: Authorization For Use Of Military Force in Response to the 9/11 Attacks (P.L. 107-40): Legislative History*," January 16, 2007, available at http://www.fas.org/sgp/crs/natsec/RS22357.pdf, accessed April 6, 2008.

longer[16] and the perpetrator was not a state actor—nor would it be the only target. President Bush painted the parameters of this war in black and white terms: either "you are either with us or against us.[17]" Al Qaeda and the Taliban regime in Afghanistan that provided them sanctuary were the immediate targets. States that harbored terrorist groups or assisted them in any way were next.[18]

Many in the U.S. have said that 9/11 "changed everything.[19]" Because of the aforementioned affects, it changed U.S. foreign policy priorities, elevating counterterrorism to the top and putting America on the offensive. It also resulted in the most significant reorganizing of the U.S. government since the 1947 National Security Act.[20]

European vs. U.S. Perspectives

The debate over the use of force in Iraq was the first occasion in the post 9/11 world where sharp differences between American and European perspectives were seen clearly. Although European countries differed in their views, several major players were reluctant to use force in Iraq to enforce UNSC resolutions and to eliminate the perceived

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[16] America's active involvement in WWII was less than five years, measured from the U.S. declaration of war on December 8, 1941, until Japan's formal surrender aboard the USS Missouri on September 2, 1945, ending World War II. As of September 11, 2007, the U.S. had already been engaged in the "Global War on Terrorism" for six years.

[17] President George W. Bush, "*You are either with us or against us,*" Joint News Conference with French President Jacques Chirac, November 6, 2001, available at
http://archives.cnn.com/2001/US/11/06/gen.attack.on.terror/, accessed April 6, 2008.

[18] President George W. Bush, "*Address to the Nation,*" September 11, 2001, and "*Address to a Joint Session of Congress and the American People,*" September 20, 2001, available respectively at
http://www.whitehouse.gov/news/releases/2001/09/20010911-16.html and
http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html, accessed April 6, 2008. President Bush repeated this theme numerous times over a long period, but these citations indicate that it was part of his thinking from the beginning.

[19] Garrick Utley, "*Did 9/11 Change Everything?,*" September 6, 2002, available at
http://edition.cnn.com/2002/US/09/06/ar911.changed.america/, accessed April 6, 2008.

[20] U.S. Department of State, "*National Security Act of 1947,*" available at
http://www.state.gov/r/pa/ho/time/cwr/17603.htm, accessed April 6, 2008.

threats of WMD. While some Eastern European countries were eager to support the U.S. in return for financial assistance and support for their bids to join NATO, France and Germany led the way in the resistance to Bush's push for war.[21] Even the British wanted a second UNSC resolution explicitly authorizing the use of military force.[22]

While Bush refused external constraints on America's ultimate decision on Iraq, Europe saw the UN as the final authority. This was consistent with their historical and cultural experience. In practical terms, comparatively weak military strength meant that European nations could not invade Iraq by themselves. Europe's belief in the effectiveness of international institutions and a desire to constrain the U.S., establish a multi-polar world, and increase the legitimacy of American foreign policy actions[23] led to greater reliance on and elevation of the UN as the ultimate decision making body.

While the U.S. played a key role in the founding of the UN, its relative military strength and the urgency of the post 9/11 environment persuaded President Bush that he must take preemptive action to safeguard America. Hence he insisted on his chosen path, with or without a second resolution, with or without the support of major, traditional allies. An ad hoc "coalition of the willing[24]" replaced the standing alliances formed in NATO over fifty years.[25]

Additionally, the U.S. under President Bush views terrorism as a war, but Europeans generally view it as a crime.[26] Europe has a more protracted history of

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[21] Rick Fawn and Raymond Hinnebusch, The Iraq War: Causes and Consequences, p. 49-70.

[22] Rick Fawn and Raymond Hinnebusch, The Iraq War: Causes and Consequences, p. 37-48.

[23] Professor Jolyon Howorth, in his Europe, the U.S., and the Iraq War class, Spring 2008.

[24] John King, "Bush: Join 'coalition of the willing.'" November 20, 2002, available at http://edition.cnn.com/2002/WORLD/europe/11/20/prague.bush.nato/, accessed April 6, 2008.

[25] Wyn Rees, Transatlantic Counter-terrorism Cooperation: The New Imperative, p. 28-52.

[26] Professor Stuart Gottlieb demonstrated in his Terrorism and Counterterrorism class that President Clinton viewed terrorism as a crime. He further explained how that perspective led to less extensive, more reactive responses that emphasized law enforcement and the judicial process. This is a view that Europe

terrorism on its soil than does the U.S., though on a smaller scale than 9/11. This is especially true of Britain's battle against the Irish Republican Army (IRA) and Spain's struggle against the Basque terrorists, though Germany has faced terrorist attacks through the Red Army Faction and Italy from the Red Brigades. Additionally, the timing of recent terrorist attacks in Europe (the 2004 Madrid train bombings and the 2005 London public transport bombings) reinforces European perspectives on terrorism. Because these two events occurred after the invasion of Iraq, Europeans accurately interpreted them in that light. The Spanish thought they were bombed because of their military involvement in Iraq. The bombings were timed to occur just before Spanish elections to influence voters as they headed to election sites. The Spanish got the message and voted in the opposition candidates. The new Prime Minister, Jose Luis Rodriguez Zapatero, quickly followed through on his promise to remove all Spanish troops from Iraq. Other European countries have followed his lead. Hungary, Iceland, Portugal, the Netherlands, Norway, Italy, Slovakia, and Lithuania all removed their troops between 2004 and 2007[27] due to the length and unpopularity of the war, domestic politics, and their desire not to be targeted by terrorists.

The British did not respond in the same fashion, thanks largely to Prime Minister Blair's ardent support for President Bush and the Iraq War. However, over the last year, the British have gradually begun to turn over control of the southern areas of Iraq they controlled, mainly in Basra, to Iraqi troops. The British plan is to withdraw many of their

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has shared, though since 9/11 they have become more proactive in their attempts to prevent terrorist attacks. President Bush's view of terrorism as a war against the U.S. translates into a greater focus on a response in military force. Discussions related to this topic have also arisen during Professor Jolyon Howorth's *Europe, the U.S., and the Iraq Crisis* class.
[27] *"Multinational Force in Iraq,"* available at
http://en.wikipedia.org/wiki/Multinational_force_in_Iraq#2004_withdrawals, accessed April 6, 2008.

troops from Iraq and focus on their involvement in Afghanistan. The British explained this plan by indicating that the low level of violence in their areas of responsibility and the competency level of the Iraqi Army units there warranted this move. On the other hand, increased violence in Afghanistan against Al Qaeda and Taliban fighters necessitated greater focus and bore clear relevance to global counterterrorism efforts. A recent resurgence in Basra led the British Defense Secretary Des Browne to postpone the proposed drawdown until the situation has stabilized.[28] Nevertheless, the gradual European transition out of Iraq reflects their perspective that America owns Iraq and that actions there are peripherally related to counterterrorism.

U.S. Counterterrorism Changes Post 9/11

The U.S. and the EU each took a number of key actions post 9/11 designed to increase their effectiveness in counterterrorism actions. Most of America's actions were structural or military in nature. President Bush created the Department of Homeland Security (DHS)[29] and reorganized twenty-two federal agencies under it.[30] Congress created the Transportation Security Agency (TSA) with the Aviation and Transportation Security Act to stiffen security procedures at American airports and for other modes of transportation.[31] In April 2002 Bush announced the creation of Northern Command (NORTHCOM) to assist the DHS, TSA, and FBI in protecting the homeland. While the

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[28] Sky News, *"Brit Troop Withdrawal From Iraq Delayed,"* April 1, 2008, available at http://news.sky.com/skynews/article/0,,91211-1311359,00.html, accessed April 6, 2008.

[29] President George W. Bush, *"Address to a Joint Session of Congress and the American People,"* September 20, 2001, available at http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html, accessed April 6, 2008.

[30] Office of Management and Budget: The Executive Office of the President, *"Department of Homeland Security,"* available at http://www.whitehouse.gov/omb/budget/fy2005/homeland.html, accessed April 6, 2008.

[31] *"TSA: Our History,"* available at http://www.tsa.gov/research/tribute/history.shtm, accessed April 6, 2008.

American military had established Regional Combatant Commands (RCC) for other areas of the world, prior to 9/11 it did not have a unified command in charge of military related homeland defense and civil support operations in North America.[32]

Congress and President Bush teamed to appoint the bipartisan 9/11 Commission to evaluate U.S. preparedness for and response to the terrorist attacks of 9/11, and to recommend steps that could help America "guard against future attacks.[33]" Bush followed one of its major recommendations and created the Director of National Intelligence[34] (DNI). This came as part of the Intelligence Reform and Terrorism Prevention Act and folded all other U.S. intelligence agencies under one centralized organization, the Office of the DNI. Its mandate was to bring the intelligence agencies together, facilitate crosstalk, and speed intelligence sharing, eliminating the intense rivalries between them.[35] Congress passed the Patriot Act to update the Foreign Intelligence Surveillance Act (FISA)[36] and to strengthen America's ability to combat terrorism through technical means and greater legal freedom. The Patriot Act eliminated the wall that prevented intelligence sharing between officials oriented on criminal investigations and those geared toward intelligence operations.[37] This modification eliminated one of the primary U.S. failures that allowed Al Qaeda to successfully carry out the terrorist attacks on September 11th.

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[32] US NORTHCOM website, available at http://www.northcom.mil/About/history_education/history.html, accessed April 6, 2008.

[33] National Commission on Terrorist Attacks Upon the United States website, available at http://www.9-11commission.gov/, accessed April 6, 2008.

[34] The 9/11 Commission Report, July 20, 2004, p. 411-415, available at http://govinfo.library.unt.edu/911/report/911Report.pdf, accessed April 6, 2008.

[35] Ibid and Office of the Director of National Intelligence website, available at http://www.dni.gov/, accessed April 6, 2008.

[36] Elizabeth B. Bazan, "CRS Report for Congress: The Foreign Intelligence Surveillance Act: An Overview of the Statutory Framework and Recent Judicial Decisions," p. CRS-1, available at http://www.fas.org/irp/crs/RL30465.pdf, accessed April 6, 2008.

[37] Professor Stuart Gottlieb, in lecture during his Terrorism and Counterterrorism class at Yale University, Spring 2007.

In addition to the organizational changes, the U.S. also invaded Afghanistan and Iraq to depose the Taliban and Hussein regimes. Together these changes demonstrated America's commitment to addressing terrorism as a foreign policy and domestic priority. They also illustrate the U.S. focus on structural change and military operations, but sparse attention paid to winning the long fight against terrorism, which involves preventing the spread of Islamic terrorism.[38]

European Counterterrorism Changes Leading up to and Post 9/11

Prior to September 11th, Europe saw a need to strengthen its capacity for counterterrorism, other policing activities, and investigations. It sought to accomplish this through greater coordination. The ratification of the 1993 Treaty on European Union set the foundation for such lateral cooperation. The renaming of its third pillar from Justice and Home Affairs to Police and Judicial Cooperation in Criminal Matters (PJCC) demonstrated the importance the EU placed on police and judicial cooperation, under which terrorism and other crime matters were organized.

The EU gave these concerns further emphasis with the 1995 creation of the European Police Office (Europol) "to improve the effectiveness of policing authorities in member states and strengthen cooperation between them."[39] Europol was to strengthen European states by encouraging cooperation on the exchange of information, analysis of intelligence, investigatory capacity, and computerizing data. Its area of emphasis

[38] The 9/11 Commission Report, July 20, 2004, p. 374-382, available at http://govinfo.library.unt.edu/911/report/911Report.pdf, accessed April 6, 2008.
[39] Heinz Gartner and Ian M. Cuthbertson, European Security and Transatlantic Relations After 9/11 and The Iraq War, p. 95.

includes the prevention and combating of terrorism, drug trafficking, nuclear and radioactive material, money laundering, and other serious crimes.[40]

The post 9/11 creation of the European Arrest Warrant and Eurojust in 2002 added even more focus on coordination. The EU took these two measures in recognition of the increased importance and complexity of coordination in light of an increased international terrorism threat and the projected expansion of the EU. The European Arrest Warrant replaced the national extradition systems between European states, speeding extradition "by requiring national judicial authorities to recognize, with a minimum of formalities, requests made by the judicial authority of another member state for the arrest and surrender of a person.[41]" The aim for Eurojust is to increase authorities' abilities to investigate and prosecute serious cross-border crime.[42] To ensure the aim is met, the EU established a system for reviewing these mechanisms to evaluate their effectiveness in facilitating their desired ends. Finally, the EU developed the European Security Strategy (ESS) in December 2003 to parallel the U.S. National Security Strategy (NSS)[43] and outline its shared strategic security goals.

Even if these innovations are effectual in increasing coordination, that may not directly translate into enhanced capability. However, increased and faster coordination can effect greater maximization of laws and disrupt terrorist organizations to a greater extent by finding their leaders faster and removing them from society before they can complete planning for a terrorist attack. Better information sharing also helps officials

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[40] Heinz Gartner and Ian M. Cuthbertson, European Security and Transatlantic Relations After 9/11 and The Iraq War, p. 95.

[41] Heinz Gartner and Ian M. Cuthbertson, European Security and Transatlantic Relations After 9/11 and The Iraq War, p. 96.

[42] Heinz Gartner and Ian M. Cuthbertson, European Security and Transatlantic Relations After 9/11 and The Iraq War, p. 96.

[43] Heinz Gartner and Ian M. Cuthbertson, European Security and Transatlantic Relations After 9/11 and The Iraq War.

ensure convictions of terrorists and speeds investigations, freeing government personnel to move onto other tasks.

Post 9/11 Successes

Since making changes, the U.S. and European countries have experienced some significant counterterrorism successes. Some are the result of unilateral efforts while others are due to joint endeavors. Their diligent efforts have yielded fruit in terms of killing and capturing terrorists, freezing their financial accounts, destroying terrorist training camps in Afghanistan, and preventing several major terrorist attacks. For instance, the F.B.I. disrupted a sleeper cell of Muslim radicals who trained at Al Qaeda training caps in Afghanistan after 9/11 and U.S. officials captured individuals plotting a terrorist attack on Fort Dix, NJ. Military operations have killed or captured many of Al Qaeda's top lieutenants, such as Khalid Shek Mohammed, the mastermind behind the 9/11 attacks and Abu Musab al-Zarqawi, the former leader of Al Qaeda in Iraq, responsible for tremendously escalating the violence in that country following the American liberation.

European nations have also experienced counterterrorism successes since 9/11. A couple of the more notable successes involved British and German police efforts. British officials arrested a handful of individuals suspected in the subway and bus bombings of July 7, 2005 and the Glasgow Airport attack.[44] Meanwhile, Germans have arrested "three Islamic militants suspected of planning large-scale terrorist attacks against several sites frequented by Americans[45]" including Ramstein Air Force Base.

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[44] CBS/AP, *"Police Chase Glasgow Attack Suspects,"* July 1, 2007.
[45] Mark Landler and Nicholas Kulish, *"Police Arrest 3 in German Terror Plot,"* September 5, 2007.

Joint Counterterrorism Efforts Post 9/11

Counterterrorism operations against Al Qaeda operatives and their Taliban sponsors in Afghanistan constitute the major joint U.S. – European security operations since September 11th, 2001. The Iraq War has been the largest point of contention. It has dominated security related news since the lead up to the war—beginning in the summer of 2002. As a result, transatlantic cooperation has been more masked, while differences have been more visible. The disagreements over the decision to use force against Saddam Hussein reversed some of the post 9/11 support that the U.S. enjoyed in its counterterrorism efforts abroad. It also caused transatlantic differences to both surface and deepen.

Despite these differences, the U.S. and the EU have demonstrated progress on tactical and operational levels. On the prevention side, joint counterterrorism efforts between the U.S. and European authorities thwarted a terrorist plan to use liquid explosives to blow up transatlantic airliners while en route from the UK to the U.S.,[46] an attack that could have caused more deaths than 9/11. As for joint agreements, they signed a Passenger Name Record (PNR) sharing agreement in July 2007 after more than three years of starts and stops.[47] The European Commission is concerned about protecting the freedom of its citizens and therefore was reluctant to allow airlines leaving Europe to share data with the U.S. The U.S. wanted passenger data in advance to facilitate its ability to prescreen individuals entering America. This is in response to tightening security and combating terrorism following the 9/11 terrorist attacks. The

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[46] U.S. and Asian authorities also foiled a terrorist plan to conduct a similar attack on multiple airliners flying from the Philippines across the Pacific to the U.S. in 1995.

[47] European Union, Delegation of the European Commission to the USA, "*EU-US Passenger Name Record (PNR) Agreement Approved*," 23 July 2007.

European Commission and the US reached a three and a half year deal in May 2004, despite reservations from the European Parliament.[48] The agreement was then overturned by a European Court of Justice May 2006 ruling.[49] The 2007 agreement demonstrates perseverance by both the EU and U.S. to reach a lasting deal. It also indicates that compromise and future security cooperation on counterterrorism efforts is possible over the long term, despite differences.

The problem is that this coordination, while important, is at the tactical level instead of at the grand strategic level. Winning the fight at the grand strategic level, and by definition over the long term (i.e. making progress for our children's generation), will require a comprehensive and united global effort. It requires using all elements of national strength not only to decapitate terrorist organizations' leadership and drain their finances, but also to undermine their passive support base[50] and win the war of values.[51]

The EU and the US are the most plausible leaders of such an effort. Between them, the technical resources they command, the experience they have, and their power projection capability suit the mission well. But it is their values which have been fundamental in past cooperation and past victories, and it will be those same shared values which will underpin success in the fight against international terrorism.

Thus far the set of shared values in counterterrorism efforts has not been as robust as needed for lasting success. European – U.S. differences over what constitutes torture and the extent of citizen's civil liberties are two indicators in this realm. Additionally,

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[48] DHS Fact Sheet, "*U.S.-EU Passenger Name Record Agreement Signed*," May 28, 2004.
[49] John Ward Anderson and Keith L. Alexander, "*Court Voids U.S.-Europe Passenger Agreement,*" May 31, 2006.
[50] Professor Stuart Gottlieb in lecture during his *Terrorism and Counterterrorism* class at Yale University, Spring 2007.
[51] Prime Minister Tony Blair, "*A Battle for Global Values,*" Foreign Affairs, January / February 2007, Volume 86, Number 1, p. 79-90.

the failure to reach a compromise on the inclusion of American military members as subject to the International Criminal Court (ICC) undermines that organization's legitimacy, as well as that of the U.S.

Recommendations

Successful transatlantic counterterrorism efforts will involve a long term, multilateral, multi-pronged approach. They will combine the 'hard' and 'soft' elements of national might. The long term successes will come primarily from the latter, but these would be ineffective without the constant threat and periodic discriminate application of military force. Within the 'soft' elements of national power, states must improve their diplomatic, economic, law enforcement and judicial prosecution, public relations campaigns, humanitarian assistance, and nation-building activities. On the 'hard' side of national power, countries must improve their intelligence collection and intelligence sharing capacities in addition to their kinetic strike capability. Just as U.S. Presidents encouraged the integration of Europe through the creation of regional institutions following World War II, current and future American Presidents need to encourage European desire for greater strategic vision and engagement.[52]

For America's part, it needs to be more multilateral in its approach. This means regarding the EU and its member states as partners—not as "Old Europe,[53]" whose opinion can be disregarded. For Europe's part, they need to publicly support the U.S. when they agree with American policies. Doing so will often be less politically

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[52] Jolyon Howorth, The Future of the European Security Strategy: towards a White Book on European Defence, March 6, 2008.

[53] Secretary Donald Rumsfeld, "Outrage at 'old Europe' remarks," January 23, 2003, available at http://news.bbc.co.uk/2/hi/europe/2687403.stm, accessed April 7, 2008.

expedient in the short run for them domestically, but will prove beneficial in the medium to long term. Publicly bashing America undercuts U.S. legitimacy, intangibly lessening its ability to lead international counterterrorism efforts. Less credible U.S. leadership results in less than optimal global counterterrorism coordination and technology sharing. It also means some countries will be less prepared to fight terrorism than they would be with strong American leadership. This will hurt Europe in the long run as the "first line[54]" of its defense faces threats from individuals or terrorist groups that other countries could have resolved. As the rest of the international community takes notice of the increased solidarity in transatlantic counterterrorism efforts, all states will benefit.

As transatlantic partners, Americans and Europeans should utilize existing international and security organizations versus ad hoc "coalitions of the willing[55]" because they will be more successful in the long run. This is because they are better organized, share similar values on a wide variety of issues, have established, agreed upon rules for various contingencies, and are more enduring. The U.S. should also fully support the European Rapid Reaction Force because it is in America's interest to have a more globally engaged Europe, able and willing to shoulder increased responsibility for all security matters. Increased European capacity can result in increased European partnership with America and more lasting success in the global struggle against terrorists and their ideology.

Conclusion

[54] European Security Strategy, 12 December 2003, p. 6.
[55] Steve Schifferes, "US names 'coalition of the willing,'" March 18, 2003, available at http://news.bbc.co.uk/2/hi/americas/2862343.stm, accessed April 7, 2008.

Despite some U.S. and European successes, the heavily one sided approach of the U.S. (toward the use of military force) is the fundamental factor endangering the long term legitimacy of global counterterrorism efforts. Differences between the EU and the U.S. are the second most important weakness of current global counterterrorism efforts. The first weakness is the proximate cause for the second, as it involves different perspectives on values and priorities, some of which I covered in this paper. These two issues must be solved in the ways I described to maximize counterterrorism success and minimize cost in terms of lives and financial resources.

This is a long fight. It is also one in which the West and the world must exhibit integrity and the moral superiority of the counterterrorist cause. To be successful, governments must do this at global and local levels.[56] Sir David Omand, former British security and intelligence coordinator, affirmed this recently as he indicated a need to redefine national security to include a set of ethical guidelines that governments should follow to be effective in foreign policy and counterterrorism endeavors.[57] This is important because it will facilitate governments' ability to win the passive support base away from terrorists and better balance governmental powers and civil liberties,[58] thereby experiencing greater counterterrorism success in the fight of our generation.

[56] RAND, "*U.S. Counterterrorism Strategy Must Address Ideological and Political Factors at the Global and Local Levels.*"
[57] Sir David Omand, "*Redefining National Security: Six Points of Departure,*" February 21, 2008.
[58] Professor Stuart Gottlieb talked about this in lecture during his *Terrorism and Counterterrorism* class at Yale University, Spring 2007.

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