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Field Notes From A Battleground

By Charles R. Church

I have just finished reading Eric Schmitt's and Thom Shanker's new "Counter Strike: The Untold Story of America's Secret Campaign against al-Qaeda," a worthy book in every way. But no, I am not going to write a book review.

Rather, I wish to discuss something far more important. The authors interviewed the Obama administration's key counterterrorism players, some of whom started their vital work during the Bush years. Their verdict is unanimous. Every one made clear that we will be hit again by terrorists on our homeland. We have vastly improved our counterterrorism abilities, but even with that we still will be hurt again — somewhere, somehow, some time. For the task simply is too difficult, far too difficult.

As Herman Kahn so trenchantly wrote in his famous "On Thermonuclear War" in 1960, "The aggressor has to find only one crucial weakness; the defender has to find all of them, and in advance." (On account of his coldly brilliant rationality, some have wondered whether Kahn — the most famous nuclear theorist of his day — was the model for Stanley Kubrick's Dr. Strangelove).

All of us should understand already that we are still vulnerable. After all, the "Underwear Bomber," Umar Farouq Abdulmutallab, who sought to explode the jetliner he was flying in over Detroit on Christmas Day 2009, only failed because the bomb designed by one of al-Qaeda of the Arabian Peninsula's ace bomb makers did not go off. It was just good luck. And when the young Pakistani American, Faisal Shahzad, parked his SUV filled with fireworks and propane gas in Times Square in May 2010, only his lack of skill in bomb making saved us.

But we will not always be so lucky. So what do we do when an attack succeeds? And what if it's as catastrophic as the destruction of the World Trade Center and partial ruin of the Pentagon, with all those lost lives? Or even more so? Well, we don't do what we did after 9/11. We don't torture, we don't grab people in the dark of night and throw them into an airplane for transport to Egypt or some other country that will torture them; we don't write the infernal Yoo/Bybee memos to provide laughably inept legal justifications for torture and legal cover for those inflicting it; and we don't have the CIA operate black sites in Europe to do its own torturing.

And our president should not go around fatuously attempting to sound tough. Like this pearl from George W. Bush: "The other day, we hauled in a guy named Abu Zubaydah. He's one of the top operatives plotting and planning death and destruction in the United States. He's not plotting and planning anymore. He's where he belongs." (For the record, after more than 10 years in detention, Zubaydah has yet to be convicted of any of those things, and well-respected people have expressed grave doubts that he ever could be.) No, we will not try to sound like pathetically fake cowboys.

What we will need to do is to be resilient. Like the Israelis and the Brits, when they have suffered attacks. For if we are not, and if we return to the excesses of the Bush years, we will have given up the best part of ourselves: the part that insists that we are too strong, too resolute and, yes, too resilient to fall into that abyss again. We are not the same as those killers. For if we get to be the same as they are, the terrorists

truly will have won, and we will have lost — perhaps irredeemably.

Charles R. Church is an attorney practicing in Salisbury who for years has studied Guantanamo Bay detention, torture, habeas corpus and related issues.

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