

Evaluating Progress on the 9/11 Commission Report

Topic 1: Non-Proliferation of Weapons of Mass Destruction

Recommendation: Our report shows that Al-Qaeda has tried to acquire or make weapons of mass destruction for at least 10 years. There's no doubt the United States would be a prime target. Preventing the proliferation of these weapons warrants a maximum effort -- by strengthening the counter-proliferation efforts expanding the proliferation security initiative and supporting The Cooperative Threat Reduction Program (The 9/11 Commission Report, 2005).

Student Evaluator: Addison Ahlstrom '21

Grade on Progress: C

As our nation struggled to come to terms with the devastating September 11th attacks on the World Trade Center and the Pentagon, the 9/11 Commission produced a complete account of the circumstances that led to the attacks and provided recommendations to the federal government regarding how to address terrorist threats going forward. The commission viewed the possibility of terrorist acquisition of weapons of mass destruction as the “greatest danger of another catastrophic attack in the United States,” and rated the President and Congress’ effort to prevent terrorists from acquiring these weapons at a dismal “D” in their postscript. The threat remains extremely urgent today due to Iran's nuclear program and the influence of terrorist groups operating in the region. In their recommendations issued in 2005, the Commission advocated for the expansion of the PSI (Proliferation Security Initiative), which aims to stop trafficking of weapons of mass destruction, and continued support of the Cooperative Threat Reduction (CTR) Program, which works with partner nations to prevent the development and proliferation of these weapons.

The federal government’s course of action has been mostly consistent with the Commission’s suggestions since 2005. Launched under President Bush in 2003, the PSI intercepts shipments of weapons of mass destruction by carrying out frequent cargo interdictions at sea, in the air, or on land. From 2005-2006 alone, the United States and other PSI participants intercepted roughly two dozen transfers of concern, and the initiative is now globally supported by 105 countries. Additionally, the CTR has experienced increased congressional attention and funding for expansion strategies to specifically target the Middle East, especially in the National Defense Authorization Act for Fiscal Year 2014. These trends seem to represent the pattern of an increasingly active government role in addressing the threat, but President Trump has reversed this trend by quietly dismantling multiple programs designed to prevent terrorism involving weapons of mass destruction. Now, more than thirty current and former Homeland Security employees and contractors have openly voiced their belief that his changes, which include the cancellation of key training exercises and the dismissal of many scientists and policy experts, have threatened the state of our national security. Additionally, though no terrorist has unleashed a weapon of mass destruction on American soil, multiple terrorist

groups have successfully acquired and used chemical weapons considered WDMs against military and civilian targets. For example, ISIS has used sulfur, mustard, chlorine, and other toxic chemicals on the battlefield in Iraq and Syria.

New scientific and technological developments have complicated the United States' ability to contain the proliferation of these weapons. Specifically, the recent expansion of Additive Manufacturing, or 3-D printing, has enabled terrorists to more easily develop vital components for weapons of mass destruction, avoid intelligence, and increase autonomy.

Despite attempted expansion of meaningful initiatives and a few successful interdictions, the federal government has shown an inability to significantly reduce the risk of terrorist acquisition of weapons of mass destruction since the Commission's recommendation. That combined with President Trump's recent agenda that fails to prioritize this urgent threat cause their efforts to earn a "C" grade from me. Though new technology will make it more difficult than ever to identify and intercept these threats, maximum efforts to prevent terrorists from acquiring these weapons must be prioritized for the sake of our national security.

Bibliography

Davenport, Kelsey. "The Proliferation Security Initiative (PSI) At a Glance." Arms Control Association. October 2016. <https://www.armscontrol.org/factsheets/PSI>

"The Evolution of Cooperative Threat Reduction: Issues for Congress." Congressional Research Service. November 2015.

Lubrano, Mauro. "Emerging Technologies: When Terrorists Print Their Own Weapons." Global Risk Insights. January 2018. <https://globalriskinsights.com/2018/01/terrorism-additive-manufacturing-weapons/>

Mauroni, Al. "The New U.S. Strategy to Tackle WMD Terrorism Is New Wine in Old Wineskins." *Texas National Security Review*. December 2018. <https://warontherocks.com/2018/12/the-new-u-s-strategy-to-tackle-wmd-terrorism-is-new-wine-in-old-wineskins/>

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Topic 2: Internal Detention Standard Improvements

Recommendation: The United States should engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. New principles might draw upon Article 3 of the Geneva Conventions on the laws of armed conflict. That article was specifically designed for those cases in which the usual laws of war do not apply. Its minimum standards are generally accepted throughout the world as customary international law. (The 9/11 Commission Report, 2005).

Student: Elliot Kinder '21

Grade on Progress: B+

The government of the United States has made significant steps toward improving its detention standards. Multiple laws and rulings have been made since 2005 to ensure that captives are treated fairly and humanely. These internal improvements warrant a higher grade than what is given, but other shortcomings bring down the final grade. There was little international cooperation on the topic, and the United States focused solely on solving the problem internally. It also took too long for changes to be implemented, which led to more prisoners being mistreated. Both of these reasons weigh down on the final grade.

The Commission's original grade in December 2005 was an F for coalition detention standards. This was mainly due to reports of inhumane torture performed by the CIA following the 9/11 attacks. This grade came only a few months before the first major act to improve detention standards. In June 2006, the Supreme Court followed the Commission's advice and ruled that Article 3 of the Geneva Convention applied to terrorist detainees of the United States. This meant that the detainees had to be treated with the same standards as prisoners of war. Later, legislation was passed and actions taken to ensure detainees would not be mistreated in the future. In October 2006, the Military Commissions Act, which established new and better standards, was passed. A few months later, President Bush signed an executive order to specifically forbid the CIA from using inhumane torture. There was also a full investigation and report on the CIA's actions which was made public in 2014. All of these changes collectively have resulted in great improvement for America's treatment of detainees. They are the reason the grade has improved so much.

The Commission also recommended that the US work with its allies to improve standards worldwide. The US has made little improvement on this front. However, this area is much more difficult to make improvements on since the US cannot control what changes other countries enact. The failure to collaborate with allies was the main reason the grade was not an A. The secondary reason was the length of time it took for changes to be made. The President's Office found out about the CIA methods of torture in 2003, but no action was taken until 2006. Adding to this, the torture was not stopped until late 2007. This delay only furthered the harm and impact caused by poor detention standards.

The U.S. government has made many improvements to detainee detention standards through legislation, executive actions, transparency, and judicial decisions. These have ensured prisoners will have their rights protected and be treated humanely. However, failures to act internationally and a drawn-out process of change made this a measured success. However, the gains easily outweigh the shortcomings, and the US government has taken important steps forward.

Bibliography

“CIA Torture Report Fast Facts.” CNN. September 12, 2019.

“The Constitution Project: Task Force Report on Detainee Treatment.” Carnegie Council for Ethics in International Affairs. November 21, 2013.

“Report of the Senate Select Committee On Intelligence Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program Together with Foreword By Chairman Feinstein and Additional and Minority Views.” United States Senate Select Committee on Intelligence. December 9, 2014.

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Topic 3: Terrorist Travel Strategy

Recommendation: Targeting travel is at least as powerful a weapon against terrorists as targeting their money. The United States should combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorists, find terrorist travel facilitators, and constrain travel mobility. (The 9/11 Commission Report, 2005).

Student Evaluator: Claire Ehrig '21
Grade on Progress: C

In 2006, the National Counterterrorism Center published the first version of the National Strategy to Combat Terrorist Travel, outlining eight key steps that would prevent the entrance of terrorists into the United States. At the time, the 9/11 Commission considered the terrorist travel strategy to be 'incomplete' due to the fact that before 9/11, terrorist travel strategies were never analyzed. Thus, in light of this document, counterterrorism coordinators better understood that in order to prevent terrorist entry, the U.S. would need to build trust and tolerance with the supposed terrorist countries. Rather than violently punishing these countries, coordinators sought to encourage democratization in societies that lacked freedom, which would thus lead to better relations.

The 2006 document made clear that securing borders, enhancing document security, and restricting movement of terrorists were imperative in combating terrorist travel. The document outlined clear recommendations that would aid the U.S. in enhancing security. For example, the use of an Advance Passenger Information System would allow the U.S. to intercept terrorists before they got on a plane to enter the country. Although the coordinators suggested they were taking steps towards implementing the recommendations, they kept their progress quiet to the public, causing great uncertainty about how much they had actually accomplished.

A similar document on this issue, the "National Strategy to Combat Terrorist Travel," was published in 2017 by President Donald Trump. This document, shockingly similar to the one from 2006, outlines three goals and their strategic objectives: to identify terrorists before they travel, to detect terrorists during their travels, and to enhance travel security capabilities. However, the 2017 document left the recommendations for each goal more vague, suggesting how it might help and equip the United States but not providing the suggestions on how to further execute the goals. This shines a negative light on the U.S. because rather than making a comprehensive report on how to improve the nation, they only published the report to look like they were actively taking the necessary steps. This is problematic because while the U.S. hasn't experienced a terrorist act of the same magnitude as 9/11 since 2001, the country is still at risk for such an event.

It's incorrect to say the U.S. hasn't made any effort towards combating terrorist travel. President Trump enacted an Executive Order titled *Protecting the Nation from Foreign Terrorist Entry into the United States*, halting all movement of Muslim citizens from seven Middle Eastern countries, regardless of their backgrounds. This provoked controversy since the U.S. intelligence community had no factual evidence to identify such travelers as specific threats and it based their exclusion on race and religion.

Consequently, President Trump revised the order, focusing on improving the U.S. terrorist vetting system, calling for uniform standards of admission into the country to prevent discrimination. Still, the revised order goes against American values because it purposely alienates people.

I give the terrorist travel strategy a C. Although the U.S. has taken steps towards preventing terrorist travel in the 2006 and 2017 documents, these documents outline essentially the same goals, and the true progress is left hidden from American citizens. While Trump has taken some steps towards enhancing the safety of the nation, his effort is biased, focused on preventing all Muslims from entering, instead of securing borders and fixing underlying security problems.

Bibliography

Cordesman, Anthony. "Reinforcing Failure: The Revised Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States." Center for Strategic and International Studies. March 2017

Daily, Dell. "An 'All Elements of Power' Strategy for Combating Terrorism." Washington Institute. December 2007.

Nagata, Michael. "Taking Stock of U.S. Counterterrorism Efforts Since 9/11." Washington Institute. July 2018.

Redd, John. "National Strategy to Combat Terrorist Travel." National Counterterrorism Center. May 2006.

Trump, Donald. "National Strategy to Combat Terrorist Travel." The White House. December 2018.

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Topic 4: Checked Bag and Cargo Screening

Recommendation: Concerns also remain regarding the screening and transport of checked bags and cargo. More attention and resources should be directed to reducing or mitigating the threat posed by explosives in vessels' cargo holds. The TSA should expedite the installation of advanced (in-line) baggage screening equipment. The TSA should require that every passenger aircraft carrying cargo must deploy at least one hardened container to carry any suspect cargo. TSA also needs to intensify its efforts to identify, track, and appropriately screen potentially dangerous cargo in both the aviation and maritime sectors. (The 9/11 Commission Report, 2005).

Student Evaluator: Coco Layton '21

Grade on Progress: C-

In 2004 the Transportation Security Administration (TSA) was evaluated by the 9/11 Commission to determine its progress against airport security goals. The grade given was a D. I concur with this finding, although I am persuaded to upgrade them to a C- based on technology in the pipeline (not yet implemented) that would use artificial intelligence to detect homemade explosives.

While the TSA has made efforts to improve their screening technology, they fall far short of standards set by the Commission. The TSA was created in 2001 following the 9/11 attacks in an important step to unify airport security efforts. Prior to 2001, commercial airports, commercial airlines, and the FAA all had varying roles in enforcing airport security. The commercial airports were tasked with providing law enforcement, the commercial airlines were responsible for screening bags and passengers for weapons, and the FAA was tasked with determining security policies and regulations, as well as providing threat information to the airports and airlines. The multitude of airports and airlines and the complexity of communication between private corporations and a public agency created opportunity for confusion and inconsistency. The formation of the TSA sought to eliminate these weaknesses by bringing all aspects of airport security under one umbrella.

However, since its creation, the TSA has been slow to implement important security changes. For example, in 2015, fourteen years after the 9/11 attacks - the TSA was put to the test when its own inspectors attempted to smuggle weapons and fake explosives through security checkpoints. The agents only caught 3 of the 70 weapons. And although this experiment was done with carry-ons, similar screening technology is used for checked bags and cargo, demonstrating the inadequacy of airport screening technology. Furthermore, it took the TSA until 2018 to announce a 3 million dollar one-year contract with Stratovan Corp. to develop enhanced screening technology that could better integrate with a broad range of airport systems. The enhanced screening would also enable the detection of homemade explosives using artificial intelligence. Should this technology be implemented, it would be a big step forward.

Moreover, the security measures that the TSA has implemented are inefficient. One of the goals of the post-9/11 security reforms was to give passengers greater confidence in the safety of air travel. Much of our economy is dependent on plane travel, but more importantly the airline business runs on small margins and relies on high volume traffic for profitability. The TSA did increase passengers' sense of safety, but they also created long security lines and long wait times at baggage claim that have ultimately discouraged travel.

The TSA has created the perception of safety, and that illusion of security has no doubt deterred terrorists from attempting another 9/11. However, articles detailing the 95% failure rate of the TSA in detecting explosives and weapons expose the illusion, arguably making travel more vulnerable to attacks. The TSA has brought more coordination without more safety at great cost in time and effort. We can only hope the new technology is more effective.

Bibliography

Jenkins, Brian. "TSA Flunked Its Security Test Big Time - Now What?" *RAND Corporation*. June 15, 2015.

Keller, John. "TSA Eyes Open-Systems Explosive Detection for Rapid Airport Security Upgrades." *Military and Aerospace Electronics*, November 1, 2018.

Seidenstat, Paul. "Terrorism, Airport Security, and the Private Sector." *Review of Policy Research* 21, no. 3 (May 2004): 275-291.

Wahl, Philip. "U.S. Business Travel after 9/11 - and bin Laden." *Phi Kappa Phi Forum*, September 1, 2011.

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Topic 5: Northern Command Planning for Homeland Defense

Recommendation: The Department of Defense and its oversight committees should regularly assess the adequacy of Northern Command's strategies and planning to defend the United States against military threats to the homeland.

(The 9/11 Commission Report, 2005).

Student Evaluator: Henry Knoll '20

Grade on Progress: B+

The United States Northern Command (USNORTHCOM) was established in 2002 by President George W. Bush. In response to the 9/11 terrorist attacks, it was created to unite the various Department of Defense efforts for homeland security, including the North American Aerospace Defense Command (NORAD), under one body. Furthermore, USNORTHCOM was formed with the role of protecting the North American region from threats against the United States and its territories after NORAD failed to do so in the events of September 11, 2001.

In order to avoid a similar failure of defense happening again, *The 9/11 Commission Report* recommended that the Department of Defense regularly assess USNORTHCOM's defense preparations so that the plans necessary in reacting to another potential attack on the homeland could be continuously updated. Since this recommendation was made in 2004, such assessments have taken place in the form of security conferences, military exercises, and the creation of advisory panels.

Up until 2015, the Western Hemisphere Security Colloquium was held annually to gather experts, academics, and officials in homeland defense to meet and discuss the evolving threats to national security and to evaluate the planned responses of the United States. Similarly, the formerly biennial Fletcher Conference on National Security Strategy and Policy was another related conference in which officials and defense specialists participated in the same discussions and assessments to improve the defense strategies and responses of USNORTHCOM.

Furthermore, USNORTHCOM has participated in various military training exercises to not only prepare for the worst, but to be assessed on the effectiveness of their defense plans. One of these exercises, ARDENT SENTRY 12, was a simulation of how USNORTHCOM would respond to a complex, large-scale catastrophe of any kind potentially involving millions of people and several states. In another exercise, named VIGILANT SHIELD, USNORTHCOM simulated a reaction to an attack on the United States involving cruise and ballistic missiles. Both of these exercises represent the evolving threats facing the United States homeland, and are the most effective ways to assess the strengths and weaknesses of USNORTHCOM's defense plans.

Continuing the United States' commitment to adapt to evolving threats, the Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents convened in 2009. This committee specifically assessed the support provided by the Department of Defense, including USNORTHCOM, in the case of

chemical, biological, radiological, nuclear, or high-yield explosive attacks on the homeland.

Overall, enough strides have been made since the release of *The 9/11 Commission Report* to warrant my B+ evaluation of the Department of Defense's regular assessment of USNORTHCOM's planning for homeland defense. I feel confident that security conferences, crisis response training exercises, and specialized assessment committees have helped to identify USNORTHCOM's vulnerabilities in their constant efforts to adapt to a new world order. Although nothing will completely prepare USNORTHCOM for dealing with a real attack on the homeland, these measures will do much to help USNORTHCOM protect America successfully.

Bibliography

Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents. "Before Disaster Strikes: Imperatives for Enhancing Defense Support of Civil Authorities." September 15, 2010. Accessed October 6, 2019, <https://www.rand.org/content/dam/rand/www/external/nsrd/DoD-CBRNE-Panel/Report-Advisory-Panel.pdf>.

"11th Annual Western Hemisphere Security Colloquium: Transformation for Cooperation." Strategic Studies Institute, April 2008.

"Homeland Defense and the Role of NORAD and USNORTHCOM: A Conversation With General Terrence J. O'Shaughnessy." Center for Strategic and International Studies, July 2019.

U.S. Northern Command. "A Short History of U.S. Northern Command." September 26, 2019. Accessed October 6, 2019, <https://www.northcom.mil/Newsroom/Fact-Sheets/Article-View/Article/1972077/a-short-history-of-us-northern-command/>.

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Topic 6: Risk-Based Homeland Security Spending

Recommendation: Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. In 2003, Washington, DC, and New York City are certainly at the top of any such list. We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel. (The 9/11 Commission Report, 2005).

Student Evaluator: Roxy Karrer '21

Grade on Progress: A-

Before 9/11 and through 2005, the Department of Homeland Security (DHS) allocated funds to urban areas using a population-based formula, granting the most money to the cities with the densest population. The Urban Areas Security Initiative (UASI) provided these grants. Because of this system, less populated regions were still receiving a baseline amount, leading to unnecessary spending on regions that were at low risk of attack. For example, a ludicrous \$557,400 was spent on rescue and communications equipment for an Alaskan town of only 1,700 residents. The assessment of terrorist threat was not considered. The 9/11 Commission openly criticized this method of fund distribution, deeming it ineffective and wasteful. A new method, proposed by Homeland Security Secretary Michael Chertoff in 2006, promised to take into account the Commission's criticisms by basing UASI grants on risk-based factors.

To identify the areas most in need of federal aid, the DHS used a risk-based model examining three specific components: threat (the likelihood of a terrorist attack), vulnerability (the likelihood of a *successful* attack), and consequence (the potential impact of said attack). Cities estimated to be at the highest risk would receive the greatest amount of money; for example, in 2005, New York City alone received \$207.5 million out of the total \$885 million available. Using this new system, the DHS identified thirty-five urban areas eligible for grants.

To receive the money, each area was required to submit a proposal outlining its existing capabilities and weaknesses, as well as a thorough explanation detailing how the grants would support security improvements. I consider this application process to be one of the shortcomings of the DHS system. It seems overwhelming and subjective, lazily forcing cities themselves to bear the bulk of the work instead of the government. The amount of funds allocated to any area should have no relation to how well its representative can write a proposal. Nevertheless, in deciding how much money the chosen areas would receive, the DHS utilized another risk-based system, reviewing the potential regionalization, sustainability, and impact of the grant. Yet another shortcoming of this model is that it does not document its underlying assumptions about each region, and is not yet open to an external peer review.

Overall, the risk-based determination of UASI grants is a great improvement from the previous model, and has decreased redundant spending. The system continues to change with the years; most recently in 2018, a region was considered more vulnerable if there were numerous 'special events' in which large crowds gathered, following shooting incidents in Orlando and Las Vegas. Ultimately, as long as the model continues to be updated and improved as potential sources of risk also change, I believe DHS's system of allocating funds is an effective one.

Bibliography

Currie, Chris P. "Additional Actions Could Further Enhance FEMA's Risk-Based Grant Assessment Model." GAO Reports. September 6, 2018.

Jenkins Jr., William O. "Observations on Process DHS Used to Allocate Funds." GAO Reports. February 8, 2007.

Kaplan, Eben. "Risk-Based Homeland Security Spending." Council on Foreign Relations. February 8, 2006.