

**ISSUE BRIEF**

**THE FAILURES OF THE  
WAR ON  
TERROR**



Friends Committee  
on National Legislation  
Lobbying with Quakers

## ISSUE BRIEF

# The Failures of the War on Terror

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## ISSUE BRIEF

# The Failures of the War on Terror

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## Background

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*In September 2021, U.S. President Joe Biden told the United Nations, “I stand here today, for the first time in 20 years, with the United States not at war. We’ve turned the page.”<sup>1</sup>*

Unfortunately, this was not true. Although the president withdrew U.S. ground troops from Afghanistan, he made it clear that air and drone strikes would remain an option for dealing with “any resurgent terrorist challenge emerging or emanating from Afghanistan.”<sup>2</sup>

From 2018 to 2020, the United States conducted militarized counterterrorism operations in 85 countries around the world, including air and drone strikes in at least seven countries.<sup>3</sup> This was up from 80 countries in the prior two years.<sup>4</sup> Most of these operations are conducted with limited congressional oversight and little public knowledge.

Rather than bringing an end to our forever wars, the Biden administration has continued to conduct lethal operations—employing the euphemistic term “over the horizon” strikes<sup>5</sup>—and to prioritize and promote around the world a militarized approach to counterterrorism.

The Friends Committee on National Legislation (FCNL) believes the U.S. War on Terror—the use of war and other military means to defeat terrorist groups—is based on a flawed proposition. It is simply not possible through the use of armed force to eliminate armed groups who engage in terrorism. Indeed, evidence shows that only 7% of terrorist groups have been “quelled by a military effort.”<sup>6</sup>

Rather, two decades of a militarized approach to terrorism has caused almost incalculable harm, both at home and abroad. It has killed and injured hundreds of thousands of innocent civilians, most of them Black, brown, and/or Muslim; displaced millions and put them at increased risk of malnutrition, disease, and exploitation; caused severe environmental destruction and exacerbated the climate crisis; and cost U.S. taxpayers over \$8 trillion.<sup>7</sup>

These results were both predictable and preventable. We write this brief to provide details of how the United States failed to achieve the goals for the so-called War on Terror and to explain the reasons why.

FCNL is a national, nonpartisan Quaker organization that lobbies Congress for peace, justice, and environmental stewardship. Our advocacy is driven by the Quaker belief in the inherent dignity and worth of each person and is carried out by our grassroots network and registered lobbyists on Capitol Hill. We seek a world free of war and the threat of war and a society with equity and justice for all.

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## I. Introduction

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### a. How is the War on Terror fundamentally new and different?

On September 20, 2001, President Bush announced the beginning of the U.S.-led global War on Terror<sup>8</sup>, fundamentally changing the way that the United States addressed the challenge of terrorism. Until then, the U.S. government had treated acts of terrorism, even those planned and perpetrated by foreign armed groups, primarily as a matter for law enforcement.

Indeed, authorities immediately pursued law enforcement action following al Qaeda's bombing of the World Trade Center in 1993, which was one of the deadliest acts of international terrorism ever carried out on U.S. soil.<sup>9</sup> Four of the attackers were quickly arrested, tried in civilian courts, convicted, and each sentenced to 240 years in prison.<sup>10</sup> By the fall of 1997, two additional attackers had been sentenced to life in prison, including the mastermind of the attack, Ramzi Yousef.<sup>11</sup>

The decision to later treat the September 11 attacks as an act of war, rather than as a crime, was not "necessary or inevitable."<sup>12</sup> Yet this choice served as the premise for a new global war paradigm.<sup>13</sup> Under this paradigm, the U.S. government assumed wide authority to detain, interrogate, torture, surveil, arm, and kill people around the world in the name of eliminating the threat posed by transnational terrorism.

As President Bush declared, the so-called War on Terror "begins with Al Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated."<sup>14</sup>

By this metric, the War on Terror had no clear limits and no realistic possibility of ever being completed. Twenty years later, it rages on. Yet the evidence is clear: military force has not eliminated or even decreased terrorism. It has only helped it spread and grow, with destructive consequences.

### b. The core problem: "terrorism" as the enemy

The War on Terror label itself demonstrates the inherent impossibility of this war ever being successful because it does not identify a specific enemy. The concept of "terrorism" itself also lacks certainty. There is no established definition of terrorism within international law.<sup>15</sup> U.S. domestic law defines the word as "violent acts or acts dangerous to human life" that "appear to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination, or kidnapping."<sup>16</sup>

The War on Terror had no clear limits and no realistic possibility of ever being completed. Twenty years later, it rages on.

Ultimately, terrorism is a tactic, not an ideology, and it has been used for centuries by groups with a wide variety of ethnic, religious, political, national, and geographic identities and affiliations. It is impossible to successfully fight a war against a tactic, and continuing to claim otherwise obfuscates existing policy failures, scapegoats already marginalized communities, and justifies more bad policies.

Terms like terrorism and terrorist have been weaponized against people of color and religious minorities, namely against Muslims;<sup>17</sup> residing both within and outside the United States. Politicians and media personalities have disproportionately used terrorist to describe perpetrators of violence who are Muslim, but rarely those who are white and Christian or of other faiths.<sup>18</sup>

In doing so, they have worked to dehumanize Muslims, while failing to properly address the growing threat of white supremacist terrorism, which, both government and independent studies confirm is far and away the greatest threat to the U.S. homeland.<sup>19</sup>

### c. Goals in the War on Terror

Putting aside the problem of declaring war on terrorism—a tactic rather than a particular enemy—we can assess the extent to which the War on Terror has succeeded or failed by examining the extent to which it has resulted in a reduction in the number of terrorist attacks, terrorist groups, members of these groups, and harm caused to civilians, as well as the goals articulated by the executive branch of “denying terrorists sanctuary” and “eliminating safe havens.”<sup>20</sup>

An examination of empirical evidence demonstrates that after 20 years, it is abundantly clear that the United States government has failed to meet the goals of the War on Terror. Not only has it failed to reduce the threat of global terrorism, but it has actually helped to increase it; all while taking an enormous human, environmental, and financial toll.

## II. How has the United States failed to achieve the goals of the War on Terror?

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### a. More attacks

- Between 2001 and 2018, annual terror attacks worldwide increased fivefold.<sup>21</sup>
- From 2001 to 2015, the annual number of terror attacks rose by 1,900% in the seven countries where the United States has either conducted air strikes or militarily invaded.<sup>22</sup>

It is impossible to successfully fight a war against a tactic.

Not only has [the United States government] failed to reduce the threat of global terrorism, but it has actually helped to increase it; all while taking an enormous human, environmental, and financial toll.

- A 2018 RAND Corporation study, found that unless paired with United Nations peacekeeping operations, U.S. security assistance programs in Africa conducted in the post-Cold War period had no statistically significant effect on levels of terrorism.<sup>23</sup>
- In 2020, there were at least 1,000 attacks, massacres, and other violent incidents linked to terror groups across Burkina Faso, Mali, and Niger—a sevenfold increase since 2017, when all three countries entered a U.S.-supported joint force to combat terrorism.<sup>24</sup>

#### b. More fighters and groups willing to engage in terrorism

- A Center for Strategic and International Studies (CSIS) found that there were an estimated 230,000 Sunni Islamist-inspired fighters willing and able to use violence to achieve their goals in 2018, amounting to an increase of 270% since 2001.<sup>25</sup>
- The CSIS study also found that as of 2018, there were more groups engaging in terrorism, with an estimated 67 groups, the highest level since 1980.<sup>25</sup>
- The State Department's own list of designated Foreign Terrorist Organizations has grown from 28 before September 11, 2021, to 68 in 2022..<sup>26</sup>

There are nearly four times as many fighters willing and able to use violence to achieve their goals as there were pre-9/11.

#### c. More civilian harm

- Since the post-9/11 wars began, over 387,000 civilians have been killed as a direct result of fighting.<sup>27</sup> This figure doesn't include the civilians who have died as an indirect result of war, including water loss, sewage and other infrastructural issues, and war-related disease.
- Over the last 20 years, it has become clear that there are significant systemic problems with the approach to mitigating, responding to, and accounting for civilian harm caused by U.S. operations.<sup>28</sup> Ongoing issues include the misidentification of civilians as terrorist targets and the failure to identify the presence of civilians prior to conducting lethal strikes.
- In a tragic illustrative example, the U.S. government conducted a drone strike amidst the withdrawal from Afghanistan and claimed to have eliminated an imminent threat from an ISIS affiliate.<sup>29</sup> Instead, the targeted individual was actually an aid worker. The strike killed 10 civilians, including seven children, and no fighters.

#### d. Failure to deny terrorists sanctuary and eliminate safe havens

- The goal of eliminating from earth a physical location from which terrorist groups coordinate attacks has always been deeply problematic because it represents a fundamental misunderstanding about how terrorist groups operate. Terror groups do not need dedicated physical spaces to plan attacks.<sup>30</sup> As the 9/11 Commission Report found, the 9/11 hijackers did most of the planning for the attacks online, with Afghanistan being merely “incidental to the attack’s planning.”<sup>31</sup>
- What has eventuated as a consequence of efforts to destroy physical “safe havens” has been the growth of transnational terror networks. The al Qaeda network, for example, has grown substantially since the United States began trying to eliminate its operational space in Afghanistan. Before the 9/11 attacks, al Qaeda’s core membership totaled under 150 members, and the group was divided.<sup>32</sup> When the United States invaded Afghanistan, al Qaeda went global. The group was able to forge relationships and deepen connections with communities impacted by U.S. military operations—connections the al Qaeda network reputedly depends on for its resilience and proliferation.<sup>33</sup>
- Rather than eliminating terrorist groups from the countries in which they operate, U.S. global military operations, including the 2003 invasion of Iraq and the backing of a Saudi effort to dismantle a burgeoning branch of al Qaeda in the country, have contributed to the emergence and growth of terrorist groups throughout the Middle East and Africa.<sup>34</sup> These groups include al Qaeda in the Arabian Peninsula (AQAP), the Nusra Front, al Qaeda in the Islamic Maghreb (AQIM), al Qaeda in the Indian Subcontinent (AQIS), and al Shabaab.<sup>35</sup>

These findings illustrate that rather than diminishing terror groups and their ability to carry out attacks, the U.S. insistence on treating these groups as combatants in a war and seeking to defeat them militarily has only strengthened them, while distracting attention from more urgent challenges and more effective solutions.

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Before the 9/11 attacks, al Qaeda’s core membership totaled under 150 members, and the group was divided. When the United States invaded Afghanistan, al Qaeda went global.



### III. Why has the War on Terror failed?

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#### a. It's counterproductive, fueling conflict and recruitment

Throughout the War on Terror, the United States has helped create the conditions for terror groups to exploit instability and grow their networks. Indeed, U.S. military intervention has fueled conflict, which is the primary driver of terrorism.<sup>36</sup>

Over the past 20 years, the countries in which the U.S. military has been most heavily engaged became the countries most impacted by terrorism.<sup>37</sup> According to the Global Terrorism Index, Iraq was the country most impacted by terrorism 2004–2017.<sup>38</sup> Deaths resulting from terrorism in Iraq fell by 75% from 2017 to 2018, coinciding with the drawdown of U.S. troops from the country to one of the lowest levels seen since U.S. invasion in 2003.<sup>39</sup> Afghanistan overtook Iraq as the country most affected by terrorism in 2018 and remained so in 2019, accounting for 41% of deaths from terrorism globally.<sup>40</sup>

Outside of ground combat, the United States carries out targeted strikes of “high-profile” individuals suspected of terrorism, a strategy known as “leadership decapitation.”<sup>41</sup> The stated goal is to disrupt and degrade armed groups’ ability to carry out attacks, thereby preventing the reconstitution of the terror group itself.<sup>42</sup> However, the strategy of leadership decapitation has been found “ineffective at best and counterproductive at worst.”<sup>43</sup>

Killing individual members of a terror group does not dismantle the group entirely. If it did, the al Qaeda network would have fallen apart a long time ago. Instead, al Qaeda has been transformed from a small, hierarchical group to a decentralized, international network, impervious to the threat of “leadership decapitation.”<sup>44</sup> As long as the underlying sources of grievances remain unaddressed, armed groups are able to simply replace deceased leaders with new ones, as evidenced by the many times the United States has claimed to have killed al Qaeda’s “number three” leader.<sup>45</sup>

Rather than dismantling terror groups, lethal targeting contributes to their recruitment efforts. U.S. lethal force regularly results in civilian casualties.<sup>46</sup> Terror groups take advantage of this, using civilian harm from U.S. military operations to win the sympathies of impacted communities.

U.S. militarism abroad has helped create the conditions for terror groups to exploit instability and grow their networks.

The strategy of leadership decapitation has been found “ineffective at best and counterproductive at worst.”

Indeed, both the al Qaeda network and ISIS have used U.S. strikes as propaganda tools to stoke resentment against American and other foreign forces and to bolster recruitment.<sup>47</sup>

The anti-American resentment generated by U.S. military operations abroad has also made the United States more susceptible to attack. According to a study examining the correlation between military participation and terrorist attacks, the citizens of countries that contributed ground forces for the wars in Afghanistan and Iraq have been attacked at a greater frequency by al Qaeda and groups that affiliate with al Qaeda.<sup>48</sup> This effect is known as “blowback,” a term originally coined by the Central Intelligence Agency (CIA) to describe the residual damaging effects of U.S. militarism.<sup>49</sup>

U.S. military intervention has repeatedly exacerbated the problem of terrorism. The war in Iraq paved the way for terror groups to develop in the country. Prior to U.S. intervention, Iraq had no meaningful ties to al Qaeda.<sup>50</sup> The destabilization of the country contributed to the rise of al Qaeda in Iraq (AQI), which eventually became ISIS.<sup>51</sup>

U.S. military activities that do not rise to the level of full-scale war have also helped exacerbate instability and increase terrorism. The United States has spent the better part of the past two decades training foreign forces to conduct their own localized wars on terror.

Programs that ostensibly offer “training and assistance” to foreign security forces as a means of counterterrorism have been conducted in 36 countries between 2002 and 2016 at a cost of \$125 billion.<sup>52</sup> These programs also give rise to billions of dollars in sales of weapons and military equipment by U.S. companies to partner governments.<sup>53</sup>

Yet, according to evidence, rather than defeating terrorism abroad, such programs have increased or even created it. Burkina Faso, for instance, has received counterterrorism funding and assistance from the United States since 2009<sup>54</sup>—even though U.S. officials identified no threats of terrorism in the country at the time.<sup>55</sup> Today, the Burkinabe people face a heightened threat of terrorism from both al Qaeda affiliates and ISIS members.<sup>56</sup> Since 2015, 1,034,609 people—over 60% of whom are children—have been internally displaced because of instances of terrorism.

Ultimately, the War on Terror, from ground combat operations to lethal strikes to promoting and facilitating a military response to terrorism by foreign forces, has increased the threat of terrorism and made people less safe.

Prior to U.S. intervention, Iraq had no meaningful ties to al Qaeda.

The United States has spent the better part of the past two decades training foreign forces to conduct their own localized wars on terror.

## b. The concept of safe havens is a myth.

After 9/11, President Bush promised to pursue nations that provide “aid or safe haven to terrorism,” calling any such nation a “hostile regime.”<sup>57</sup> Since then, denying terror groups safe haven has been a rallying cry of the War on Terror, repeated by the Obama, Trump, and Biden administrations alike to justify military actions.<sup>58</sup>

But the goal of eliminating a physical location for armed groups to coordinate stems from a fundamental misconception about how terror groups function. Terror groups do not need dedicated physical spaces to operate.<sup>59</sup>

Ironically, the key example demonstrating this comes from the planning process for the 9/11 attacks. The 9/11 hijackers did most of their planning for the attacks online, often via public email and on wireless networks accessed in hotels and public establishments throughout the United States.<sup>60</sup> To the extent that planning was conducted in person, this was carried out in Spain and Germany.<sup>61</sup> Afghan soil was not necessary to plan and carry out the attacks. In reality, so-called safe havens are largely a myth.<sup>62</sup>

The misguided and unrealistic U.S. focus on eliminating physical safe havens also ignores the more pressing issue of virtual organizing by terror groups, which posed a significant challenge even in 2001 and has only grown since. Today, the internet and social media are the most commonly used tools for terror groups to recruit members, garner financial support, and plan and carry out attacks.<sup>63</sup>

Terror groups still share propaganda in the form of speeches and text, but most have expanded their online presence to social media platforms like Twitter, Facebook, and even online dating sites.<sup>64</sup> ISIS has quite successfully harnessed the power of social media to recruit tens of thousands of supporters virtually.<sup>65</sup> On the whole, terror groups live and operate in the virtual reality of the 21st century. Military intervention hasn’t and won’t do anything to change that.

Equally important, efforts to destroy physical safe havens have contributed to the growth of transnational terror networks. The al Qaeda network, for example, has grown substantially since the United States began trying to eliminate its operational space in Afghanistan.

Preceding the 9/11 attacks, al Qaeda’s core membership totaled under 200 members, and the group was divided.<sup>66</sup> Bin Laden had attempted to unify them and garner new members through the 1998 embassy bombings in Kenya and Tanzania, to no avail.<sup>67</sup> He decided to go bigger, planning the 9/11 attacks out of desperation to legitimize and grow the group.

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On the whole, terror groups live and operate in the virtual reality of the 21<sup>st</sup> century. Military intervention hasn’t and won’t do anything to change that.

When the United States invaded Afghanistan, al Qaeda went global—just as Bin Laden hoped. Counterterrorism analyst Leah Farrall writes that “the 9/11 attacks were designed to incite an armed retaliation that would get U.S. boots on Afghan soil.”<sup>68</sup>

All went according to plan, with U.S. military intervention and subsequent occupation of Afghanistan, and later Iraq, fueling the growth of al Qaeda’s network. These wars bolstered the group’s ability to forge relationships and deepen connections with communities impacted by U.S. military operations—connections the al Qaeda network reputedly depends on for its resilience and proliferation.<sup>69</sup>

Today, al Qaeda has many affiliates with varying depths of ties, including in the Arabian Peninsula (AQAP), the Islamic Maghreb (AQIM), the Indian Subcontinent (AQIS), and the Horn of Africa (al Shabaab).<sup>70</sup>

## **IV. Why should the United States abandon the war paradigm as a counterterrorism tool?**

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### **a. The terror threat is overblown**

Simply put, evidence does not support the notion that international terrorism poses the existential threat to the United States indicated by U.S. counterterrorism policy. The likelihood of dying in an attack orchestrated or supported by a transnational terror group is extremely low. Americans remain more likely to die choking on food than to be killed in an attack by a transnational terror group.<sup>71</sup> Since 9/11, 107 people in the United States have died in attacks by individuals or groups accused of affiliating with a foreign terror group.<sup>72</sup> By contrast, on a single day in December 2020, the daily COVID-19 death toll in the United States exceeded that on 9/11.<sup>73</sup>

Further, the Federal Bureau of Investigation, the Department of Homeland Security, and other law enforcement sources have all confirmed that today, individuals motivated to commit violence by white supremacy and other far right ideologies pose the greatest domestic threat to national security.<sup>74</sup>

According to the Anti-Defamation League, more than 75% of the approximately 435 terror attacks in the United States between 2010 and 2019 were carried out by domestic right-wing individuals.<sup>75</sup> In 2019 alone, over 90% of 42 lethal terror attacks were conducted by people motivated by far right ideologies.<sup>76</sup> Only one of the 46 failed terror plots in the United States between 2018 and 2020 was directed by a foreign organization.<sup>77</sup>

[T]oday, individuals motivated to commit violence by white supremacy and other far right ideologies pose the greatest domestic threat to national security.

Only one of the 46 failed terror plots in the United States between 2018 and 2020 was directed by a foreign organization.

Rather than transnational terrorism, the bigger threats to Americans' daily lives come from racial and economic injustice, climate chaos, gun violence, and the ongoing pandemic. U.S. counterterrorism wars do nothing to counter these threats. To the contrary, endless wars take resources and attention away from properly addressing more pressing challenges and can actively exacerbate them.

### **b. Non-military tools are far more effective at protecting us from terrorism**

The limitlessness of the War on Terror is perhaps its biggest failure. Policy analyst and terrorism expert David Sterman writes that endless wars happen when “a belligerent adopts objectives while lacking the capability to achieve said objectives,” all while “the belligerent is also not at risk of being defeated itself.”<sup>78</sup> The War on Terror certainly meets these standards; the United States has fought counterterrorism wars for twenty years with no achievable objective and no risk of being defeated.

Still, some argue that the War on Terror has been successful simply because there hasn't been another 9/11-style terror attack on American soil since 2001. This argument ignores the fact that since 9/11, potential acts of terror have been disrupted by intelligence sharing among governments, followed by arrests and prosecutions.<sup>79</sup>

As former senior director for counterterrorism at the National Security Council Luke Hartig has said, “As the U.S. military has fought seemingly endless overseas wars, other parts of the government have simultaneously built a layered defense that has arguably been far more effective than military operations at keeping the country safe.”<sup>80</sup>

Further evidence supports the notion that non-military means are far more successful in defeating terrorism. In a study of 648 terror groups, researchers found that only 7% of such groups ended as a result of a military effort.<sup>81</sup> Terrorist groups were more likely to achieve victory (10%) than they were to be disbanded through military force. The other 83% of terrorist groups ceased their operations as the result of either a policing effort (40%) or incorporation of the group into the political process (43%).

The reality is that the horrific 9/11 attacks were an outlier. They were not representative of the actual threat that transnational terrorism poses to the U.S. homeland, and war is not the means to successfully counter any such threat. The armed groups that have scattered across the world since 2001 have interests and capabilities that are primarily focused regionally. By exacerbating conflict instead of addressing root causes, the U.S. War on Terror perpetuates endless cycles of violence in which innocent civilians pay the heaviest price.

The United States has fought counterterrorism wars for twenty years with no achievable objective and no risk of being defeated.

### c. The War on Terror has been exceptionally costly and destructive

The ruinous effects of the War on Terror are far-reaching and permanent in the lives of millions, both internationally and domestically.

Twenty years of continuous war hasn't benefitted anyone (except defense contractors and equipment manufacturers).<sup>82</sup> Abroad, the United States' post-9/11 wars have displaced at least 38 million people in and from Afghanistan, Pakistan, Iraq, Libya, Syria, Yemen, Somalia, and the Philippines.<sup>83</sup> An estimated 929,000 people have died as a direct result of these wars, including over 387,000 civilians and 7,052 U.S. servicemembers.<sup>84</sup> U.S. active-duty personnel and veterans of the post-9/11 wars also suffer high suicide rates.<sup>85</sup> It's estimated that 30,177 current and former servicemembers have died by suicide, at least four times as many as those who died in combat.<sup>86</sup>

The War on Terror has also brought great environmental and financial costs. Since 2001, the U.S. military has emitted 1.2 billion metric tons of greenhouse gases.<sup>87</sup> It is the one of the world's top emitters and the single largest consumer of oil, making it a significant driver of climate change.<sup>88</sup> American taxpayers have incurred at least \$8 trillion to fund these post-9/11 counterterrorism wars—funds that could have been spent on achieving economic, racial, and environmental justice.<sup>89</sup>

Twenty years of war have also resulted in increased militarization of our communities in the United States. The Department of Defense, inundated with weaponry from War on Terror-era spending spikes, funnels surplus military equipment to police departments nationwide through a federal scheme known as the 1033 Program.<sup>90</sup> Following the 9/11 attacks, transfers of military equipment to police departments “exploded,” with \$1.6 billion in equipment transferred since the attacks, compared with \$27 million before.<sup>91</sup>

Rather than keeping Americans safe, the effects of these transfers have led to increased police violence, racialized control, and aggression, while eroding police legitimacy.<sup>92</sup> In a study of the 1033 Program, Delehanty, Mewhirter, Welch, and Wilks found a correlation between transfers of military equipment and increased police killings of civilians.<sup>93</sup>

Researchers at the Brown University Costs of War Project note the racialized use of such equipment in response to protests, discussing how “mine resistant vehicles, tear gas, and heavy weapons are consistently rolled out against Black- and Indigenous-led movements,” including the Standing Rock and Black Lives Matter protests, in contrast to the majority-white Women's March.<sup>94</sup>

The researchers note that the use of such “militaristic tactics and imagery breed fear and mistrust, particularly among poor and hyperpoliced communities of

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color,” undermining community policing efforts and potentially obstructing crime-solving “by rendering civilians less likely to cooperate with investigators.”<sup>95</sup>

The war paradigm has also been used to significantly erode human rights and civil liberties. Following the 9/11 attacks, approximately 1,200 men, nearly all Muslim, were detained for months without charge or trial until Department of Justice officials determined they had no connection to terrorist activity.<sup>96</sup> Dozens remain in the detention camp at Guantanamo Bay—the majority of whom have never been charged with a crime—while many current and former detainees were brutally tortured in CIA black sites.<sup>97</sup>

The consequences of this horrific treatment and the failure to implement meaningful accountability continue to reverberate around the world. Indeed, the United National Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism concluded that there was a “direct link between the failure to address the legacy and ongoing realities of post 9/11 torture and rendition with contemporary practices of mass arbitrary detention and torture.”<sup>98</sup>

Since 9/11, domestic law enforcement agencies have systematically targeted Muslims through surveillance<sup>99</sup> and entrapment,<sup>100</sup> often targeting the indigent and those with mental and intellectual disabilities.<sup>101</sup> This aspect of the U.S.-led War on Terror is both a product of and an accelerant of xenophobia and Islamophobia in the United States.<sup>102</sup> According to FBI data, anti-Muslim hate crimes in the United States increased from 28 to 481 incidents between 2000 and 2001,<sup>103</sup> and the annual number has never decreased to the levels seen pre-9/11.<sup>104</sup>

Those who are wrongly perceived to be Muslim have also suffered under the War on Terror. For example, the Sikh Coalition estimates that Sikhs are hundreds of times more likely than their fellow Americans to be the victim of a hate crime in the United States, and the FBI reports that Sikhs are in the top five groups most often targeted for hate in the United States.<sup>105</sup>

Americans have also lost ground in their democracy, as their voice on whether the United States goes to war has been ignored. According to a study by the Eurasia Group, 76% of Americans believe the president should seek congressional approval before ordering military action.<sup>106</sup>

Yet over the last 20 years, Congress—the branch of government most responsible to the American people—has largely given up its constitutional duty to decide if and when the United States engages in hostilities. This relinquishment has allowed presidents to abuse existing authorities to carry out military operations without proper oversight or public engagement.<sup>107</sup> It’s high time the U.S. government listen to the American people.

According to FBI data, anti-Muslim hate crimes in the United States increased from 28 to 481 incidents between 2000 and 2001, and the annual number has never decreased to the levels seen pre-9/11.

## V. Conclusion

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The War on Terror has clearly failed to achieve the goals for which it was purportedly launched. After 20 years of war, the annual number of terror attacks worldwide has significantly increased, terror groups have proliferated across the globe, and nearly 9,000,000 people have been killed. Militarized counterterrorism has caused direct war violence, mass displacement, rising Islamophobia, human rights abuses, and trillions of wasted dollars.

Continuing the same war-based approach to terrorism can never produce different results. After decades of restricting civil liberties, perpetuating violence, and violating human rights, the United States should consider an approach grounded in peacebuilding and diplomatic cooperation to promote civil and human rights, the rule of law, and the protection of civilians.

## VI. What Members of Congress Can Do

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The end of the War on Terror starts with Congress reasserting its constitutional war powers. Lawmakers must begin to chip away at the war paradigm by repealing the law that the executive branch cites as the primary legal basis to justify forever war. Congress passed the 2001 Authorization for Use of Military Force (AUMF) three days after the 9/11 attacks to authorize the president to use military force against the “nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11” and those who harbored these entities.<sup>108</sup>

Twenty years later, the executive branch has abused this law to justify lethal force operations in an ever-expanding list of countries, against groups that did not exist in 2001, with no end in sight.<sup>109</sup>

For too long, Congress has declined to take back its power and to revoke the authorization that undergirds the disastrous War on Terror. Bills have been introduced in both houses—H.R. 255, sponsored by Rep. Barbara Lee (CA-13), and S.J.Res. 22, sponsored by Sen. Ben Cardin (MD)—to terminate the 2001 AUMF after eight or 12 months, leaving time to enact any new authorization Congress deems necessary.

By enacting this legislation, lawmakers can begin to dismantle the failed war paradigm by fulfilling their constitutional responsibility to debate and vote in every instance before the United States goes to war.



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