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IDENTIFYING THE ORIGINS OF ANTI-AMERICAN TERRORISM

*John Quigley**

I.	THE ORIGINS OF ANTI-AMERICAN TERRORISM	1004
II.	COVERT ACTION IN ARAB STATES	1005
III.	SUPPORT FOR MILITARY ACTION BY ISRAEL	1007
IV.	PROMOTION OF FUNDAMENTALIST ISLAM	1008
V.	AFGHANISTAN	1009
VI.	PERSIAN GULF WAR AND BEYOND	1010
VII.	THE NEED FOR HISTORICAL CONTEXT	1013

Professor Dinh's analysis is directed at identifying the instrumentalities that, in his view, should cope with terrorism.¹ His analysis is an important piece of the puzzle. Professor Dinh argues that it is nation-states, acting collectively, that should respond to terrorism,² and his article provides suggestions about what these nation-states should do.

Professor Dinh does not, however, analyze the origins of the terrorism faced by the United States. He does not indicate how, when, or why the ideology he perceives developed. A comprehensive analysis requires three elements: (1) analyzing why terrorism is occurring, (2) identifying the instrumentalities to cope with it, and, (3) prescribing what these instrumentalities should do.

This Commentary seeks to supply the beginnings of an analysis of the first element, as a necessary supplement to Professor Dinh's analysis of the instrumentalities. Absent such an analysis, neither the second nor the third element can adequately be approached. If terrorism is to be addressed rationally, its origins must be determined. Just as a physician cannot treat a patient without making a diagnosis, so with negative social phenomena, one must determine their origin before prescribing remedies or identifying appropriate actors to administer the remedies.

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1. See Viet D. Dinh, *Nationalism in the Age of Terror*, 56 FLA. L. REV. 867, 869 (2004).

2. *Id.* at 881-82.

I. THE ORIGINS OF ANTI-AMERICAN TERRORISM

Terrorism of the kind Professor Dinh addresses is not a disembodied ideology that sprang to life already full-blown. It emanates from a specific region, the Middle East. It is related to the role the United States assumed in the Middle East after the Second World War. That role has engendered a resentment that is felt by much of that region's population. The United States is seen as pursuing its own advantage, regardless of the consequences for the local population.³

In the second quarter of the twentieth century, France and Britain shared the role of power broker in the Middle East. As the Europeans battled the Ottomans in World War I, Arabs thought they had a promise that helping defeat the Ottomans would result in their own independence.⁴ Instead, France and Britain divided the region into spheres of control.⁵ Britain even brought in an external population, Jews from Europe, who sought to displace the Arabs of Palestine.⁶

As the French and British empires waned after World War II, the United States replaced France and Britain as power broker in the Middle East.⁷ The United States sought access to oil in the region on terms that were financially rewarding.⁸ It feared actual and potential threats to that access from Arab nationalism, which was, at its base, a quest for self-determination.⁹ In an analysis that locals found puzzling, the United States viewed the region as a primary Cold War battleground, requiring United States involvement to thwart perceived Soviet efforts at hegemony.¹⁰

At the United Nations, the United States promoted a plan to create a Jewish state by partitioning Palestine.¹¹ Under the plan, a Jewish state would be given fifty-six percent of Palestine's territory at a time when

3. See discussion *infra* Part VII.

4. Letter from the Sherif Hussein to McMahon (July 14, 1915), in *ARAB-ISRAELI CONFLICT AND CONCILIATION* 19, 20 (Bernard Reich ed., 1995).

5. *Tripartite (Sykes-Picot) Agreement for the Partition of the Ottoman Empire by Britain, France and Russia, 26 April-23 October 1916*, reprinted in 1 *THE MAJOR INTERNATIONAL TREATIES OF THE TWENTIETH CENTURY* 71, 71-72 (J.A.S. Grenville & Bernard Wasserstein eds., 2001).

6. W. T. Mallison, Jr., *The Balfour Declaration: An Appraisal in International Law*, reprinted in *THE TRANSFORMATION OF PALESTINE* 61 (Ibrahim Abu-Lughod ed., 1971) (referring to the Balfour Declaration and League of Nations mandate which called for Jewish migration into Palestine).

7. See generally RITCHIE OVENDALE, *BRITAIN, THE UNITED STATES, AND THE TRANSFER OF POWER IN THE MIDDLE EAST, 1945-1962* (1996).

8. See *id.* at 27.

9. See *id.* at 242-43.

10. See *id.* at 188-89.

11. G.A. Res. 181, U.N. GAOR, 2d Sess., Supp. No 11, at U.N. Doc. A/519 (1947).

Jews constituted only thirty percent of its population.¹² Most of these Jews, moreover, had migrated only recently and were therefore not viewed by the Palestine Arabs as being entitled to statehood. The Partition proposal was solidly backed by European states, but a number of Third World states found it unfair to the Arabs. To get the necessary votes for passage, the United States pressured some Third World states.¹³

II. COVERT ACTION IN ARAB STATES

In the mid-1950s, the United States began to subvert governments in the Middle East. The first action came in Iran, where a government elected through democratic processes was nationalizing a British oil company, thus threatening the West's access to oil on favorable terms.¹⁴ The resulting coup brought to the fore the Shah Mohammed Reza Pahlavi, who ruled for the next quarter-century and was viewed as a protector of Western oil interests.¹⁵ The Shah suppressed dissent by brutal methods.¹⁶

In 1957, the United States formalized a policy of active involvement in the Middle East when Congress, at President Dwight Eisenhower's request, adopted the Joint Resolution to Promote Peace and Stability in the Middle East.¹⁷ The stated aim was to keep the U.S.S.R. from establishing influence in the region.¹⁸ This policy, which came to be called the Eisenhower Doctrine,¹⁹ took the United States deep into regional politics.

From 1956 to 1957, the Central Intelligence Agency (CIA) funded military officers plotting the removal of a nationalist-oriented government in Syria that was not cooperating with the United States.²⁰ Before the plot

12. *Report of Sub-Committee 2 to the Ad Hoc Committee on the Palestinian Question*, U.N. GAOR, 2d Sess., U.N. Doc. A/AC.14/32 (1947) (stating, on page 304 of Appendix I, that of the nearly 2 million inhabitants of Palestine, 608,000 were Jews).

13. SUMNER WELLES, *WE NEED NOT FAIL* 63 (1948) (writing, as Under Secretary of State, that the White House directed that pressure be used to ensure a favorable vote).

14. KERMIT ROOSEVELT, *COUNTERCOUP: THE STRUGGLE FOR THE CONTROL OF IRAN* 54 (1979).

15. See JAMES A. BILL, *THE EAGLE AND THE LION: THE TRAGEDY OF AMERICAN-IRANIAN RELATIONS* 91-94 (1988).

16. JONATHAN KWITNY, *ENDLESS ENEMIES: THE MAKING OF AN UNFRIENDLY WORLD* 12 (1984).

17. Joint Resolution to Promote Peace and Stability in the Middle East, H.R.J. Res. 117, 85th Cong. (1957) (as amended) (accepted Mar. 7, 1957), *reprinted in* DEP'T ST. BULL., Mar. 1957, at 481.

18. H.R. DOC. NO. 85-46 (1957), *reprinted in* DEP'T ST., BULL., Jan. 1957, at 83, 85 (quoting the message of President Eisenhower to Congress on January 5, 1957 asking for authorization for a United States economic program and for a resolution on Communist aggression in the Middle East).

19. See WALTER EYTAN, *THE FIRST TEN YEARS: A DIPLOMATIC HISTORY OF ISRAEL* 154-55 (1958).

20. WILLIAM BLUM, *KILLING HOPE: U.S. MILITARY AND CIA INTERVENTIONS SINCE WORLD*

came to fruition, some of the conspirators informed the government and named two United States diplomats in Syria as CIA officers involved in the plot.²¹ The government of Syria expelled the pair.²²

In 1957, the CIA funded parliamentary candidates in Lebanon to ensure the election of pro-United States individuals who, as parliamentarians, would in turn elect a pro-United States figure as president.²³ The CIA station chief in Beirut wrote that the CIA had “bought” itself a parliament.²⁴ When the parliament elected the United States-backed candidate, United States officials hailed their success as “a great victory for . . . the West.”²⁵

This manipulation enraged the more nationalistically inclined elements in Lebanon, precipitating a civil war.²⁶ In 1958, President Eisenhower dispatched a force of Marines, in the interest of peace, whose actual purpose was to keep the nationalists from taking power.²⁷

In neighboring Jordan, the CIA was funding King Hussein, another United States supporter.²⁸ When a planned coup threatened Hussein, President Eisenhower sent Air Force jets over the Jordanian capital, successfully frightening off the plotters.²⁹

In the United States, none of these interventionist actions gained public attention. The successful coup in Iran, the attempted coup in Syria, the parliament funding in Lebanon, and the CIA funding of King Hussein were not exposed until years later. But in the Middle East, a perception developed that the United States was out to promote its own interests.³⁰

WAR II, at 84-89 (2d ed. 2004).

21. WILBUR CRANE EVELAND, *ROPES OF SAND: AMERICA'S FAILURE IN THE MIDDLE EAST* 254 (1980).

22. *Syria Expelling 3 U.S. Diplomats*, N.Y. TIMES, Aug. 14, 1957, at A1; see also FOREIGN RELATIONS OF THE UNITED STATES, 1955-1957, H.R. DOC. NO. 84-477, vol. XIII, at 632-34 (John P. Glennon et al. eds., 1988) (reprinting on August 13, 1957 memorandum from William Rountree to Christian Herter, in which Rountree denied any involvement by the United States in the Syrian coup and recommended expelling Syria's ambassador from the United States in response to the expulsion of U.S. diplomats from Syria).

23. ANDREW RATHMELL, *SECRET WAR IN THE MIDDLE EAST: THE COVERT STRUGGLE FOR SYRIA, 1949-1961*, at 129 (1995).

24. EVELAND, *supra* note 21, at 276.

25. RATHMELL, *supra* note 23, at 130.

26. See HELENA COBBAN, *THE MAKING OF MODERN LEBANON* 79-94 (Westview Press 1985).

27. BLUM, *supra* note 20, at 95-96; COBBAN, *supra* note 26, at 89-90; OVENDALE, *supra* note 7, at 198-201.

28. David M. Alpern et al., *Can Anyone Keep a Secret?*, NEWSWEEK, Mar. 7, 1977, at 16; *Hussein on His CIA Money*, NEWSWEEK, Mar. 7, 1977, at 16; Bob Woodward, *CIA Paid Millions to Jordan's King Hussein*, WASH. POST, Feb. 18, 1977, at A1.

29. Jack Raymond, *U.S. Jets Display Power in Jordan*, N.Y. TIMES, July 18, 1958, at 1.

30. See Carl J. Woods, *An Overview of the Military Aspects of Security Assistance*, 128 MIL. L. REV. 71, 75 (1990).

President Eisenhower's stated rationale for the Eisenhower Doctrine—combatting Soviet communism—was viewed skeptically by Arabs fresh from their experiences with French and British domination.³¹

III. SUPPORT FOR MILITARY ACTION BY ISRAEL

The Eisenhower Doctrine spawned United States military assistance to Israel.³² Such aid inflamed Arab opinion against the United States: Arabs began to hold the United States responsible for any wrongs committed by Israel. In 1967, the Johnson Administration was in discreet contact with Israel, which first threatened to invade Syria and ultimately did invade Egypt, Jordan, and Syria.³³ In President Lyndon Johnson's recount of the consultation, he claimed that he advised Israel against invading Egypt.³⁴ After the invasion, Israel falsely claimed in the United Nations Security Council that Egypt had attacked first,³⁵ and the United States did not suggest otherwise.³⁶ The Arab representatives tried to tell the Security Council that they had not started the fighting,³⁷ but the United Nations did not verify the facts.³⁸

In this way, the United States helped Israel occupy not only the Palestinian territories of the Gaza Strip and the West Bank of the Jordan River, but also Syria's Golan Heights and Egypt's Sinai Peninsula.³⁹ For the Arab states, the only hope for opposing this expansion by Israel was unity among themselves. The Carter Administration undermined that unity, however, when it helped Israel convince Egypt, desperate to regain Sinai, to sign the Camp David agreements with Israel in 1978-79.⁴⁰

31. *See id.*

32. EYTAN, *supra* note 19, at 155; Woods, *supra* note 30, at 75.

33. CHERYL A. RUBENBERG, ISRAEL AND THE AMERICAN NATIONAL INTEREST 106-20 (1986) (reviewing communications between Israel and the United States from May 14 to June 4, 1967 regarding Israel's plans to invade Egypt).

34. LYNDON BAINES JOHNSON, THE VANTAGE POINT: PERSPECTIVES OF THE PRESIDENCY 1963-1969, at 293-300 (1971) ("I can understand that [leaders of Israel] might decide to act on their own when hostile forces gather on their frontiers and cut off a major port . . .").

35. U.N. SCOR, 22d Sess., 1348th mtg. paras. 142-55, U.N. Doc. S/PV.1348 (1967) (statement of Mr. Eban of Israel).

36. *Id.* paras. 230-38 (statement of Mr. Goldberg of the United States).

37. *See, e.g., id.* paras. 196-203 (statement of Mr. Tomeh of Syria).

38. *See* John Quigley, *Security Council Fact-Finding: A Prerequisite to Effective Prevention of War*, 7 FLA. J. INT'L L. 191, 220-24 (1992).

39. *See* Edward Bennett Miller, *Implementing the Oslo Accords*, 6 CARDOZO J. INT'L & COMP. L. 343, 366 (1998).

40. *See* Woods, *supra* note 30, at 78; A Framework for Peace in the Middle East Agreed at Camp David, Sept. 17, 1978, Egypt-Isr., 17 I.L.M. 1466 (1978); Treaty of Peace Between the State of Israel and the Arab Republic of Egypt, Mar. 26, 1979, Egypt-Isr., *reprinted in* 15 ISR. L. REV. 302 (1980).

IV. PROMOTION OF FUNDAMENTALIST ISLAM

In Iran, the United States' facilitation of rule by the Shah gave rise to a nationalist movement based on a fundamentalist interpretation of Islam.⁴¹ In this way, the United States indirectly gave birth to fundamentalist Islam as a political force. The fundamentalist government shocked the United States in 1979 by taking hostages at the United States Embassy in Tehran, the first instance of anti-United States violence by a force operating on an Islamist-fundamentalist philosophy.⁴²

Within a few years, suicide bombing emerged as a new means of opposition to the United States.⁴³ Suicide is forbidden by Islamic law,⁴⁴ but clerics responding to the United States' role in the region re-interpreted Islamic sources to justify suicide bombing.⁴⁵ These clerics fashioned a rationale out of the Islamic concept of martyrdom, which applied to those defending Islam, but which had previously covered only those who died in battle for Islam.⁴⁶

In the 1960s, Sh'ia Islamic jurists expanded the concept of martyrdom to include a person who committed suicide in defense of Islam.⁴⁷ This re-interpretation was fashioned in Iraq by Iraqi clerics and, importantly, by Ruhollah Khomeini, an Iranian Sh'ia cleric living in exile in Iraq.⁴⁸ For these Iraqi clerics, the secularism of the Ba'ath Party regime under Saddam Hussein was the trigger.⁴⁹ For Khomeini, it was the regime of the Shah in Iran.⁵⁰ Martyrdom by suicide came to be viewed as permissible.⁵¹

After Khomeini came to power in 1979, this re-interpretation manifested itself in the war commencing in 1980 between Iraq and Iran. The Iranian military sent waves of youths to attack machine-gun emplacements they had no hope of overrunning.⁵² Thousands of Iranians

41. KWITNY, *supra* note 16, at 177.

42. See Ravi Mahalingam, *Women's Rights and the "War on Terror": Why the United States Should View the Ratification of CEDAW as an Important Step in the Conflict with Militant Islamic Fundamentalism*, 34 CAL. W. INT'L L.J. 171, 179 n.41 (2004) (citing FEREYDOUN HOVEYDA, *THE BROKEN CRESCENT: THE "THREAT" OF MILITANT ISLAMIC FUNDAMENTALISM* 109 (1998)).

43. See Bernard K. Freamon, *Martyrdom, Suicide, and the Islamic Law of War: A Short Legal History*, 27 FORDHAM INT'L L.J. 299, 302-03 (2003).

44. *Id.* at 304.

45. See *id.* at 340-41.

46. See *id.* at 319.

47. See *id.* at 334-37.

48. See *id.* at 337-41.

49. *Id.* at 337-38.

50. See *id.* at 338.

51. See *id.* 340-41.

52. See *id.* at 347-48.

were killed, and the operation was rationalized as self-destruction in jihad to defend Islam.⁵³

The concept spread from Iran via Sh'ia clerics to Lebanon, where it emerged in 1983 in the suicide truck bombings of the United States Embassy and of a barracks housing United States Marines.⁵⁴ At that time, the United States was intervening militarily in Lebanon, just as it had done in 1958.⁵⁵

The re-interpretation of Islamic doctrine to rationalize suicide in support of jihad was, therefore, in response to United States intervention in the Middle East. Had the United States not brought the Shah to power in Iran, this re-interpretation might not have become part of Islamic jurisprudence.

V. AFGHANISTAN

Just as the fundamentalists were coming to power in Iran, the United States began another action that would have dire long-term consequences. A left-of-center government with ties to the U.S.S.R. had come to power in Afghanistan. This government incurred the hostility of traditional elements in Afghanistan by promoting female equality and by nationalizing properties held by the clergy.⁵⁶ Fundamentalist elements coalesced and began armed uprisings in the spring of 1979.⁵⁷ The CIA supported them.⁵⁸ The United States saw a chance not only to bring down a government friendly to the Soviet Union, but also to draw the Soviet Union into an "Afghan trap."⁵⁹

As United States assistance enhanced the opposition's military potential, the Soviet Union intervened in December 1979. The Soviets had less fear of the overthrow of a friendly government than either the emergence of an Islamic government⁶⁰ or a turn by the existing government to the United States.⁶¹

53. *Id.* at 348.

54. *Id.* at 354-56.

55. *Id.* at 355; *see supra* text accompanying note 27.

56. *See* BLUM, *supra* note 20, at 340-41, 346; TOM LANSFORD, *A BITTER HARVEST: US FOREIGN POLICY AND AFGHANISTAN* 116-17 (2003).

57. SARAH E. MENDELSON, *CHANGING COURSE: IDEAS, POLITICS, AND THE SOVIET WITHDRAWAL FROM AFGHANISTAN* 45 (1998); EDGAR O'BALLANCE, *AFGHAN WARS* 85 (rev. paperback 2002).

58. *See* JOHN K. COOLEY, *UNHOLY WARS: AFGHANISTAN, AMERICA AND INTERNATIONAL TERRORISM* 4-5 (3d ed. 2002); LANSFORD, *supra* note 56, at 118-21; Michael Getler, *U.S. Reportedly Is Supplying Weapons to Afghan Insurgents: Afghan Rebel Forces Reportedly Getting U.S. Arms Assistance*, WASH. POST, Feb. 15, 1980, at A1.

59. COOLEY, *supra* note 58, at 10.

60. *See* BLUM, *supra* note 20, at 342; LANSFORD, *supra* note 56, at 123.

61. COOLEY, *supra* note 58, at 8-9.

Once the Soviet Union entered Afghanistan, the United States saw an even greater opportunity to embarrass the Soviet Union. Zbigniew Brzezinski, National Security Advisor to President Jimmy Carter, reports having told President Carter, “now we can give the USSR its own Vietnam war.”⁶² President Carter began arming the *mujahideen* resistance.⁶³ The Reagan Administration took Brzezinski’s idea to heart, building the fundamental Islamists into a powerful military force. Increasing the *mujahideen*’s supply of arms, the United States sent Stinger missiles for use in shooting down aircraft.⁶⁴

Osama bin Laden’s militias grew out of the Afghan resistance. Bin Laden framed his anti-United States arguments in the language of Islam, but he was voicing the same anti-colonialist sentiment that had been directed against France and Britain in the early twentieth century. The *New York Times* cited a French scholar who wrote that bin Laden had “Islamized the traditional discourse of Western anti-imperialism. So a lot of Muslims support him, not because they see him as a true warrior for Islam, but because they hate America, and he’s the only man in the Islamic world that they see fighting the Americans.”⁶⁵

VI. PERSIAN GULF WAR AND BEYOND

The 1991 United States military action against Iraq further set Arab opinion against the United States. Although intervention to keep Iraq from occupying Kuwait was supported by most Arab governments, the public viewed it with skepticism. A widespread reaction was that the United States applied a double standard by opposing Iraq’s occupation of Kuwait while supporting Israel’s occupation of Arab territories.⁶⁶ The scope of the bombing, which included extensive raids on the Iraqi capital, was viewed as unnecessarily extensive.⁶⁷

One reason for a high casualty rate in these bombings was that an estimated seventy percent of the bombs missed their intended targets.⁶⁸

62. *Id.* at 10; David Leigh & Richard Norton-Taylor, *House of Saud Looks Close to Collapse*, *GUARDIAN* (London), Nov. 21, 2001, at 17.

63. LANSFORD, *supra* note 56, at 127.

64. *Id.* at 127-28; O’BALLANCE, *supra* note 57, at 162.

65. John F. Burns, *A Nation Challenged: A Fighter’s Tale: Bin Laden Stirs Struggle on Meaning of Jihad*, *N.Y. TIMES*, Jan. 27, 2002, § 1, at 1 (quoting Olivier Roy).

66. See John Quigley, *The United Nations Action Against Iraq: A Precedent for Israel’s Arab Territories?*, 2 *DUKE J. COMP. & INT’LL.* 195, 195, 227-28 (1992) (attributing the United Nations’ contrasting actions to the United States’ support of Israel).

67. See GEOFF SIMONS, *THE SCOURGING OF IRAQ: SANCTIONS, LAW AND NATURAL JUSTICE* 4-7 (2d ed. 1998); Fred Kaplan, *General Credits Air Force with Iraqi Army’s Defeat: Cease-Fire in the Gulf*, *BOSTON GLOBE*, Mar. 16, 1991, National/Foreign section, at 1 (“US planes flew more than 92,000 sorties and dropped 88,500 tons of bombs on Iraq and Kuwait . . .”).

68. Barton Gellman, *U.S. Bombs Missed 70% of Time: ‘Smart’ Munitions Far More*

While the United States military viewed such casualties as unfortunate collateral damage, Arabs saw them as a reflection of disregard for Arabic people. United Nations Secretary-General Javier Pérez de Cuellar was disturbed by the civilian casualties and residential damage caused by the bombing.⁶⁹ A United Nations investigation team called the results of the conflict, including the bombing, “near-apocalyptic” and said that Iraq had been taken back to a “pre-industrial age.”⁷⁰

The United States continued military action against Iraq through the 1990s, largely unilaterally, incurring further ire from the population. It established “no-fly” zones over southern and northern Iraq, yielding periodic skirmishes.⁷¹ The Clinton Administration caused casualties when it sent missiles into Baghdad in 1993, in reprisal for an alleged attempt on the life of former United States President George Bush that many in the region did not think had occurred.⁷²

Even more serious for the public perception of the United States through the 1990s in the Middle East were the comprehensive economic sanctions imposed on Iraq by the United Nations Security Council.⁷³ These sanctions were widely thought responsible for the economic deterioration and poverty that Iraq experienced.⁷⁴ The sanctions brought charges of genocide against the United States.⁷⁵ United Nations officials administering the sanctions program resigned in protest.⁷⁶ United Nations agencies said the sanctions were responsible for food shortages in Iraq.⁷⁷ Osama bin Laden cited shortage-related deaths of children in Iraq as he voiced a rationale for the September 11 attacks.⁷⁸ He noted that the United States public was mourning the New York and Washington deaths but was

Accurate, WASH. POST, Mar. 16, 1991, at A1 (quoting Air Force Chief of Staff General Merrill A. McPeak).

69. Nikolai Maslov, *UN Chief Informs Security Council on Gulf Situation*, TASS, Feb. 9, 1991, available at LEXIS, World News Library, European News Sources (quoting Pérez de Cuellar as saying it was “disturbing” that “civilian casualties are mounting and that damage to residential areas throughout Iraq has been widespread”).

70. *After the War: Excerpts From U.N. Report on Need for Humanitarian Assistance in Iraq*, N.Y. TIMES, Mar. 23, 1991, § 1, at 5; Paul Lewis, *After the War: U.N. Survey Calls Iraq’s War Damage Near-Apocalyptic*, N.Y. TIMES, Mar. 22, 1991, at A1.

71. *US Attacks Targets in Iraqi No-Fly Zone*, MORNING STAR, June 15, 2002, at 2.

72. John Quigley, *Missiles with a Message: The Legality of the United States’ Raid on Iraq’s Intelligence Headquarters*, 17 HASTINGS INT’L & COMP. L. REV. 241, 241-42, 244-45 (1994).

73. George E. Bisharat, *Sanctions as Genocide*, 11 TRANSNAT’L L. & CONTEMP. PROBS. 379, 380 (2001).

74. *Id.* at 381.

75. *Id.* at 382.

76. *Id.*

77. SIMONS, *supra* note 67, at 107-08 (discussing the United Nations Children’s Fund and United Nations Food and Agriculture Organisation investigations on the impact of the sanctions).

78. *Text of Osama bin Laden’s Speech*, BUFF. NEWS, Oct. 8, 2001, at A5.

unconcerned about deaths attributable to the sanctions: “Millions of innocent children are being killed as I speak,” he said.⁷⁹

A 1998 bombing raid based on faulty information further angered the public in the Middle East. In response to attacks on United States embassies in East Africa, the Clinton Administration bombed a pharmaceutical plant in Khartoum, Sudan.⁸⁰ The United States claimed self-defense.⁸¹ It asserted that the factory was producing a chemical called Empta, a component of VX nerve gas,⁸² and that the plant was connected to Osama bin Laden, who was thought to be responsible for the embassy attacks.⁸³

Sudan denied that Empta was being produced.⁸⁴ The plant was the major producer of pharmaceuticals in Sudan, and its destruction temporarily brought pharmaceutical production in the country to a halt.⁸⁵ The United States replied that it had good evidence of Empta production,⁸⁶ but within a few days, United States officials acknowledged that they could show a connection neither to bin Laden⁸⁷ nor to the production of Empta.⁸⁸

79. *Id.*

80. *Letter Dated 20 August 1998 from the Permanent Representative of the United States of America to the United Nations Addressed to the President of the Security Council*, U.N. SCOR, 53d Sess., U.N. Doc. S/1998/780 (1998).

81. *Letter from the President to the Speaker of the House and the President of the Senate, August 21, 1998*, FOREIGN POL’Y BULL., Sept./Oct. 1998, at 15, 15 (“The United States acted in exercise of our inherent right of self-defense consistent with Article 51 of the United Nations Charter.”).

82. Steven Lee Myers, *U.S. Fury on 2 Continents: The Weapons: Dozens of Ship-Launched Cruise Missiles Strike at Same Moment, 2,500 Miles Apart*, N.Y. TIMES, Aug. 21, 1998, at A10. The Department of State’s Coordinator for Counterterrorism released a fact sheet discussing the strike. *Department of State Fact Sheet, August 21, 1998*, FOREIGN POL’Y BULL., Sept./Oct. 1998, at 13, 13 (“The U.S. is confident this Sudanese Government-controlled facility is involved in the production of chemical weapons agents.”).

83. *Address by the President to the Nation, August 20, 1998*, FOREIGN POL’Y BULL., Sept./Oct. 1998, at 6, 6; *Excerpts from Press Briefing by Secretary of State Albright and National Security Advisor Berger, August 20, 1998*, FOREIGN POL’Y BULL., Sept./Oct. 1998, at 8, 8-11.

84. *Letter from Sudanese State Minister for External Relations Roric to the President of the U.N. Security Council, August 21, 1998*, FOREIGN POL’Y BULL., Sept./Oct. 1998, at 13, 14.

85. Vernon Loeb & Bradley Graham, *Sudan Plant Was Probed Months Before Attack*, WASH. POST., Sept. 1, 1998, at A14.

86. *Excerpts from Daily Press Briefing by Department of State Deputy Spokesman Foley, August 26, 1998*, FOREIGN POL’Y BULL., Sept./Oct. 1998, at 17, 17; *Sudan: White House Rejects Jimmy Carter’s Call for Testing at Bombed Factory Site*, CHI. TRIB., Sept. 20, 1998, News section, at 15.

87. Bryan Bender, *Poor US Intelligence May Have Led to Sudan Strikes*, JANE’S DEFENCE WKLY., Sept. 2, 1998, at 4; Tim Weiner & James Risen, *Decision to Strike Factory in Sudan Based on Surmise Inferred from Evidence*, N.Y. TIMES, Sept. 21, 1998, at A1.

88. Weiner & Risen, *supra* note 87, at A1.

VII. THE NEED FOR HISTORICAL CONTEXT

It is the foregoing context, the element of “origin,” that must be added to Professor Dinh’s analysis. Terrorism is a serious issue for the United States. The Bush Administration has not given an indication that it has addressed “origin.” Its coping strategy does not reflect an understanding of the origin of anti-United States violence. The Administration, in language not distant from Professor Dinh’s brief definition, refers to terrorism as an ideology directed against the American way of life. The Administration thus approaches terrorism from a misperception of its origin.

Based on that mis-analysis, the Administration can take only repressive actions, whether against individuals by penal means or against states or terrorist groups by military means. These repressive actions run the risk of increasing the anti-United States violence they purport to stop. Even when an action enjoys some popular support in the region, such as the removal from power of the Ba’ath Party, the overall reaction to the United States may be negative. Bombings that caused high civilian casualties and the torture of Iraqi detainees confirmed for many Iraqis their view that the United States does not respect the people of the region. Whereas President Bush responded to the prisoner abuse scandal by claiming that Americans are basically good and that this abuse would be dealt with appropriately,⁸⁹ public opinion in the Middle East saw it as a logical continuation of policies aimed at promoting the United States at the expense of the region. Our actions often assist those who recruit for terrorist organizations.

As regards Israel, there is difficulty even in focusing on an appropriate policy. A major motivation of successive administrations as they think about the Israeli-Palestinian issue has been the desire to gain the Jewish vote in the United States. Pro-Israel political action committees hold a stranglehold over Congress by funding candidates they like and targeting candidates they dislike.⁹⁰ As a result of this domestic political dimension, neither the executive branch nor the Congress addresses our policy on the conflict by asking what needs to be done to resolve it. Rather, the issue is reduced to which positions will bring the best outcome for the party in power at the next election.

It is not possible in the framework of this responsive Commentary to develop a comprehensive plan for action that might curb anti-United States terrorist-style violence. But the beginnings of such a plan must be sought in our own policies in the Middle East. What we must reverse is the widely held negative view of the United States, which, even though it may not

89. Maki Becker, *Shocking Torture Scandal*, DAILY NEWS (New York), May 2, 2004, News section, at 7 (“President Bush has condemned the abuse, saying he felt ‘deep disgust’ over the allegations. ‘Their treatment does not reflect the nature of the American people,’ Bush said.”).

90. ALFRED M. LILIENTHAL, *THE ZIONIST CONNECTION: WHAT PRICE PEACE?* 252-57 (1978).

lead most Arabs to carry out violence against the United States, leaves them ambivalent about those who do. The problem is reflected in the reaction of a resident of Riyadh, Saudi Arabia, who lived in a neighborhood where Saudi police believed an American hostage was being held.⁹¹ The hostage takers threatened imminent death to the hostage.⁹² “How can we inform on our brothers when we see all these pictures coming from Abu Ghraib and Rafah,” the resident replied to a reporter interviewing Riyadh residents about the kidnapping.⁹³ By “Abu Ghraib” the man meant the prison in Baghdad where United States interrogators abused detainees.⁹⁴ By “Rafah” he meant a town in the Gaza Strip where Israel had recently demolished many houses and killed Palestinian protesters.⁹⁵ Saudi police located the hostage-takers later that same day, but only after they had killed their hostage.⁹⁶

The quotation from the Riyadh resident accurately reflects the fact that the Arab public attributes atrocities committed by Israel to the United States because of our political and financial backing of Israel. The United States thus suffers violence because of Israel’s actions. So long as the United States is perceived to be helping Israel suppress Palestinians, the United States will be at risk.

The United States is viewed as Israel’s protector.⁹⁷ In the 1980s, the United Nations General Assembly proposed a peace conference premised on observance of self-determination and rights of populations,⁹⁸ but the United States instead initiated a bilateral negotiation process that left the Palestinians at the mercy of Israel.⁹⁹ At the United Nations, when other states tried to keep Israel from building settlements in the Gaza Strip and the West Bank, the United States used its political clout and veto power to defend Israel. The anti-terrorist rhetoric of the Bush Administration is viewed in the Middle East as having given Israel a freer hand for violence against Palestinians.¹⁰⁰

91. James Rupert, *Militants Kill U.S. Captive: American Kidnapped 6 Days Ago Is Beheaded By Extremist Group: Later, Saudis Say They Killed Leader, 2 Others*, NEWSDAY (New York), June 19, 2004, at A2.

92. *Id.*

93. *Id.* (quoting Muklas Nawaf).

94. *Id.*

95. *Id.*

96. *Id.*

97. NASEER H. ARURI, *THE OBSTRUCTION OF PEACE: THE UNITED STATES, ISRAEL, AND THE PALESTINIANS* 122-23 (1995).

98. G.A. Res. 38/58C, U.N. GAOR, 38th Sess., Supp. No. 47, at 47, U.N. Doc. A/38/47 (1983).

99. R.W. Apple Jr., *The Middle East Talks: Mideast Foes List Demands and Trade Angry Charges Across Conference Table*, N.Y. TIMES, Nov. 1, 1991, at A1.

100. AS’AD ABUKHALIL, BIN LADEN, ISLAM, AND AMERICA’S NEW “WAR ON TERRORISM” 81 (2002).

President Bush has acceded to Israeli Prime Minister Ariel Sharon's contention that there is "no partner" with whom to negotiate on the Palestinian side.¹⁰¹ That position is taken as the United States' rejection of negotiations that might lead to peace. It has further convinced the Arab public that the United States is more concerned about supporting Israel than about finding peace.

To turn this situation around, the United States must promote serious negotiations over the Israeli-Palestinian question based on universally recognized principles. More broadly, the United States must cease trying to micro-manage the Middle East to its political and economic advantage. It must promote a collaborative relationship that can be seen to reflect respect for the people of the area.

101. Uri Dan, *Cruel Separation*, JERUSALEM POST, May 6, 2004, Opinion section, at 14.

