Responses to transnational non-governmental terrorism in Kenya and the United States: An anthropological analysis

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RESPONSES TO TRANSNATIONAL NON-GOVERNMENTAL TERRORISM IN KENYA AND THE UNITED STATES:
AN ANTHROPOLOGICAL ANALYSIS

by

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ABSTRACT

Responses to Transnational Non-governmental Terrorism in Kenya and the United States: An Anthropological Analysis

by

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Terrorism is an ancient human phenomenon. In contemporary societies, however, terrorist attacks affect every country in one form or another. Hardly can any continent, region, or community claim immunity from it. Its causes, characteristics, and controlling mechanisms are as diverse and complex as there are terrorist groups. The impacts of terrorism, on other hand, are lethal and far-reaching as are government responses against it. This study began as an attempt to examine governmental and survivor responses and reactions in regard to the attacks of the American embassies in Kenya and Tanzania on August 7, 1998. Then the horrific attacks against the U.S. World Trade Center and Pentagon occurred on September 11, 2001. Because these attacks were planned, ordered, and financed by Osama bin Laden and his al-Qaeda infrastructure (a transnational non-governmental enterprise), the focus of this study shifted to examine (i) al-Qaeda’s organizational structure, recruitment methods, tactics, and modus operandi (ii) how the governments of Kenya and America responded to these attacks and the counter-measures they put in place to prevent future terrorist operations. and (iii) the reactions and coping mechanisms of
the U.S. embassy bomb survivors in Nairobi. The aim of this study is to provide victimizer-victim perspectives and Kenyan-American viewpoints of terrorism. Various paradigms were employed to examine the problem of terrorism. They included: (i) “clash of civilizations”, (ii) “clash of globalization”, (iii) “root-causes theory”, (iv) Marxist theory, and (v) revitalization movement theory. This study relied heavily on library materials and sources such as recent articles, books, journals, the Internet, and media outlets for information. Supplementary data were acquired by conducting field interviews with the Nairobi bomb survivors and compared them with information acquired from media sources of those affected by the September 11 attacks. This study finds that contrary to the claims by government officials that al-Qaeda has been dismantled because its members have either been killed or arrested, the war on global terrorism is far from over because al-Qaeda’s senior leaders, Osama bin Laden and Ayman al-Zawahiri, are still at large. For this reason, if for no other, it would be premature to write bin Laden’s and al-Zawahiri’s and their disciples’ last obituaries. Because the al-Qaeda network is now believed to have sleeper cells in more than eighty countries around the world which can be activated at any time to conduct terrorist operations and execute suicide-bombings, every country and society is vulnerable. The recent attacks in London, Egypt, and Jordan are stark reminders that terrorism is real and lethal and al-Qaeda’s operatives are still a threat. Therefore, government officials need not only the political will and resolve to fight al-Qaeda’s ideology of hate and its galaxies of violent groups, but also a multilateral strategy to engage the multidimensional character of violent Islamists. In addition, state authorities need to be prepared to respond to terrorist attacks when they do occur to
mitigate disruption of life, security, and economies. State officials also need to assist terrorism victims and survivors to make it easier for them to cope with their plight.
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Terrorism is the cancer of the modern world. No state is immune to it. It is a
dynamic organism which attacks the healthy flesh of the surrounding society. It
has the essential hallmark of malignant cancer: Unless treated, and treated
drastically, its growth is inexorable, until it poisons and engulfs the society on
which it feeds and drags it down to destruction.


In the recent transnational non-governmental terrorist attacks, particularly the mass
murders of the U.S. embassies in Nairobi and Dar es Salaam on August 7, 1998, the
choreographed attacks on the World Trade Center and the Pentagon in New York City
and Washington D.C. on September 11, 2001, the attacks in Afghanistan, Iraq, Indonesia,
Israel, Morocco, Pakistan, the Philippines, Saudi Arabia, Spain, and Turkey, and most
recent attacks in London and Egypt, state officials, media consultants, policy analysts,
terrorist specialists, the victims’ families and survivors, and the general public asked and
still ask: “Why”? Mahajan (2002:13) noted that in the aftermath of these calamitous
attacks question, “why do they [terrorists] hate us?” reverberated in the media, at public
and private institutions, and in the streets of the countries that were affected by terrorism.

Specifically, in the days, months, and even years after the attacks, many people in the
countries that were victimized struggled with the questions why the terrorists targeted
them and whether or not the attacks could have been prevented. None, however, have
struggled harder than the people, victims, and survivors of New York City, Washington
D.C., Nairobi, and Dar es Salaam who were among the first to experience transnational
non-governmental terror atrocities. Scholars, government officials, media analysts,
policy analysts, and terrorism experts attempting to understand terrorism are confronted
with the enormous task of seeking meaningful, discernable, and appropriate explanations
critical to discerning this complex and intractable phenomenon. The explanations for terrorism are often controversial and elusive (Hamm 1997; Talbott and Chanda 2001; Hoge and Rose 2001; Alexander and Alexander 2002).

In the cases of the simultaneous U.S. embassies bombings in Nairobi and Dar es Salaam and the multiple attacks in New York City, Washington D.C., and over the fields of Pennsylvania, scholars and journalists, among others, have conducted extensive research and interviews of the people who were either victims or witnesses to the tragedies. During and after the attacks, the public was inundated with an avalanche of information from the media, Congressional and intelligence oversight committee reports, and academic articles and books on the subject of terrorism, scrambling in a concerted effort to provide insight as to what happened, how it happened, why it happened, and what should be done to ensure that it does not happen again (Jenkins 2001; The 9/11 Commission Report 2004; Scheuer 2004; Hoge and Rose 2001; Booth and Dunne 2002).

Unfortunately, the truth is buried deeply within this mountain of information. But as Shakespeare once wrote: “There is some soul of goodness in things evil/Would men observingly distill it out” (quoted in Hamm 1997, p. viii). The raison de être for this study is to attempt to distill out the subject of terrorism, however complex and uncomfortable it may be. Until recently, many people and societies dismissed terrorism as something incapable of penetrating their lives. In societies where terrorists have been able to penetrate, the loss of life, the destruction of property, the disruption of commerce, and the cost of fighting terrorism have been enormous. As for the actual victims and survivors, coping is painful and challenging ordeal (Hamm 1997; Alexander and Alexander 2002; The 9/11 Commission Report 2004; Strasser and Whitey 2004; Fink and

x

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Specifically, the basic fundamental problem facing the victims and survivors is how to reconcile what they experienced, lost, suffered, and witnessed with what they learned in the aftermath of the tragedies. That reconciliation, as many observers suggest, is how they will make sense of the vicious attacks that changed their lives with what happened on those dreadful “days of infamy” (Hamm 1997; Alexander and Alexander 2002; Weimann and Winn 1994; Fink and Mathais 2002). But as victims, survivors, and their families are making every effort to deal with their loss and suffering, thus moving on with their lives, some families of the victims and survivors of terrorism are still having problems dealing with the tragedy. Furthermore, the general public in the societies that were targeted by terrorism are still having problems grasping the rationale or justification behind such unprovoked attacks (Laqueur 2004; Alexander and Alexander 2002; The 9/11 Commission Report 2004).

In reference to the attacks of September 11, Talbott and Chanda (2001:x) noted that these attacks probably killed more Americans than all terrorist calamities and incidents of the previous three decades combined. They estimated that the atrocity was nearly thirty times greater than that of the Oklahoma City bombing in 1995 and about double that of Pearl Harbor in 1945. Referring to the Oklahoma City bombing, Mark S. Hamm (1997: viii) observed that no other crime in American history more clearly epitomized the Chinese proverb: “Kill one, frighten ten thousand.” But as the terrorist death toll of September 11 demonstrated, one can perhaps advance the Chinese proverb even further by saying: Kill three thousand and frighten tens of millions of people across the globe. Moreover, David E. Apter (1997:1), quoting from an editorial in the New York Times
stated: "In no previous age have people shown so great an aptitude and appetite for killing millions of other people for reasons of race, religion or class."

These sentiments are equally shared among many scholars and policy analysts who assert that the choreographed macabre attacks on America on September 11 and the many other terrorist attacks before and after September 11 were not only aimed at killing thousands people, but also were meant to inculcate fear and create a climate of insecurity among the general public in order to reach a wider audience beyond the actual intended targets (Combs 2003; Jenkins 2001; Laqueur 2001; Smith 2004; Bodansky 2000). Terrorists, therefore, want many people dead and many people watching. Terrorists thrive on having thousands of people killed and millions and perhaps billions of others following reports in the mass media.

Some scholars think that the terrorists' motives are driven by tactical and strategic objectives. For example, Stephen Segaller (1987) noted that from a tactical standpoint, the aim of the terrorist is to acquire publicity and recognition for his cause, be it real or imaginary. He further stated that, "For the terrorist with a cause to promote, the advertisers' apocryphal saying holds true: all publicity is good, and bad publicity is better than none" (p.11). Segaller maintained that without publicity, terrorism is analogous to "a weapon firing only blanks" (p.11). From the strategic standpoint, he asserted that the terrorist's objective is to achieve some type of long-term change i.e., to acquire political independence, liberation, or to impose one's religious beliefs upon others (p.11).

For terrorists to achieve their short- and long-term objectives, maximizing publicity or acquiring socio-political change, the media, primarily the television networks that provide coverage of terrorist events play a role in making the terrorists' agendas known.
For example, some scholars and observers have noted that there is a symbiotic relationship between terrorism and the mass media (see for example, Combs 2003; Hickey 1977; Weimann and Winn 1994). Journalist and reporter Ted Koppel, wrote:

The media, particularly television, and terrorists need one another, that they have what is fundamentally a symbiotic relationship. Without television, terrorism becomes rather like the philosopher’s hypothetical tree falling in the forest: no one hears it fall and therefore it has no reason for being. And television without terrorism, while not deprived of all interesting things in the world, is nonetheless deprived of one of the most interesting (quoted in Weimann and Winn 1994:51).

Going by this statement, one can argue that whereas terrorists rely on television coverage to maximize exposure or reach out to a larger audience in order to realize their socio-political objectives, television personalities and networks, on the other hand, rely on the choreographed and sensational episodes of terrorist events to maximize profits and achieve higher ratings.

Cindy Combs (2003:138) pointed out that terrorism is “propaganda by the deed” because it captures the attention of millions of people around the world. She also argued that in modern societies, the media has become a tool that both the terrorists and journalists employ to achieve their intended objectives. She particularly stated that “This confluence of interest between the media—who are only too happy to provide sensational events—has raised questions about the possibility of complicity of the media in today’s terrorism” (p.138). Other scholars have also noted that terrorism and television feed upon each other for some type of significant socio-political or economic gains (Hickey 1977; Segaller 1987; Combs 2003). This parasitic nexus between terrorism and television is what Weimman and Winn (1994) refer to as terrorvision.

The nature and dynamics of modern terrorism have affected and changed the way this ancient, yet complex phenomenon, is examined. For example, historically the general
consensus among terrorism experts such as Brian M. Jenkins (1985:4) was that “terrorists want a lot of people watching and a lot of people listening, and not a lot of people dead...I see terrorism as violence for effect. Terrorists choreograph dramatic accidents to achieve maximum publicity, and in that sense, terrorism is theater.” According to Weinberg and Eubank (2002) contemporary terrorists want both many people dead and millions more watching. Considering the number of people who were killed on September 11 and the kind of coverage and publicity the attacks received locally, nationally, and internationally, one can conclude that the perpetrators, for all intents and purposes, knowingly or unknowingly, succeed in accomplishing some of their objectives—killing thousands of people, forcing millions to watch, and threatening billions of peoples’ lives, security, and self-image around the world (Alexander and Latter 1990; Combs 2003). But as some scholars such as Simonsen and Spindlove (2000), Henderson (2001), and Segallar (1987) contend, terrorist perpetrators could probably not have accomplished their goals without the complicity of the mass media.

Furthermore, some scholars and observers including Laqueur (2001) and Henderson (2001) noted that in the 1960s, many “traditional” terrorist groups emerged from the left-wing of the political spectrum that mostly subscribed to the Marxian doctrine: the necessity to use violence as a method of struggle for collective purposes (e.g., liberation and freedom). But in the 1980s to the present, scholars have reported a significant wave of change from the traditional terrorists to modern terrorists as well as a shift of ideology from the most extreme left to the most extreme right (Hoffman 1999; Laqueur 2001; Laqueur 2004; Ruthven 2002). On the extreme right, one finds radical religious ideology as epitomized by the fanatical Islamic group, al-Qaeda.
Generally speaking, scholars contend that up until the end the twentieth century, both types of terrorism, traditional and modern continued to play significant roles in international politics. The real problems and challenges that scholars, government officials, the intelligence community, and the law enforcement agencies face in the twenty-first century is that the patterns and the methods of operation of the new brand of terrorists are less clear and unpredictable. For example, Combs (2003:2-3) asserted that the willingness to use weapons of mass destruction against civilians shows how lethal and dangerous the new wave of terrorists will become in the twenty-first century. Most frightening of all, however, is the thought of not knowing what techniques and effects the next waves of terror might entail and bring.

But if the truth can calm the fury and suffering, the loss of life and property, and the cost of fighting and controlling terrorism, it is imperative that we understand the cultural, economic, historical, political, religious, and sociological factors that contribute to terrorist attacks in the first place. More than anything, the explanation of why transnational non-state terrorist groups such as al-Qaeda commit heinous crimes against defenseless noncombatants deserves thorough analysis. To accomplish this goal, this study examines case studies of two very different countries, Kenya and the United States, to discern how they have responded.

To study the culture of terrorism in general and to analyze the dynamics of transnational non-governmental terrorism in particular, there is always the first and obvious question, “Where to begin?” (White 1982:1). Scholars and terrologists (terrorism specialists) wrestle with some of the most complex and perplexing questions: Who is a terrorist? What is the definition of terrorism? What are the motives of
terrorism? Why do some individuals or groups choose terrorism to express their grievances? Why are some societies culturally more violent than others? What are the effects of terrorism? What are its lessons? How can it be mitigated? What mechanisms are effective for fighting global terrorism? Attempts to analyze terrorism, must, therefore, contend with the “whats”, “whos”, “whys”, and “hows”, because these questions are significant components in the overall understanding of the calculus of terrorism. Because this study focuses on terrorist operations orchestrated and conducted by non-governmental organizations also referred to by Noam Chomsky (1986:vii) as “retail terrorism”, I ask: (i) Can we define transnational terrorism as a cultural phenomenon? (ii) What is al-Qaeda’s organizational structure, recruitment methods, and modus operandi? (iii) Why is terrorism becoming increasingly a common weapon for fundamentalist groups promoting socio-economic, political, religious, or ideological agendas? (iv) “How does traditional anthropological analysis of primitive law and customs help us to understand modern terrorism?” (Leach 1977:6) (v) Do different societies or peoples react differently when faced with similar terrorist tragedies?

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and unwavering confidence in my ability made this study possible. I am also grateful to the other members of my dissertation committee. Professors John Swetnam, George Urioste, and Thomas Wright with their critical comments and suggestions provided me with invaluable insights that served to improve this endeavor in important ways. Assistance at various stages of my research was provided by research grants by the Department of Anthropology & Ethnic Studies and the Graduate College.

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CHAPTER ONE

INTRODUCTION: TERRORISM DEFINITIONS, THEORIES, AND ASSUMPTIONS

There was no pause, no pity, no interval of relenting rest....In the universal fear and distrust that darkened the time, all the usual harmless ways of life were changed.

--Charles Dickens, *A Tale of Two Cities*, [1859]

On the morning of August 7, 1998, terrorist suicide-bombers drove trucks filled with explosives into the U.S. embassies in two East African cities—Nairobi, Kenya, and Dar es Salaam, Tanzania. They killed 253 people, among them twelve Americans and eleven Tanzanians. In Kenya they wounded 5,000 more. Almost immediately, the attacks were linked to Osama bin Laden and his al-Qaeda terrorist network. The impact from these attacks was catastrophic in terms of the loss of lives, destruction of property, and the disruption of economic infrastructure. It was particularly damaging to the tourism industry, which is the major source of foreign currency in the two African nations (Bodansky 2000; Alexander and Alexander 2002)

Many buildings near the embassy in Nairobi were seriously damaged. The Ufundi Cooperative House, a seven-story office building which held several offices, small businesses, and a secretarial college was leveled. The entire building was reduced to piles of twisted metal and concrete, killing many people instantly and trapping many more in the wreckage. The twenty-one story Cooperative building, home to several governmental ministries and private businesses, also adjacent to the Ufundi building and the U.S embassy, was severely damaged. Other buildings were also affected, including
Foreign Affairs, Law Courts, Parliament, Office of the President, the Coffee Board, the Railway Station, Railway Headquarters, Electricity House, Post and Telecommunications House, and Pioneer building. The impact of the explosion was felt throughout the surrounding areas near the American embassy, where many people suffered injuries as windows shattered up to ten blocks away. Because the explosion took place at mid-morning, the streets around the U.S. embassy were particularly busy. The busiest streets included Moi Avenue and Haile Selassie Avenue where the U.S. embassy was located. Immediately after the East African attacks, many world leaders, African heads of state, victims and survivors of the blast, and the general public, both inside and outside the East African countries, condemned the attacks, reacted with outrage, and demanded retaliation (McGeary 1998:32-35). Among those world leaders who condemned the attacks against Americans and their allies in Africa was U.S. President William Clinton who vowed to do whatever it took for however long necessary to capture the perpetrators and bring them to justice (Cooperman 1998:29). On October 20, 1998, Clinton ordered military retaliation in the form of cruise missiles directed at bin Laden’s hideout and terrorist training camps in Afghanistan and at a pharmaceutical factory, alleged to be a chemical-weapons plant in Khartoum, Sudan (The 9/11 Commission 2004; Miniter 2003).

Many people, especially those in America, thought that the retaliations in Afghanistan and the Sudan were too little, too late. For example, critics argued that President Clinton’s decisions to authorize preemptive military attacks against Afghanistan and Sudan were in essence an attempt to “wag the dog” to divert attention from his personal
scandal with White House intern, Monica Lewinsky (Bergen 2002:123; Emerson 2002:150-151).

The current U.S. President, George W. Bush, while running for the office of the presidency in 2000, claimed that Clinton’s decision to drop surface-to-air missiles worth millions of dollars on Afghanistan caves, only to hit a herd of donkeys, was a waste of United States resources and taxpayers’ monies. Bush was claiming that the Clinton administration and the intelligence agencies under his leadership squandered significant opportunities to prevent and thwart the attacks against the U.S embassies in East Africa and failed to capture bin Laden and his global terrorist network (The 9/11 Commission Report 2004; Clarke 2004; Woodward 2004; Miniter 2003).

But terrorist threats directed against Americans were according to the counter-terrorist Czar Richard A. Clarke, “important but not urgent” during the early months of the Bush administration (Clarke 2004; Strasser and Whitney 2002). In short, the attacks on the American embassies in the African cities made little apparent impact on the psyche of government officials in America. In addition, the lessons from the African attacks seemed to have been relegated to the dustbin of history and became another footnote in the annals of terrorism until the spectacular choreographed attacks against the United States when Americans suffered the largest loss of life and destruction of property on their own soil since the attack on Pearl Harbor in 1941.

On September 11, 2001, nineteen men of Middle Eastern and North African descent operating as al-Qaeda suicide-terrorists, wielding knives and box-cutters, hijacked four American commercial aircraft full of fuel and passengers and crashed them into the twin towers of the World Trade Center in New York City, the Pentagon in Washington D.C.,
and a third in a location, not the intended target, a field in Pennsylvania (The 9/11 Commission Report 2004; Alexander and Alexander 2002; Talbott and Chanda 2001; Hoge and Rose 2001). The Pentagon incurred severe damage and twin towers of the World Trade Center, the symbol of U.S. financial power, collapsed.

The costs of these simultaneous and massive attacks were phenomenal. More than 3,000 people perished. Thousands more were injured. Many office complexes adjacent to the twin towers collapsed, and many business enterprises were severely affected. Commercial airlines and many businesses were forced to file for bankruptcy or to downsize resulting in severe losses of jobs (Alexander and Alexander 2002). In short, the economic impact was and still is being felt. The costs included rebuilding “Ground Zero” and the Pentagon, bailing businesses out of bankruptcy, compensating victims, fighting the war against terrorism on two fronts (i.e., at home and abroad), and protecting Americans and their interests around the world. Other costs now include the rebuilding of Afghanistan and Iraq after the demise of the Taliban and Saddam Hussein regimes.

Immediately after the attacks of September 11, bin Laden and al-Qaeda were pinpointed as the perpetrators. As America and the world condemned the atrocities and as Americans mourned the loss of innocent life and the destruction of property, President Bush vowed to hunt the culprits down and bring them to justice (Alexander and Alexander 2002). He publicly pledged to the American people that he would do everything necessary to protect them at home and abroad from the “evil scourge of terrorism.” As a result, Bush put the world on alert by issuing what has now become the “Bush Doctrine”: “You are either with us, or you are with the terrorists.” He claimed, “If you harbor terrorists, you are a terrorist; if you aid and abet terrorists, you are a
terrorist, and you will be treated like one” (Talbott and Chanda 2001:xv; Chomsky 2002:16; Wechsler 2001:129).

Moreover, President Bush added that in the war against global terrorism, he would not make distinctions between the terrorists who attacked America on September 11 and countries that harbor them. He not only vowed “to drain the swamps of global terrorism” (Mahajan 2002; Herbst 2003) and cut the financial life-line of the “evildoers”, but he also pledged to “starve terrorists’ funding, turn them against each other, rout them out of their hiding places and bring them to justice.” In his State of the Union speech, Bush pointed out that, “America will never seek a permission slip to defend the security of our country” and “our grief has turned to anger, and anger to resolution,” (Dionne 2004:3; Simon 2001:6-7). President Bush further indicated that he would not hesitate to invade countries that harbor and provide sanctuaries, logistics, training, and financial assistance to terrorists. Among the countries he was referring to were those he dubbed the “axis of evil”—Iraq, Iran, and North Korea. In the same breath, Bush forewarned the world financial institutions and their related enterprises that, “if you do business with terrorists, if you support them or sponsor them, you will not do business with the United States of America” (Wechsler 2001:129).

Six weeks after the attacks, Bush authorized surgical military strikes against the Taliban regime in Afghanistan. In March of 2003, he ordered U.S.-led coalition forces to invade Iraq. Consequently, U.S.-led coalition forces toppled two of the most brutal regimes in the world, the Taliban under the leadership of Mullah Omar, thus severely disrupting al-Qaeda, and Iraq’s Saddam Hussein.
Although President Bush takes credit for successfully disposing of these two very brutal regimes, there are still many unanswered questions as to why he invaded Iraq when evidence showed that bin Laden and Saddam Hussein or al-Qaeda and Iraq were not linked in the September 11 terror attacks against America. Critics think that the evidence provided by the Bush administration that Saddam Hussein possessed weapons of mass destruction (WMD) was misleading because to date such weapons have not been found. Other critics even go so far as to say that President Bush invaded Iraq to finish the job his father, Bush senior, failed to finish during the early 1990's Gulf War, to topple Saddam. (Unger 2004:247-254)

The accounts of Richard A. Clarke, *Against All Enemies: Inside America's War on Terror* (2004), and Bob Woodward, *Plan of Attack* (2004), suggested that President Bush failed to take the threat of terrorism seriously in his early months in the White House because he was preoccupied with planning to invade Iraq. Clarke and Woodward remarked that unlike President Clinton, Bush gave the threat of al-Qaeda lower priority prior to the September 11 attacks, and in the aftermath of the attacks, diverted his attentions to Iraq. In other words, these authors argue that the president should have preemptively attacked bin Laden, not Saddam Hussein and that Bush should never have strayed into Iraq. This putative presidential fixation and diversion from the war on terrorism played a significant role in the formation of Congressional committee and intelligence hearings and specifically the establishment of the September 11 Inquiry into the events that led to the terrorist attacks against America.
Before his testimony to the September 11 Commission, the counterterrorism expert under both the Clinton and Bush administrations, Richard A. Clarke, began by apologizing to the American people, particularly the victims and survivors of the terrorist attacks by stating the following:

To the loved ones of the victims of 9-11, to them who are here in this room, to those who are watching on television, your government failed you... Those entrusted with protecting you, failed you. And I failed you. We tried hard, but that doesn’t matter because we failed. And for that failure, I would ask, once all the facts are out, for your understanding and for your forgiveness (Clarke 2004).

According to the final report of the National Commission on the Terrorist Attacks Upon the United States (also known as *The 9/11 Commission: xv*), an independent bipartisan panel directed “to investigate the facts and circumstances relating to the terrorist attacks of September 11, 2001”, summarized its findings as follows: Both the Clinton and Bush administrations failed to take the threats of international terrorism seriously; there were severe systemic flaws and institutional failures within and between federal government agencies; there were serious bureaucratic barriers and red-tape within federal agencies that contributed to their failure to share available information; there was a serious lack of common sense and imagination among and within federal government officials that hindered their sense of judgment and decision-making; the intelligence community missed superb opportunities to identify terrorists and prevent terror attacks; there were deep fundamental, dysfunctional practices within the intelligence agencies, in particular, the CIA and FBI, in the way they gathered, analyzed, and presented information to decision-makers; there was no operational, collaborative relationship between al-Qaeda and Iraq or between bin Laden and Saddam Hussein regarding the attacks on America; and the global intelligence agencies, the CIA, MI-6 and Mossad...

The authors of The 9/11 Commission, however, admitted that neither Presidents Clinton nor Bush were to blame for the attacks nor can any single individual or federal agency be blamed for the terror attacks on America. Additionally, the report indicated that the institutional failures were not only in place over many years and administrations, but also the blame has to be shared among and between government officials who generally failed to use their imagination and common sense to connect dots, follow leads, share information, and make adequate decisions to protect America and Americans from attack. In essence, U.S. government authorities and officials simply squandered significant opportunities to identify and thwart the attacks of September 11 and other attacks prior to the September 11.

Although the techniques used to attack and assault the two African cities on August 7, 1998, and the two American cities on September 11, 2001, were quite different—the use of truck bombs in the former and the use of commercial aircraft in the latter, the impact (loss of life, destruction of property, disruption of commerce and economic infrastructure, the psychological fear and insecurity that these catastrophic attacks inculcated in the human psyche) was and still is in many ways more similar than they are different in Africa and America. The same can be said about the many other societies around the world that have now become victims of terrorism.

At a time of increasing modernization, globalization, and worldwide vulnerability, the study of disasters, particularly those wrought by mankind, violence has become an
important focus for anthropological research—one where the sub-fields of anthropology
are now utilized and synthesized to address the multidimensionality of the effects that
these social disasters, especially those that terrorism brings to a society’s or a nation’s
socio-political and economic structures (Hoffman and Oliver-Smith 2002).

Using data from the new wave of terrorism (NWT) perpetrated by neo-terrorist
organizations such as al-Qaeda, I intend to explore the causes and consequences of
attacks against one African city, Nairobi, and one American city, New York City. Even
though Dar es Salaam and Washington D.C. were also affected during the attacks, the
focus of this study is on Nairobi and New York because the deaths, injuries, damage, and
destruction were much more severe and extensive. Nonetheless, information on Dar es
Salaam and Washington will be used when necessary to bolster and support my
discussion of Nairobi and New York.
Why a cross-cultural comparative study of terrorism? Anthropologists Schmidt and Schroder (2001:6) stated that, "Violence is never so specific and culturally bounded that it cannot be compared. There is a long tradition in anthropology of linking types of collective violence to types of societies and arranging them on an evolutionary scale."

For example, one can study the methods that primitive and civilized societies employ to wage wars. From a military standpoint, one can compare, for instance, the Zulus under Shaka to the refined fighting tactics and weaponry employed by modern nation-states (Turney-High 1991:250-253). Whereas Shaka's warriors used primitive short-stabbing spears, *assegai*, to enhance their victory in the battle against the white settlers in Southern Africa, contemporary societies and groups, such as the United States and al-Qaeda,
employ nuclear weapons, surface-to-air missiles, smart bombs, car bombs, and suicide-bombers to fight their enemies.

Schmidt and Schroder (2001:6) further noted that from a functional level, violence can be studied comparatively because, “Violence is a basic form of social action that occurs under concrete conditions, targets concrete victims, creates concrete settings and produces concrete results. All of these dimensions are clearly accessible to comparative analysis.” In other words, terrorism can be studied and compared in relation to its causes, courses, and consequences. One can compare cultures of violence and the cultural contexts of violence.

The causes of violence can be attributed to the conflicts wrought by competition over scarce natural material resources or social status and prestige. Other causes that contribute to clashes and confrontations are cultural, political, religious, and ideological. Part of the human antagonistic relationship can be explained historically as the legacy of colonialism or imperialism, but as Schmidt and Schroder (2001:7) noted, “to persist to the present day, there must also be more recent incentives for perpetuating conflict.” Such causes or triggering mechanisms can be oppression, neo-colonialism, globalization, or modernization. These causes are accessible to researchers.

Violent events are often highly visible. They usually take place in public arenas. Spectacular events are easier for scholars and researchers to document and reconstruct. Schmidt and Schroder (2001:7) stated that, “long-term confrontations explode in violent clashes that can be described and analysed as events, forms of social action clearly marked off in space and time from everyday practice....” In short, because events such as terrorist operations occur in public places and affect the general populace, records of
such events are not only stored in museum and library archives; they are also stored in people's memories and psyches for many years and generations. This makes it easier for scholars to access them and reconstruct their occurrences and thus make suitable comparisons.

Violence causes not only the loss of lives, property, and security, but also the loss of significant symbols—cultural, financial, and political. An example is the destruction of a country's financial symbol as was the case with the twin towers of the World Trade Center in New York. Therefore, violence has emotional and intangible effects as well as more obvious physical and tangible effects. Schmidt and Schroder (2001:8) stated:

Violence produces unique experiences that are culturally mediated and stored in a society's collective memory. Their representation forms an important resource for the perception of legitimation of future violence. Yet it also produces tangible results ranging from dead bodies to the redistribution of space, the relocation of people or the occupation of new territory. These are empirical facts that can be discerned physically or reconstructed from historical record, but these facts also become malleable in cultural discourse. There exists no more important resource for an ideology of violence than the representation of past violence, of former dead, former loss and former suffering.

As post-modernist approaches gain popularity in the study of contemporary problems such as terrorism and conflict, cross-cultural comparisons have lost favor. But anthropologists Gingrich and Fox (2002:6-7) have offered justifications for continuing comparative studies by stating that:

Anthropology's uncertainty regarding comparative methodologies is undoubtedly related to the state of the world at present. In fact, this final factor amounts to a significant theoretical dilemma. On the one hand, globalization in all its aspects—from transnational media flow to mass migrations—connects more and more human beings and makes them experience similar conditions. Individuals may respond to these new interconnections in varying ways: sometimes, converging on their cultural similarities; at other times, conserving or even emphasizing their cultural differences. These global connections and the heterogeneous local responses to them legitimate a renewed comparative agenda for anthropology and related fields. If people all around the globe are increasingly reacting to
comparable conditions, it becomes a more obvious challenge for scholars to compare how people react and what results culturally from their reactions.

Therefore, because globalization and technological innovations (cyberspace, communications, and transportation) play significant roles in transforming the world into one “big village” where different cultures and peoples can interact quickly and experience similar effects from contemporary problems such as terrorist operations, comparative studies are indicated. Because these are similar events, people have both similar and different reactions thus making comparison possible. A comparative study such as the one proposed in this project can provide insight for policy-makers as they attempt to search for possible preventive solutions to the problem of terrorism for better ways to assist the victims of terrorism. Let us turn our attention to the definition of the terrorism.

Defining Terrorism

“A concept that is boundless cannot be rationally defined.”
--Franz Neuman, Behemoth (1943:75)

Although terrorism is widely debated and researched, it is also one of the least understood subjects in the study of contemporary societies. Terrorism eludes precise and compressive definitions (Jenkins 2001; Hoffman 1999; Laqueur 1977; Schmid 1988). Paul L. Bremer (1988:1-4) observed that even though terrorism has inspired large volumes of literature and produced scores of self-styled experts, analysts, and consultants examining the phenomenon, there is still no general consensus on what terrorism entails. Terrorism is like pornography whereby everyone has a general impression of what it is without agreeing on its details. Others attribute the difficulty of defining terrorism to the
fact that it means different things to different people (Alexander and Alexander 2002, Azar 1988; Emerson 2001; Kupperman and Kamen 1989; Kushner 1998; Taheri 1987; White 1991; Schaffert 1992). Perhaps Donna Schlagheck (1988:1) stated it best when she wrote, "Terrorism is now one of the paradoxes of our times. Its threat is as pervasive as nuclear war. . . . Its consequences are widely publicized in excruciating details. . . . There is no agreement on how to define it." According to Schmid (1988), the quest to define terrorism has produced more than one hundred definitions and yet none of the proposed definitions have achieved universal acceptance. One reason for this can be found in the popular aphorism that one man's terrorist is another's liberator (Taheri 1987).

Anthropologist Edward A. Hoebel (1967:18-19) warned us regarding the difficulty of absolute clarity, especially when dealing with concepts that encompass a broad range of things. Attempts to define concepts that are complex can be likened to "the quest for the Holy Grail" (p.18). Hoebel also noted that, "those who have learned humility have given over the attempt to define concepts" (p.18). This being the argument, however, he stated that concepts are not "incapable of definition, for a definition is merely an expression of the acknowledged attributes of a concept or phenomenon" (p.19).

If concepts such as violence or terrorism were beyond definition, it would be because their attributes were unknown or they simply did not exist. If the latter argument is true, then one is forced to ask whether the generations of scholars, analysts, journalists, and terrologists (terrorism experts) have been living in a wonderful fool's paradise (Hoebel 1967:19). This study argues that this is not the case. Although providing an appropriate definition of terrorism has proved to be a challenging task due to its complexity and although a universally acceptable definition of terrorism is impossible—as one person’s
terrorist will always be another’s liberator—it can be argued that terrorism is what terrorism does, difficult to define, but easy to detect when we see it.

An Operational Definition of Terrorism

In this study, I use a definition of terrorism that has a fairly broad universal consensus. It is based on three key criteria (Wilkson 1990). First, terrorism is an act intended to inculcate terror (Merari and Friedland 1985; Schmid 1988; Wilkson 1990). This is not to argue, however, that terrorism does not evoke other emotional reactions among different peoples and societies which may include anger, confusion, or despair, but rather that the goal of terrorist acts is to undermine its sense of security (Smith 2004). In other words, modern terrorists are not interested in the number of people killed during an attack or the amount of destruction inflicted on targets per se, but rather in the number of people threatened and in the amount of fear and terror generated worldwide.

Second, terrorism plays to the audience beyond its actual victims or targets (Bandura 1990; Schmid 1988). For instance, Schmid (1988) discussed the difference between targets of terrorism (i.e., the victims)—who are chosen to symbolize a larger group, and the targets of terror (i.e., the audience)—who identify with the victims and a larger group. Though sometimes instrumental (e.g., when victims are the actual persons that terrorists want to hurt or eliminate), terroristic violence is also symbolic in nature. Terrorist attacks are planned covertly and target non-combatants to maximize fear, paranoia, and anxiety among and between various peoples and societies. Terrorists engage in both physical and psychological warfare (Smith 2004:410; Booth and Dunne 2002).
Third, terrorist organizations engage in terrorist acts to further their objectives (Schmid 1988; Wilkinson 1990). These objectives may be economic, political, social, religious, or ideological. Although objectives vary from group to group, what is important, however, is that creating fear through terror is an intentional act through which a group can achieve its goals and objectives rather than through unintentional consequences of the act (Jenkins 1985). Bombing campaigns that nation-states conduct during wartime can create fear in non-combatants and civilians, these campaigns can only be considered terroristic when fear is being produced intentionally in order to enhance other objectives such as pressuring a regime in power to change its behavior and actions or toppling an unpopular regime (Smith 2004:410).

Given these considerations, I offer a succinct working definition of terrorism as the deliberate, calculated, premeditated, and unlawful use of violence or the threat of violence to create an atmosphere of fear with the intention of coercing and intimidating state authorities for the purposes of advancing economic, political, social, religious, or ideological agendas. In other words, terrorism is a form of violent struggle in which violence is intentionally used against civilians to advance certain agendas. Individuals or groups who resort to the use of terror intend not only to communicate some type of political message to the targeted audience but also hope to produce mass hysteria, paranoia, and insecurity far beyond the immediate victims or physical targets to influence the behaviors of larger and broader audiences and to influence decision-making processes of targeted countries and societies (Hoffman 1999; Kushner 1989; Schmid 1988; Alexander and Alexander 2002; Schaffert 1992).
This definition is based on three premises: (1) the essence of the action—usually a form of political struggle—such as protests, strikes, or demonstration; (2) the goal underlying terrorism—usually a political motive—to overthrow governments, change economic and social policies or disseminate an ideology; and (3) the target of the damage—usually civilians—killing non-combatants to inculcated fear and insecurity. In this way, terrorism can be distinguished from other forms of political violence. The proposed definition emphasizes that terrorism is not the consequence of random attacks against civilians who happen to be at the wrong place at the wrong time, but rather it is a deliberate and intentional act aimed purposely at killing and maiming civilians.

Terrorists often take advantage of the relative vulnerability of civilian “soft underbelly” targets as well as the tremendous fear and impact their actions cause. State military actions also kill and maim civilians but such actions are not usually viewed as terrorism but are rather considered unintended consequences. For example, the U.S. decision to drop nuclear bombs in Hiroshima and Nagasaki during the Second World War, U.S.-coalition forces’ decision to drop smart bombs in Iraq during the first Gulf war, and U.S.-led forces’ decision to invade Iraq thereby killing thousands of civilians may not be considered as terroristic. Therefore, the distinction between state and non-state actions resides in the intentionality of the act. This study focuses on actions that are conducted by non-state entities such as al-Qaeda. But before embarking on the issues raised and before presenting a more elaborate theory, it is important to examine some theories of terrorism. Although theories are ubiquitous and diverse, there are a few principle ones.
The Principle Theories of Terrorism

Over the decades, scholars, policy analysts, and terrorist experts have spent a great deal of time and energy debating and researching terrorism. Nevertheless, there is still no consensus on a theory of this ancient and complex phenomenon. In fact, many scholars and theorists no longer strive to explain phenomena or human behaviors by means of grand theoretical systems (i.e., “unitary theories”). This being the case, there has been a concerted effort made by scholars in proposing theories critical for examining the phenomenon of terrorism. These are theories worthy examining. They include: (i) the “clash of civilizations”, (ii) the “clash of globalization”, (iii) the “root-causes” theory, (iv) the Marxist theory, and (v) the religious revitalization theory. These theories are not mutually exclusive, nor are they right or wrong per se. The study of terrorism is a complex enterprise that calls for diverse analyses and perspectives (Henderson 2001; Bender and Leone 1986; Booth and Dunne 2002; Hershberg and Moore 2002).

The “Clash of Civilizations” Theory

In his seminal work, The Clash of Civilizations and the Remaking of World Order, Samuel P. Huntington (1996:19-39) argued that in the post-Cold War world, the most significant distinctions among peoples and societies, both those in developed and developing countries, will not necessarily be economic, political, or ideological forces, but rather cultural factors. Specifically, he argued that future global conflicts and wars would occur between the ‘tectonic plates” of civilizations or along the fault-lines of ancient cultural programming.
For example, he maintained that whenever peoples or nations seek to find out who they really are, the bulk of their answers lies in generational practices or cherished values and beliefs, ancestry, customs, tradition, history, institutions, language, and religion, among others. People identify with their own tribes, ethnic groups, religious communities, nation-states, and, at the broader level, civilizations (p.21).

Furthermore, Huntington asserted that people use politics not only to promote and advance their interests but also to define who they are. Oftentimes, he observed that, “people and nations know who they are only when they know who they are not and often only when they know whom they are against” (p.21). Among the future clashes predicted by Huntington is a conflict between a revitalized Islam and the West. For Huntington, “The dangerous clashes of the future are likely to rise from the interaction of Western arrogance, Islamic intolerance, and Sinic assertiveness” (pp.28-29).

Huntington identified civilizations in terms of world religions and philosophies, Confucianism, Buddhism, Hinduism, Islam, Judeo-Christianity, and Slavic-Orthodox philosophies. He argued that since there are deep distinctions and differences in terms of the cultural values, practices, and teachings among these religions, most likely they are bound to clash (pp.28-29).

Dinesh D’Souza (2002:14-15) argued that the Western industrial nations in general and the United States in particular must take Huntington’s warnings seriously and cease assuming that “the rest of the world will uncritically embrace the principles of Judeo-Christian civilization.” He asserted that in this new world order, local politics are the politics of ethnicity and global politics are the politics of civilizations. D’Souza, like
Huntington, noted that future rivalries between the core (developed countries) and the periphery (developing countries) could be based upon the clash of civilizations (p.15).

One implication of Huntington’s theory is that in the new world, the most pervasive and dangerous confrontations will not be between social classes, the “haves” and the “have-nots” (i.e., first- and third-world countries), or other economically defined groups, but rather, between peoples and societies belonging to different cultural backgrounds and entities (pp.19-39). The September 11 attacks on America’s symbolic landmarks, the World Trade Center and the Pentagon (sites of U.S. economic and military power), appear to bear this out.

Huntington’s theory has come under severe criticism. For example, Edward Said (2001) critiqued the cultural essentialism underlying his concept of a “civilization” as something discretely marked off from its neighbors (Herbst 2003; Mamdani 2004). Said noted that Huntington is an ideologue who is looking for another cold war between the “West” and “the Rest”, who makes his “civilizations” and “identities” into “sealed-off entities” purged of the “myriad of currents and counter-currents that animate human history” (quoted in Ruthven 2002:241). He concluded that such interactions have over the centuries made it possible for “history not only to contain wars of religion and imperial conquest, but also to be one of exchange, cross-fertilization and sharing” (quoted in Ruthven 2002:241).

Other critics, specifically Peter Bergen (2001:227), argued that Huntington’s clash of civilizations thesis was essentially a seductive theory that generally explained the events and the political discourse of the post-Cold War era. Bergen maintained that “The test of such a theory is its applicability to a wide number of situations, and certainly Huntington
can point to a wealth of examples: a bloody war in the Sudan between the Islamist regime and Christian rebels; continued wars between the Russians and Chechens; the Muslim insurgency in the Philippines; the Arabs versus the Jews in Israel; and now, perhaps, the events of September 11" (p.230).

Furthermore, Bergen contended that the myriad of conflicts around the globe have run inconveniently the opposite of the world according to Huntington. For example, the bloodiest political violence, genocide during the 1990s, was not between civilizations, but between tribal and ethnic groups. The point is exemplified by the Hutu-Tutsi massacres in Rwanda, Burundi, and the Congo and on-going tribal and religious wars in other hotspots around the world (pp.227-231).

Additionally, critics contend that Huntington’s theory fails to explain, for instance, the frequency of conflicts that are emerging from within the developing countries themselves. Therefore, contrary to Huntington’s prediction that future conflicts would be between the world’s major civilizations, it appears that future conflicts will be, to borrow Bergen’s phrase, between the “clash of acquaintances” (p.231), i.e., wars fought between peoples and societies with similar historical, territorial, cultural, ideological, linguistic, or religious backgrounds.

Moreover, examples that seem at first glance to conform to the idea of the clash of civilizations become more complicated when one takes a hard and deeper look at contemporary world conflicts—the tribal wars in Rwanda, Burundi, Somalia, Ethiopia, Sudan, Nigeria, Egypt, Algeria, Liberia, Sierra Leone, and Ivory Coast (Africa); ethnic rivalries in Bosnia, Kosovo, Serbia, Chechnya (Eastern Europe), politico-religious confrontations in Pakistan, Kashmir, India, Sri Lanka, Indonesia, and the Philippines (
Southwest and Southeast Asia); political conflicts in Northern Ireland and the Basque region of Spain (Western Europe); political rivalries in Palestine, Iraq, Turkey, (the Middle East), or the on-going religious strife and conflicts in many parts of the Middle East, especially those between Islamic fundamentalisms, the Shiites against Sunnis, the Wahhabis against the rest of the Islamic dogma, and the al-Qaeda brand of Islam against the rest of the Arab and Muslim world. One detects a pattern of confrontations and animosities waged and directed at peoples and societies that share similar socio-cultural backgrounds, geopolitical landscapes, or religious faiths.

Walter Laqueur (2001 and 2004) also argued that it is impossible to explain the current and frequent violent atrocities using the “clash of civilizations” theory because the bloodiest confrontations have occurred not only between Muslim groups or states against the West, but also within the Muslim world itself. He added that this trend holds true for both interstate conflicts (e.g., the Iran-Iraq war in the 1980s and the Iraq invasion of Kuwait in the 1990s) as well as intrastate conflicts (such as the terrorism of Algerian Islamists against their fellow citizens (Laqueur 2001:77-79). The same thing also applies to the persecution of the Kurds in Iraq during Saddam Hussein’s dictatorial era and the civil war in Afghanistan during the Taliban’s brutal era. Additionally, one must consider the many assassination attempts, successful and unsuccessful, against Arab and Muslim leaders (Laqueur 2001:71-82).

It may be a more accurate predictor of post-Cold War rivalries, and particularly, the many modern animosities and conflicts that we are currently witnessing. Nationalism is another motive that cuts across the “clash of civilizations.” It applies to the Muslims in Kosovo, the Kurds in Iraq and Turkey, the Basques in Spain, the Irish Republican Army
in Ireland, and the Palestinians in the Middle East. On a smaller scale, we see the
rivalries that Michael Ignatieff, borrowing from Sigmund Freud, called the "narcissism of
minor differences" (i.e., wars fought between culturally and ethnically similar tribes) as
epitomized by the many conflicts witnessed in contemporary African, Middles Eastern,
Asian, and European countries and regions (Ignatieff 2003; Bergen 2002; Rushdie 2002).
It is important, however, to note that where there are clashes of confrontation within each
major civilization, it is only a few people or groups who are engaged in conflict, as were
the cases with the ethnic cleansings in Rwanda and areas within the former Yugoslavia.

The "Clash of Globalization" Theory

The idea that a nexus of the free-market economy with democracy will transform the
developing world and sweep away racial or ethnic hatred and religious fervors associated
with underdevelopment, oppression, and exploitation has come under a great deal of
criticism (Chua 2003). Proponents of triumphant globalization argue that over the years
this process has succeeded in transforming the world into a global village, whereby walls
have been torn down and borders submerged due to the new technological revolutions in
information and communications infrastructures (Hoffman 2002:1). To benefit from
globalization, nations and their citizens must be willing to be transparent, accountable,
and competitive. But a nation that chooses "to stay closed invariably faces decline and
growing discontent among its subjects who are eager for material progress. But if it opens
up, it must accept a reduced role that is mainly limited to social protection, physical
protection against aggression or civil war, and maintaining of national identity (Hoffman
2002:2).
The champions of this “epic without heroes”, globalization, include Thomas Friedman (2004) who contrasted barriers with open vistas, obsolescence with modernity, and state control with free markets. He sees in globalization the light of dawn, the “golden straightjacket” that will force a contentious public to understand that the logic of globalization is that of peace (since war would interrupt globalization and therefore progress) and democracy (because new technologies increase individual autonomy and encourage initiative).

As much as globalization generates opportunities and hope and elevates conditions of living in many countries, it also creates a new host of social desires, stresses, insecurities, and frustrations (Chua 2003). In this case, globalization fails to resemble the one that many observers including Thomas Friedman celebrate. Stanley Hoffman (2002:2-4) argued that globalization has three components, each with its own set of problems. The first is economic globalization, which results from recent revolutions in technology, information, trade, foreign investment, and international business enterprises. The main actors, movers, and shakers are companies, investors, banks, and private service industries, as well as state and international organizations. Hoffman noted that this present form of capitalism, ironically foreseen by Karl Marx and Friedrich Engels, poses a central dilemma between efficiency and fairness (p.2). The specialization and integration of firms make it possible to increase aggregate wealth, but the logic of pure capitalism does not favor social justice (p.2). In this case, therefore, economic globalization has become a formidable cause for inequality among and within nation-states and the desire for global competitiveness limits the aptitude of states and other actors to address this problem (p.2).
The second component is cultural globalization, which stems from technological breakthroughs, and economic globalization, which together foster the flow of cultural goods. Under this component, “the key choice is between uniformization (often called ‘Americanization’) and diversity” (p.2). As Hoffman observed, the end result is both “disenchantment of the world” (in Max Weber's words) and a reaction against uniformity. The latter takes “form in a renaissance of local cultures and languages as well as assault against Western culture, which is denounced as an arrogant bearer of secular, revolutionary ideology and a mask of United States hegemony” (p.2).

The third component is political globalization, a product of both the economic and cultural globalization. It is characterized by the United States' political institutions and a vast array of international and regional organizations or trans-governmental networks (specializing in areas such as law enforcement, intelligence, immigration, or justice). It is also marked by private institutions that are neither governmental nor purely national, for example, Doctors without Borders or Amnesty International (p.3). Hoffman noted that these agencies lack democratic accountability and transparency and are weak in scope, power, and authority. Again, much uncertainty hangs over the fate of U.S. hegemony, which faces significant resistance abroad and is affected by U.S. policy decisions, primarily between the temptations of domination and isolation (p.3).

Although the benefits of globalization are undeniable, the global market economy is by and large an American creation, rooted in the period after World War II and based on American economic might. Therefore, deep and protracted economic crisis in the United States could trigger a devastating blow to globalization and global stability as the Great Depression did or as the attacks of September 11 demonstrated (Hoffman 2002).
Globalization promotes the inclusion/exclusion dichotomy because it benefits rich countries and harms poor countries which culminates in the clash of globalization (Hoffman 2002; Chua 2003).

One can argue that there is a nexus between globalization and violence. This is because people who sense that they are excluded or harmed by globalization may turn to violence to vent their anger and frustration. Moreover, contrary to the assertion that globalization spreads peace, today it tends to foster conflict and resentment. For example, the lowering of various barriers celebrated by Thomas Friedman, especially the global spread of communications media, makes it possible for the most deprived or oppressed to compare their fate with that of the wealthy nations (Chua 2003; Flint 2003). The dispossessed then may form alliances with others who share their common resentments, ethnic origins, or religious faith. Thus, insofar as globalization enriches some and uproots many, those who are both poor and uprooted may seek revenge in terrorism (Hoffman 2002; Flint 2003).

Therefore, terrorism is the poisoned fruit of several forces. It can be the weapon of the weak in a classic conflict among states or within a state, as in the Palestinian territories and Kashmir. But it can be seen as a product of globalization. Transnational terrorism is made possible by the vast array of communications tools available as is the case with Islamic terrorism, which is based not only on the support for the Palestinian struggle and opposed to an invasive American presence in the region, but also motivated by a resistance to “unjust” economic globalization and to a Western culture deemed threatening to local religions and cultures.
Contrary to the assertion that free markets and democracy are “magic bullets” that will cure underdevelopment, underemployment, poverty, and social malaise in developing countries, many of those in third world countries currently consumed by ethnic hatred and tribal violence have attempted free market economies and democratic practices and yet have been unsuccessful in competing with the rest of the world or in elevating their lot from the yoke of poverty and misery (Flint 2003; Chua 2003; Hershberg and Moore 2002).

Chua maintained that free markets are usually concentrated in the hands of a few wealthy individuals or groups in both developed and developing nations. While the citizens of the most developed western nations, especially the United States, are the sole beneficiaries of the fruits of the global economy, the beneficiaries, on the other hand, in the least developed countries are the few and well-connected elites. This is primarily because the wealth and scarce resources are disproportionately concentrated in the hands of the few who are often ethnic minorities.

As Chua asserted, these “market-dominant minorities”, for example, the Chinese in Southeast Asia, Croatians in the former Yugoslavia, whites in Latin America and South Africa, Indians in East Africa, Lebanese in West Africa, and Jews in post-communist Russia, have become objects of hatred and potential targets for political violence. At the same time, democracy (majority political participation) has empowered the wretched of the earth to unleash ethnic demagoguery, confiscate other peoples’ property, and participate in genocidal vengeance.

In sum, globalization is becoming the primary contributing factor to the rising tide of anti-Westernism and anti-Americanism. The virulent hatred and violent aggression
against Americans and their values, beliefs, and practices that we currently witness may be driven by the effects of globalization (Hershberg and Moore 2002). For example, linguist and social critic, Noam Chomsky (2003:209), noted that the “return of barbarism” and terrorism in modern societies is motivated by globalization.

Officials in the U.S. National Intelligence Council (NIC) argued that, “globalization and its evolution will be rocky, marked by chronic financial volatility and a widening economic divide” (quoted in Chomsky 2003:209). This kind of financial volatility most likely means slower growth, extending the pattern of neo-liberal globalization (for those who follow the rules) while punishing or harming those that fail to do so, mostly the poor (Chomsky 2003).

The NIC maintains that as this form of globalization continues, “deepening economic stagnation, political instability, and cultural alienation [will] foster ethnic, ideological and religious extremism, along with the violence that often accompanies it” (quoted in Chomsky 2003:209) much of it directed against the United States. Under these conditions, the poor, weak, and desperate will most likely “lash out at the United States as the agents or symbol of their suffering” (Chomsky 2003:29).

“The Root-Causes” Theory

For many decades, policy analysts, decision-makers, media pundits, and academic scholars viewed terrorism as a response to socio-economic injustices (Flint 2003; Chomsky 2003; Hershberg and Moore 2002). Historian and terrorism expert, Walter Laqueur (2001:71-72), observed that the proponents of the “root-causes” theory tended to argue that if the economic, political, and social injustices were to be solved, there would
be fewer human conflicts and confrontations. He noted that proponents of the “root causes” theory, therefore, suggested that the way to deal with terrorism is to address factors such as anger, frustrations, grievances, stresses, and resentments that lead to hatred and terrorism. Viewed from this perspective, Laqueur wrote that, “terrorists were fanatical believers driven to despair by intolerable conditions. They were poor or oppressed, or at least on the side of the poor and oppressed, and their inspiration was deeply ideological” (p.72).

Although Laqueur acknowledged some truth in the assertions proposed by the root-causes theorists, he however thought that this was a left-wing ideology that was mostly applicable during the decolonization periods, during which those in developing areas employed violence to justify liberating themselves from imperial and colonial rule (p.72). He further noted that this left-wing ideology found and still finds fertile ground among organizations such as the Basque separatist movement (ETA), sections of the Irish Republican Army (IRA), and the Palestinian Liberation Organization (PLO), which subscribe to Marxist-Leninist doctrines. Laqueur, however, noted that this “ideological patina was merely a reflection of the zeitgeist, did not go very deep or last long, and hardly affected staunch nationalism at these movements’ cores” (p.72).

Furthermore, although there are new waves of terrorism emerging from the extreme right of the political spectrum, the left-wing terrorists did not totally disappear, but rather occupied a peripheral position. Laqueur, therefore, concluded that those “people who had sympathized with what they thought were the justified grievances behind terrorism found themselves in a quandary” (p.72). This is because the most heinous terrorist attack in American history prior to the catastrophic attacks of September 11 was in Oklahoma
City in 1995. The bombing of the Federal Building in downtown Oklahoma City was not the work of left-wing ideologues, but that of homegrown right-wing terrorists (Talbott and Chanda 2001; Kushner 1998; Hamm 1999). Laqueur pointed out that Timothy McVeigh, the mastermind and perpetrator of the Oklahoma City bombing, harbored deep grievances and a hatred of the U.S. federal government and law enforcement authorities, but McVeigh’s grievances were not what Americans in the left-wing of the political spectrum would have supported, endorsed, or sympathized with.

According to Laqueur, McVeigh’s “grievances were those found in “The Turner Diaries, of an America taken over by foreigners and degenerates, of the holy duty of all patriots to cleanse the country in a river of blood—in short, the worldview of a virulent form of fascism” (p.72). Laqueur noted that McVeigh’s worldview and actions were not unique. “Similar descriptions could apply to the murderers of Anwar Sadat, Yitzhak Rabin, and Mohandas Gandhi. Their assassins belonged to fanatical nationalist and right-wing undergrounds firmly convinced that they were doing their patriotic duty by liquidating traitors. These terrorists could hardly be said to be engaging in ‘revolutionary violence,’ nor could poverty, oppression, or free-floating rage help to explain the torching of asylum seekers’ homes in Germany or the unspeakable atrocities perpetrated by Islamic terrorists in Algeria where they were fighting not colonial rulers but their own compatriots” (pp.72-73).

Other scholars also propose that the “root causes” for hatred and terrorism are hunger, poverty, illiteracy, marginalization, alienation, oppression, unemployment, and other miseries. For example, because it is generally believed that poverty provides a fertile breeding ground for terrorism, fighting poverty would seem an ideal strategy in helping
make the world free of terrorism. The argument then goes that solving these underlying socio-political and economic problems would end hatred, violence, and terrorism (Laqueur 2001; Chomsky 2003; Chua 2003; Atran 2004). The problem with these assertions, however, is that as logical as poverty-breeds-hatred and hatred-breeds-terrorism might be, poverty and socio-economic disparities do not necessarily drive people to sacrifice their own lives to kill others. Anthropologist Scott Atran (2004:67) stated that, “poverty and lack of education per se are not the root-causes of suicide terrorism.” For example, he noted that the September 11 planners, financiers, hijackers, and suicide bombers were not impoverished nor ignorant. Legal scholar Amy Chua (2003) observed that when poverty is combined with other factors such as honor, pride, dignity, and hopelessness, they can become lethal, the driving wedge against all types of evils.

Other critics of the “root causes” theory, including Fergal Keane (2002) and Victor Hanson (2004) argued that if terrorism is the response of socio-economic and political injustices, why is it that the most oppressed and repressed people, particularly those in developing societies are reluctant to employ terrorism as an instrument of struggle to express their frustrations and grievances? Put another way: Why is it that the world’s poorest nations, Haiti and Burkina Faso, among others, do not resort to the use of terrorism to express their anger, suffering, and injustices? Why is it that millions of oppressed people throughout the developing world do not embark on suicide missions or campaigns to vent their frustrations? Why is it that two of the most politically oppressed nations on the globe, Afghanistan and Iraq during the regimes of the Taliban and Saddam Hussein, did not resort to terrorism to express their miseries? Hanson (2004) noted that
individuals or groups rarely resort to violence solely based on their economic or political status. In other words, poverty and oppression are not the only reasons why individuals join and participate in terrorist operations nor are some members of terrorist groups typically impoverished.

In reference to the terrorist attacks against America on September 11, Peter Bergen (2001:226-232) argued the attacks were not primarily the by-products of poverty or socio-economic inequalities between the West and the developing countries. Because if that were the case, the September 11 hijackers should have been poor and destitute Africans or Afghans and not Egyptians, Saudis, or United Arab Emirate citizens who came from well-off families. Rohan Gunaratna (2002:26) also pointed out that Osama bin Laden and Ayman al-Zawahiri, the world’s most wanted renegades, “are the archetypes of a new generation of terrorists, many of whom come from educated and well-to-do families, as did the 9/11 hijackers—a clear demonstration that the Islamist terrorists ideologies appeal equally to all classes and strata of society.”

Peter Bergen (2002) argued that bin Laden and his terrorist network did not want to destroy U.S. symbols of American culture such as the entertainment industry in Hollywood, the media establishment, or the “entertainment capital of the world”, Las Vegas. But The 9/11 Commission Report (2004: xvi) contained the following conclusions about Osama bin Laden and his al-Qaeda terrorist infrastructure: “We learned about an enemy who is sophisticated, patient, disciplined, and lethal. The enemy rallies a broad support in the Arab and Muslim world by demanding redress of political grievances, but its hostility toward us and our values is limitless. Its purpose is to rid the world of religious and political pluralism, the plebiscite, and equal rights for women. It
makes no distinction between military and civilian targets. *Collateral damage* is not in its lexicon.” In other words, bin Laden and members of his groups are interested in universalizing their brand of Islam, overthrowing Middle Eastern regimes, opposing secularism, and establishing true Islamic states in the Arab world even if it requires destroying America and its allies.

**Marxist Theory**

Some scholars argue that Marxist theory helps to explain political violence and terrorism (Apter 1999; Trotsky 1974; Fanon 1967; Thackrah 1987). According to Marx, “all history is a history of class struggle” (quoted in Nelson 1982). Proponents of the Marxian approach assert that traditional and modern terrorist groups either find their motivation in Marxist ideology or the anarchist and radical schools of thought (Alexander, Carlton and Wilkinson 1979; Fanon 1967; Marighella 1985; Trotsky 1974; Arendt 1970; Sartre 2001; Gurr 1980; Laqueur 1999; Henderson 2001). Referring to Marx’s dialectical materialism theory, Sahakian and Sahakian (1996:80) stated that:

> All goods are material, and material goods are the sources of power. He who controls capital controls also the culture of the people—their morals, religion, education, public opinion, music, art, etc.; those who control mass media (newspapers, radio, television) can manipulate public opinion and politics; those who control music publishing houses and recording companies can manipulate the musical tastes of the nation.

Marx noted that economic determinism (an argument that the course of history is determined by economic factors) dictated who controls the mode of production, a source of class conflict and violence (Gurr 1980; Nelson 1982; Thackrah 1987; Henderson 2001).
But as Harry Henderson (2001:13) pointed out, “the wellsprings of late 20\textsuperscript{th} century terrorism are complex, deriving from the struggle against colonialism, the inspiration of communist or socialist ideology, and the bonds of nationalism, ethnicity, and religion. Often these factors are mixed together in the same movement. The IRA, for example, sometimes used Marxist rhetoric, yet represented an ethnic group that was defined in part by religion.” The same can be said of the Palestine Liberation Organization, the Basque separatist movement (ETA) and Islamic fundamentalist movements such as al-Qaeda. Specifically, Henderson (2001:14) argued that in the Western democracies, revolutionary, political protests, and violent activities are not new phenomena. He stated:

The 1960s also saw a leftist movement, mostly on the part of intellectuals and students, in both Western Europe and the United States. In France, the movement also spread to the working class, while in the United States, despite the efforts of activists, it remained confined mainly to the student antiwar efforts, the civil rights movements, and black and brown-power movements...Groups such as Germany’s Red Army Faction, France’s Action Directe, and Italy’s Red Brigades based their ideologies on Marxism-Leninism, emphasizing action against the government and capitalists in urban population centers. From roughly 1970 to the mid-1980s, they carried on extensive bombing campaigns as well as shootings and kidnappings. In the United States, groups such as the Weathermen and the New World Liberation Front carried on similar activities, but on a smaller scale.

It has been suggested that from the mid-1980s through the 1990s, for example, the focus of terrorism and terrorist groups in western democratic countries seemed to move from the left- to right-wing ideologues. Laqueur (1977:106-107) succinctly stated that:

Left-wing ideology was virtually all-pervasive in the 1970s, and this was reflected in the propaganda of nationalist groups such as the IRA, the Basque separatist group ETA, and the Palestinian terrorists—for example in anti-imperialist slogans and calls for working-class solidarity, and so on...During the 1980s, left-wing terrorism petered out, a trend that coincided with the collapse of the Soviet bloc, though it was not caused by the collapse. Instead, the terrorist initiative in Western countries such as the United States, and also Germany and Turkey, moved to the extreme right. Yesterday’s theories about the progressive character of terrorism ceased to make sense and became, in fact, embarrassing. The burning of a hostel housing foreign guest workers in Germany could hardly be described
any longer as a liberating act. Neither could the bombing of the World Trade
Center in New York or the bombing of a government building in Oklahoma City
be interpreted as a prologue to a revolution that would help the masses. The old
wisdom about one person's terrorist being another person's freedom fighter was
no longer heard.

Henderson (2001) concluded that current and future political terrorism may come
from both right- and left-wing ideologues responding to economic globalization and
political hegemony. He wrote that, “The Left will be opposed to the control of the
world’s economic resources by international corporations and decries what it sees as the
inability of democratic governments to hold these economic behemoths accountable. The
Right views globalism in the form of the United Nations and other institutions as threats
to the sovereignty of countries, regions, and localities. Extremists on both sides have
shown their willingness to use violence in order to be heard” (pp.114-115).

In short, the radicals on both sides of the political spectrum have shown a willingness
not only to employ terrorism to advance their agendas but also to inflict catastrophic
havoc in the countries and societies targeted. Perhaps nowhere in the history of
humankind has there been such a willingness among many individuals or groups to resort
to the reign of terror against their real or imaginary enemies. Most of the modern
terrorist organizations do not follow Marxist doctrines.

Terrorism and Religion

In contemporary societies, religion is increasingly becoming the primary source of
political violence or terrorism. The “return of religion” in modern globalizing societies
has become one of the most pressing issues of our times. The events in Waco, Texas, the
Oklahoma City bombing, the U.S. embassies bombings in East Africa, the USS Cole
attacks, and the attacks on America on September 11 serve as powerful and painful reminders of this “return” and its implications for the United States and its allies (Hoffman 1999; Ruthven 2002; Armstrong 2001; Hanson 2002). Other countries and societies, too, have seen the revitalization of religion as a socio-political force. It may help our understanding of terrorism to view it as a form of a religious revitalization movement (Wallace 1966).

Political anthropologist Ted C. Lewellen (1992:73) pointed out that, “Religion may substitute for direct political action in cases where natives have been rendered politically impotent by an alien power or where they do not understand the nature of their situation.” In societies where citizens who express dissent and criticize the status quo are oppressed and repressed, religion usually becomes not only an avenue for dissent but also for political participation. When colonized peoples are oppressed by their colonizers, they may seek change through fundamentalist movements.

Anthony F.C. Wallace (1966:30) defined a revitalization movement as “a conscious, organized effort on the part of some members of society to create a more satisfying culture.” Revitalization movements are deliberate processes and rituals through which members of a society create a more satisfying culture by employing multiple innovations, which usually include religious or supernatural means (Wallace 1985; Mooney 1991; Lewellen 1992). Wallace described the various stages of movements. These include: (i) the pre-movement phase in which a society is in a steady state (i.e., without significant stresses or pressures for radical change); (ii) a period of increased individual stress where social anomie, vices, and disillusionment are rampant; and (iii) a period where some individuals realize the need for cultural change and seek the guidance of a charismatic
prophet or messiah for a more satisfying society or culture. When finally a larger number of people or the whole population adopts the new doctrines and practices, a cultural transformation is affected making revitalization a reality (Wallace 1956; Lewellen 1992). Wallace (1966:30-39) pointed out that the first step is the formulation of a code. An individual or group must construct a new utopian image of cultural organization. Frequently, the new code is formulated during the course of a hallucinatory revelation of a mystical experience. The second step is the communication of the new code to a group of disciples and followers. The code is usually offered as the means of spiritual salvation for the individual and of the cultural salvation for the society. Finally, as the movement gains momentum, new institutions based on the code are organized with subsequent widespread acceptance. Lewellen (1992:75), however, noted that although most revitalization movements (e.g., millenarian, messianic, and cargo cult movements) pass through a number of stages to affect cultural transformation, others do not. He concluded that, “Revitalization movements are basically attempts, often unsuccessful, to adapt to new conditions, and despite the religious trappings, they are basically political.” A case in point is the Islamic fundamentalist group, al-Qaeda. If we view al-Qaeda as a revitalization movement, we can see it as an attempt to create a more satisfying culture.

Critique

The approaches reviewed above provide fundamental insights into the nature terrorist groups. Some of the approaches are much stronger in explaining how social movements actually operate. While it is true that most of the terroristic conflicts that we are witnessing today are driven by ethnic and religious identities, not all social movements
that are concerned with identity advocate violence. Identity does not explain why terrorism is employed by some social movements and not by others or why the extent and intensity of its use varies among terrorist groups. This section, therefore, briefly critiques the strengths and weaknesses of the proposed theories of terrorism discussed above.

Political scientist Samuel P. Huntington’s arguments and predictions about the “clash of civilizations” were apparently vindicated with the terrorist attacks against the United Stated on September 11. His thesis was premised on the assertion that in the post-Cold War period, important conflicts will occur along cultural lines separating civilizations. In other words, future confrontations will be driven by cultural factors and not necessarily by economic, political, or ideological factors. He argued that in the new world order, people and nation-states will rely on cultural and religious identities to find out who they really are and what makes them different or unique. These cultural identities are usually drawn from common generational practices, values, traditions, and beliefs (e.g., customs, history, institutions, language, or religion). Huntington further observed that people usually identify with their own cultural affinities such as ethnic and tribal groupings, nation-states, religious faiths, and on a broader level, civilization.

It appears that the global conflicts and terrorism that we have been witnessing over the decades, especially those emerging from the Middle East and the Arab world against Western values and practices, have strongly been motivated by cultural and religious factors. Therefore, it is fair to argue that future confrontations between the core and periphery regions (i.e., the developed versus developing countries) will be driven by the clash of civilizations. A case in point is the on-going clash between some extremists who subscribe to Islamic beliefs, values, and practices against those of the West and America.
Although Huntington’s theory helps us understand why there are violent clashes and confrontations between Islam and the West, his theory does not, however, explain why other civilizations that have been around for centuries (e.g., those of Southwest and East Asia) have not engaged in violent confrontations with the West on a grander scale as has been the case with Islam. It seems to me that the clash of civilizations’ weakness lies with the fact that it tends to explain the events and the political discourse that followed immediately after the Cold War era and the demise of the Soviet Union and not the problems we are facing in modern societies.

For example, Huntington’s theory does not explain why there are clashes between peoples and societies that share the same civilization. Many of the conflicts that we are currently witnessing around the world are not necessarily occurring among peoples of different civilizations as Huntington suggested, but rather between and within peoples of the same civilization—people who share common geo-political boundaries; share common cultural beliefs and values; speak the same languages; and prescribe to the same religious faiths as is evidenced by the ethno-religious conflicts in Rwanda, Bosnia, Chechnya, the Philippines, Iraq, Turkey, and Ireland. Thus, the clash of civilizations is limited in the sense that it fails to explain why, for example, Muslims and the Arab world and a number of African nations constantly wage war against one another when in reality they share common cultural values, customs, practices, traditions, or religious faiths.

The “clash of globalization” strengths lie in the assertion that global free market economies and democracies are necessary ingredients against poverty, despair, hatred, and violence. It is also true that globalization often generates economic opportunities and elevates the living conditions of the poor, marginalized, and oppressed masses (Hoffman
The downside of globalization is that it oftentimes raises desires, stresses, and frustrations as peoples and societies from developing countries are in a position to compare their plight with those in affluent developed countries. As leaders in the developing societies struggle to meet globalization’s conditions in order to attract the global market economy and foreign investments, they usually alienate their citizens who lack the technological expertise and skills to compete and perform on a par with those in developed industrialist countries. Because globalization and the global market economy put greater pressure on developing countries to make “catastrophic” reforms such as structural adjustment, downsizing, modernizing, democratizing, and westernizing, the changes often affect peoples in these areas. For example, the structural adjustment and downsizing conditions force governments in poor countries to cut down on jobs and privatize state corporations resulting in an even higher rate of unemployment.

The main point of the “root-causes” theory is that poverty, destitution, despair, lack of education, oppression, repression, underdevelopment, social injustice, and other examples of social malaise foster terrorism. While it is true that there is a nexus between poverty and terrorism, and while it is logical to argue that poverty may breed frustration, hatred, and terrorism, nonetheless, they do not necessarily lead to violence or terrorism. If this assertion were correct, then those people who come from poor, marginalized, oppressed, or repressed countries, especially those in developing areas (e.g., Afghanistan under the Taliban regime, Iraq under Saddam Hussein, Haiti, and many African countries) should be the greatest advocates and perpetrators of terrorism. To the contrary, the planners, financiers, and perpetrators of attacks on America on September 11, 2001; Chua 2002; Friedman 2002).
11 were not individuals from poor, marginalized, or oppressed societies. Al-Qaeda’s leaders (bin Laden and al-Zawahiri) and the September 11 suicide-bombers (Mohammed Atta and his eighteen co-hijackers) came from well-to-do and well-educated families.

It is not entirely wrong to argue that addressing the world’s number one problem, poverty, a “disease” that promotes destitution and other miseries, is important to reducing terrorism. This is because extreme poverty often leads to hopelessness, frustration, despair, terrorism’s pools of support and recruitment (Atran 2004; Jenkins 2001; Zakaria 2003; Talbott and Chanda 2001). Under these conditions, it is fair to argue that finding solutions to the root sources of terrorism is critical to preventing future attacks.

The Marxist theory of terrorism revolves around the analysis of the capitalist mode of production. Marx’s basic premises were that capitalism, like other earlier economic systems (e.g., feudalism and mercantilism) was based upon class exploitation and class struggle. He argued that because few bourgeoisies (capitalists) own the means of production (monies, factories, machines, and other material instruments of production), exploitation, alienation, and oppression on the part of the proletariat (the working class or the masses) were the ultimate consequences. Specifically, Marx noted that class exploitation will inevitably lead to class conflict as those alienated and exploited will naturally resist the apparatuses and machineries that exploit them. Going by Marx’s materialist interpretation, it is logical to argue that to rectify the course of material history and to solve class struggle (exploitation, alienation, and oppression), revolutions, uprisings, or violence are necessary ingredients for restoring the social health of the masses and for ensuring collective liberation on the part of the exploited and oppressed.
But Marxist theory does not explain why many countries around the world, including the former Soviet Union and China are now embracing capitalism, given the monstrous picture that Marx painted of capitalism. Additionally, Marxist theory does not explain why the masses around the world, the most exploited, alienated, and oppressed, are reluctant to employ violence to resist the forces and institutions of capitalism that oppress them. Moreover, Marxist theory does not explain why many non-state terrorist groups such as al-Qaeda now more than ever rely heavily on the capitalist tools and values such as technology, communications, transportation, and the freedoms of association, speech, media, and religion to resist the same capitalistic machineries that exploit and oppress them in the first place. It seems to me that Karl Marx underestimated the power of capitalism, and this may have played a part in weakening his theory.

Terrorism can be traced to some conditions of conflict such as the clashes of civilizations and globalization, the legacies of colonialism and neo-colonialism, poverty and social injustices. Social movements often resort to the use of terrorism as a means of effecting change. Therefore, it is fair to say that terrorism is not only caused by structural factors, unequal access to resources and external imperatives (invasion and imperialism), but it is also brought about by the cultural factors of ethnicity, religion, self-image, honor, pride, and traditional practices. Anthropologists Schmidt and Schroder (2001:4) stated, “Conflicts are mediated by a society’s cultural perception that gives specific meaning to the situation, evaluating it on the basis of the experience of past conflicts, stored as objectified knowledge in a group’s social memory.” The same is true with terrorism. As the above critiques and reflections show, the study of social movements that employ terrorism requires multiple theoretical approaches because terrorist movements are not
monolithic entities. Terrorist movements usually continue to evolve motivationally and methodically in time and space. This study develops and employs a multi-faceted cultural approach.

A Working Theory and Hypothesis

I propose a holistic definition and theory of the culture of terrorism as follows:

_Terrorism is a deliberate, calculated, premeditated, and unlawful use of violence or the threat of violence to inculcate and create an atmosphere of fear with the intention of coercing or intimidating state authorities for the purposes of advancing some type of economic, political, social, religious, or ideological objective. Individuals or groups who employ terror intend not only to undermine government ability to protect its citizens, but also intend to produce fear and insecurity far beyond its immediate victims or physical targets to influence the behavior of a larger and broader audience and to sway government officials’ decision-making processes. Terrorism is a socio-cultural response to the legacies of colonialism and neo-colonialism. These legacies may include political oppression and repression, economic exploitation, and social injustices. In certain places, on-going colonial conflicts are catalyzed by the clashes of civilizations and globalization whose differences are aggravated by ancient cultural animosities and traditional practices that evoke tribal and religious fervor. People who believe that these legacies contribute to their oppression, poverty, deprivation, and suffering may employ violence to express their grievances. In particular, individuals or groups who claim to be the champions of the oppressed and critics of social ills, thus considering themselves freedom fighters, oftentimes resort to terrorism to enhance social change._

Conflicts can
also be motivated by virulent historical hatreds between developed and developing
societies. For example, United States practices and policies regarding the Middle East
and the Gulf regions provoke the sensibilities of Arabs and Muslims to employ
choreographed terror attacks, not only to kill Americans and their allies, but also to
inculcate fear and instill insecurity in the American psyche and to undermine government
authorities in order to influence policy-making processes. Catastrophic terrorist attacks,
on the other hand, provoke government officials to use the rhetoric of the “evil-doers”,
the "axis of evil” and the “war on terror” to demonize not only their enemies and those
who support them, but also to resuscitate patriotic slogans and divert the public’s
attention from domestic problems and agendas. Political actors also use the rhetoric of
the threat of terrorism to galvanize national and international support and cooperation
for the necessity of military intervention to combat terrorism. Government responses
against terrorism oftentimes impose excessive counter-measures that can infringe upon
people’s liberties and freedoms. For example, in the United States and in many European
nations, the introduction and passage of draconian anti-terrorism legislation under the
guise of national security and the war on terror threaten democratic practices and values
and suppress citizens’ civil liberties and personal rights, such as the freedoms of
expression, association, protection from arbitrary and capricious laws (i.e., detentions
without trial, rights to legal counseling, and the suppression of due process procedures).
When issues of security and liberties collide, they evoke emotional reactions, public fury,
political dissent, and mistrust resulting in internal conflict and instability. Furthermore,
rash responses to terrorism negatively affect not only the people’s personal and national
security and sense of community, but also undermine their democratic systems of
government. From an international viewpoint, the war on terror has not only forced world leaders to pass new legislation to combat terrorism, but also has provided an opportunity for some leaders in Africa, Asia, and the Middle East to use the rhetoric of war on terror to harass and intimidate political opponents, opposition groups, and human rights advocates and to criminalize political dissent and protests. For example, as the American government continues to pressure the international community and world leaders to enact more and tougher anti-terrorism measures, and as President Bush continues to threaten countries that fail to cooperate and support the United States in the war on terror with the power of "the stick" (i.e., the use of military force or the imposition of economic sanctions, such as terminating foreign aid and loans, restricting foreign trade and investment, freezing and confiscating financial assets, or embargoing weapons), the relative good relations that America enjoyed around the world prior to the events of September 11 continue to weaken. Moreover, the international support and cooperation that the United States received immediately after the attacks of September 11 continue to wane.

Terrorism consists of a set of socio-cultural practices, ideologies, methods, techniques, and organizational structures that individuals and groups find useful to redress their grievances and advance their desired agendas. Terrorism can be a desperate response by weak and powerless groups (i.e., in regard to size and capabilities) challenging stronger and more powerful entities (i.e., in regard to states with established militaries). But it is not only a weapon of the weak and desperate, it is also an instrument of struggle that any person or movement can use to accomplish some type of economic, political, social, religious, or ideological objective.
The definition and theory of terrorism that I have just presented fit well together because individuals or groups that perform terrorist acts have developed a culture that has a history, a social organization, a militant religious ideology, a set of religious rituals, and tactics that have enabled them to conduct violence to inculcate fear and insecurity in the public psyche, manipulate the media, and influence government authorities and policy-making processes.

The theory proposed for this study enables us to ask the following anthropological questions: (i) Can we define terrorism as a cultural phenomenon? (ii) What are al-Qaeda's organizational structure, recruitment techniques, and modus operandi? (iii) Why is terror becoming increasingly a common weapon for radical groups promoting socio-economic, political, religious, or ideological agendas? (iv) “How does traditional anthropological analysis of primitive law and custom help us to understand modern terrorism?” (Leach 1977:6) (v) Do different societies respond differently when faced with similar terrorist tragedies?

My approach therefore builds upon classical and contemporary theories, such as theories of political anthropology including world systems theory, Marxist theory, religious revitalization theory, the “clash of civilizations”, and the “clash of globalization”.

Chapter two deals with the methodological approach and briefly discusses the rationale for choosing the qualitative-descriptive technique to collect and analyze data. I describe how I gathered data to examine the phenomenon of terrorism and its impact on victims. I also highlighted obstacles that I encountered in the field and how I dealt with them to enable me to contact and interview U.S. embassy bomb survivors in Nairobi.
Chapter three provides a detailed description of al-Qaeda. Discussions focus on al-Qaeda's origins, ideology, organizational structure, recruitment methods, military operations, and *modus operandi*. Discussions also deal with al-Qaeda before and after the attacks of September 11. I also examine the strategic reasons for the attacks on the American embassy in Nairobi in 1998 and the World Trade Center in 2001.

Chapter four examines major issues that preoccupy social scholars and political actors regarding al-Qaeda and the war on terrorism. They include: whether all terrorist groups including al-Qaeda can be considered liberators or oppressors; whether al-Qaeda leaders and members are "evildoers" and states that support them the "axis of evil"; whether the choreographed attacks of al-Qaeda are intended to minimize collateral damage and maximize fear and insecurity; whether the leaders and followers of al-Qaeda resort to terrorism because they are impoverished, deprived, deranged, and cowardly; whether U.S. foreign policy contributed to the attacks of September 11; and whether finding a solution to the Palestinian-Israeli problem would reduce Arab hatred towards America and its allies.

Chapter five focuses on the governmental responses to transnational terrorism. This chapter specifically examines how government authorities in America and Kenya responded to their respective attacks. The chapter begins with a discussion of the multidimensional counter-terrorism measures that the U.S. instituted to deal with the attacks of September 11 to combat international terrorism. They included: diplomatic, economic, legislative, political, military, and socio-cultural responses. Next, I examine the U.S. Patriot Act and its implications. Additionally, I discuss the responses of the Kenyan government to the 1998 and 2002 bomb attacks. Finally, I discuss the general reaction of
African governments to the attacks of September 11 and the war on global terrorism.

Chapter six reviews the reactions of the victims of terrorism and discusses the issues and claims surrounding the compensation of the victims. Specifically, the key question raised is: why the victims of the September 11 attacks were compensated in large sums of money while those of the American embassies bombings in Kenya and Tanzania, with the exception of the twelve Americans killed, were not? This chapter also provides some excerpts from the Nairobi bomb survivors comparing them with those from New York to identify key cultural reactions, claims, and coping mechanisms common among the victims of terror. Since I did not conduct fieldwork in New York, I relied on library materials, magazine and newspaper clippings, the Internet, and other media outlets.

Chapter seven deals with the new trends of international terrorism and argues that to prevail against global terrorism, government officials, policy-analysts, social scholars, and the general public must start thinking about terrorism in a new and different way (a shift of paradigm) if they intend to understand and combat terrorism. Despite the ongoing security improvements and counter-measures instituted by the United States and the world community, the threat of terrorism still looms. The solutions to terrorism and terrorist operations will require the utmost in multi-lateral approaches and cooperation from the world community. Chapter eight provides a concluding summary of terrorism.
CHAPTER TWO

RESEARCH DESIGN AND METHOD:
A QUALITATIVE ETHNOGRAPHY

To understand the culture of terrorism and how victims respond to catastrophes caused by terrorist operations, this study used a variety of methods and sources: library, media, Internet materials, and my own field research in East Africa following the 1998 U.S. embassies bombings in Nairobi and Dar es Salaam. The primary sources of information, however, were library and media resources. These sources included: the most recent articles from academic journals and periodicals; recent articles from magazines, newspapers, newsletters, and the Internet; recent published academic books and monographs; media reports from U.S. major television networks (i.e., CBS, NBC, CNN, and C-SPAN II); the U.S. Congressional Committee investigation hearings (i.e., the Senate Judiciary Committee inquiry and The 9/11 Commission Report); court proceedings and grand jury hearings; the Rand Corporation data bank on international terrorism; and other open sources and outlets.

Baker and Chapman in Man and Society in Disaster (1962) discussed the methodological problems and challenges that researchers often encounter when collecting data in the field. Ira H. Cisin and Walter Clark (1962:23) particularly argued that, “Strictly, we cannot speak of the methods of disaster research; there are no special methods unique to this field. Its methods are the methods of social research, the available techniques are those of social research, the essential logic is that of social research.” If this is the case, why then should studies of disasters such as violence or terrorism require “a special methodological consideration?” (p.23).
Part of the answer to this question, according to Robert A. Stallings (2002:23) lies in the impromptu nature of disaster studies, especially those which attempt to study human behavior on the site of a disaster immediately after a tragic occurrence. Anthropologist H. Russell Bernard (2002) and sociologist Lewis M. Killian (1956) noted that research planning takes time, and time is what the researcher has least of in many disaster studies. Killian (2002: 49-50) argued that during and immediately after a tragedy, chaotic situations emerge that may cause scholars to fail to apply all the necessary research rules and methods.

Cisin and Clark (1962:23) noted that the carefully defined population that the researcher “would like to study is thoroughly disrupted; his sampling plans deteriorate to a nonrandom selection of the persons or victims he can locate; his data collection procedures suffer from transportation and communication troubles.” In other words, it can be argued that when scholars of catastrophic events such as those caused by terrorism encounter field problems or limitations, it may not necessarily be wrong to use eclectic methodologies or even make use of improvised techniques to collect data. According to “Cisin and Clark (1962:23), “improvisation has replaced method, and the quality of the results seems to depend more on the researcher’s ingenuity than upon his scientific skills.”

Other scholars have also suggested that qualitative research is especially appropriate for studies such as terrorism where it is difficult to contact terrorists themselves or where little empirical data exist. Political scientist Martha Crenshaw (1994), in particular, attributed the problem of studying terrorism to the fact that information is frequently inaccessible because researchers not only find it difficult to contact actual terrorists
themselves, but also face unprecedented government red-tape from officials who are reluctant to release information for public consumption for fear of jeopardizing national security.

Anthropologist Carole Nagengast (1994:112) also observed that besides bureaucratic red-tape and other challenges that researchers often face when collecting data in the field, "Anthropology has not been in the forefront of the study of collective violence, terrorism, and especially violence in state societies, in part because its methods and theory depend on months or years in the field, until recently defined as a relatively small, self-contained community that did not include the state." In other words, it takes time, money, and patience to conduct long-term studies to understand, for instance, how victimized individuals and communities deal with their plight, i.e., what it means to be a survivor of a bomb/terror attack, what it feels like to lose loved ones, and what socio-cultural mechanisms victims apply to cope with their tragedies (Hoffman and Oliver-Smith 2002; Oliver-Smith and Hoffman 1999).

To understand how countries that are victimized by transnational terrorist operations respond, I chose one African city, Nairobi, and one American city, New York City, as case studies. The former suffered the bomb attack against the U.S. embassy in Nairobi on August 7, 1998, and the latter suffered with the terrorist attacks against the twin towers of the World Trade Center in New York. Although both Dar es Salaam and Washington D.C. were also attacked, I chose to focus my study on Nairobi and New York because the damage in these two cities was much more severe and extensive. These cases studies were selected purposely to understand how Kenyan and American survivors coped with their respective tragedies and how government authorities responded to
transnational non-state terrorism. From these case studies, there emerges a picture of differing Kenyan and American responses to terrorist operations.

The reasons for conducting fieldwork in Nairobi, Kenya, include the following: I knew my way around Nairobi, and I personally knew at least two bomb victims; I knew where to locate potential survivors within the city (e.g., in both public and private offices and the Kenya School for the Blind); and I speak both English and Kiswahili fluently. Both are the official languages of Kenya.

Kenya and the United States were selected for a cross-cultural comparative study for the following reasons: Kenyans were among the first casualties of al-Qaeda’s network; the attack in Nairobi was certainly among the worst acts of terrorism of the last years of the twentieth century; the near simultaneous attacks of August 7, 1998 against the American embassies in East Africa were seemingly a dress rehearsal for the attacks on the U.S. on September 11, 2001; both Kenyans and Americans were victimized by Osama bin Laden and his al-Qaeda network; both attacks were devastating to many in the two nations.

Initially, I wanted to compare how the Kenyan and Tanzanian governments responded to transnational terrorism and how the survivors coped, but then the September 11 terrorist attacks in the United States happened. Because the attacks against the World Trade Center and the Pentagon were also the work of bin Laden and al-Qaeda, I decided to compare and contrast the responses of America and Kenya. Although al-Qaeda terrorists used different tactics to attack the two selected sites—the use of a car bomb in Kenya and the use of commercial aircraft in the United States—the impacts (i.e., loss of lives, destruction of property, pain, and suffering) were far-reaching in both countries.
Their similarities and differences enable fruitful comparisons.

Although this study was initially intended to attempt to understand how both Kenyans and Tanzanians reacted to the bomb attacks, I spent more time in the field collecting information in Kenya because the damage and trauma in Nairobi were so much more extensive than in Dar es Salaam. For example, whereas twelve people were killed and less than one hundred injured in Dar es Salaam, two hundred and forty-seven people, including twelve Americans, were killed and over five thousand were injured in Nairobi. In other words, when one compares the death and destruction that emerged as a result of the bomb attacks in Kenya and Tanzania, the attacks in the former were much more severe.

Furthermore, when scholars speak or write about the attacks against the United States embassies in East Africa on August 7, 1998, Dar es Salaam is more often than not mentioned merely as a footnote. The main focus is always on Nairobi. In the same vein, when academicians, analysts, and terrorism experts talk about the attacks against the United States on September 11, the Pentagon in Washington D.C. is mentioned, but the main focus is on the World Trade Center in New York. Although I will supplement data using Dar es Salaam and Washington D.C., the focus in this study is Nairobi and New York.

After encountering difficulties in contacting bomb survivors in East Africa and considering practical factors of time and financial resources, I decided to use a qualitative approach and an eclectic method for the part of the study dealing with the aftermath of the attacks to understand what survivors think and how they cope.

Some scholars suggest that one of the primary purposes of the qualitative approach is
accomplished when researchers ask the very basic fundamental questions: What is going on here? What is up with this picture? What do you think about this problem? Or what should be done to mitigate this problem? (Spradley 1980; Denzin and Lincoln 1994; Lofland 1971). Such questions may be used in studies of members of religious extremist movements, criminals, gang members, terrorists, and victims of terrorism. As Bernard (2002:203-219) noted, in each instance, it is the total context that creates what it means to be present, to be a participant, to be an observer, or to be a member. In other words, it is the participant's experience in that context that the researcher seeks to capture and understand in a qualitative study.

The study of terrorism necessarily involves one in disaster studies. Some scholars and analysts argue that because disaster studies are designed to understand the nature of the disaster, its causes, consequences, and possible preventive mechanisms, the opening wedge must therefore include a set of descriptive methods discussing in detail human behavior during and after the disaster (Riches 1986; Cisin and Clark1962; Oliver-Smith 1996; Oliver-Smith and Hoffman 2002; Schmidt and Schroder 2001). Bernard (2002:206) particularly noted that descriptive research tends to rely on informal observational studies that attempt to answer the question, "Just exactly what happened?"

Oliver-Smith (1996:303-328) contended that because in any given disaster, a great many things happen, it is perhaps inevitable that descriptive studies characteristically reflect the selective perception of the observer. For example, the media reporter sees one thing, the sociologist another, and the anthropologist still another. Under these conditions, descriptive studies play a significant role in introducing the researcher to unfamiliar territory; they prepare him or her for focused studies of the subject; and they
open his or her horizons to further study on the topic using formal and structured methods. Therefore, one of the strengths of descriptive studies is that they enable scholars to generate theories and hypotheses, the beginning of explanations, and the understanding of phenomena (Bernard 2002; Oliver-Smith and Hoffman 1999; Cisin and Clark 1962).

For example, scholars who use descriptive studies to examine disasters usually concentrate on the details of the disaster itself and on the behavior of people during and immediately after the disaster. The methods researchers use may range from the most informal and unstructured interviewing or observation to the most formal and structured interviewing or survey sampling. Bernard (2002:205-208) argued that unless the researcher himself has been involved in a disaster, descriptive studies depend largely upon re-collective interview techniques that are either structured or unstructured. He maintains that when describing the details of a disaster and its effects on the community, descriptive studies tend to rely on interviews with knowledgeable informants selected for their position in the community.

Similarly, for details on the effects of a disaster on individuals or small groups, descriptive studies tend to rely on interviews with individuals selected as a sample to represent the views of a larger population. The sample may include the victims and their families and the survivors of a tragedy. The difficulty associated with these types of studies is that it is often problematic for the informants or survivors of a disaster to be objective in recalling the actual events of a disaster. This is because the survivors may still be dazed by the painful experience from the ordeal, or it may be painful to tell their story without reliving their experiences (Stallings 2002; Baker and Chapman 1962;
Scholars studying disasters struggle with ethical questions, particularly those dealing with question-format in order to conduct data in the field. One of the ethical questions researchers encounter is whether or not it is morally right to use formal and closed-ended questionnaires to gather information from victims. Anthropologist Oliver-Smith (1996) questioned the credibility and use of closed-ended questionnaires to collect data because this format prevents victims of a tragedy from expressing themselves openly and freely and hinders them from providing extensive stories regarding their experiences and their pain and suffering without feeling threatened. Equally significant, the format of formal and closed-ended questionnaires does not usually help researchers to form rapport or win trust from respondents. Oliver-Smith (1996:19) stated that, “The ethical dimension of research in crisis situations has been applied to whether questionnaires are appropriate instruments for research on people under stress, which has evoked criticism of the reification of victims and their experiences. More dialogic, open-ended methods are suggested as both ethically more appropriate and methodologically more effective.”

Other scholars also argue that unstructured interviewing is a significant probing technique for collecting data on sensitive issues such as conflict, aggression, and racial and religious groups as well as catastrophic events, because this technique allows researchers to pose general and open-ended questions to enable them to gather more and detailed data. Bernard (2002:204-205) also noted that, “There is nothing ‘informal’ about unstructured interviewing, and nothing deceptive, either. You sit down with another person and hold an interview. Period. Both of you know what you’re doing, and there is no shared feeling that you’re just engaged in pleasant chitchat.” He maintained that
before the interview can take place, the researcher introduces him/herself to the
respondents, makes his intentions known, and indicates that he is conducting a study
(pp.208-209). In other words, both parties, the researcher and the respondents, are aware
of the study and play their respective roles.

Bernard (2002:206) noted that researchers or ethnographers who use unstructured
interviewing to guide them enter the field and gather general data to understand a society
or a social context they otherwise had little knowledge of. According to these scholars,
this technique guides ethnographers to develop and formulate semi-structured studies. It
also prepares them in constructing the questions they should ask and whether or not it is
necessary to design questionnaires in the native languages of the groups they probe
should they decide to conduct a highly structured formal study.

In essence, it is fair to conclude that when we want to know about live experiences of
our fellow human beings, what it is like to be victims of a tragedy, how victims cope and
deal with their plight, or how it feels to survive tragic events such as terrorism,
unstructured interviewing is most effective (Bernard 2002). In sum, the advantages of
using unstructured rather than structured interviewing in human crises where people
undergo extreme stress are that they enable victims to speak freely and comfortably and
they allow researchers to build rapport and trust with the victims. For example, Fontana
and Frey (1994:371) argued that unstructured interviewing allows the researcher to ask
general questions for the purposes of “breaking the ice” and gradually allows them to
move on to more specific questions. Therefore, it is fair to say that when studying
sensitive topics such as racial and ethnic prejudices, political and religious conflicts, and
terrorism and terrorized individuals and groups, formal and structured interviewing may
be inappropriate. Furthermore, Schmidt and Schroder (2001:6-9) and Gingrich and Fox (2002:6-7) noted that disasters and tragic events such as violence or terrorism are best studied using informal and unstructured techniques.

Some information for this study was acquired using ethnographic field research that employed informal and semi-structured interviewing of bomb survivors in Nairobi, Kenya. The survivors were asked to share their experiences. The interviews are discussed in detail in chapter six. In Kenya, I contacted and interviewed twenty bomb survivors in Nairobi. I used personal contacts to locate and interview willing bomb survivors.

It was not my intention to speak to every person who survived the bomb attack or who escaped unhurt during the explosion. I decided to focus on only clearly identifiable victims. I therefore searched out those who were physically injured by the blast. Because thousands of Kenyans were affected by the tragedy, it would have been difficult if not impossible to locate them all and request them to share their ordeal. The goal of my interviews with the victims was to understand how they were coping with the trauma.

One of the techniques that I used was the snowball sampling method—where one bomb survivor was located, interviewed, and then asked to name others who might be willing to be interviewed. I used snowball sampling because it was difficult to locate survivors in Nairobi (Bernard 2002:185-186). The majority had relocated to rural areas; others were dispersed throughout the city.

To interview the survivors in Nairobi, I used semi-structured interviewing and specifically what James P. Spradley (1980:77-80) referred to as "grand tour" and "mini-tour" questions. In regard to grand tour questions, I asked, for example: "Can you tell
me where you were when the bomb went off?” “Can you tell me what happened to you after the explosion?” “Can you tell me what kind of assistance you received to help you deal with your tragedy?” “Can you tell me what kind of things you use to cope with your loss, pain, and suffering?” Similarly, as it concerns the mini-tour questions, I asked, for instance: “Can you describe specifically what you actually received or continue to receive from government and non-governmental organizations to assist in your recovery?” “Can you be specific where you went for medical treatment and what kind of treatments you received?” “Can you talk more about why you think you were selected to travel abroad (i.e., to Germany) for further medical treatment and what your experiences were?” “If you did receive financial compensation for pain and suffering, how much did you receive?” “What criteria were used to provide compensation?” “Do you think what you received was enough?” (For more semi-structured questions asked in both English and Swahili, refer to Tables 1 and 2 in Appendix I). The questions asked are not idiomatic, i.e., word-for-word translation, but rather correspond closely but not perfectly.

In Nairobi, I was able to interview eleven bomb survivors at least twice on consecutive years in 2001 and 2002. Others were interviewed in the years of 2000 and 2002 (i.e., before and after the terrorist attacks against the United States on September 11, 2001). Eighteen of the twenty bomb survivors who were interviewed preferred English; two preferred Kiswahili. The majority of the survivors were government and parastatal ‘government enterprises’ employees who were more comfortable talking in English than Kiswahili.
Fieldwork Problems, Limitations, and Reflections

Problems

Qualitative researchers conducting fieldwork face many problems in the field. These problems range from gaining entry into the field to locate respondents, winning respondents' trust, building rapport, and ensuring the reliability of the data acquired. I encountered all of these problems during my fieldwork. However, the major problem that I faced was locating bomb survivors in Nairobi. Many had either moved or relocated to rural areas, or they could not be reached because I was unable to get their addresses and phone numbers. The lack of addresses and telephone numbers made it extremely difficult to locate survivors to participate in my study. To overcome this problem, I decided to interview any survivor I could locate, including those I briefly came into contact with during the annual commemoration ceremonies at the bombsite.

In addition, I used the so-called “cold canvassing” technique to find bomb survivors to interview. Many public and private offices that were near the United States embassy were also damaged killing and injuring many people. I decided to walk from one government office to another in search of survivors. At each office, I inquired from the reception staff whether they knew of individuals injured by the attack. Although the buildings near the American embassy seemed ideal places to find survivors, it proved impossible to locate them because the employees who operated from those buildings or offices were either dispersed or relocated. For example, one of the buildings that was extensively damaged during the bomb attack was Cooperative House, a twenty-five story building that housed several government ministries and private companies. But because that building had been under repair since 1999, employees who worked there have since
been operating from different locations within the city or share space with other governmental departments, making it difficult to find them.

Although I was able to locate some bomb survivors, I faced yet another problem—getting them to tell me their stories and share their experiences. I found out some survivors were still shaken and dazed from the tragedy while others were very reluctant to share their stories with a stranger for fear that their responses might be used against them. But after informing survivors that the purpose of my study was academic, they agreed to talk to me, but only on condition that I first seek permission from their supervisors and not use a tape recorder during the interview. The reason for seeking permission from their supervisors was because my interviews took place during office hours.

In addition, I frequently stopped at kiosks and cafés where government employees including the bomb survivors went for coffee or lunch. When I was able to identify survivors in these places, I would talk with them briefly and request an interview for a later date. Seven people were located in this manner and eventually interviewed.

I also visited the Kenya School for the Blind (KSB) because survivors told me that many of those who were blinded by the bomb attacks attended rehabilitation classes there. At the Kenya School for the Blind, I would meet a blind person and ask him/her whether his/her injuries were caused by the embassy bombing attack. If the answer was in the affirmative, I then asked that person for an interview. At the Kenya School for the Blind, the survivors were willing to share their experiences with me because they were instructed to do so as part of the healing process. Four people were interviewed at this location.
Another problem that I faced was whether to conduct formal and structured interviewing or informal and semi-structured interviewing. Before leaving for my fieldwork in Nairobi, I wanted to collect data using formal and structured interviewing and personally administer closed-ended questionnaires. But on arrival in the field, I realized that it was not only difficult to locate bomb survivors to participate in my study, but also about half of the survivors were uncomfortable or reluctant to talk to me because they thought they were being interrogated by a government official and thus felt threatened. To make sure that the survivors were comfortable and felt unthreatened, I decided to ask them very general questions to get them to talk and then employed more probing techniques to elicit specific information. I needed to restructure my approach to collect data.

I interviewed a total of twenty survivors in Nairobi. Seven at the Railways Headquarters, four at the Kenya School for the Blind, five at the bomb site during the anniversary ceremonies, and four at kiosks and restaurants. My interviews with the survivors generally lasted for 30 to 45 minutes. Five survivors were interviewed twice (i.e., before and after September 11, 2001). During the second interview, I was able to ask specific questions and clarify previous uncertainties and resolve misunderstandings.

In sum, to locate survivors I used snowball sampling and cold-canvassing tactics to locate survivors to interview. The buildings and offices that were near the American embassy were selected for cold canvassing because these buildings were severely damaged, killing and injuring many. I also attended three anniversary programs of the attack and talked to some of the survivors who were present during these commemorative events. Furthermore, I also stopped at restaurants and coffee shops located near the site.
of the bombed-out U.S. embassy hoping to spot bomb survivors to talk to. To identify
survivors, I paid attention to their physical features to detect bodily deformities. In other
words, I looked for individuals who were blind, had missing limbs, or were badly scarred.
After observing bodily deformities, I would politely ask the individual whether the
injuries were bomb-related. If the answer was yes, I requested an interview.

Furthermore, I used personal contacts to locate survivors. Because my interviews
took place during workday office hours, survivors were at times reluctant to talk to me
because they did not want to jeopardize their jobs. But after seeking permission from
their supervisors they were much more willing to talk to me. At least seven survivors did
not want me to use a tape recorder during the interview, but they did not object to my
taking notes.

Some survivors preferred being interviewed in the presence of their fellow employees
to show that they were not receiving money in exchange for interviews contrary to the
complaints by a few workmates. These survivors also preferred having our conversations
at their desks in order to stop the interview in case they wanted to attend to their job
duties and responsibilities. These survivors also did not want to spend time away from
their offices or desks giving interviews during working hours for fear that their actions
may be seen as using their office hours to attend to personal matters. I was informed that
there were rumors that the survivors were using office hours giving interviews or talking
to reporters and rehabilitation staff, which caused their supervisors to warn them against
giving interviews during working hours.

For example, in one office, I was denied permission to interview survivors because it
was alleged they were spending too much time giving interviews and too little time
performing their duties. Even though there was an element of truth in the allegation, I sensed that jealousy was also a factor because the survivors were getting all the attention. As a case in point, when I presented a written note to one supervisor authorizing me to interview four bomb survivors at the Kenya Railways Corporation, this is what the supervisor said to those particular survivors: “Wewe Kamba, kikuyu, lugha, na jalu, mmoja wa watu wenu kutoka Amerika yuko hapa na anataka kuongea nanyinyi kuhusu mambo ya bomu, majerahaa yenu na mengineo.” Literal meaning, “You Kamba, Kikuyu, Lugha, and Luo, one of your people from America is here and he wants to talk to you about the bomb, your injuries, and other things.” I knew what the supervisor meant by “and other things”—money. I also knew that it was impolite for the supervisor to address employees using their tribal identities instead of their real names. The polite way should have been, “You Mkamba, Mkikuyu, Mlugha, and Mjaluo, there is a person here who would like to talk to you about your experiences in the aftermath of the bomb attack.”

When I inquired of the survivors the reason for such derogatory remarks and resentment, I was told that some supervisors and workmates were complaining that the survivors were getting all the attention and were using the tragedy as an excuse to attend to personal matters. Moreover, survivors were receiving state and NGO assistance such as free computer training, school fees, medical treatment, drugs, and financial assistance.

I sensed that during my first contacts with survivors, some of them actually wanted to tell me only what they thought I wanted to hear, probably because they were unsure about the purpose of my research. However, after introducing myself and at times using my personal contacts as a character reference to substantiate my identity as a doctoral student
affiliated with a university and conducting research for academic purposes, the survivors were much more willing to speak to me. The more the survivors came to trust me, the freer they became in sharing their ordeal with me. However, even though survivors were calm and composed during our interviews, some would simply burst out in unprovoked raged. For example, when I asked one survivor how she was coping with her suffering, this is what she said:

I’m so angry and bitter about those coward terrorists who attacked us. If those terrorists wanted to kill Americans, why didn’t they go to Washington D.C. to kill Americans there? Why did they [terrorists] come to Kenya looking to kill Americans here only to kill many of our people and injure thousands of us and destroy our lives? If it were not for the American embassy, I will still be having my now missing eye and my life will still be normal....I don’t blame American people for what happened to me, but I blame their officials who don’t want to solve the terrorists’ grievances so that many innocent people like us do not have to be killed....But America has been so generous to us by helping us with the medical assistance to deal with our injuries.

The major limitation of the information collected in Nairobi is that the sample taken (i.e., the twenty bomb survivors that I interviewed) was not random. This is because, as indicated earlier, I interviewed only those bomb survivors I was able to locate and those who were willing to share their experiences with me. The non-random nature of my sample would not have not be an issue if one could assume that survivors who were interviewed and those who were not interviewed were homogenous in every regard (i.e., if their experiences, pain, suffering, and responses were the same). However, one cannot make such an assumption because research has shown that different people, including survivors, respond differently even when they are faced with similar tragic circumstances (Ochberg and Soskis 1982; Fields 1982; Fink and Mathias 2002). Nevertheless, much useful data can be obtained.
Reflections

My fieldwork was less extensive compared to many others that have attempted to study human catastrophes. In part, this is because talking to bomb survivors who were blind or only had one eye or were burnt, disfigured, and disabled from the attack was very difficult. I concentrated on taking notes during the interviews, because I thought that staring at them would have offended them. Similarly, whenever survivors said that they were in a predicament because the government had terminated free medical assistance or failed to honor its promises of providing free school fees to their children, I did not know how to show my sympathy.

One of the advantages of qualitative study is the opportunity that it provides a researcher to reflect on his/her experiences and dilemmas as they occur in the field. Hammersley and Atkinson (1995:206) observed that, “a common ailment in fieldwork is where the researcher feels it is necessary to try to be everywhere at once and stay in the setting for as long as possible. As a result of this, a great deal of data is collected, but little time is left for reflection on the significance of the data and the implications for further data collection.” My personal doubts revolved around questioning the reliability of the information that I acquired. Because the information I collected involved ethnographic narratives that were meant to address the survivors’ responses to terrorist operations, I wondered how such information could be reliable when I interviewed survivors some years after the bomb attack had happened. How could the bomb survivors’ responses be verified when government officials declined to be interviewed to substantiate the survivors’ claims, concerns, and fears? How could a few minutes of interviewing survivors be enough to tell us what it really means to be a bomb survivor?
What could a few interviewed individuals tell us about the actual experiences of the survivors or the mechanisms they actually use to cope with their pain and suffering? Participant observation in a long-term study of a group of survivors would have produced a more complete and possibly a different description of the survivors' experiences and responses to terrorist operations. Nonetheless, the information that I acquired from the survivors was checked against documents and media materials. By using a variety of sources, I was able to obtain additional accounts of a range of responses and discover some general themes in those responses.

Summary

To study bomb survivors in the aftermath of a disaster is a difficult task. Patience, empathy, and a willingness to listen are critical to understanding how survivors cope with their loss, pain, and suffering. In researching human tragedies, the best way is to let the victims tell their stories with as little interruption as possible. However, by using probing techniques judiciously, a researcher can acquire answers to specific questions. Finally, being sympathetic to the conditions, concerns, and fears of the survivors is key in building rapport, gaining trust, and collecting information.

Informal Interviewing using semi-structured Questionnaires

In Nairobi, I personally administered semi-structured interviewing using open-ended questionnaires to gather information from survivors concerning the bomb attacks. Specifically, this study was conducted on the second and fourth annual commemorations of the bomb attacks in Nairobi. Survivors were informed that the data obtained from this
study will be used for academic purposes. Survivors were also told that their responses
were important in helping us understand how they have been able to cope with the
attacks, what they think should be done to better assist them deal with their plight, and
what they think their government should do to ensure that such a tragedy does not happen
again. In addition, survivors were informed that their participation was voluntary and
their responses will remain anonymous by ensuring them that their names or identities
will not be disclosed or made public in this research.
CHAPTER THREE

AL-QAEDA’S ORGANIZATIONAL STRUCTURE,
RECRUITMENT METHODS, AND MODUS OPERANDI

The enemy must not know where I intend to give battle. For if he does not
know where I intend to give battle, he must prepare in a great many places...If
he prepares to the front, his rear will be weak, and if to the rear, his front will
be fragile. If he prepares to the left, his right will be vulnerable and if to the
right, there will be few on his left. And when he prepares everywhere, he will
be weak everywhere.

This statement was written over many centuries ago by a Chinese war strategist about
the art of war and the advantages of hit-and-run and surprise attacks, yet its relevance still
applies to contemporary societies and times. If it is correct as Alexander and Alexander
(2002) and Clancy and Stiner (2002) contend, that modern terrorism is a form of
unconventional and “asymmetrical warfare” waged in the shadows, then the most
spectacular manifestations of Sun Tzu’s warnings were realized on September 11, 2001.

In the calculated and choreographed attacks on the so-called “Black Tuesday” the
most powerful country in the world with unmatched economic prosperity, military
prowess, and intelligence capabilities was surprised by nineteen terrorists who mounted
unexpected kamikaze assaults on American shores, killing three thousand people and
injuring thousands more in the process (Alexander and Alexander 2002). Talbott and
Chanda (2001) judged that the September 11 attacks were the single most lethal act
directed against Americans in contemporary times.

terrorism has become a cultural and social weapon of struggle that fundamentalists
employ to promote their political, religious, and ideological agendas. In modern times, the most notorious organization that justifies the use of violence to wield power and to intimidate its adversaries is the Islamic fundamentalist group, *al-Qaeda* 'the base'.

Under these conditions, Bar (2004), Combs (2002), and Emerson (2002) warn that it is important that we understand who these terrorists are, how they operate, why they attack, how they rationalize their actions, and what they have been able to accomplish in the past decade if we hope to detect, dismantle, and prevent their plans of executing future acts of terror. In chapter one, I indicated that terrorism consists of a set of cultural practices, belief systems, organizational structures, operational technologies, and *modus operandi*. This chapter examines important issues regarding the rise of al-Qaeda and bin Laden, the declaration of *jihad* 'struggle' against the United States and its allies, the world view and ideology of its members, the organization’s leadership, military, and strategic structures and the little-known cultural component of kinship within al-Qaeda. But first, let us turn our focus to the origins and historical records of al-Qaeda.

**The Origins of Al-Qaeda**

We— with God’s help— call on every Muslim who believes in God and wishes to be rewarded to comply with God’s order to kill the Americans and plunder their money wherever and whenever they find it. We also call on the Muslim *ulema* [community], leaders, youths, and soldiers to launch the raid on Satan’s US troops and the devil’s supporters allying with them and to displace those who are behind them so that they may learn a lesson (quoted in Gunaratna 2002:1).

--Declaration of war against “the infidels” by bin Laden, February 23, 1998

The word *al-Qaeda*, Arabic for 'the base', is an Islamic fundamentalist movement that believes in *jihad* violent struggle to fight and evict imperialists, crusaders, and Zionists from the Middle East and other Muslim nations around the world. Al-Qaeda also
believes in waging outright war against Kafir ‘the infidels’ (unbelievers) who in their view are enemies of Allah and Islam. To al-Qaeda’s mujahideens ‘holy warriors’, the infidels not only include the West in general and the United States in particular, but also Muslim and Arab regimes that cooperate with “the Great Satan” (the United States), abandon Islamic true faith, or fail to adhere to stringent Sharia, ‘Islamic laws’ (*The 9/11 Commission Report* 2004; Hoffman 1999; Gunaratna 2002; Bar 2004; Stern 2003).

Mahmood Mamdani (2004), a professor of government in the departments of Anthropology and International Affairs at Columbia University pointed out that al-Qaeda’s senior leaders and a majority of their followers participated in *jihad* against the Soviet invasion of Afghanistan between the years of 1979 to 1989. During this period, young Muslims and Arab volunteers from around the world flocked to Peshawar, Pakistan, to train as *mujahideen* and to wage war against the Soviets in Afghanistan (*Cooley 2000:120; The 9/11 Commission Report 2004:55-57*). The Arab volunteers who participated in the decade-long *jihad* were viewed as freedom fighters struggling with their Muslim brothers, the Afghan National Resistance Movement, to evict the Soviet communist infidels in order to liberate Afghanistan (*Cooley 2000:3-4; Mamdani 2004:140; Herbst 2003:70*).

Armed with sophisticated weapons, logistics, training, and financial support which were covertly and clandestinely provided by the United States, Great Britain, Saudi Arabia, Pakistan, China, Egypt, and several other countries, the so-called “Afghan Arabs” triumphed over the Soviets (*Cooley 2000:3-6; Mamdani 2004:136*). Among those who fought and volunteered their time, money, and services against the Soviets were Saudi Arabian millionaire and philanthropist, Osama bin Laden, and Egyptian religious scholar...

Mamdani (2004:125) reported that prior to moving to Afghanistan in the early 1980s to take up the Afghan struggle, “bin Laden was recruited, with U.S. approval at the highest level, by Prince Turk al-Faisal, then the head of Saudi intelligence” to spearhead and lead “Afghan Arab” volunteers in the war against the Soviets. Cooley (2000:225) also claimed that because of his business credentials and close connections with the Saudi royal family, bin Laden was put in charge of transferring and supplying Saudi donations to the Afghan cause. Cooley maintained that because of his personal friendship with Prince Turki al-Faisal, bin Laden was appointed to be the direct conduit between Saudi Arabia and Pakistan on issues regarding the war in Afghanistan. Furthermore, bin Laden’s construction companies were employed to build bridges, roads, training camps, and medical facilities in Afghanistan. Specifically, Mamdani (2004:132-133) stated that:

In 1986, bin Laden worked as the major contractor to build a large CIA-funded project: the Khost tunnel complex deep under the mountains close to the Pakistani border. The Khost complex housed a major arms depot, a training facility, and a medical center for the mujahideen. It is the Khost complex that President Clinton decided in 1998 to bomb with Tomahawk cruise missiles. It is also in the Khost complex—the famed mountain caves—that the United States later fought al-Qaeda remnants in its own Afghan War.

Other analysts observed that prior to taking up the Afghanistan struggle, bin Laden
and Prince Turki had much in common on matters of Islamic religion. They both believed that Islam was in decline due to decadence, imperialism, and corruption. Therefore, when the Soviets invaded Afghanistan, Prince Turki promptly directed bin Laden to travel to Pakistan to find out whether it was possible and doable to create an Arab volunteer battalion to fight the Soviets (Bergen 2001:55; Benjamin and Simon 2002:99-100). Knowing this, it is safe to conclude that bin Laden began his jihad against the Soviet infidels with the blessings and approval of both Saudi and American power structures, but when the Soviets were defeated, bin Laden turned his wrath against his sponsors, Saudi Arabia and the United States, which now were considered the corrupt and oppressive states needing to be brought down.

During his college years, bin Laden was a student of Sheikh Abdullah Azzam (then an Islamic professor at King Abdul Aziz University in Jeddah) and as Mamdani (2004:133) observed, “the first Afghan-Arab gatekeeper of the jihad in the mid-eighties.” Bin Laden was inspired by the charisma and teachings of Azzam, a Jordanian-Palestinian theologian who was influenced by Sayyid Qutb’s world-view and ideologies. Qutb was an Egyptian radical Islamist intellectual, a writer, religious scholar, and member of the Muslim Brotherhood Movement. He was assassinated in 1966 for advocating violence in overthrowing President Gamal Abdel Nasser’s corrupt and oppressive regime (The 9/11 Commission Report 2004:36; Mamdani 2004:56-61). Therefore, one can argue that before becoming a key player in the struggle against the Soviets, bin Laden was deeply affected and inspired by both Qutb and Azzam’s religious scholarship and ideologies.

According to Gunaratna (2002:18), Azzam played a principal role in “formulating and articulating the jihad doctrines that mobilized Afghan and Arab volunteers to fight the
Soviets.” To formulate his jihad doctrines, however, Azzam relied heavily on the thoughts of Qutb who sanctioned the use of violence to crush Allah’s enemies and to aid in Islam’s eventual triumph and rule throughout the world (The 9/11 Commission Report 2004:51). According to Benjamin and Simon (2002) and Emerson (2002), Azzam became the architect and the mastermind behind the creation of the global Islamic extremist movement that participated in the war against the Soviets. Although he later teamed up with bin Laden and other mujahideen members to fight the Soviets, Azzam “was personally responsible for reviving the concept of a jihad among the Muslim masses” (The 9/11 Commission Report 2004:51).

Mamdani (2004:126-127) reported that Azzam traveled extensively throughout the world, including North America, under Central Intelligence Agency (CIA) protection and patronage to rally, recruit, and collect funds within the United States to support the anti-communist crusade in Afghanistan. Furthermore, Azzam was among the principal inspirers and founders of Hamas, the terrorist movement struggling to liberate Palestine from Israeli occupation by any means necessary. Gunaratna (2002:19) also suggested that Azzam was revered for his charisma, knowledge of military strategy, and religious and academic scholarship, qualities that bin Laden admired and which influenced his thinking during and after the war in Afghanistan.

After the defeat and surrender of the Soviets, Abdullah Azzam and bin Laden agreed that the organization that was created for war in Afghanistan should not be allowed to dissolve. Instead a new foundation should be created to serve as a potential general headquarters for future jihads against other infidels, imperialists, crusaders, and Zionists in the Middle East and in other countries around the world where Muslims faced
oppression, persecution, humiliation, and injustice (Gunaratna 2002:21).

Emerson (2002:129-132) pointed out that even after the withdrawal of the Soviets from Afghanistan, Azzam continued to rally Muslims worldwide, including within the United States, to rise and fight on behalf of oppressed Muslims. In many of his speeches, rallies, and sermons, he routinely reminded Muslims everywhere to fight *jihad* with their tongue (*dawa'wha*) and with their money (*jihad fi-mal*). He repeatedly remarked that it is the duty of every Muslim to fight Allah’s enemies with their lives and wealth.

In addition, Azzam called upon all Muslims to fight the Zionist infidels to ensure that Palestinians achieved their independence. Emerson (2002:130-132) reported that Azzam routinely encouraged kamikaze operations and self-sacrifice by arguing that martyrdom was an honorable deed because it promoted Allah’s cause and aided in Islam’s triumph. He argued that martyrdom is a precious personal duty that every Muslim must embrace because it is the most effective means through which Muslims can fight well-established military establishments and state apparatuses, particularly those of the infidel Americans and Israelis (Mamdani 2004; Stern 2003; Benjamin and Simon 2002; Sechuer 2004).

Azzam’s protégé, bin Laden, embraced the directions and doctrines of the jihad as they were interpreted and formulated by his mentor Azzam. Bin Laden insisted that violence must be employed to wage war and overthrow corrupt and oppressive Middle Eastern regimes (e.g., Saudi Arabia, Egypt, and Jordan) and to remove the U.S. presence from Saudi Arabia where Islam’s holiest sites, Mecca and Medina, are located (Bodansky 2000; Mamdani 2004; Gunaratna 2002). When Azzam disagreed with waging jihad against fellow Muslims within Arabic countries and disapproved using violence to target Muslim civilians, women, children, and the elderly, the two *jihadists*, bin Laden and
Azzam, parted company. Soon after, Azzam and his two sons were killed in a car bomb on their way to a mosque in Peshawar, Pakistan. It is alleged, although not proven, that bin Laden ordered the assassination of his estranged mentor, Azzam (Mamdani 2002:133; Gunaratna 2002:23).

In short, even prior to his death, Azzam vehemently resented the direction the jihad was taking under his protégé’s leadership; however, by August 1998, al-Qaeda was in place under the leadership of bin Laden (Alexander and Alexander 2002; Reeve 1999; Cooley 2000; Emerson 2003; The 9/11 Commission Report 2004; Benjamin and Simon 2002). It is also presumed that even before becoming the senior leader of al-Qaeda, bin Laden had privately and successfully funded and sponsored terrorist attacks against America and American interests both at home and abroad beginning with the 1993 shooting of two CIA employees by an al-Qaeda operative at the Central Intelligence Agency Headquarters in Langley, Virginia, the first bombing of the World Trade Center in New York City in 1993, and the killing of American troops in Mogadishu, Somalia in 1993 (Reeve 1999; Alexander and Alexander 2002; The 9/11 Commission Report 2004). Gunaratna (2002:21) claimed that Azzam laid the groundwork for bin Laden’s rise to power and that the militant “Afghan Arabs” that Azzam “helped create eventually metamorphosed into bin Laden’s al-Qaeda, a network of terrorists wreaking havoc around the globe today.” Gunaratna also maintained that contrary to the popular perception that al-Qaeda was the sole creation of bin Laden, “it was Azzam who conceptualized Al Qaeda, primarily to stabilize and harness the massive mujahidin organization his ideology had helped to create. Nonetheless, Osama’s aim of re-creating the Caliphate, or uniting the whole Muslim world into a single entity, appealed to the
"Arab mujahidin" (pp.127-128). Thus, the jihad doctrines and ideologies that al-Qaeda currently embraces were initially formulated by its “founding father”, Azzam, in the mid-1980s and revolutionized by his protégé, bin Laden, beginning in the early 1990s.

Analysts frequently argue that it was by sheer luck that bin Laden was able to acquire such a large following after the end of the Afghan-Soviet war. It happened because many of the Afghan mujahideen were able to find a safe haven within the al-Qaeda network first in Sudan and later in Afghanistan. Mamdani (2004:127-130) pointed out that immediately after the withdrawal of the Soviets from Afghanistan, at least three things happened: (i) some of the “Afghan Arabs” who fought against the Soviets who returned to their respective countries and advocated the use of violence to reform or overthrow oppressive regimes were arrested and imprisoned; (ii) those who completed their jail terms took political asylum in different countries or returned to Afghanistan to find sanctuary with bin Laden; and (iii) still others simply refused to return to their home countries for fear of being persecuted and thus decided to stay in Afghanistan where they easily assimilated into Afghan culture and even married Afghan women.

Many Afghan veterans had little alternative but to join al-Qaeda either as freelancers or terrorists-for-hire. After joining al-Qaeda, these operatives began systematically targeting Arab and Middle Eastern regimes that were alleged to be corrupt and oppressive puppets of the West. The targeted Arab regimes included: Algeria, Egypt, Iran, Jordan, Kuwait, Libya, Pakistan, and Saudi Arabia. Other terrorists directed their jihad against “the Great Satan” and the “little Satan”, the United States and Israel respectively (Cooley 2000; Bergen 2002; Stern 2003; Benjamin and Simon 2002).

Cooley (2000) and Mamdani (2004) asserted that the United States played a principal
role in creating and nurturing many al-Qaeda senior leaders and operatives. As Mamdani (2004:132) judged “The best-known CIA-trained terrorist, was of course, bin Laden.” Arundhati Roy (2003:234) wrote that, “bin Laden has the distinction of being created by the CIA and wanted by the FBI.” Cooley and Mamdani further asserted that bin Laden was not the only one created by the CIA; other leaders such as Abdullah Azzam, Sheikh Omar Abdel Rahman (the blind Egyptian cleric), and other al-Qaeda members benefited from CIA training on the art of guerrilla war. Analysts claimed that:

All CIA inventions, all were on the FBI list of the most wanted. The co-conspirators in the 1993 World Trade Center bombing including two other veterans of the Afghan jihad: Ramzi Ahmed Yousef and Mahmud Abouhalima. The World Trade Center bomb exploded underground, leaving a crater two hundred feet wide and several stories deep. The bomb was made of ammonium nitrate and fuel oil—according to Cooley, a formula ‘taught in CIA manuals’ (Mamdani 2004:234-235).

Other scholars also argued that those who joined al-Qaeda received extensive training in military and guerilla tactics, logistics, and weaponry through the CIA in conjunction with assistance from United States’ allies, which included Britain, Saudi Arabia, and Pakistan. The training, tactics, logistics, and intelligence capabilities that the United States and its allies passed on to the “Afghan Arabs” played a significant role in the defeat and surrender of the Soviets. These are the same tactics, skills, and weapons that the Afghan veterans (now al-Qaeda) are employing to wreak havoc on their former sponsors and employers, the United States and Saudi Arabia (Cooley 2000; Gunaratna 2002; Mamdani 2004; Scheuer 2004).

Analysts claimed that the CIA provided training to the “Afghan Arabs” in many military skills: espionage, assassination, explosives making, detonation of bombs, firing Stinger missiles, conducting surveillance, gathering information using covert methods,
and scaling potential targets. The CIA also covertly shipped some high-level Afghanis
and foreign mujahideen recruits into the United States to be trained in advanced military
strategies and special operations tactics at American military camps and complexes

Cooley (2000:88-90) noted that these intelligence and military training complexes
included: the CIA's shooting range at High Rock Gun Club in Naugatuk, Connecticut;
Fort Bragg, North Carolina; CIA’s Camp Perry (alias “Camp Smokey” or “The Farm”) in
Williamsburg, Virginia; a CIA-used Army Special Forces site, Harvey Point, North
Carolina; Fort A. P. Hill, Virginia; and Camp Pickett, Virginia. Other mujahideen
received advanced training in the deserts of Sandy Valley, Nevada, a few miles away
from the “entertainment capital of the world”, Las Vegas.

It has been suggested that the real mistake was not so much the CIA’s decision to
covertly support the Afghan mujahideen with weapons, tactics, logistics, and finances to
evict the Soviets from Afghanistan, but rather according to Mamdani (2004:138), “the
privatization of information about how to produce and spread violence and the formation
of private militias capable of creating terror.” The CIA training camps and military
complexes in the United States were secretly used to train and teach Afghan fighters the
art of war by passing on top intelligence and military secrets. The U.S. trainers were both
retired and active-duty Green Beret officers, many of them former Vietnam veterans.
These special forces members took draconian secrecy oaths and then embarked on the
clandestine training of Afghan mujahideen. In the process they passed along the top
secrets of U.S. intelligence and military information to foreigners. Mamdani (2004:138)
argued that all the CIA training in the U.S. camps involved infiltration tactics, extracting
information from prisoners, and other skills. Cooley (1999:87-88) specifically reported that the skills that the U.S. trainers passed to the Afghan mujahideen included the “use of sophisticated fuses, timers, and explosives; automatic weapons with armor-piercing ammunition, remote-control devices for triggering mines and bombs....” Mamdani (2004:138) also pointed out that, “There were also local Afghan skills such as throat cutting and disemboweling—that the CIA incorporated in its training.” Clearly, many of the members of al-Qaeda are alumni of the Central Intelligence Agency. Referring to the role that the United States played in creating al-Qaeda and the attacks of September 11, one Algerian sociologist remarked that, “Your government participated in creating a monster....Now it has turned against you and the world: 16,000 Arabs were trained in Afghanistan, made into a veritable killing machine” (quoted in Mamdani 2004:140).

In short, al-Qaeda was conceived and born in Afghanistan in 1989. It was nurtured by the finances, training, and logistics it received from the United States, Saudi Arabia, Great Britain, and Pakistan in 1979 to 1989. It came of age in the terrorist training camps of Afghanistan and Sudan in 1991 to 1996. It underwent its rite de passage with the successful simultaneous attacks of the American embassies in Kenya and Tanzania in 1998. It entered maturity with the multiple simultaneous attacks against the United States’ symbolic landmarks, the World Trade Center and the Pentagon, in 2001. These attacks and numerous others which included the bombings of the Madrid and London commuter trains and buses in 2002 and 2005 respectively were alleged to be masterminded and funded by al-Qaeda’s senior leaders, bin Laden and al-Zawahiri. The fugitives are considered public enemy number one and are believed to be hiding within the rugged mountains of the Afghanistan-Pakistan border. The “crowning glory” of al-
Qaeda’s campaign against the United States and its allies was on September 11 when nineteen al-Qaeda operatives, using only box cutters and knives, hijacked four American commercial airliners and crashed them into buildings killing thousands.

Al-Qaeda is an umbrella organization that consisted of many and varied Islamic groups, conglomerates, and individuals who subscribe to the ideology of *jihad* and violence. These individuals came from different economic classes and social strata. They were united by extreme ideology and hatred for America and what its stood for. These individuals believed that triumph over the imperialists, crusaders, and Zionists can be accomplished not through negotiations and concessions, but through the “barrel of the gun.” Figure 3 is a diagram of the Islamic global terrorist groups that pledged allegiance to bin Laden and joined al-Qaeda.
To summarize, al-Qaeda is a multinational terrorist organization which has operatives and cells in more than sixty countries around the world. It is today loosely organized, subscribes to conservative Islamic practices, and advocates the use of extreme violence to promote its agenda. It is made up of several Islamic terrorist groups whose primary objective is to wage jihad against its enemies, the imperialists, crusaders, and Zionists. Its affiliates come from different Islamic fundamentalist organizations such as the Egyptian Islamic Jihad, The Armed Islamic Group, Abu Sayyaf, and Jamaah Islamiyya, among others. Its members and disciples come from diverse socio-economic backgrounds and strata and are comprised of different nationalities and age-groups.
In addition, al-Qaeda’s senior leaders were once former Afghan mujahideen who were then sponsored by the United States and her allies, Great Britain, Saudi Arabia, Pakistan, Israel, Egypt, among others. These sponsors and financiers were responsible for creating, recruiting, training, funding, and arming the “Afghan Arabs”, an international network of Islamic militants who fought and evicted the Soviets from Afghanistan. Many Afghani veterans received advanced training in special operations and guerrilla warfare tactics in United States Central Intelligence Agency training camps and military complexes.

Therefore, it is fair to say that although the decade-long jihad in Afghanistan and the defeat and final withdrawal of the Soviets from Afghanistan played an essential role in the rise of al-Qaeda and the formulation of its objective of waging jihad on behalf of all oppressed Muslims around the world, it was the CIA which was mainly responsible for creating al-Qaeda and its leader, Osama bin Laden. This is because of the following: (i) al-Qaeda’s terrorism training manual is almost a duplicate of that of the CIA; (ii) al-Qaeda’s intelligence-gathering techniques, military skills, weapons use, and guerilla tactics were learned from the CIA; and (iii) al-Qaeda’s terrorist training camps in Khost, Afghanistan, were built by bin Laden in consultation with and under the supervision of the CIA. Hence, when President Clinton ordered military strikes against al-Qaeda in Afghanistan in retaliation for the American embassies bombings in Kenya and Tanzania on October 1998, the CIA knew exactly where those caves and camps were located.

Apparently, the CIA was indirectly responsible for the subsequent attacks perpetrated by al-Qaeda. Although the CIA trained the Muslim mercenaries in the 1980s, after defeating the Soviets, the United States and its allies abandoned the Afghan veterans. After joining al-Qaeda as terrorists for hire, these Muslim mercenaries turned their wrath
against their former benefactor and employer, the United States. The next section
discusses al-Qaeda’s history of terror since its creation to the present.

Al-Qaeda’s History of Terror and Terror as a Cultural Phenomenon

As indicated above, the history of al-Qaeda, the “new kind of terrorism”, can be traced
from the Afghan-Soviet war of the 1980s. During this decade-long battle, the Afghan
veterans were hardened by war against the Soviets and were later energized against
America due to its presence in Saudi Arabia, wherein lie the most sacred sites of Islam.
Although al-Qaeda does not belong to any particular country, flies no particular flag, nor
wears any particular uniform, this loosely-organized terror network has managed to
infiltrate many countries and inflict mass causalities in many places around the world.
The preeminent practitioner of al-Qaeda’s tactics is its founder, Osama bin Laden, who
personally masterminds and finances acts of terror to promote his political and
ideological agenda. In the space of a decade, bin Laden has also managed to draw the
United States and her close allies into a declaration of global war. This section discusses
al-Qaeda’s history of terror. Contrary to the assertion of many that al-Qaeda targets only
the core-industrialized and powerful nations, such as the United States, in fact it has also
targeted peripheral and marginalized countries, such as Kenya, Tanzania, Indonesia,
Algeria, or Morocco.

Alexander and Alexander (20002) claimed that the successes of al-Qaeda’s history of
terror since it was first created in the late 1980s to the present shows that this group has
some of the most dedicated cadres and followers the world has ever seen. Furthermore,
al-Qaeda has great planning skills, sophisticated intelligence-gathering know-how, and
dynamic strategies of attack necessary to engage and inflict harm on its enemies. These planning and execution skills were put into use on September 11.

The spectacular attacks forced millions of people in America and around the world to watch with “shock and awe” as the airplanes crashed into the World Trade Center twin towers causing their ultimate collapse. Millions of people around the world watched the news in disbelief. Others thought that what they were witnessing on that very day was a surreal re-enactment of a fictitious story line in one of Tom Clancy’s books or scenes from the film, Armageddon.

The human costs of these massive attacks became tragically clear during that apocalyptic day. Over three thousand people from more than sixty countries were killed while thousands more were injured. The World Trade Center, the beacon of American-led capitalism collapsed, whilst the Pentagon, the embodiment of American military superiority, incurred severe damage. The impact from these attacks was felt throughout all spheres of society and especially in the economic and business sectors of the United States and around the world (Alexander and Alexander 2002; The 9/11 Commission 2004)

To be capable of inflicting such unprecedented harm against lives and property, al-Qaeda operatives had attempted several mock attacks to sharpen their tools. For example, al-Qaeda’s successful attacks against the American embassies in Kenya and Tanzania in 1998 demonstrated that this organization was a force to be reckoned with. Moreover, the attacks in Nairobi and Dar es Salaam also demonstrated that al-Qaeda operatives could not be dismissed as dilettantes but as dedicated militants who were
willing to sacrifice their own lives and those of innocent civilians to promote their agenda. Bergen (2002) noted that the African attacks against U.S. facilities were a dress rehearsal for the attacks of September 11.

As early as 1992, al-Qaeda declared war against U.S. military troops and civilians stationed in Saudi Arabia, Yemen, and the Horn of Africa. Since that time, al-Qaeda’s major operations against Americans and their interests abroad have included the killing of nineteen American soldiers on a mission in Somalia when their helicopters were shot down on October 4, 1993, the killing of five Americans and two Indians when a car bomb exploded in the American-operated Saudi National Guard training center in Riyadh, Saudi Arabia, on November 13, 1995, the killing of nineteen military personnel when a car bomb exploded at Khobar Towers, an American Air Force housing complex in Dhahran, Saudi Arabia, on June 25, 1996, the killing of 253 people, among them twelve Americans, and the injuring of 5,000 others in the bomb attacks on the U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, on August 7, 1998; and the killing of seventeen sailors in a suicide bombing against the USS Cole in Aden Harbor, Yemen, on October 12, 2000 (Alexander and Alexander 2002; Emerson 2002; Gunaratna 2002).

Other attacks by al-Qaeda and bin Laden’s network against the U.S. included the killing of six people and hundreds more injured when a truck full of explosives detonated in a garage at the World Trade Center in New York City on February 23, 1993, the killing of two CIA employees when a Pakistani terrorist with ties to al-Qaeda opened fire outside the CIA Headquarters in Virginia, on June 25, 1993, and the killing of three thousand civilians on September 11, 2001 (Alexander and Swetnam 2001; Emerson 2002; Gunaratna 2002; Williams 2002; The 9/11 Commission Report 2004).
provides a selective chronology of al-Qaeda’s record of attacks directed against the U.S and its allies.

To summarize, Table 1 shows that since its creation, al-Qaeda has been responsible in waging jihad against “the infidels” and their allies on almost a yearly basis. Al-Qaeda’s attacks have been felt almost everywhere around the globe. Today, few countries and societies can claim immunity from al-Qaeda’s terrorism. As the selective chronology indicates, as early as the 1990s, al-Qaeda had systematically started using terrorism campaigns to promote its agenda. By September 11, 2001, al-Qaeda’s attacks were on a grand scale. In addition to the fact that the September 11 catastrophic attacks caused unprecedented damage, it was also an event of “crowning glory” to al-Qaeda as bin Laden and his network had finally and successfully globalized violence and terrorism (Atran 2004; Hoffman 2004; Cooley 2000).

As a consequence of the globalization of terrorism, many people around the world have lost their lives, property has been destroyed on a grand scale, and personal security is highly threatened. Al-Qaeda’s influence is felt from Algiers to Casablanca, Cairo, Nairobi, Mombasa, Dar es- Salaam, Riyadh, Islamabad, Kabul, Bali, Manila, New York, Washington, Madrid, London, and many cities in Afghanistan and Iraq.

Since the creation of al-Qaeda, terrorism has been brought home to a great many people the world over. In the contemporary world, fewer countries can now claim immunity from the effects of terrorism. Gone are the days when people thought that the problem of terrorism was in other peoples’ backyards, i.e., in far away places. According to Cooley (2000:259), “By the start of the new millennium, all that had changed.
<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/26/1993</td>
<td>United States</td>
<td>Seven people were killed and more than 1,000 injured in truck bomb explosion at World Trade Center, New York.</td>
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<tr>
<td>10/4/1993</td>
<td>Somalia</td>
<td>Nineteen American soldiers with Special Operations Forces were killed and seventy-eight were wounded when two U.S. helicopters were attacked in Mogadishu by Somali militiamen loyal to Mohammed Farrah Aideed. The attack was linked to al-Qaeda.</td>
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<tr>
<td>11/13/1995</td>
<td>Saudi Arabia</td>
<td>Five Americans were killed and dozens more injured when a car bomb exploded on a temporary U.S. training facility in Riyadh.</td>
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<tr>
<td>6/25/1996</td>
<td>Saudi Arabia</td>
<td>Nineteen American troops were killed and dozens more injured when a truck exploded outside a U.S. Air Force housing complex at Khobar Towers in Dhahran.</td>
</tr>
<tr>
<td>8/7/1998</td>
<td>Kenya and Tanzania</td>
<td>254 people were killed among them twelve Americans and eleven Tanzantians, and 5,000 Kenyans were injured from truck explosions in near simultaneous U.S. embassies bombings in Nairobi and Dar es Salaam.</td>
</tr>
<tr>
<td>8/20/1998</td>
<td>Afghanistan and Sudan</td>
<td>U.S. cruise missiles were launched to strike five training camps belonging to bin Laden's network in Afghanistan and at a pharmaceutical factory in Khartoum suspected of manufacturing a precursor for chemical weapons. These attacks were ordered in retaliation for the bombings of the U.S. embassies in Kenya and Tanzania.</td>
</tr>
<tr>
<td>10/12/2000</td>
<td>Yemen</td>
<td>Nineteen U.S. Marines were killed and dozens more injured at a port in Aden Harbor when the U.S.S. Cole (an American destroyer) was attacked by suicide-terrorists with links to al-Qaeda</td>
</tr>
<tr>
<td>9/11/2001</td>
<td>United States</td>
<td>Three thousand people from more than sixty countries around the world were killed and thousands more injured in multiple terror attacks against America's World Trade Center, New York, the Pentagon in Arlington, Virginia, and at a field in Pennsylvania.</td>
</tr>
<tr>
<td>10/7/2001</td>
<td>Afghanistan</td>
<td>US-led coalition forces began military air strikes against Afghanistan's Taliban regime and their guests, the al-Qaeda terrorist group. These military air strikes were a retaliatory response against the terrorists who attacked New York and Washington, D.C., on Sept. 11.</td>
</tr>
</tbody>
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Table 1, (continued)

10/10/02  Indonesia: More than 200 people, mostly Australian, were killed and many more wounded in simultaneous car bombs at a tourist resort hotel in Bali. The Jemaah Islamiyah group with links to al-Qaeda claimed responsibility.

11/28/02  Kenya: Fifteen people were killed, among them three Israelis, in a car bomb at a hotel in Mombasa. At the same time the car bomb exploded, several men fired two surface-to-air missiles that missed an Israeli charter aircraft taking off from a nearby airport.

5/12/03  Saudi Arabia: Fifty people were killed, 12 of whom were American citizens, and hundreds wounded in truck bombs aimed at three residential complexes for foreign workers in Riyadh.

5/16/03  Morocco: Forty people were killed when dozens of suicide-bombers attacked five targets in Casablanca. One hundred were wounded. The targets included a Spanish restaurant, a Jewish community center, a Jewish cemetery, a hotel, and the Belgian Consulate. Morocco’s terrorist network, affiliated with al-Qaeda, claimed responsibility.

5/8/03  Indonesia: A car bomb exploded outside the Marriot Hotel in Jakarta, killing 10 people and injuring 150. Jemaah Islamiyya was blamed.

8/19/03  Iraq: A truck bomb exploded outside the United Nations Headquarters in Baghdad’s Canal Hotel killing 23 people and injuring 100. Among them UN Special Representative Sergio Viera De Mello. An al-Qaeda branch known as the Brigades of the Martyr Abu Hafz al-Masri was blamed.

11/15/03  Turkey: Two suicide truck bombs exploded outside the Neve Shalom and Beth synagogues in Istanbul, killing 25 people and injuring at least 300 more. The Brigades of the Martyr Abu Hafz al-Masri with links to al-Qaeda claimed responsibility.

11/20/03  Turkey: Two suicide truck bombs exploded at the British HSBC Bank and the British Consulate General in Istanbul, killing 27 people and wounding at least 450 more. Al-Qaeda operatives were blamed.

12/31/03  Iraq: Hundreds of U.S. coalition forces, foreign workers, and civilians were killed or injured after the fall of Saddam Hussein. The culprits were believed to be Iraqi insurgents and militants with links to al-Qaeda.

2/28/04  Iraq: Hundreds of people were killed and thousands more injured in a series of terror-coordinated attacks targeting US coalition forces,
Table 1, (continued)

United Nations staff, Red Cross workers, and other non-state aid groups assisting in the reconstruction of Iraq post-Saddam. Other people killed as a result of these series of suicide-bomb attacks included innocent Iraqis, police personnel, and Shiite Muslims.

3/11/04 Spain: At least 191 people were killed and 1,800 injured in Madrid when terrorists attacked a commuter train using cell phones to set off explosives. The Moroccan Islamic Combatant Group linked with al-Qaeda was blamed.

7/7/05 London: More than 50 people were killed and hundreds others injured when commuter trains and a bus were attacked. British natives linked with Pakistani radicals and al-Qaeda were blamed.

7/23/05 Egypt: More than a hundred people were killed and others injured when a resort and a shopping mall were attacked. Two groups with links to al-Qaeda claimed responsibility.


Violence in nearby and familiar places had become almost a daily diet, served up by television, radio and the rest of popular media in the West.” In other words, the problem of terrorism and terrorist operations have become commonplace as they affect all societies, rich and powerful and poor and less powerful countries. Many people have wondered: Why do al-Qaeda and bin Laden target and kill civilians including those in the Arab world and those from the poor and marginalized countries? Part of the answer
to this question can be found in al-Qaeda’s belief systems.

Ideology

Al-Qaeda, an international movement and a protracted stepchild of the “Afghan Arabs”, thrives on the ideology of hatred and violence. *The 9/11 Commission Report* (2004) claimed that al-Qaeda has cells, freelancers, and sleeper-agents in almost sixty countries around the world. These countries run the gamut from Afghanistan to Bosnia, Chechnya, Ethiopia, France, Germany, Great Britain, Indonesia, Iran, Iraq, Palestine, Pakistan, the Philippines, Saudi Arabia, Somalia, Sudan, Syria, the United States, and Yemen. Gunatrama (2002) and *The 9/11 Commission Report* (2004) pointed out that a majority of the members of al-Qaeda are young men from the Middle East, North Africa, and other Arab countries. They subscribe to an ideology that embraces an extreme interpretation of the Koran that encourages the use of violence against the enemies of Islam. They regard martyrdom and suicide-operations as part and parcel of being good Muslim believers aiding Allah’s cause.

Al-Qaeda’s Islamic fundamentalists consider the West in general and the United States in particular as “the Great Satan”, which in their view deserves to be annihilated. They also believe that the only way to destroy Allah’s enemies is through clandestine and violent jihad. Almost all of al-Qaeda’s followers, especially the suicide-bombers, receive funding and extensive training and indoctrination from bin Laden and his close associates. The reward for participating in suicide operations is martyrdom and a place in paradise where countless virgins await (Taheri 1987; Buia et al. 2001; Biema 2001; Stern 2003; Tariq 2002).
Today, al-Qaeda members consider themselves as *mujahideen* whose mission is to fight on behalf of all oppressed Muslims worldwide and defend their fellow believers (Gunaratna 2004:84). According to Bruce Hoffman, “For the religious terrorist, violence is first and foremost a sacramental act or divine duty executed in direct response to some theological demand or imperative. Terrorism thus assumes a transcendental dimension, and its perpetrators are consequently unconstrained by the political, moral, or practical constraints that may affect other terrorists” (quoted in Strasser and Whitney 2004:425).

Al-Qaeda’s other objective is to destroy the West and principally America, the alleged source of all the Middle East and the Arab world’s problems, oppression, poverty, humiliation, and injustice (Atran 2004; Chua 2003; Benjamin and Simon 2003; Ruthven 2002). To wage jihad against the United States and kill thousands of civilians as epitomized by the attacks of September 11, al-Qaeda’s operatives made use of America’s own technology, political freedoms, and religious tolerance to inflict mass causalities.

Reporter Jane Corbin (2002: xvii) wrote that:

> Al-Qaeda, fundamentally a product of the Arab world, could flourish in a free and forgiving climate, unlike that of many Middle Eastern countries, where harsh regimes stick to the only form of rule not recognized and respected by militant Islamic organizations. Bin Laden and his group turned instead to the softer underbelly of the west; to democracies with respect for human rights, more open immigration policies, and laws that restricted intelligence and law enforcement agencies. Bureaucratic turf wars, complacency, military timidity and political weakness, not to mention political correctness, contributed to our inability to deal with these extremists, until it was too late to save the lives of thousands.

The authors of *The 9/11 Commission Report* (2004) summarized al-Qaeda’s worldview by arguing that after the defeat and withdrawal of the Soviets from Afghanistan in 1989, the *mujahideen* warriors coalesced into al-Qaeda and declared war on America, Israel, Saudi Arabia, and Egypt. As early as 1992, bin Laden called upon Muslims to
target America because it was the enemy of Allah. The 9/11 Commission Report (2004:48) noted that in 1996, he issued a self-styledfatwa‘religious decree’ calling upon all Muslims to revolt against the U.S. occupation in Saudi Arabia, where the most sacred sites of Islam, Mecca and Medina, are found.

Besides calling upon all Muslims to drive American soldiers out of Saudi Arabia by every means necessary, bin Laden celebrated the suicide bombings of American military facilities in Saudi Arabia and praised the 1983 suicide attacks in Beirut that killed 241 U.S. Marines. The 9/11 Commission (2004:48) pointed out that bin Laden also praised the 1993 of killing of the nineteen American Marines in Somalia after which the U.S. “left the area carrying disappointment, humiliation, and defeat and your dead with you.”

The 9/11 Commission reported that in February 1998, the Saudi Arabian renegade bin Laden together his right-hand man, Ayman al-Zawahiri, an Egyptian fugitive, officially declared war on America by issuing a joint fatwa‘religious edict’ in the name of the World Islamic Front directing all Muslims to kill unbelievers anywhere on earth as the “individual duty to every Muslim who can do it in any country in which it was possible to do it” (quoted in The 9/11 Commission Report 2004:47).

The fatwa also promulgated that those Muslims willing to kill Americans and their allies must not discriminate between military and civilian targets, as both were fair game. Bin Laden routinely encouraged his followers to became fedayeen ‘self-sacrificers’ and engage in jihad (The 9/11 Commission Report 2004:55). Furthermore, bin Laden routinely reminded his members to use the tactics of martyrdom and self-immolation because “the walls of oppression and humiliation cannot be cannot be demolished except in a rain of bullets” (quoted in The 9/11 Commission Report 2004:50-51).
It is important to bear in mind that al-Qaeda’s belief systems and images differ very little from other violent Islamic radical organizations. Combs (2003:42-44) identified six general beliefs that play a significant role in the overall thinking of terrorist organizations, including those of al-Qaeda. These beliefs include: the image of the enemy; the terrorist images of themselves; the nature of the conflict; the image of the victims; the theme of millenarianism and martyrdom.

First, the image of the enemy is the most significant and dominant theme among all terrorists. To successfully wage war against the enemy, terrorists must first and foremost dehumanize the enemy and view the citizens of the enemy in a monolithic fashion, either as capitalists, communists, imperialists, or oppressors. Depicting the enemy in these terms allows terrorists to argue that it is not the people whom they wage jihad against, but rather the dehumanized monolith.

Terrorists do not put a human face on their enemies. Combs (2003:42) wrote that, “As long as the enemy does not have a face, a wife, or child, a home, grieving parents or friends, the destruction of that enemy is a simple matter that requires little justification beyond the enemy status.” For example, bin Laden’s repeated calls for jihad against American civilians and troops as every Muslim’s duty is a case in point. Moreover, bin Laden and his followers claim that if and when innocent bystanders, women, and children are killed in their attacks, it is fate that puts victims at the targeted sites.

Terrorists typically regard themselves as heroes belonging to an elite class. For example, terrorists from the left-wing view themselves as belonging to an heroic and elite class and see society as the oppressor and thus take it upon themselves to lead, enlighten, and liberate the oppressed and victimized masses. Conversely, terrorists from right-wing
religious fundamentalists assume the image of being chosen by God or Allah to lead in
the struggle against decadence, injustice, and oppression. Right-wing terrorists,
specifically those in al-Qaeda, believe that to die while fighting the enemy that oppresses
Muslims and threatens the Islamic faith is a sacred and noble thing (Combs 2003:43).

Terrorists from both the left and the right believe normal standards of behavior,
conventional laws and morality do not apply to them. Condemning terrorism as immoral,
inhumane, or cowardly makes little sense to those who embrace violence and suicide-
bombing. They regard those who condemn their actions and behavior as inferior and
immoral. They believe that Westerners lack the moral authority to condemn their
actions. For al-Qaeda, their struggle is sanctioned and blessed by Allah, the only one
to whom they answer (Combs 2003:43).

Terrorists have clearly drawn special beliefs regarding the nature of conflict. For al-
Qaeda, the world is divided between Islam and “the infidel”, believers and unbelievers,
God and Satan, good and evil. Theirs is a moral struggle in which Islam and good must
triumph at all costs. Therefore, in their struggle to universalize Islam, terrorists rarely
consider the killing of people and bystanders as criminal, but rather as part of their
obligation to rid the world of “the infidels”, evil, and jahiliyya ‘ignorance’ (Shay 2004;

The image of the victims of terrorism is a belief component equally significant in
understanding the ideology of terrorist organizations. Combs (2003:44) argued that, “If
the victims are fairly easily identifiable with the enemy, then as representatives of the
hostile forces, they are despised and their destruction easily justified, even if such victims
have committed no clear offense against the terrorist or his group.” For instance, when
three thousand civilians were killed on September 11, in addition to the many others in previous terrorist attacks, al-Qaeda dismissed the victims as unimportant by-products of the struggle against "the infidels". The same dismissal applies to those who have most recently fallen victim to al-Qaeda’s terrorist operations in Afghanistan and Iraq. For example, al-Qaeda’s senior operative, Abu Musub al-Zarqawi, is blamed for planning and executing serial terror attacks, abductions, and beheadings of foreign workers in Iraq (Garwood 2005).

Responding to the question of why his organization targets and kills even Muslim believers, bin Laden said that when fighting Allah’s enemy, it is inevitable to shed blood of fellow Muslims. He also maintained that the Koran authorizes the destruction of those, including Muslims, who refuse to fight for the sake of Allah (Combs 2003; Bodansky 2000). For bin Laden, the victims of terrorism should blame fate for their deaths and injuries and not their actual behavior, i.e., being at the wrong place at the wrong time. Following this line of thinking those passengers who boarded the four American commercial airliners on September 11 were simply victims of fate. Those who were killed in the World Trade Center and at the Pentagon were part of the enemy of al-Qaeda against which war had been declared.

A fifth belief component is the central theme of millenarianism, which plays a significant role in the total calculus of terrorism. Some terrorists take part in violent operations for personal reasons such as redemption. The perpetrators of September 11 are an example. Terrorists are certain of absolute righteousness and inevitable success of their causes. Terrorists argue that if their actions bring the millennium closer, then any type of attack, regardless of its outcome, cannot be seen as a failure (Combs 2003).
A final important element in al-Qaeda’s belief system is the premium placed upon martyrdom. Self-sacrifice is considered a noble and desirable thing among Islam’s true believers. For instance, in their periodic pronouncements of fatwa and in repeated speeches, bin Laden and al-Zawahiri instructed their followers to embrace martyrdom in order to fight “the infidels”. Bin Laden and al-Zawahiri’s moment of glory came to fruition on September 11 when nineteen Muslims responded to bin Laden and al-Zawahiri’s calls and volunteered to sacrifice their lives in the process of attacking and humiliating the world’s “Great Satan”, the United States.

Analysts suggest that extensive religious indoctrination plays a significant role in suicide-terrorism. For example, while it is true that some al-Qaeda members volunteered and requested that bin Laden include them in suicide missions. Others were kept in the dark regarding the planning and execution of approved targets (Sageman 2004; Corera 2002).

In sum, the underlying maxim of al-Qaeda and bin Laden is to wage jihad against Allah’s enemies and to ensure their continual true Islamic practices and rules triumph throughout the world. The enemies of Allah and Islam include both Muslim and non-Muslim societies that fail to live by the principles of the Koran. As Bergen (2002:48) stated: “This is the ideological underpinning of bin Laden’s followers, who target not only the West but also such rich Muslim regimes as Saudi Arabia, which they regard as apostates.”

Promotional Structure

There is a variety of ways through which al-Qaeda’s senior leaders appoint and promote members and followers into positions of power. One of the mechanisms that bin
Laden employed was meritocracy—the promotion of individuals into leadership positions based on their skills and qualifications in military areas—recruitment, training, tactics, and weapons procurement and use. Others were promoted because of their experiences and academic scholarship in such areas as computers, communications, explosive-making, and prior participation in terrorist attacks (Gunaratna 2002; Sageman 2004). Still others were awarded rank and duties because of being charismatic, persuasive, multilingual, well-traveled, and even introverted (Schweitzer and Shay 2003). These qualifications were also the same ones that al-Qaeda’s top echelons considered in assigning certain individuals to certain suicide-bombing operations. For example, the selection of the September 11 suicide-pilots, Mohammed Atta and his co-hijackers, was determined by their qualifications, experience, devotion to Islam, and ideology of jihad (Gunaratna 2002; Sageman 2004; Schweitzer and Shay 2003).

Some analysts pointed out that Mohammed Atta automatically became a martyr because he demonstrated that he was able to lead the September 11 plot and see it through to its final execution. It was reported that Atta was selected to be the primary leader and coordinator by three senior officials within al-Qaeda: bin Laden (Emir-General), Mohammed Atef (the military commander), and Khalid Sheikh Mohammed (the media adviser) (Gunaratna 2002; Sageman 2004; Shay 2004; Schweitzer and Shay 2003).

Apart from considering an individual’s resume or broad experience, bin Laden also took into consideration his senior leaders’ requests and recommendations. For example, Gunaratna (2002) claimed that at the recommendation of al-Zawahiri, two of Egyptian Islamic Jihad and al-Zawahiri’s loyalists were promoted to military leadership positions.
within al-Qaeda. Bin Laden personally appointed into key positions some of his closest friends and fellow *jihadists* (the Afghan veterans who fought with him against the Soviets) (Gunaratna 2002; Sageman 2004; Bodansky 2000). Other members and followers, especially those from different nationalities and Islamic denominations, were awarded positions of power or appointed to lead the various committees within al-Qaeda only after agreeing to formally pledge allegiance by taking an oath (*baya*) of total and absolute loyalty to bin Laden (Sagaman 2004; *The 9/11 Commission Report* 2004).

Bin Laden appointed officials to the *Shura Majlis* ‘advisory or consultation board’ after ascertaining that the potential advisers occupied significant leading positions within their own organizations prior to signing contracts to merge with al-Qaeda. For example, bin Laden made Ayman al-Zawahiri his right-hand man and second in command because al-Zawahiri was not only the head of the Egyptian Islamic Jihad, but also took an oath of loyalty to bin Laden upon joining al-Qaeda. Moreover, bin Laden respected and revered al-Zawahiri’s religious and academic scholarship—both as a theologian and a physician. Bin Laden usually addresses al-Zawahiri as “Doctor” (Gunaratna 2002; Bergen 2001).

Favors and gift-giving played a significant role in awarding rank and leadership positions within al-Qaeda. For example, because Dr. al-Zawahiri was and still is the personal physician and religious and ideological mentor of bin Laden, the latter returned favors by promoting al-Zawahiri as his second in command. The exchange of favors was a common practice within al-Qaeda (Sagaman 2004; Gunaratna 2002).

It has been argued that because both bin Laden and al-Zawahiri are wanted renegades, they rely upon each other for their survival and that of their organization. The same can be said about the Taliban officials and al-Qaeda remnants who may be relying upon each
other to evade being captured or killed by U.S.-coalition forces. Bin Laden played a pivotal role in assisting the former regime of the Taliban ‘religious students’ to come to power. Particularly, he provided assistance to the Taliban leader Mullah Omar in terms of money, logistics, and fighters to wage war against the Afghanistan Northern Alliance. The Northern Alliance was led by one of the most revered guerrilla commanders, Ahmed Shah Massoud. Because of his assistance, the Taliban regime reciprocated by providing sanctuary to al-Qaeda and personal protection to bin Laden, even refusing to hand him over to American authorities to face trial for masterminding attacks against American citizens and interests (The 9/11 Commission Report 2004:65-66; Bodansky 2000:307).

After the withdrawal of the Soviets from Afghanistan, ethnic wars and confrontations erupted within Afghanistan and between Afghani populations. Mamdani (2004) claimed that the major confrontations revolved around regional (north vs. south), linguistic (Farsi vs. Pashtun), ethnic (Pashtun vs. non-Pashtun), and doctrinal (Sunni vs. Shi’a) differences. Mamdani maintained that on arrival in Afghanistan from Sudan, bin Laden decided to consolidate his army with that of the Taliban to fight the Northern Alliance. Within a few months of the merger, Taliban and al-Qaeda forces were camping, training, and operating together as a single entity enabling them to control 90 percent of Afghanistan’s territory, thus enabling the Taliban regime to come to power.

Mamdani claimed that other countries that played a significant role in the triumph of the Taliban regime were Saudi Arabia and Pakistan, both of whom provided funding, training, logistics, and weapons. After coming to power, the Taliban leader Mullah Omar returned the favor by instituting in Afghanistan the tough Wahhabi law usually practiced only within Saudi Arabia. The Taliban leader Omar provided bin Laden with sanctuary,
security, weapons, equipment, training camps, and facilities (Gunaratna 2002:40-41). Furthermore, bin Laden was permitted to use Afghan state-owned Ariana Airlines to transport members, recruits, couriers, and supplies from overseas, because he not only assisted the Taliban to come to power, but also financially helped the Taliban regime build roads, hospitals, and *madrassas* ‘Islamic schools’ to train future mujahideen (The 9/11 Commission Report 2004:65-66). The Taliban also allowed bin Laden to recruit *madrassa* graduates into al-Qaeda. Therefore, the relationship between the Taliban and al-Qaeda was reciprocal (Gunaratna 2002:41; Bodansky 2000; Sageman 2004).

**Kinship and Marriage Relationships**

According to Gunaratna (2002:96-98), another way of appointing al-Qaeda members into positions of power was through family ties. Bin Laden and his most senior members appointed followers based on family backgrounds. For instance, some of the members in al-Qaeda’s inner circle were believed to be senior leaders’ sons, brothers, in-laws, and relatives. Bodansky (2000) pointed out that one of bin Laden’s sons, Mohammed Ahmed bin Laden, is a member of the consultative council. The same was true of al-Zawahiri’s younger brother, Mohammed Rabie al-Zawahiri, who was a member of the advisory committee within the Egyptian Islamic Jihad and later within al-Qaeda (Williams 2002; Jacquard 2002). The same principle applied to al-Zawahiri’s loyalists. Immediately after merging with bin Laden, all of al-Zawahiri’s most trusted members were promoted into senior positions within al-Qaeda (Gunaratna 2002; The 9/11 Commission Report 2004).

Promotions were also made based on marriage or marital ties. Arranged marriages were and still are preferred among Muslim fundamentalists. Members of al-Qaeda
practiced daughter-exchange. For example, it has been reported that the former Taliban leader Mullah Omar married one of bin Laden’s daughters while bin Laden married one of Omar’s daughters. The younger daughter of bin Laden is married to a son of Mullah Omar. The daughter of Mohammed Atef, (the former top military commander within al-Qaeda) is married to one of bin Laden’s sons (Miniter 2003; Sageman 2004; Jacquard 2002; Bodansky 2000; Clarke 2004).

Perhaps the reason why the Taliban leader Mullah Omar refused to hand over bin Laden at the request and warning of the two U.S. Presidents, Clinton and George W. Bush, was because Omar and bin Laden are in-laws. Miniter (2003:177) pointed out that because Mullah Omar and bin Laden were family, “Asking the Taliban to remove bin Laden was mission impossible.” Scheuer (2004) noted that because Mullah Omar considered bin Laden as a brother, he was not willing to hand him over to the U.S. authorities to stand trial. For example, Clarke (2004) argued that in 1997, President Clinton offered the Taliban regime a deal indicating that if Mullah Omar gave up bin Laden, Afghanistan would once again be recognized internationally and the United States would send millions of dollars in foreign aid to Afghanistan in exchange. The Taliban refused. In 2001, Bush repeatedly warned Mullah Omar that if he failed to surrender bin Laden, the Taliban regime would face U.S. preemptive attack. The Taliban and Mullah Omar chose the latter. They were attacked and removed from power (Miniter 2003; Clarke 2004; Woodward 2004).

Finally, kinship ties play a significant role in promoting members to the high-ranking echelons. Bin Laden and his deputies reward their followers based not only friendship and intermarriage, but also kinship relationships. For example, Sageman (2004:112-113)
pointed out that, “Marriages were also the ideal way of forging permanent alliances between mujahedin families.” Other members were also awarded favors, duties, and responsibilities within al-Qaeda based upon other pseudo-kinship bonds, i.e., they were Afghan veterans, jihad brethren, and most-wanted terrorist renegades. Prison comrades, cell leaders, and relatives of suicide bombers were also provided with favors. In short, al-Qaeda functioned based on family ties and kinship bonds. This was because as a socio-cultural organization, al-Qaeda operated as if it were an Islamic fraternity or brotherhood, where family and marriage ties, loyalty, and friendship played critical roles in recruitment, membership, promotion to leadership positions, and allocation of operational missions to individuals, thus forging permanent alliances within the group.

In reference to al-Qaeda’s socio-cultural and kinship networking, Gunaratna (2002:96) reported that:

Although its modus operandi is cellular, familial relationships play a key role. As a cultural and social network, al-Qaeda members recruit from among their own nationalities, families, and friends. After the training is completed, the very best of new recruits are integrated among, and assigned to work within one of these families. For example, Osama bin Laden referred to the head of the 9/11 operation as ‘Muhammed [Atta] from the Egyptian family’. Within the organization itself, the notion of brotherhood ingrained in Islam helps Al Qaeda cohere. Osama is regarded as the elder brother and no one disputes his leadership of this wider ‘Islamic family’ of the modern era.

In other words, al-Qaeda basically operated as if it were a good-old-boy network, where leaders and followers interacted as if they were from one big Islamic family. Gunaratna (2002) pointed out that al-Qaeda was originally an offshoot of the Muslim Brotherhood because it embraced the political and religious agendas of the latter. But unlike the Egyptian Muslim Brotherhood, al-Qaeda never compromised its original objectives, converting the rhetoric of the Muslim Brotherhood into concrete action. The Muslim
Brotherhood’s failure to fulfill its objectives may have made some militant individuals receptive to al-Qaeda’s religious doctrines. For example, although the Muslim Brotherhood spoke of martyrdom, it was al-Qaeda that actually practiced it on grand-scale around the world (Gunaratna 2002).

Nevertheless, al-Qaeda relied heavily upon the Muslim Brotherhood in terms of structure, leadership, and experience. Al-Qaeda was also organized along a broad-based family clan where its multinational members and followers were designated as “brothers”, a term also commonly used by religious Muslims when referring to each other in the streets and mosques (Gunaratna 2002; Benjamin and Simon 2002; Stern 2003). Therefore, al-Qaeda’s North African “family” (i.e., Algerians, Egyptians, Libyans, Moroccans, and Tunisians) was responsible for attacks in Europe and North America, its Southeast Asian “family” (i.e., Filipinos, Indonesians, Malaysians, and Singaporeans) was responsible for attacks in the Far East; and its Central Asian “family” (i.e., Chechens, Uzbeks, and Tajiks) was responsible for attacks in the region from Turkey across Muslim Central Asia into Xingjian in China (Gunaratna 2002).

To summarize, the study of family and kinship ties is important to understanding socio-political systems in most societies, perhaps all, western and non-western. Kinship is not only significant among non-industrialized societies such as those in Africa, (e.g., the Nuer in the Sudan), but also among industrialized societies such as those in Europe. The British royal family provides just one example. In other words, kinship systems are universal facets of political organization in both developed and developing countries. They influence how societies and peoples organize their socio-political structures (Fortes and Evans-Pritchard 1962; Evans-Pritchard 1967).

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Organizational Structure

Al-Qaeda’s command and control structure enabled it to wield both direct and indirect control over other Islamic movements such as the Egyptian Islamic Jihad, Hamas, Hezbollah, the Palestinian Liberation Front, Armed Islamic Group (GIA), Abu Sayyaf, and Jemaah Islamiyya. Al-Qaeda’s senior leaders therefore influenced how devout Islamic terrorist groups and cells conducted jihad (Gunaratna 2002).

It would appear that “the war on terror” of the administration of George W. Bush has significantly disrupted al-Qaeda by denying them sanctuary, arresting or killing its members, and forcing its senior leaders, bin Laden and al-Zawahiri, to go underground. However, al-Qaeda uses chameleon-like strategies in order to survive. Today al-Qaeda relies heavily on its global network of associates, affiliates, and operatives to conduct overt and covert terrorist operations (Whitaker 2002; Gunaratna 2002; Hoffman 2004).

Furthermore, as a multinational and multidimensional organization, al-Qaeda can now engage its enemies on many fronts simultaneously. Although al-Qaeda has lost its terrorist training camps, its permanent headquarters in Afghanistan and Sudan, and its founding fathers, it has managed to compensate for this loss by building a global network of organizations that effectively and independently carry out terrorist operations in furtherance of al-Qaeda’s agendas (Hoffman 2004; Gunaratna 2002). The network is shown in Figure 4.
To understand the organizational structure of al-Qaeda before the war in Afghanistan (Operation Anaconda and U.S. coalition military strikes in Afghanistan in 2002) and to understand al-Qaeda's network in the post-Taliban era, it is important to discuss its changes from centralized to decentralized organization. I will make the case that prior to the September 11 attacks against the United States, al-Qaeda was centralized, but now it operates as a fragmented and acephalous or polycephalous organization.

Centralization

Analysts and government officials have frequently suggested that before September 11, the presence of terrorist training camps in Sudan and Afghanistan were proof that al-
Qaeda was a well-organized but highly secretive terrorist network. It was organized in a way that allowed its members to rendezvous in Sudan and later in Afghanistan to attend madrassas ‘religious schools’ and be provided with the necessary training, logistics, weaponry, intelligence, and funding (Scheuer 2004; Sageman 2004).

Other factors in support of the proposition that prior to September 11 al-Qaeda was a well-organized and centralized network include the following: Bin Laden’s executive circle, the Shura Majlis ‘consultative council’ included a dozen loyalists, aides, and representatives who were experienced in mounting jihad; headquarters were established in Khartoum, Sudan, and Khost, Afghanistan; there were training camps where al-Qaeda’s followers from around the world flocked to train as mujahideen in guerrilla warfare and paramilitary tactics; in mosques and madrassas, young Muslims were encouraged to enlist as holy warriors and martyrs; there were senior leaders, the Emir-general bin Laden and his loyal lieutenant, al-Zawahiri; there was a military hierarchy with a well-established chain of command; bin Laden approved plans, targets, operations, and even the timing of the attacks (Scheuer 2004; Gunaratna 2002; Cherkasky and Prud’homme 2003; Cooley 2000; Whittaker 2002; The 9/11 Commission 2004; Williams 2002; Hoffman 2004).

The evidence cited above suggests that al-Qaeda was centrally organized before the attacks against the United States on September 11. Further, both specialization and division of labor were employed. Elaborate military methods were employed to recruit, train, equip, and manage terrorist campaigns as shown in Figure 5. Hoffman (2004:552) stated that:

A ‘corporate succession’ plan of sort has seemed to function even during a time when Al Qaeda has been relentlessly tracked, harassed, and weakened. Al Qaeda
thus appears to retain at least some depth in managerial personnel as evidenced by its abilities to produce successor echelons from the mid-level operational commanders who have been killed or captured. It also still retains some form of a centralized command and control structure responsible for gathering intelligence, planning, and perhaps even overseeing more spectacular attacks against what are deemed the movement’s most important, high-value targets in the United States.

Figure 5. Management of Terror Attack in the United States Prior to September 11, 2001

After September 11, 2001, the well-organized and smooth-running structures of al-Qaeda were disrupted by the war against international terrorism. Subsequently, al-Qaeda’s organizational structures disappeared. Instead, al-Qaeda was fragmented into loosely-organized associates, affiliates, and cells distributed throughout the world. As U.S-coalition forces launched Operation Anaconda against the Taliban regime and al-Qaeda, the senior officials of the latter were forced to operate from underground (Atran 2004; Hoffman 2004; Gunaratna 2004; Sageman 2004). According to Whittaker (2002:104), today al-Qaeda is no longer “a hierarchical structure but a loose, rambling
one, a 'spaghetti' type of organization. Whatever its nature, there is no doubt about its effectiveness." Other analysts claim that the war on terror has forced al-Qaeda to fragment into even more loosely-organized and decentralized cells that plan and execute attacks against soft targets such as hotels, nightclubs, synagogues, residential complexes, shopping malls, commuter trains and buses, and tourist sites where civilians congregate (Atran 2004; Hoffman 2004; Gunaratnam 2004; Sageman 2004). Figure 6 shows the transformational nature of al-Qaeda from a centralized to decentralized group.

Figure 6. The "State-Oriented" System in contrast to the "Polycentric" System

As the hunt for bin Laden and al-Zawahiri continues, many al-Qaeda alumni around the world have formed new cells or activated their jihad comrades (sleeper agents or
freelancers) to operate covertly. Gunaratna (2002:92) stated that, “Since 9/11, however, many Islamist groups, parties and regimes have been cautious about identifying themselves too closely and openly with Al Qaeda for fear of bringing down the wrath of America on their heads. However they support its aims and objectives and Al Qaeda continues to maintain links with many of them.”

Many other Islamist groups in Western Europe, particularly in Britain and France, now identify with al-Qaeda. In France, for example, the terrorist group, Tablighi Jamaat ‘Society for the Propagation of Islam’ recruits and trains young Muslim men and sends them to Iraq to fight and conduct suicide operations against the U.S.-coalition forces (Sageman 2004; Scheuer 2004. The Iraq jihad, Al-Tawhid, headed by Abu Musab al-Zarqawi, the Jordanian-born terrorist and most wanted man in Iraq, recently pledged allegiance to bin Laden and joined al-Qaeda’s global jihad.

The methods employed by these loosely-organized al-Qaeda affiliates differ from those of bin Laden and al-Qaeda. Peters (2002) and Sageman (2004) pointed out that while some terrorists commit acts of terror for personal reasons—notoriety and publicity—others kidnap foreigners for extortion purposes, as is the case in the Philippines and Indonesia. The Abu Sayyaf Group, Jemaah Islamiyya, and the Moro Islamic Liberation Front are examples. Others abduct and behead civilian foreign workers in Iraq to derail the reconstruction process. Abu Musab al-Zarqawi’s al-Tawhid is a good example. This group also uses abducted individuals as bargaining chips.

These tactics are contrary to the practices and doctrine of al-Qaeda, which shuns diplomacy and negotiations and adheres strictly to the famous dictum of one of the founding fathers, Abdullah Azzam: “Jihad and rifle alone: no negotiations, no
conferences, no dialogues" (quoted in Sageman 2004:3). Decentralization is not the same as disorganization and disruption of al-Qaeda and its ideology, but rather it is a military tactic that assists al-Qaeda to evade detection and capture.

Al-Qaeda’s global network was of critical importance while it was based in Khartoum, Sudan, from 1991-1996. During this period, bin Laden enjoyed state sponsorship of Dr. Hassan al-Turabi who provided him and his group with safe havens and training camps. It was reported that as al-Qaeda’s ambitions, resources, recruits, and support increased, it developed a decentralized and regional structure to carry out attacks (Jacquard 2002; Schweitzer and Shay 2003; The 9/11 Commission 2004). Gunaratna (2002:95) stated:

the Sudanese, Turkish, and briefly, Spanish nodes ran clandestine military operations and activities in Europe and North America. Except for those operatives assigned to the London bureau (the Advice and Reformation Committee), which had a global remit for propaganda and coordination, the worldwide nodes have no structure and hierarchy. Assignments were carried out by individuals designated for the operation who were simply referred to as the ‘person responsible’.

Some scholars and analysts pointed out that the regional nodes and operatives affiliated with al-Qaeda lacked fixed headquarters or abodes (Sageman 2004; Gunaratna 2002; Atran 2004). Gunaratna (2002:96) claimed that after al-Qaeda relocated to Afghanistan from Sudan in 1996, its European and North American offices and bureaus moved to Turkey and Yemen respectively. But after the 1998 arrest of M amdouh Mahmud Salim, one of al-Qaeda’s most important figures in Europe, the Turkish bureau moved again, this time to Spain. With the increased threat facing al-Qaeda post-September 11, the regional bureau and nodal responsibilities shifted to cells and sleeper agents and subsequently to senior members in Western Europe who traveled extensively back and forth to Afghanistan to consult with al-Qaeda’s senior leaders.
Al-Qaeda affiliates in Southeast Asia, Central Asia, and the Horn of Africa were also decentralizing and dispersing. Rather than weakening the organizational structure of al-Qaeda, constant reshuffling and displacement seemed to provide fresh opportunities. As Gunaratna (2004:96) wrote, “al-Qaeda is structured in such a way that it can react very quickly to changing events on the ground. Mobility, flexibility, and fluidity will be the guiding principles of its post-Taliban structure.”

To conclude, opinions remain divided over whether or not al-Qaeda is a centralized or decentralized network. What is not disputed, however, is that before September 11, al-Qaeda exhibited central and formal organizational structures whereby the group had physical headquarters and specific terrorist training camps. Available videos have shown bin Laden boasting on the Arabic television channel, al-Jazeera, indicating that he was the mastermind of the attacks against the U.S. embassies in East Africa in 1998, the USS Cole attack in 2000, and the U.S. attack in 2001.

Al-Qaeda has become an acephalous (headless) organization which relies heavily on its alliances (Evans Pritchard 1967; Leach 1969). Nevertheless, al-Qaeda is far from being dismantled. Al-Qaeda’s displacement from its bases in Afghanistan and the absence of its founding father(s) have played to its advantage in some respects. It has regrouped worldwide. Bin Laden and al-Zawahiri have been lionized by militant Muslims as the saviors of Islam. According Gunaratna (2002:96), al-Qaeda is a pragmatic group with clear objectives and agendas, “but one that is capable of chameleon-like maneuvering” and one that can function in different circumstances and environments even without direct control by its founding fathers and leaders.
Leadership Structure

Prior to the September 11 attacks, al-Qaeda demonstrated the existence of a well-organized, well-established chain of command and an effective leadership apparatus comprised of several loyal principals and personalities who were responsible for its smooth running. Within al-Qaeda, different individuals performed various duties and obligations. For example, there were individuals who approved target sites; those who issued Islamic religious instructions; those who provided theological interpretations of the Koran; those who oversaw financial and business transactions; those who recruited new members and provided training and logistics services; those who dealt with media and publicity; and those who carried out the actual operations—the suicide-bombers (Williams 2002; Gunaratna 2002; Sageman 2004; The 9/11 Commission Report 2004).

Executive Wing

The leadership of al-Qaeda had three wings that oversaw various operations within the organization. The first was the "executive" wing, comprised of the Emir-General and made up of financiers and religious scholars whose duty was to approve and fund terrorist operations and to issue fatwas 'religious edicts'. It was also referred to as the politico-religious bureau because its duties were primarily to command and control. Bin Laden and al-Zawahiri belonged to this wing or bureau. Al-Zawahiri was revered within the group because of his erudition, his profession as a physician, and his renowned career as head of the Egyptian Islamic Jihad (Gunaratna 2002; Williams 2002; Mamadani 2004; Schweitzer and Shay 2003; Scheuer 2004; Sageman 2004).
Legislative Wing

The second was the “legislative” wing, the shura majlis ‘consultative council’, made up of the most experienced and loyal lieutenants of bin Laden. Members were required to take an oath of allegiance and loyalty to bin Laden. Among the first to join were Ayman al-Zawahiri, Abu Ayoub al-Iraqi, and Dr Fadhil el-Masry. Bin Laden personally appointed prominent personalities, trusted loyalists, and close Afghan veteran comrades to positions of leadership (Gunaratna 2002; Corbin 2002; Williams 2003).

Schweitzer and Shay (2003) noted that if and when the Shura Majlis members were arrested or killed, other close members were appointed to replace them. Moreover, it was believed that bin Laden exercised his leadership position as the Emir-General of al-Qaeda by reshuffling his advisers whenever he saw fit in order to test their trust, faith, and loyalty to him and al-Qaeda.

Gunaratna (2002) stated that although al-Qaeda functioned as a political movement that was driven by an interpretive religious ideology, it usually operated on the basis of a cultural network that recruited known jihad veterans, Afghan alumni, family friends, former war commanders, trusted persons, and fugitives, and yet there were no formal procedures and guidelines for recruitments, appointments, or promotions. Even though al-Qaeda senior leaders considered merit, ability, skills, expertise, and performance to confer promotions to selected members to positions of leadership, nonetheless, appointments and promotions were generally determined based on kinship, family ties, marriage ties, friendship, and nationality (Williams 2002; Schweitzer and Shay 2003; The 9/11 Commission Report 2004; Gunaratna 2002; Cooley 2000; Mamdani 2004).
Operational Wing

The third and perhaps the most complex was the operational wing which consisted of four committees—military, finance, education, and media. While committee leaders or representatives must be qualified in their areas of expertise, some were personally hand-picked by bin Laden or at the request of his closest loyalists. Committee leaders reported directly to the senior echelon of al-Qaeda (The 9/11 Commission Report 2004; Sageman 2004; Gunaratna 2002). Whittaker (2002) reported that committee leaders took oaths of allegiance to bin Laden and pledged loyalty to the doctrines and goals of jihad.

Military Committee

The military committee is important because, as The 9/11 Commission Report (2004) indicated, to become a military leader, a qualified and nominated person swore a formal pledge of allegiance and took an oath of loyalty bayat to bin Laden. Gunaratna (2002) and Sageman (2004) pointed out that some committee leaders, including those on the military committee, served on more than one committee and were rotated between committees to ensure stability and continuity.

The military committee was responsible for recruiting and training recruits and for procuring and transporting weapons. All recruits were taught and trained how to acquire and use weapons (e.g., small arms, artillery, demolition devices, anti-aircraft missiles). They were also taught guerrilla tactics. Others received advanced training in the areas of explosives, computers, communications, intelligence-gathering techniques, and how to plan and execute attacks (Williams 2002; Gunaratna 2002; The 9/11 Commission Report 2004; Mamdani 2004).
In short, the military committee consists of top military strategists, lieutenants, and special operations commandos (suicide-bombers). *The 9/11 Commission Report* (2004) and Robinson (2001) reported that among officials in this wing were: Mohammed Atef, Abu Zubaydha, Khalid Sheikh Mohammed, Ramzi Ahmed Yousef, Mohammed Atta and eighteen of his co-hijackers, the perpetrators of the September 11.

Finance Committee

Members of the finance and business committee oversaw and managed al-Qaeda’s finances including investments, income, and expenses, (Williams 2002; McAllister 2004). Al-Qaeda had many sources of income. These ran the gamut from international banking systems and traditional Islamic banking systems to contributions (zakat) acquired from mosques and charitable donations from organizations such as Mercy International Relief Agency and Muslim-based welfare initiatives. Other fund-raising techniques included drug-trafficking, money-laundering, and most interestingly, tribute money known as *baksheesh* ‘bribes’ demanded from Gulf and Middle Eastern regimes to keep al-Qaeda from establishing cells within their borders and to guarantee that al-Qaeda did not attack them. Other assets were accumulated from bin Laden’s personal fortune and shrewd investments in construction firms and agricultural enterprises (honey, sesame, and corn), tanneries, and the import-export of gems and diamonds acquired during his stay in Sudan from 1991 to 1996 (McAllister 2004; *The 9/11 Commission Report* 2004).

Al-Qaeda’s financial resources acquired through both legal and illegal means were moved to their destinations of storage through a network referred to as *hawala*—an underground banking system. *Hawala* in Arabic means ‘change’ and in Hindi it means
“in trust’. It is an informal traditional and trust-based system for transferring funds internationally and regionally with little documentation and law enforcement supervision and regulations (Wechsler 2001; McAllister 2004; The 9/11 Commission Report 2004).

Transferring money through an informal system is a common practice in the Muslim and Arab world, especially in the Middle East and South Asia. Hawaladars affiliated with al-Qaeda made use of this informal method of moving large amounts of money in order to evade detection and capture. The advantage of this cash transfer is that it leaves little or no paper trail, involves no government regulations, and does not require the actual physical movement of banknotes across borders. Wechsler (2002:135) reported that: “Moving money through the hawala system requires only a phone call, fax, or e-mail from one hawaladar to another. A client gives cash to an agent in, say, Pakistan, and asks that it be delivered to someone else in New York. The Pakistani hawaladar then calls a colleague in New York, who disburses the proper amount to the intended recipient. No actual wire transfer or contacts with formal banks are involved. The advantages of this system to terrorists are obvious.”

For example, McAllister (2004:305) stated that:

> The effectiveness of this financial network can be seen in the way it was able to protect Al Qaeda assets in the face of invasion. As coalition forces closed in on Afghanistan large sums of U.S. dollars were moved across the border to Karachi where they were transferred using the hawali system to the United Arab Emirates (UAE). In the UAE it was largely converted to gold bullion and globally dispersed. Money was also transferred into investments such as diamonds in Sierra Leone and the Democratic Republic of Congo, and tanzanite in Tanzania, preserving assets while generating profits. This complex network of financial interactions has helped Al Qaeda maintain an operational budget while in the underground and to a degree has augmented the successes of the U.S. counterattack.

The authors of The 9/11 Commission Report (2004) judged that because hawaladars
use couriers or third parties to move large sums of cash, diamonds, and gold, efforts made by the intelligence community and law enforcement agencies to track and freeze assets and finances of al-Qaeda and its affiliates are difficult and problematic. It was suggested that al-Qaeda kept its financial investments on and moves them through at least four continents. Also al-Qaeda held stocks in many multinational corporations and institutions. Besides collecting money through corrupt charities and practices, al-Qaeda hides its fortunes in many third-world countries, especially those in Middle Eastern and South Asian countries that lack external government oversight regulations and effective internal supervision, thus making it difficult to shake bin Laden’s money-trees and freeze al-Qaeda’s assets.

In short, al-Qaeda’s financial infrastructure was as complex as the organization itself. It has been likened to a sort of malevolent Ford Foundation where potential terrorists applied for funds to finance their terrorist attacks against the infidels, crusaders and Zionists. After thorough and careful consideration, some applicants received funding while others were turned down. Others were told to use illegal means and credit card theft or fraud to finance their attacks (Gunaratna 2002; Reeve 1999; Benjamin and Simon 2003). Other analysts viewed al-Qaeda as a multinational corporation that has many branches around the world that perform complex financial transactions and provide services to millions of its clients (Gunaratna 2002; McAllister 2004; Wechsler 2001).

Education Committee

The education committee trained all recruits in the teachings of the Koran and the principles of jihad. Large sums of money collected through both legal and illegal
practices including drug-trafficking, money-laundering, and charitable donations from Saudi Arabia and the Gulf regimes were used to finance al-Qaeda’s educational pursuits. Most of the money was used to build mosques around the world to train Muslims in the ways and practices of *Wahhabism* (an extremely rigid, puritanical, and conservative brand of Islam). Other funds were used to build *madrassas* ‘religious schools’ in Pakistan, Afghanistan, and other Central and South Asian countries for religious indoctrination purposes (Benjamin and Simon 2003; Mamdani 2004; Sageman 2004).

The majority of al-Qaeda’s members and followers were recruited or drafted from these religious schools. During the war with the Soviets in the 1980s, many of the “Afghan Arabs” (especially those leading terrorist cells and conducting terrorist operations today) graduated from these *madrassas*. It has been reported that Saudi Arabia has been the largest financier of the many mosques and *madrassas* found around the world today (Benjamin and Simon 2003; Ruthven 2002; Cooley 2002; Mamdani 2004; Gunaratna 2004; Bergen 2002).

**Media Committee**

The media committee oversaw public relations and was designed to obtain support from Islamic believers. It published the in-house newspaper, the *Nashrat al–Akhbar*. It also printed and circulated al-Qaeda’s literature and made the lectures, writing, and instructive information of its leaders available to the general public inside and outside the Arab and Muslim regions. The media committee specifically arranged and made bin Laden’s and al-Zawahiri’s speeches, fatwas, declarations, and videos available on web sites, in Arab newspapers, and on television stations such as *al-Jazeera* for public consumption. It also performed propaganda and indoctrination services (William 2002;
Another way of describing al-Qaeda’s military and operational structure is by comparing it with other Islamic terrorist organizations such as Abu Nidal, Hamas, Hezbollah, the Palestinian Liberation Organization (PLO), the Irish Republican Army (IRA), or the Tupamaros (White 2001; Kupperman and Kamen 1989). The operational structure can be depicted as a pyramid. The entire organization was run by four key groups: (a) a small cohort of first-tier elites (the Emir-General and his deputies), (b) a small group of loyal lieutenants, the second-tier elites known as Shura Majlis ‘advisers’, (c) a military unit, the third-tier consisting of qualified war strategists, field marshals, recruiters, instructors, and war managers), and (d) finally, enlisted foot-soldiers and
special operations forces, and suicide-bombers as shown in Figure 8.

Figure 8. Al-Qaeda's Military Command and Control Structure Prior to September 11, 2001

In other words, bin Laden and al-Zawahiri command the organization from their hideout in the caves on the Afghanistan/Pakistan border. The consultative council was comprised of the most experienced loyalists and trusted members of the organization who had to be consulted before conducting attacks. The military wing oversaw duties and issues that pertained to recruitment, training, procurement, and the use of weapons. The enlisted soldiers and sleeper-agents performed surveillance, gathered intelligence, scouted potential targets, and conducted suicide-missions.

Al-Qaeda cells can now be found in more than sixty countries around the world (i.e., Africa, the Middle East, Southeast and Southwest Asia, Central and Western Europe, and
North America). Before any major terrorist attacks were conducted, they had to be approved and blessed by the senior leadership of al-Qaeda, bin Laden and al-Zawahiri, and cleared by the advisory council, some of whom headed different committees within the organization. Although committee reports were considered, it was bin Laden and his closest loyalists and aids who usually selected the targets, suicide-bombers, and the day and time of the attack. Senior leaders consulted with military commanders and field marshals and sought out logistics and information before making final decisions to carry out an attack. Command and control ran strictly from the top-ranked leaders to the lowest enlisted cell members, the suicide-bombers themselves (The 9/11 Commission Report 2004; Sageman 2004; White 2001; Hoffman 2004; McAllister 2004).

Having terrorist cells in many countries around the world worked in al-Qaeda’s favor because it made it difficult for law enforcement authorities to infiltrate its cells. Additionally, because al-Qaeda’s cells have little or no contact with each other, even within countries, it was extremely difficult for the intelligence community to identify and prevent these cells from planning attacks. Furthermore, because al-Qaeda’s special mission forces (i.e., the foot-soldiers and suicide-bombers) were usually left in the dark until the eleventh hour, when they were officially activated, it was difficult for intelligence authorities to stop a terrorist act before it materialized (The 9/11 Commission Report 2004; Gunaratna 2002; Jenkins 2001; Atran 2004). Cooley (1999:40) reported that because al-Qaeda’s terrorist cells were self-contained and functioned as if they were a bunch of grapes, this enabled them to conduct attacks because if “one were plucked, as from a grapevine, its disappearance, would not affect the others.” In other words, the removal of one or a few cells as a result of being arrested or killed did not affect others.
from conducting attacks (Gunaratna 2002; The 9/11 Commission 2004; Scheuer 2004).

Additionally, because the initial planning, the selecting of targets, the timing, and the actual attackers were known only to a few top al-Qaeda senior leaders and loyal officials, the organization's top-secret targeted site(s) remained a secret even to other inner circle members until the attacks took place and the senior officials had claimed responsibility. After the attacks had materialized, the planners and perpetrators were known or revealed. For example, according to the 9/11 Commission Report (2004), plans to attack the United States using commercial aircraft as guided missiles were initiated by Khalid Sheikh Mohammed (KSM), but the selection of the targets to be attacked and those who would actually carry out those attacks were selected by bin Laden and Mohammed Atef. The 9/11 Commission judged that, "No one else was involved in the initial selection of the targets." The 9/11 Commission also reported that bin Laden, assisted by Atef and Sheikh Mohammed chose the September 11 pilots and hijackers.

The manner in which al-Qaeda conducted its operations was so secretive that even the organization’s suicide-bombers themselves remained uninformed and unaware as to what their mission would entail or when and where their mission was to take place until the eleventh hour. Stern (2003:249) reported that, "Because of Al Qaeda's strict policy of sharing information only on a need-to-know-basis, sleepers—who serve as a kind of reserve army in the targeted country—are unlikely to know precisely for what they have been recruited until immediately before an attack." A case in point is the September 11 attacks. The planning and timing of the attacks were only known by a few senior leaders, but not the suicide-bombers who were informed about the attacks at the eleventh hour. After the successful attacks of September 11, bin Laden made the following statement:
The brothers who conducted the operation, all they knew was that they had a martyrdom operation and we asked each of them to go to America, but they didn’t know anything about the operation, not even one letter. But they were trained and we did not reveal the operation to them until they were there and just before they boarded the planes (quoted in Scheuer 2004:136).

Al-Qaeda’s suicide-bombers who perpetrated the attacks on September 11 were recruited and assembled from different terrorist cells, nationalities, sects of Islam, geopolitical landscapes, age-groups, and socio-economic statuses to take part in the attacks. Some hijackers were personally selected by bin Laden according to recommendations, while others requested bin Laden to allow them participate in the suicide missions (Mamdani 2004; Gunaratna 2002; Williams 2002; Schweitzer and Shay 2003; The 9/11 Commission Report 2004; McAllister 2004; Sageman 2004).

Figure 9 shows four of the pilots who took part in the multiple simultaneous attacks against the U.S. on September 11, 2001. Three of the four pilots who steered American airliners and crashed them into America’s World Trade Center and the Pentagon were from the German group, the “Hamburg Cell”. Even though members of this cell were anti-American and anti-Semitic, they spoke English, German, and Arabic fluently and were familiar with Western societies and lifestyles. Bin Laden, with the assistance, of Mohammed Atef and Khalid Sheikh Mohammed chose Mohammed Atta (the founder of the Hamburg cell) to be the leader of the attack. Regarding the rest of other hijackers, Strasser and Whitney (2004:379) reported that Mohammed Atef ‘‘chose the hijackers from young Arab men who had no previous terrorist activities.’ After bin Laden had approved the selection, Khalid Sheikh Mohammed ‘trained them and instructed them on acquiring pilot training’ and ‘supervised the ‘final touches’ of the 11 September operation’’. Figure 9 below helps us to understand the complexity and dynamic nature of
al-Qaeda. The four pilots and their co-hijackers came from different countries and socio-economic backgrounds, subscribed to different Islamic sects, and spoke different Arab dialects, yet they were drawn together by the ideology of hatred. They were also disenchanted by the West and the United States and therefore were willing to sacrifice their own lives to destroy their enemies (Gunaratna 2002; Strasser and Whitney 2004).

**Modus Operandi**

Since the 1990s to the present, al-Qaeda’s ability to conduct attacks against its adversaries has been enhanced by different and often innovative techniques that it employs. For example, terrorist operations carried out before September 11 suggested some of the following tactical characteristics: (1) long-range planning—the 1998 bombings against the two American embassies in Kenya and Tanzania took five years to plan. The attacks against the U.S.S. *Cole* in 2000 took several years; (2) simultaneous operations—the 1998 attacks against the two U.S. embassies in Nairobi and Dar es

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**Figure 9.** Four Suicide Pilots Who Attacked America on September 11, 2001
Salaam demonstrated that al-Qaeda was capable of conducting simultaneous attacks, suggesting sophistication in the overall planning of its operations. This was largely because al-Qaeda had enough skilled sleeper-agents, operators, logisticians, and planners to conduct simultaneous attacks; (3) operational security—al-Qaeda’s terrorist training manual resembled that of the Central Intelligence Agency (CIA) that stressed that all operations be kept secret and information be disseminated on a need-to-know-basis. Communications security, traveling documents, and other necessary information and techniques were strongly stressed to minimize exposure and evade detection and arrest to ensure that planned operations were not disrupted; (4) imagination and improvisation—al-Qaeda’s operatives were usually conservative in their techniques as they relied on simple weapons such as small arms, explosives, and individually-made bombs to attack selected targets. The bombing of the U.S.S Cole in Yemen and the attacks of September 11 were examples. In the former they used small dingy boats full of explosives to attack the U.S.S. Cole while in the latter the hijackers used box-cutters and knives to hijack four U.S. commercial aircraft and crash them into buildings; (5) patience and innovation—al-Qaeda’s sleeper-agents and cell members were instructed not only to be patient but also to travel and live quietly in societies and countries selected as targets and to wait until they were activated or called upon to carry out operations. Others were instructed to finance their own terrorist operations through credit card theft and fraud like Ahmed Ressam, the mastermind of the thwarted millennium attack against Los Angeles International Airport; (6) flexible command structure—“Bin Laden’s network uses at least four different operational styles: a top-down approach employing highly-skilled radicals; training amateurs like Richard Reid, the so-called ‘shoe bomber’ to conduct
simple, but lethal attacks; helping local groups with their own plans as with the Jordanian plotters during the millennium; and fostering like-minded insurgencies. Tactics that can stop one type of attack do not necessarily work against others” (Strasser and Whitney 429-430) (Bodansky 2000; Benjamin and Simon 2003; Bergen 2002; Scheuer 2004; Stern 2003; Sageman 2004; McAllister 20004; Hoffman 2004; Gunaratna 2004; Atran 2004; The 9/11 Commission Report 2004; Williams 2002).

New terrorist cells emerge while others continue join bin Laden as was the case with the recent merger of Abu Musab al-Zarqawi’s Tawhid group into al-Qaeda. New groups bring new tactics. Some of these tactics are unfamiliar to the world’s intelligence community and law enforcement agencies. For example, Jordanian-born terrorist, al-Zarqawi, has used new tactics to fight U.S.-led forces in Iraq. It was alleged that he is responsible for the bombings, killings, abductions, and beheadings of many foreign civilian workers who were in Iraq to assist in the reconstruction efforts. It was also alleged that Al-Zarqawi was responsible for the withdrawal of United Nations staff and Spanish, Philippine, and Ecuadorian forces from the Iraq. Several other countries were also been forced to withdraw or stop sending troops and civilian workers into Iraq for fear of being abducted and beheaded. Al-Zarqawi’s group even abducted and beheaded a female aid worker and used her as leverage to force their demands—the withdrawal of U.S-coalition forces from Iraq.

Looking at the methods that terrorists employed to attack America and the East African U.S. embassies, one detects a common pattern in the planning and execution of these attacks. For example, just as the perpetrators of the September 11 attacks entered
the U.S. with fake passports and identification cards, enrolled in colleges and flight schools, conducted reconnaissance on the potential targets, and then attacked, the perpetrators of the August 7, 1998, U.S. embassies bombings in Nairobi and Dar es Salaam, on the other hand, entered Kenya and Tanzania with fake passports, started businesses, identified potential targets as the two U.S. embassies, and then attacked. In both incidents, the perpetrators kept a low profile and blended into societies that they targeted while they waited for orders from al-Qaeda's leaders to execute the attacks.

The new tactics are working. Some countries around the world are becoming reluctant to send their troops and citizens to Iraq to assist in the reconstruction efforts. Elsewhere, terrorist organizations are also using female suicide bombers for political objectives. In Russia, women were reported to be the principal perpetrators of terrorist attacks. For example, women from Chechnya successfully brought down two Russian commercial airliners killing all 90 passengers. Moreover, terrorists from Chechnya, among them several women, took school children hostage in Baslan. More than 350 children, teachers, and parents were killed. Hundreds more were injured. In both of these incidents, the perpetrators were using explosive devices. In short, the participation of women in terrorist activities is increasing because they are considered to be the least likely individuals to engage in terrorism.

In the airliner incidents, women terrorists hid explosives under their belts. In the second incident, the terrorists slipped explosives into the school sports complex days before taking the school children hostage. Other countries where women have sacrificed their lives as martyrs include Palestine and Sri Lanka. With the global war on terror, terrorist groups, including al-Qaeda, now encourage women to participate in suicide
bombings to advance their desired agendas.

To discern why religious terrorist groups such as al-Qaeda employ violence to promote their agenda and to understand why terrorist leaders encourage their followers to participate in suicide missions to wreak havoc on America and her allies, it is important to turn our focus to the discussion of the motivations to attack Nairobi and New York.

Strategic Decisions in Attacks on Nairobi and the World Trade Center

The U.S. Embassy in Nairobi

Al-Qaeda’s most ambitious African operations were the simultaneous coordinated attacks against the U.S. embassies in Nairobi and Dar es Salaam on August 7, 1998. The Nairobi attacks had been planned since 1994 when al-Qaeda first established its presence in Mombasa and Nairobi (The 9/11 Commission 2004; Bodansky 2000; Cherkasky 2003). In Nairobi, al-Qaeda’s senior members, Abu Zubadya, Mohammed al-Bashiri and Mohamed Atef, spearheaded the operation, and with the help of Ali Mohammed surveyed the American embassy in Nairobi as a possible target, collected intelligence information, took pictures, diagrams, and made reconnaissance sketches. The pictures and sketches were then shown to bin Laden and his closest top leaders at his Khartoum headquarters. Bin Laden then applied his knowledge of civil engineering to identify the most effective path of entry for the explosive-laden trucks into the embassy compound (Benjamin and Simon 2003; The 9/11 Commission Report 2004; Bodansky 2000; Cherkasky 2003).

But why Nairobi and Dar es Salaam? Why the U.S. embassy in Nairobi, in particular? Some analysts argued that the U.S. embassies in Kenya and Tanzania were targeted because they were so vulnerable. Security was lacking. Other analysts claimed that
compared to the United States embassies in the Middle East, Asia, and Europe, African embassies were the least likely to be targeted by bin Laden. Fewer people expected the American embassies to be attacked in Africa (Jenkins 2001, Hoffman 2003; Shay 2004).

According to bin Laden’s communiqués of August 11, 1998, the factors mentioned above were exactly why Nairobi and Dar es Salaam were selected as targets. There are other factors as well. Regarding the attacks in Kenya, bin Laden provided the following reasons: First, the Kenyan government had allowed United States military personnel to use of its airfields and ports for the purpose of attacking a Muslim country, Somalia, during the Operation Hope Mission in 1994 (Benjamin and Simon 2003). Appearing on the al-Jazeera television network, bin Laden stated that the U.S. embassy in Nairobi was targeted because as Shay (2002:26) reported, “the brutal [U.S.] invasion of Somalia kicked off from there.” Second, the U.S. embassy in Kenya was attacked, bin Laden declared, because “it was considered to be the biggest intelligence-gathering center in East Africa. With the help of God, the hit against it was very strong against Americans. This is so the Americans can taste something of what we Muslims have tasted” (p.26).

Third, in regard to attacks against the Hotel Paradise in Mombasa, it was hit because it was owned by Islam’s enemy Jews and because more Israeli-owned businesses, hotels, resorts, and other Zionist centers were located in Kenya than anywhere else in the Horn of Africa. Former CIA official, Michael Scheuer (2004:95), pointed out that after the Mombasa attacks, al-Qaeda’s Al-Ansar newspaper reported that, “the message here is to pursue the Zionist targets all over the world.”

Fourth, bin Laden and al-Qaeda claimed that Nairobi was attacked because the government of Kenya collaborated with Israeli intelligence in the rescue of Israelis taken
hostage in Entebbe, Uganda, in 1977 (Netanyahu 1995). For example, after the attacks in Nairobi and Mombasa, former Prime Minister Benjamin Netanyahu claimed that Kenya will always be a prime target of terrorist events because bin Laden and al-Qaeda hate the warm relationship between Kenya and Israel. He also noted that the cooperation and business ventures that the two countries enjoy are envied.

Fifth, bin Laden and his supporters claimed that it was from Kenya that America supported the war of separation in the southern Sudan led by the fighters of John Garang. Furthermore, Sudanese officials, particularly, Hassan al-Tarabi claimed that over the years, the Kenyan government played a significant role in destabilizing and threatening the Sudanese state (Jacquard 2003).

Sixth, Shay (2004) noted that the U.S. embassy in Nairobi was attacked because it was seen as an easy target. Its location at the intersection of two busy avenues made it extremely vulnerable. Shay further maintained that local security personnel in Kenya were incapable of identifying and arresting al-Qaeda cell members who were already in the country as early as 1993 planning the attacks. From a strategic point of view, Kenya’s geographical location made it easier for terrorists to travel to and from Kenya without detection.

Al-Qaeda’s desire for revenge against Kenya was due to its cooperation with the United States and Israel, the strategic location of Kenya and its major cities, the porous borders of Kenya in its northern areas, the stateless countries that are Kenya’s neighbors in the north, and the relative political stability that Kenyans enjoy compared to other countries in the Horn of Africa (Barkan 2004; Lyman and Morrison 2004).

The 9/11 Commission Report (2004) pointed out that the withdrawal of the U.S. troops
from Somalia in 1994 inspired some Arab and Muslim militants to plan further attacks against the United States because they believed that once the American public started seeing their young men and women coming home in body bags, they would pressure their government to withdraw. The 9/11 Commission report (2004:48) noted bin Laden not only celebrated the suicide attacks against the U.S. personnel and facilities in Saudi Arabia but also praised the attacks against American troops in Beirut, Yemen, and Somalia. Regarding to the withdrawal of the U.S. from Somalia, bin Laden noted that America “left the area carrying disappointment, humiliation, defeat, and your dead with you.” At a news conference in Afghanistan in 1998, bin Laden also cited the example of the withdrawal of the Soviet Union from Afghanistan and the withdrawal of the United States from Lebanon as proof that a ragged group of dedicated Muslim militants could overcome two world superpowers (Benjamin and Simon 2002; The 9/11 Commission Report 2004).

In conclusion, Osama bin Laden and his war strategist, al-Zawahiri, have routinely boasted on television and reminded their al-Qaeda members that their dedication and willingness to sacrifice their lives for Islam’s and Allah’s cause have made it possible to attack the United States, the most powerful nation in the world. Bin Laden and al-Zawahiri cited the catastrophic attacks of September 11 and argued that if nineteen dedicated martyrs armed with the teachings of the Koran and primitive knives and box-cutters could plan and execute such daring and meticulous attacks against the United States using America’s own commercial airliners as guided missiles to topple the World Trade Center and severely damage the Pentagon, hundreds of dedicated al-Qaeda members with the support of God would bring Armageddon to American shores.

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The U.S. World Trade Center

Immediately after the September 11 attacks against the World Trade Center and the Pentagon, analysts, scholars, journalists, and leaders claimed that bin Laden and his al-Qaeda operatives targeted the U.S. because they hated and envied Americans values freedoms, liberties, wealth, and power (Hoge and Rose 2001; Talbot and Chanda 2001; Mahajan 2002). As much as these assertions were correct, some analysts, however, pointed out that bin Laden and al-Qaeda were less interested in American ways of life, democracy, and liberties than in the way America conducted its policies (Bergen 2002; Mahajan 2002; Scheuer 2004). In addition to hatred, other reasons and strategic considerations were provided as to why bin Laden and his al-Qaeda network attacked the United States. The 9/11 Commission Report (2004:51) summarized these factors and stated that bin Laden and al-Qaeda targeted the United States because:

America had attacked Islam; America is responsible for all conflicts involving Muslims. Thus Americans are blamed when Israelis fight with Palestinians, when Russians fight with Chechens, when Indians fight with Kashmiri Muslims, and when the Philippine government fights ethnic Muslims in its southern islands. America is also held responsible for the government of Muslim countries, derided by al Qaeda as 'your agents.' Bin Laden has stated flatly, 'Our fight against these governments is not separate from our fight against you'. These charges found a ready audience among millions of Arab and Muslims angry at the United States because issues ranging from Iraq to Palestine to America’s support for their countries’ repressive rulers.

Other analysts claimed that bin Laden and al-Qaeda’s grievances with the U.S. may have started in reaction and response to specific American policies in the Arab and Muslim worlds, particularly in the Middle East, but his grievances gained momentum and became deeply entrenched, covering many other areas in the world where American policies and actions directly or indirectly affected peoples and societies (Chomsky 2003; Bodansky 2002; Hershberg and Moore 2002; Booth and Dunne 2002).
Scheuer (2004) noted that bin Laden’s ideas and perceptions about American policies and actions in the Arab and Muslim regions were commonly shared by millions in both radical and moderate Islamic countries although many Muslims do not publicly support bin Laden’s militant and violent responses to U.S. policies. British journalist Robert Fisk stated that, “Arabs may deplore this [bin Laden’s] violence, but few will not feel some pull of emotions....Amid Israel’s brutality toward Palestinians and America’s threat toward Iraq, at least one Arab is prepared to hit back” (quoted in Scheuer 2004:xviii).

Scheuer (2004) maintained that bin Laden and his al-Qaeda militants and supporters commonly perceived their actions and undertakings as acts of war, not terrorism because their actions are part and parcel of a defensive *jihad* ‘struggle’ sanctioned by Allah and contained in the Koran and praised by the *hadith* ‘sayings’ of the Prophet Mohammed.

These attacks are meant to advance bin Laden’s clear, focused, limited, and widely popular foreign policy goals: the end of the U.S. aid to Israel and the ultimate elimination of that state; the removal of U.S. and Western forces from the Arabian Peninsula; the removal of U.S. and Western military forces from Iraq, Afghanistan, and other Muslim lands; the end of U.S. support for the oppression of Muslims by Russia, China, and India; the end of U.S. protection for repressive, apostate Muslim regimes in Saudi Arabia, Kuwait, Egypt, Jordan, et cetera; and the conservation of the Muslim world’s energy resources and their sale at higher prices. To secure these goals, bin Laden will make stronger attacks in the United States—complemented elsewhere by attacks by al-Qaeda and other Islamist groups allied with or unconnected to it—to try to destroy America’s resolve to maintain the policies that maintain Israel, apostate Muslim rulers, infidel garrisons in the Prophet’s birthplace, and low oil prices for U.S. consumers. Bin Laden is out to drastically alter U.S. and Western policies toward the Islamic world, not necessarily to destroy America, much less its freedoms and liberties. He is a practical warrior, not an apocalyptic terrorist in search of Armageddon. Should U.S. policies not change, the war between America and the Islamists will go on for the foreseeable future (Scheuer 2004: xviii-xix).

From the above quote, we can discern that bin Laden and al-Qaeda attacked the U.S. on September 11 for the following strategic decisions: (1) bin Laden called upon his operatives and other Muslim militants to use terror tactics to wage war against Americans
in order to evict them from the Arab and Muslim world; (2) bin Laden targeted the beacon of American economic superiority, the World Trade Center, because he wanted not only to cause unprecedented destruction and disruption of the American economy, but also to show his followers that America was only but a “paper tiger”; (3) bin Laden hoped that the attacks would force the U.S. to respond drastically either by withdrawing from the Middle East or by stopping to support oppressive Arab regimes, making it possible for bin Laden to overthrow them; (4) bin Laden hoped that the attack of September 11 would force the U.S. to stop supporting the Israelis over the Palestinians or force the U.S. to invade an Arab or Muslim country to validate his assertions that the U.S. bullies Arab and Muslim countries for their oil resources; (5) bin Laden hoped that the invasion would fuel and inflame further hatred and anti-US sentiment among the Arab and Muslim peoples and thus increase his pool of supporters; (6) bin Laden hoped that the invasion of Arab and Muslim countries would bring to fruition his wish for a clash of civilizations between the West and Islam; and (7) bin Laden hoped to alter the West and U.S. foreign policy towards the Arab and Muslim world to make it possible to create Caliphate states (Alexander and Alexander 2002; Bergen 2002; Gunaratna 2002; Scheuer 2004; The 9/11 Commission Report 2004; Strasser and Whitney 2004; Stern 2003; Ruthven 2002; Booth and Dunne 2002; Hershberg and Moore 2002).
CHAPTER FOUR

ISSUES THAT PREOCCUPY SOCIAL SCHOLARS
AND POLITICAL ACTORS

"It is better to debate a question without settling it
than to settle a question without debating it."
--Joseph Joubert [1754-1824]

The problem of terrorism has for decades been examined by social scholars, terrorist
experts, policy analysts, and political actors who often use yesterday’s theories and
explanations to understand actions committed by contemporary terrorist groups. But
since the attacks of September 11, a number of new questions and issues regarding al-
Qaeda have been raised. This chapter considers some of those issues in light of the
theory that I proposed for this study. The issues that preoccupy social scholars and
political actors regarding al-Qaeda and the war on terrorism include the following: First,
are all terrorist groups including al-Qaeda liberators or oppressors? Second, are terrorists
“evildoers” and are states that support them part of an “axis of evil”? Third, are al-
Qaeda’s attacks intended to minimize collateral damage while maximizing fear and
insecurity among the general public? Fourth, are members and followers of al-Qaeda
impoverished, deprived, deranged, and irrational cowards? Fifth, did U.S. foreign policy
contribute to the attacks of September 11? Sixth, would solving the Palestinian-Israeli
conflict reduce Muslim rage and hatred against America and her allies? (Herbst 2003;
Friedman 2002; Rushdie 2002; Laqueur 2004; Jenkins 2001; Gunaratna 2004; Bremer
Chomsky 2003; White 2002; Bodansky 2000; Mamdani 2004).
Liberators or terrorists?

In my theory on terrorism, I pointed out that terrorism is a set of socio-cultural resources and practices which individuals or groups use to promote their desired agendas. These cultural practices include ideologically based rhetoric through which both terrorists and their opponents hide in a semantic camouflage, portraying themselves in positive ways to seek alliance and alignment with supporters, while depicting their opponents in negative and demonic ways to discourage people from aligning with their enemies. In particular, the rhetoric implicit in labels of terrorism has become a focus among scholars and policymakers. One such rhetorical question or issue is whether terrorist groups should be characterized as freedom fighters or oppressors. I must point out, however, that this characterization of groups can be misleading because it is not only a false dichotomy but also a question of perspective. This is because it is possible to be a liberator and an oppressor at the same time, just as it is possible to liberate one person by oppressing another. In this section, I examine the general issue and then consider how the labels are deployed in the ideological struggle between terrorists and state officials.

The General Issue

Over the years, the phrase “one man’s terrorist is another man’s freedom fighter” has been evoked by many individuals or movements throughout the world to justify the use of violence or terrorism to express legitimate grievances and to achieve certain objectives (Hoffman 1999; Taheri 1988; Laqueur 2001; Bender and Leone 1986; Chomsky 2003; Herbst 2003). Numerous scholars and politicians have argued that individuals or groups who participate in political struggle for the purposes of bringing about socio-economic
and political change (i.e., to end internal and external political oppression and colonialism, social alienation and injustices, or economic exploitation and inequalities) for the collective good are freedom fighters (Henderson 2001; Chomsky 2002; Fanon 1967; Sartre 2001; Marighella 1985; Hoffman 1999).

Historically, individuals or groups with legitimate political agendas and grievances have used terrorism to free themselves from colonial rule and to liberate themselves and their countries from external occupation or internal oppression. For example, Hoffman (1999), Henderson (2001), Sartre (2001), and Fanon (1967) pointed out that there have been many examples where national liberation individuals or movements have employed terrorism as an instrument to bring about political change, i.e., to end external or internal colonialism. According to Frantz Fanon (1967:75), “The colonized man liberates himself in and through violence.” In this view, violence is considered as a powerful tool through which those who are oppressed achieve their political independence and thus ensure human dignity. Cases in point include Kenya under Jomo Kenyatta and the Mau Mau uprising, South Africa under Nelson Mandela and the African National Congress, and the Algerian war of liberation (Meredith 2005; Mandela 1994; Kenyatta 1968; Macey 2000).

Violence and terrorism continue to be employed as instruments of change in many parts of the world including Europe with the Irish Republican Army (IRA), the Basque separatist group Euskadi ta Askatasuna (ETA), and the Chechen rebels in the former Soviet Union; in the Middle East with the Palestine Liberation Organization (PLO), Hamas, and Hezbollah; and in Asia with the Kashmiri rebels and the Moro Islamic Liberation Front in the Philippines (Hoffman 1999; Henderson 2001; Herbst 2003). The leaders and members of these movements consider themselves as liberators and not
terrorists. Furthermore, the countries and societies that these political movements represent are regarded as liberators and are generally held in high regard by their citizens. Sinn Fein of the Irish Republican Army and Yasser Arafat of the Palestine Liberation Organization are examples (Hoffman 1999; Henderson 2001).

Although the phrase freedom fighter applied to groups that were involved in post-World War II anti-colonial movements in Africa, Asia, the Middle East, and Latin America, today some individuals known for struggling to free themselves and their societies from oppressive rule regard themselves as liberators and not oppressors (Herbst 2003). For example, addressing the United Nations General Assembly in 1974, Yasser Arafat of the Palestinian Liberation Organization claimed that, “the difference between the revolutionary and the terrorist lies in the reason for which each fights. For whoever stands by a just cause and fights for the freedom and liberation of his land from the invaders, the settler and the colonialist, cannot possibly be called terrorist” (quoted in Hoffman 1999:26).

Furthermore, the term freedom fighter has been applied to groups or societies seeking support from the West, particularly the United States, for political causes. Policy analyst Noam Chomsky (2003) claimed that the United States has a long tradition of supporting brutal regimes struggling against communism. Anthropologist Philip Herbst (2003) noted that the United States and South Africa supported Angolan rebel, Jonas Savimbi, the leader of UNITA, in a twenty-seven year war with the communist government of Angola. Before his death in 2002, Savimbi was praised and hailed as a freedom fighter by United States President Ronald Reagan. Similarly, President Reagan praised the “Afghani Arabs” who participated in the war against the Soviets as freedom fighters...
President Reagan stated that, "The freedom fighters of Afghanistan would tell us as well that the threat of aggression has not receded from the world" (Herbst 2003:70).

With United States support of the war with the Soviets in the 1980s, Afghanistan became a rallying point for Muslim and Arab extremist freedom fighters including Osama bin Laden who traveled to Afghanistan to fight the communist "infidels", the Soviet Union. But after the defeat and surrender of the Soviets, al-Qaeda decided to wage jihad against other enemies including the capitalist "infidels", the United States (Cooley 2000; Mamdani 2004). Today, with the on-going war on terrorism, the United States and its allies no longer view bin Laden and al-Qaeda as liberators, but as terrorists.

Some scholars tend to deny the label "freedom fighters" to those who use method of terror. According to historian and specialist in terrorism, Walter Laqueur (1977), not all those who are engaged in anti-imperialist struggles or the wars of liberation can be considered freedom fighters. He pointed out that individuals or groups who approve or use indiscriminate terrorism against non-combatant civilians, women, and children can no longer be seen as liberators but rather as terrorists. Michael Walzer (2002) also noted that those who kill defenseless civilians in dancing halls, resorts and hotels, shopping malls, buses and trains systems, or other public places and then call themselves liberators only fool the fooled. Other scholars also argue that the bombing of government buildings in Oklahoma City in 1995, the attacks of the U.S. embassies in East Africa in 1998, the attack on the U.S.S. Cole in Yemen in 2000, the attacks on the World Trade Center and the Pentagon in 2001, and the many other terrorist acts that al-Qaeda has been implicated in cannot be considered or depicted as liberating acts nor could they be interpreted as precursors to uprisings that would collectively liberate the masses (Henderson 2001;
Friedman 2002; Herbst 2003; Booth and Dunne 2002; Talbott and Chanda 2001; Hoge and Rose 2001). Laqueur (2001) noted that the argument one man’s terrorist is another man’s liberator no longer applies to some terrorist individuals including bin Laden and his al-Qaeda protégés.

Salman Rushdie (2002) similarly argued that those who attacked America on September 11 using illegitimate means to pursue legitimate causes cannot be considered freedom fighters, because their main objective was not political or social change but total annihilation of their enemies. U.S. General Wesley Clark also argued that while the traditional anarchists and terrorists from previous centuries pursued legitimate political agendas, contemporary Islamic terrorists, including al-Qaeda, are not motivated by legitimate grievances, but only by hatred and revenge against the West and America (Atran 2004). Rushdie (2002) added that al-Qaeda terrorists wrap themselves in the world of grievances that are shared by the masses to hide their essential narcissism. Rushdie (2002:338) concluded that the September 11 plotters and attackers were not interested in advancing social and political change because “Whatever the killers were trying to achieve, it seems improbable that building a better world was part of it.” Berger and Stuphen (2001) also claimed that al-Qaeda militants are not interested in social justice and equality. They stated, “Nor is bin Laden’s cause social equity; he is not some distorted reflection of the ‘anti-globalization’ movement, although despair, inequity, and corruption provide him camouflage” (p. 124).

Whether or not some individuals or groups are considered liberators or terrorists depends on a variety of factors: the context in which these phrases are evoked; the observer or witness’ point of view; the type of violence condoned in a particular time
period; and the historical fluctuation of the use and meaning of these terms (Laqueur 2004; Riches 1986; Apter 1997). Hoffman (1999:31) also noted that the general consensus among scholars is that terrorism and terrorists are pejorative words that contain “negative connotations that generally applied to one’s enemies or opponents, or those with whom one disagrees and would otherwise prefer to ignore.” Jenkins (1980:10) added that what is referred to as terrorism usually “depends on one’s point of view. Use of the term implies a moral judgment; and if one party can successfully attach the label terrorist to its opponent, then it has indirectly persuaded others to adopt its moral viewpoint.”

Hoffman (1999:31) maintained that the decision to label some individuals or groups as “terrorists” is a subjective endeavor because it is dependent upon the observer’s perspective, i.e., whether the observer sympathizes with or opposes the individuals, groups, or causes concerned. For example, if one identifies with the victim(s) of violence, the act is usually labeled terrorism, but if one identifies with the perpetrator(s), the violent act is often regarded with sympathy or seen not to constitute terrorism. Laqueur (2004:1-2) claimed that what may be true for terrorist groups in one country at a certain time and space may not necessarily be true with regard to terrorists in other countries, periods, or continents.

Benzion Netanyahu (1986) argued that terrorists usually have ulterior motives besides those that deal with liberation and freedom. He maintained that terrorists cannot be reasoned with and won over through peaceful negotiations and agreements. He noted that failure to make clear distinctions of what constitutes terrorists and liberators may make tackling or fighting terrorist threats difficult. Netanyahu (1986:25) concluded that:
...we must bear in mind that we are dealing with a crafty, potent enemy who operates not only with physical but also with psychological weapons, with persuasive arguments and captivating slogans. Thus, to delude the people of the free world, the terrorist appears to be the bearer of their ideals, as the champion of the oppressed, as the critic of social ills, and, more specifically, as a fighter of freedom. The last claim, especially, is a sure catch which springs the trap for the credulous. Since freedom fighters have also used violence in their struggles, and since freedom is so dear to free men, many in the democracies are almost automatically filled with sympathy for the terrorists and their causes.

However, according to the reasoning put forth by Laqueur, Hoffman, and Jenkins, we can conclude that today’s terrorists may be tomorrow’s liberators or even statesmen. In other words, it is not uncommon today to call some individuals or groups terrorists and perhaps tomorrow praise them as liberators. Apparently, both terrorists and state officials use the phrases as useful tools to demonize the actions of their enemies to acquire alliances. In other words, both sides use the terms for rhetorical purposes to express their points of view. Furthermore, even some scholars and policymakers may argue that the distinction between terrorists and liberators is usually blurred, we are reminded of U.S. Supreme Court Justice Stewart Potter who when asked to define pornography responded by saying, “I know it when I see it.” The same can be said of terrorists and liberators: We all think we know them when we see them.

The Issue of Rhetoric Applied to Al-Qaeda

For many people in the western industrialized countries and some in Arab and Muslim societies, the attacks of September 11 and other attacks that bin Laden and al-Qaeda plotted and executed may not be considered as liberating acts nor could the macabre killing of defenseless civilians be described as actions of freedom fighters (Herbst 2003; Friedman 2002). According to op-ed columnist, John Burns (2002), Osama bin Laden’s
brand of Islam and the concept of jihad continue to receive criticism even from Islamic scholars who argue that the killing of thousands of non-combatant civilians as occurred on September 11 was a heinous crime in Islam. Moreover, those who find justifications in the Koran to approve mass murder in the cause of Islam are perverting the meaning of jihad. Critics not only think that bin Laden is an adventurer with a flawed conception and interpretation of Islam, but also rebuke those in the Arab and Muslim worlds who compare bin Laden to Saladin (Herbst 2003; Tariq 2002; Ruthven 2002).

However, in some Arab and Muslim countries such as Palestine and Pakistan, millions of people see bin Laden and his followers as freedom fighters because of their dedication and bravery in waging war against the imperialists and Crusaders to defend of Islam and protect oppressed Muslims (Scheuer 2004:104-105; Gunaratna 2004; Bergen 2002; Stern 2003; Benjamin and Simon 2003). Other scholars point out that in many Arab and Muslim worlds, bin Laden is widely revered as a military commander and religious fighter in the war against the enemies of Islam. Others support him because he alone and his al-Qaeda militant Islamists dared to wage jihad against America and change the course of history. Bin Laden is also revered because he wages war against the Middle East regimes that he considers oppressive and corrupt (Bodansky 2002; Tariq 2002; Ruthven 2002; Scheuer 2004; Herbst 2003).

In sum, the concepts of terrorism and terrorist are that, they are difficult to define and they defy simple and precise definition because they mean different things to different people. These concepts are tools in the rhetorical struggle between terrorists and counter-terrorists. Their usage depends upon ones’ position in this struggle. Joseph Sobran cautioned that, “We must beware of defining terrorism ideologically. Whether one is a
terrorist has little to do with what side one is fighting on, only with the methods used. In fact, it’s perfectly possible to be a terrorist and a freedom fighter at the same time—for the simple reason that it is possible to use bad methods for good purposes” (Quoted in Kemp 1986:135).

“Evildoers” and the “axis of evil”?

My theory indicates that individuals or groups who perceive themselves as either powerless, oppressed, and marginalized may employ extreme means of violence to create a sense of being powerful by attacking much more powerful adversaries. It also creates an image to observers that the powerful are not immune from terrorist attack. Terrorists’ spectacular attacks may be designed to create and exploit fear by killing, intimidating, and frightening the masses in order to influence government policies. It is important to point out that “evil” is not a term that is often used by social scholars because the word is emotionally freighted. The term is loaded, subjective, and misleading. However, the word “evil” is usually employed by various writers, policy analysts, political leaders, and media personalities to label enemies, downplay and disparage the causes of their enemies, legitimize and justify attacks against their enemies, and to delegitimize terrorist actions and enterprises. In my theory, rhetoric is an important element in responses to terrorist acts. In particular, rhetoric is a prominent feature in the debate about terrorism and that debate is one of the social responses to it.

Herbst (2003:58) pointed out that, the term “evil” has its uses both within terrorist groups and among those who oppose them. On both sides, the evil found in others’ actions releases those who fight it from responsibility for the violence of their own
actions.” He maintained that suffering and death of those portrayed as “evildoers” or “monsters” exonerate political leaders and government authorities fighting “evil” from being sympathetic to the enemy. He concluded that portraying the enemy as “evil” distracts the parties concerned from examining the factors behind the actions of “evil” (pp.30-32).

For example, Islamic militants, including those in al-Qaeda, view the United States as the “Great Satan” whose destructive forces threaten Islam. Terrorist jihadists may view themselves as reluctant warriors who are forced to wage war against “the infidels” and the “evil” forces of imperialism, exploitation, and oppression (Herbst 2003:92-93). Similarly, the rhetoric of evil was mentioned numerous times after the destruction of the World Trade Center and Pentagon on September 11 when President George W. Bush labeled those who attacked the United States as “evildoers” and vowed to fight and rid the world of the “evildoers” (Hocking 2004; Herbst 2003; Stern 2003).

Terrorism is an emotional subject loaded with stereotypes and moral judgments. Scholars, political actors, and observers often label terrorists either as monsters or evildoers. Legal expert, Jenny Hocking (2004:2), noted that beyond the horror that terrorism causes, its meaning still remains subjective as the language and rhetoric of terrorism has become commonplace and its usage has been reduced to a simplistic cartoon-like dichotomy of good versus bad and noble versus evil. She stated that the concept of terrorism “is ambiguous, its meaning is culturally and politically determined and changes over time, allowing one-time ‘terrorists’ such as Nelson Mandela, Xanana Gusmao, and Menachem Begin, to shift into positions of legitimate power” (p. 2).

Today, it is fashionable for American officials to refer to al-Qaeda as “evil persons”
and countries that sponsor terrorism as "rogue states." For example, in the aftermath of the September 11 attacks, the President referred to bin Laden and al-Qaeda operatives as "evildoers". Shortly thereafter in his State of the Union speech, the President labeled states that sponsor terrorism, Iran, North Korea, and pre-war Iraq as the "axis of evil" (quoted in Reynolds 2001:95). The President's phrase was repeated by many other officials and analysts at public speeches and political discourses throughout the United States (Herbst 2003; Woodward 2004:86-87).

Some scholars and policymakers such as Rushdie (2002), Friedman (2002), Hoge and Rose (2001), Talbott and Chanda (2001) and the authors of The 9/11 Commission Report (2004) noted that the actions of those who attacked America were incomprehensible and "evil" because there were no justifiable reasons why nineteen young men of Muslim descent hijacked four American commercial aircraft, crashing them into buildings and killing thousands of civilians from more than sixty-two countries around the world including Arab and Muslim states. According to these writers, the actions of September 11 were those of weak and evil-minded individuals.

Anthropologist Edmund Leach (1977) and Chomsky (1988) claimed that when policy practitioners and public officials label terrorists as barbaric and weak, they fail to acknowledge that actions of weak groups may have the same destructive and disruptive outcomes as those of powerful entities. Chomsky (2003:189) pointed out that, "It is this common practice that allows for the conventional thesis that terror is a weapon of the weak. That is true, by definition, if terror is restricted to their terrorism. If the doctrinal requirement is lifted, however, we find that, like most weapons, terror is primarily a weapon of the powerful." Leach (1977:26) also noted that when terrorist groups use the
techniques of guerilla warfare of surprise attack and hit-and-run operations, they are viewed as evil, barbaric, and weak, but when a state’s military apparatus uses similar tactics, their actions are regarded as skillful, ingenious, and noble.

The use of such phrases as “evildoers” and the “axis of evil” in reference to bin Laden and Saddam Hussein had other significant political implications. They were used to rally national and international support, cooperation, and collaboration in the fight against international terrorism and the invasions of Afghanistan and Iraq. By demonizing terrorists as “evil-doers”, President Bush and Prime Minister Tony Blair of Great Britain made their case in the world court of opinion (Hershberg and Moore 2002; Booth and Dunne 2002; Herbst 2003; Chomsky 2003).

There was heated debate whether the U.S. president and other world leaders were justified in using the “evildoers” and “axis-of-evil” phrases in their speeches to make a case for military intervention. But scholars, analysts, and policymakers including Talbott and Chanda (2001), Friedman (2002), Clarke (2004), Woodward (2004), Stern (2003) and the authors of The 9/11 Commission Report (2004) claimed that no matter how compelling the perpetrators’ grievances were, the act of killing thousands of civilians during the attacks of September 11 was unjustifiable and thus should be viewed as evil.

Are the choreographed attacks of al-Qaeda intended to minimize collateral damage while maximizing fear and insecurity?

In my theory on terrorism, I indicated that violence is a technique that individuals or groups employ to promote their causes. The question that some scholars have tried to examine is whether or not terrorists’ actions are intended to minimize death and
maximize fear or whether they do not care as their only goal is to cause mayhem (Jenkins 1985; Hoffman 1999). According to scholars such as Taheri (1987) and Wilkinson (1977), from the 1960s through the 1980s, the underlying intentions of terrorist groups influenced the level of violence the group would allow. If the purpose of terrorists was to seek publicity and maximize media coverage to appeal to a wider audience in order to promote their agenda, the level of violence used towards that objective was likely to be controlled. This was because the use of extreme violence could result in bad publicity, which would alienate the supporters and sympathizers that the terrorists were targeting. In this case, mass murder was the last act that terrorists were likely to commit (Stern 1999). Jenkins concluded that because “terrorism is a theater” which is manufactured to attract the media and its wide audience, “terrorists want a lot of people watching, not a lot of people dead (quoted in Stern 1999:76).

Conversely, if terrorists are motivated by hatred and revenge, the level of violence they are willing to commit is much higher since their intention is to kill as many people as possible. At the same time, they still gain the advantage of forcing millions or perhaps billions of people around the globe to watch and listen (Bergen 2001). The authors of The 9/11 Commission Report (2004) claimed that bin Laden’s and al-Qaeda’s main purpose was to kill as many people as possible because in several of his fatwas ‘religious decrees’, bin Laden called for the killing of Americans and their allies anywhere in the world where it may be possible to do so. Therefore, hatred and revenge were not only the driving reasons for the al-Qaeda attacks on September 11, but also maximizing fear and confusion and disruption of the economy were motivating factors. For these reasons, one can argue that al-Qaeda militants wanted a lot of people dead and billions of people
watching, listening, and reading about their activities in the media and communications outlets such as television, radio, print, and the Internet.

Assertions that terrorists attempt to control violence or employ it only when it is particularly necessary to attract media coverage to promote their cause can be misleading, because today’s terrorists sometimes no longer seek publicity for fear of being targeted by state forces (Henderson 2001; Laqueur 2004; Herbst 2003). Such reasoning was applicable to traditional terrorist movements such as the Palestine Liberation Organization (PLO) and the Irish Republican Army (IRA) who were selective about their targets and attempted to control the use of extreme violence to reduce killing of innocent bystanders and civilians to ensure that they did not alienate their supporters. But according to Ruthven (2002), Friedman (2002), Gunaratna (2004), Armstrong (2000), and Juergensmeyer (2002), modern Islamic terrorists including bin Laden and his al-Qaeda militants thrive on killing thousands with millions and perhaps billions of people watching and listening via media outlets. This is why al-Qaeda usually targets civilians at government buildings, embassies, airlines, train and bus systems, hotels and resorts, residential and business complexes, and other “soft targets” where civilians congregate.

In summary, al-Qaeda’s deliberate methods of attack against America and its allies are intended to kill as many people as possible and to magnify fear, insecurity, and anxiety in the general public. Furthermore, al-Qaeda’s choreographed acts are intended to send a frightening message to world leaders and their citizens that al-Qaeda is capable of attacking its enemies anywhere on the globe and no one including Americans can claim immunity. The question that social scholars and political actors wrestle with is whether al-Qaeda’s leaders and followers resort to terrorism because they are impoverished,
deprived, deranged, and cowardly.

Are al-Qaeda leaders and members impoverished, deprived, and deranged cowards?

In my theory, I pointed out that terrorism can be a response to the legacies of colonialism and neo-colonialism. Among these legacies are poverty, deprivation, exploitation, and socio-economic inequality and injustice. Some theorists contend that individuals who generally join terrorist groups and participate in suicide-terrorism usually come from poor, deprived, and dysfunctional backgrounds (Post et al. 2002; Bender and Leone 1986; Henderson 2001; Wieviroka 1993; Hoge and Rose 2001). In other words, academicians think post-colonial resentments and globalization drive groups to terrorism. In this section, I examine this proposition and discuss the implications of my findings for my theory.

The issue of deprivation and derangement are usually considered in tandem when debating the motivations for resentment, hatred, and terrorism. Some people assume that those who are deprived and poor are also most likely to be deranged and violent (Herbst 2003; Silke 2004). This assertion is somewhat misleading because to be poor and deprived does not necessarily lead to derangement and terrorism. These are different issues and problems.

Anthropologist Scott Atran (2004:73) observed that depicting some groups as poor and violent injects a sense of hopelessness in any attempt to address the so-called “root causes” of violence or terrorism. Some groups will always be desperate and deranged enough to conduct and execute suicide-terrorism. As reasonable and logical the assertion
that poverty breeds frustration and frustration breeds terrorism may sound, studies show that terrorist leaders and suicide terrorists and their supporters are not usually poor or deprived (Atran 2004:75).

Furthermore, the evidence acquired from those al-Qaeda members who have been arrested and interviewed in U.S. prisons, including those at the Guantanamo detention center, show that terrorists are neither deranged nor irrational cowards. To the contrary, most terrorists, including those who attacked the U.S. on September 11, were from stable families and were generally well-educated and rational (Mandelbaum 2001; Zakaria 2004; Silke 2004; Bodansky 2000; Hanson 2002; Gunaratna 2002; Bergen 2002; Hershberg and Moore 2002).

When social scholars and political actors apply reasoning of deprivation to terrorism, they argue that if poverty, hopelessness, and other factors that generate despair were to be solved, terrorism will cease to exist. Following this logic, U.S. President George W. Bush, while addressing a United Nations conference on poor countries in Monterrey, Mexico, said that "...[w]e fight against poverty because hope is an answer to terror" (Quoted in Atran 2004:75).

The assertion that poverty, deprivation, despair, and hopelessness forced individuals and groups to employ terrorism to express their grievances lost its applicability simply because al-Qaeda members, including the perpetrators of the September 11 attacks, did not come from impoverished, deprived, and desperate backgrounds nor did they come from deranged and dysfunctional families. They were, according to Hershberg and Moore (2002:4), "the sons of relative privilege, well educated and widely traveled."

Cases in point are provided by al-Qaeda’s senior leaders, Osama bin Laden and
Ayman al-Zawahari, and the September 11 hijacker, Mohammed Atta. Bin Laden was born into a family worth billions of dollars, one of the wealthiest families in Saudi Arabia and the Middle East. He was highly educated and skilled in the world of business (Gunaratna 2002; Zakaria 2003; D'Souza 2002; The 9/11 Commission Report 2004; Mandelbaum 2001). Al-Zawahiri comes from a long line of highly prominent families in Egyptian society. His grandfather was the Chief Imam of Al Zhar, the most important center of mainstream Islam in the Arab and Muslim world. His uncle was the first Secretary General of the Arab League. His father was a distinguished professor at Cairo University. Al-Zawahiri junior himself was a prominent surgeon in Cairo and is currently believed to be the personal physician to Osama bin Laden (Zakaria 2003:136).

Mohammed Atta, the ringleader of September 11 and the pilot of the first plane to hit the World Trade Center, came from a modern and moderate Egyptian family. His father was one of the most powerful lawyers in Cairo. He had two sisters with doctoral degrees, one a professor of zoology and the other a medical doctor (Cloud 2001; Zakaria 2004). Atta himself graduated from Cairo University with a degree in architectural engineering. He also enrolled at the Technical University of Hamburg, Germany, and graduated with a master’s degree in urban planning. Most of his accomplices in the hijacking were also well educated. Furthermore, within al-Qaeda, even lower-level recruits are mostly from the middle class and have college degrees (Gunaratna 2002; Bergen 2002; The 9/11 Commission Report 2004; Miniter 2003; Stern 1999).

Atran (2004) further argued that evidence from some al-Qaeda operatives who have been arrested and interrogated by American intelligence and law enforcement agencies at Guantanamo Bay, Cuba, and other U.S. prisons indicated that those who are Saudi
Arabian citizens, particularly those in leadership positions, are not only well educated with bachelor's or master's degrees, but also come from highly privileged families. Atran also noted that evidence from Jemaah Islamiyya (JI), an Islamic fundamentalist group in Singapore and Indonesia with links to bin Laden and al-Qaeda, shows that most of the members are not uneducated, impoverished, destitute, or disenfranchised, but hold normal and respectable jobs just as many of their counterparts in other militant Islamic groups (pp. 75-76).

Atran concluded that with the exception of being mostly young and unmarried, Islamic militants and suicide-terrorists are fundamentally different from members of violent racist organizations such as the white supremacists in the United States because suicide-terrorists do not exhibit socially dysfunctional attributes such as being fatherless, friendless, jobless, mindless, and suicidal (p.76).

Furthermore, the assertion that terrorists sacrifice their own lives because of socioeconomic factors such as poverty, hopelessness, despair, and alienation can be misleading because such assertions fail all sorts of common-sense tests. Zakaria (2004:136) claimed that, “the Al Qaeda terrorist network is not made up of the poor and dispossessed” nor does despair and hopelessness (i.e., not having something to live for) drive extremists and al-Qaeda operatives to attack rich and affluent westerners and Americans.

Bergen (2002:224-227) argued that if the assertions were correct that the attacks of September 11 were a direct result of socioeconomic inequalities that exist between western developed countries and non-western developing nations including some in the Middle East, then the perpetrators and the hijackers should have come from the most economically marginalized and poor countries in the Arab and Muslim regions such as
Afghanistan or those in sub-Saharan Africa rather than from Egyptian and Saudi middle-class backgrounds.

If human suffering, poverty, hopelessness, despair, marginalization, and other intolerable conditions were the “root causes” of violence and terrorism, then terrorist recruits should be coming from some of the most impoverished areas such as are found in sub-Saharan Africa, Southeast Asia, and Latin America and not from the Middle East, North Africa, Europe, or North America which are rich in natural resources and oil and are economically and technologically prosperous (Bergen 2002; Atran 2004; Zakaria 2004; D’Souza 2002; Bremer 1988; Booth and Dunne 2002).

In sum, the general assumed view that suicide-terrorists are poorly educated, come from deprived socioeconomic backgrounds, and are brainwashed by terrorist leaders are all unsupportable on the evidence. This explanation may have applied to traditional terrorists of the 1970s and 1980s, but modern terrorist groups including those in al-Qaeda hardly fit this profile. Mandelbaum (2001:264) claimed that,

Since Osama bin Laden comes from one of the wealthiest families in the world, and Mohammed Atta, the alleged mastermind of the airplane hijackings, was the son of an Egyptian lawyer, the attacks of September 11 cannot have been the result exclusively of anger induced by material deprivation. And even if widespread poverty in the Middle East did help to create the terrorist networks that have targeted the West, the United States is not going to eradicate it.

The claim that poverty and deprivation lead to violence seems to lose some of its credibility is because most leaders and members within al-Qaeda come from the prosperous and educated classes. In other words, al-Qaeda sons are sons of relative privilege and education, yet are willing to die for their faith and ideology. Leo (2001:47) observed that terrorism is not necessarily about post-colonial resentments.

Colonialism is two or three generations past. The rich nations have spent so
heavily on the underdeveloped world that who-did-what-to-whom many decades ago cannot explain what is happening. No, this is a global cultural war, pitting a pan-Islamic movement of fundamentalist extremists against the modern world and its primary cultural engine, America, 'the Great Satan.' But that does not mean we are in a battle against Islam. The vast majority of Muslims want no part of terrorism, and many Muslim states are as nervous about extremism as we are. The problem is a religious subculture that cannot cope with openness, change, rules, democracy, secularism, and tolerance—and that wishes to destroy those who can.

Although Mandelbaum, Berger and Stuphen, and Leo seemed not to subscribe to the assertions that poverty, deprivation, and post-colonial resentments were the direct causes for terrorism and the attacks of September 11 per se, they acknowledged the claims brought forth by many scholars that the legacies of colonialism may be indirectly related to terrorism. This is because groups of people who generally believe that the legacies of colonialism contribute to their oppression and suffering may employ violence to bring about social change. In the same vein, individuals who claim to be the champions of the oppressed may resort to terrorist acts to change the status quo. In this case, my findings that terrorism can be a stepchild of protracted conflicts of oppression, deprivation, underdevelopment, and injustices support my theory.

Did U.S. foreign policy contribute to the attacks of September 11, 2001?

My theory pointed out that one of the reasons why the United States is unpopular, hated, targeted, and attacked by terrorists is generally because of its foreign policies. Critics of U.S. foreign policy cite its profitable projects of globalization; its blind support of Israel over the Palestinian cause; its support of tyrants and unpopular regimes in the Middle East, especially Egypt and Saudi Arabia; the continued presence of U.S. troops in Saudi Arabia; and its current preemptive invasion and war in the Muslim states of
Afghanistan and Iraq (Chomsky 2003; Mamdani 2004; Rubio 2002; Booth and Dunne 2003; Scheuer 2004; Mahajan 2002; Hershberg and Moore 2003; Smith 2002). In other words, U.S. foreign policies provoke widespread hatred and hostilities in the Arab and Muslim countries.

Herbst (2003) and Smith (2002) pointed out that immediately after the attacks of September 11, there were fundamental differences of opinion as to why bin Laden and al-Qaeda attacked the United States. Some people within the United States and many from around the world blamed American foreign policy as the contributing factor for the attacks. Scholars who “blamed America first” for the attacks were Chomsky (2003), Scheuer (2004), and Mamdani (2004) and Mahajan (2002). They pointed to the U.S. intentions for hegemony in the Middle East; its disregard of Muslim grievances; its economic sanctions against Iraq; its blind support for Israel’s repressive policies against Palestinians; and its support of some of the most unpopular, oppressive, repressive, and corrupt regimes in the Middle East, such as Saudi Arabia and Egypt, to ensure profits for American companies. In their view, the combination of these factors provokes Arab and Muslim rage and al-Qaeda’s attacks against U.S. interests at home and abroad.

Another critic of American foreign policy, novelist Susan Sontag, stated that the September 11 attack was a “dose of reality” for the United States. In her view, the attack was provoked by the U.S. direct and indirect engagement in “acts of terrorism” such as the military bombings i.e., no fly zone incidents of Iraq prior to September 11 (cited in Herbst 2003:27). Sontag’s criticisms were directed at the U.S. government. Religious leaders who supported the “war on terrorism” and the invasions of Afghanistan and Iraq directed their criticisms towards secular Americans and their lifestyles. For example,
Reverend Jerry Falwell, speaking as a guest on Pat Robertson’s television show, “The 700 Club”, stated:

I really believe that the pagans and the abortionists and the feminists and the gays and the lesbians who are actively trying to make that an alternative lifestyle, the ACLU, People for the American Way—all of them who’ve tried to secularize America, I point the finger in their face and say ‘You helped this happen’....God will not be mocked (quoted in Herbst 2003:27).

For months after the attacks of September 11, those people who blamed the United States and questioned the President’s policies and counterterrorism strategies were considered disloyal, unpatriotic, and apologists for terrorism.

Rushdie (2002) pointed out that blaming America foreign policies and its citizens’ lifestyles for the attack of September 11 was fundamentally flawed because as much as U.S. policies and practices inflames anti-American sentiments in the Arab and Muslim countries and around the world, the killing of three thousands civilians could not be justified. Friedman (2002) claimed that as the nation was mourning the loss of lives and the destruction of the World Trade Center, those who blamed the U.S. foreign policies and suggested that “America had it coming” and deserved to be attacked were wrong and unpatriotic.

Herbst (2003), however, argued that most critics who were labeled unpatriotic for “blaming America first” were just as shocked and outraged by the attacks as the others. Furthermore, those who criticized government policies and actions may not necessarily be hateful towards America and Americans or support the macabre actions of al-Qaeda terrorists, but rather were practicing the traditions and values that make America great, exercising the freedom of expression and dissent (see also Koh 2001; Hershberg and Moore 2002; Booth and Dunne 2002). To conclude, because American foreign policy
continues to inflame Arab and Muslim sensibilities, those who blame the U.S. policies and practices for the attacks are not only accused for being disloyal, unpatriotic but also hostile to the United States interests. The September 11 attacks have the effect of strengthening the hand and resolve of those who make policies including those designed to confront terrorism.

Would solving the Palestinian-Israeli conflict end Muslim hatred against the U.S.? My theory pointed out that the legacy of imperialism, oppression, and especially the current conflict between the Arabs and Israelis could be traced to the historical hatred and practices that incite the Palestinians and Israelis to resort to violence. Finding a solution to the Israeli-Palestinian problem that will allow two peoples to exist side-by-side as neighbors and sovereign states will be critical in mitigating Arab and Muslim rage and end the cycle of hatred and violence against the Israelis and Americans and vice versa. For example, Richard A. Clarke (2004:224) stated that, “If we could achieve a Middle East peace much of the popular support for al-Qaeda and much of the hatred for America would evaporate.”

Charles Hill (2001:92) observed that, “Those who think that the U.S. can defuse Islamic fundamentalist rage and end the terrorism by imposing a peaceful agreement are out of touch with the cruel reality of the Middle East. To press now for such a peace is to invite further terror.” In other words, he argued that pressing for peace process without solving the underlying causes of animosity and conflict between the Palestinians and the Israelis is to contribute for more hatred and confrontation. Hill concluded that only after Islamic terrorism is eradicated can an Israeli-Palestinian peace agreement be achieved and only after the American war on terrorism is won can peace in the Middle East
become possible. Berger and Sutphen (2001:124) also stated that:

Unquestionably, the cycle of violence in the Middle East over the past year, which from the Arab perspective is driven by Israel’s occupation and its American-supplied power (without regard to Palestinian provocation), has provided resonance for bin Laden in the region. Moreover, American is a magnet for a range of frustrations—some driven from our power and some from our policies. But it is important to lay flatly to rest the notion that September 11 somehow is payback for America support for Israel or failure for American Middle East policy.”

The argument has been made in many other intractable conflicts around the globe, including those motivated by religious fundamentalists. Bergen (2002), Ruthven (2002), Scheuer (2004) asserted that political actors and public officials who think that capturing bin Laden “dead or alive” (to borrow President Bush’s phrase) will end terrorism fail to take into consideration that if bin Laden is killed, he will be regarded a martyr by many in Arab and Muslim countries and if he is captured alive, he will be viewed as a religious fighter for the service of Islam and Allah. They claimed that if bin Laden is captured or killed, there are many bin Ladens in the Arab and Muslim world who would be willing to take his position.

According to Michael Ignatieff (2003), solving the Israeli-Palestinian confrontation is critical to eradicating decades of animosities between the Jews and Arabs. He noted that the United States must ensure that peace prevails between the two competing entities. He also argued that to enforce peace, the U.S. must ensure that the Palestinians have a state of their own and are assisted in rebuilding their shattered infrastructure and economy to ensure growth and development. Ignatieff concluded that to leave “the Palestinians to face Israeli tanks and helicopter gunships is a virtual guarantee of unending Islamic wrath against the United States (quoted in Chomsky 2003:212).

Chomsky (2003:212) also observed that by supplying Israelis with U.S.-made
gunships, tanks, military equipment, and the financial largesse to maintain them infuriates the Palestinians and Arabs who harbor hatred against Americans and Israelis. Chomsky maintained that public officials interested in controlling terrorism must heed the advice offered by some top Israeli military intelligence and security personnel, including the assertions made by Israeli counter-terrorist experts, Ami Ayalon, who claimed that "‘those who want victory’ against terror without addressing underlying grievances ‘want an unending war’—much as President Bush proclaimed" (quoted Chomsky 2003:213). Similar remarks were made by former head of Israeli military intelligence, Uri Sagie who pointed out that the Israelis will not be safe with their neighbors nor get anywhere as long as they adopt the slogan: “We will teach you what is good for you [by our superior force]. We must see things from the perspective of the other side….Those who hope for mutual survival with the Arabs must accept a minimum of respect for Arab society” (quoted in Chomsky 2003:213).

To conclude, without a viable Palestinian state that will ensure its peoples’ right to self-rule, the Israeli-Palestinian conflict will continue. This is because as long as the Palestinians believe that they are politically oppressed and their aspirations for a free state are unrealized, the historical conflicts and violence directed toward the United States and its ally Israel is unlikely to recede. Additionally, as long as there is a lack of a solution to the Palestinian–Israeli confrontation, Arab and Muslim militants and terrorists, including bin Laden and al-Qaeda, will continue to capitalize on the Palestinian plight as leverage to justify their hatred and violence against the United States and Israel.

But as Berger and Stuphen (2001:124) cautioned, “…one must separate bin Laden’s agenda from the distinct but relevant identification of the sources of sympathy for him...
and resentment in the Arab and Muslim worlds. Indeed, bin Laden had been no champion of the Palestinian cause, although conflict in the Middle East has allowed him to more easily coalesce a wide range of terrorist groups under the Al Qaeda umbrella.” In other words, although the Palestinian-Israeli problem provokes the sensibilities of the Arab and Muslim worlds including bin Laden and al-Qaeda, their claims that they wage jihad against America and Israel primarily because of the Palestinian plight is camouflaged in political propaganda and rhetoric. The true objectives of terrorist groups including those within al-Qaeda “…are often stated in veiled terms or implication, and sometimes they are not stated at all” (Laqueur 2004:2).
CHAPTER FIVE

GOVERNMENT RESPONSES TO TERRORIST ATTACKS:
THE CASES OF THE UNITED STATES AND KENYA

To the loved ones of the victims of 9-11, to them who are here in this room, to those who are watching on television, your government failed you....Those entrusted with protecting you failed you. And I failed you. We tried hard, but that doesn't matter because we failed. And for that failure, I would ask, once all the facts are out, for your understanding and for your forgiveness.

--Richard A. Clarke, former Counter-terrorism Czar, 2004

In my theory on terrorism, I pointed out that terrorist catastrophic events provoke government officials to use rhetoric or public relations statements to galvanize public support for political, legislative, and military responses. The theory of terrorism includes considerations of the reactions and responses to terrorist attacks by officials, societies, and victims. For example, government may respond by imposing excessive counter measures and new legislation that can infringe upon citizens’ freedoms as demonstrated by the U.S. Patriot Act. This chapter focuses on the governmental responses to the attacks against the World Trade Center and the Pentagon on September 11, 2001, and the bombings of the U.S. embassies in Kenya and Tanzania on August 7, 1998. The chapter begins with a discussion on the U.S. response to the attacks and the creation of the Homeland Security Department. The discussion ranges over diplomatic, economic, legal, political, military, and socio-cultural responses. Finally, I examine the U.S. Patriot Act and its implications. I then examine the Kenyan responses to the bomb attacks in Nairobi and Mombasa. I also discuss U.S.-Kenya relations (patron-client tensions) regarding the war on terror. Finally, I discuss the African reactions, concerns, and worries regarding the September 11 attacks and the war on terrorism.
America's Response to the Attacks of September 11, 2001

According to Alexander and Alexander (2002), the attacks of September 11 had a profound impact on the United States. Since that date, the U.S. government has proposed and passed several counter-terrorism measures to fight global terrorism and deny terrorist organizations the capability to recruit, train, and execute terrorist operations. The goal is to make the world peaceful and safe for democracy (Alexander and Alexander 2002).

Immediately after the September 11 attacks, President Bush delivered a speech to Congress in which he condemned the attacks against the World Trade Center and the Pentagon. At the same time, he gave the Taliban regime of Afghanistan and its leaders an ultimatum: to hand over Osama bin Laden and his al-Qaeda operatives; to close down all terrorist training camps; to allow the U.S. forces access to all existing terrorist locations to ensure that they were no longer in operation; and to release all “unjustly imprisoned” foreign nationals, including several Americans, or face military retaliation and invasion (Alexander and Alexander 2002; Alexander and Prior 2001; Strasser and Whitney 2004).

In many of his speeches, President Bush also indicated that the United States will consider any country that provides safe haven or support to terrorists as hostile to the peoples and interests of the United States. He also announced the creation of the Department of Homeland Security headed by former Governor Tom Ridge to coordinate the efforts of governmental agencies at the federal, state, and local levels to prevent terrorism (Alexander and Alexander 2002; Nye Jr. 2001; The 9/11 Commission Report 2004; Flynn 2001; Clarke 2004).

Security actions instituted after September 11 included the creation of the Department
The Department of Homeland Security

On October 8, 2001, President Bush created the Department of Homeland Security and appointed a former Governor of Pennsylvania, Tom Ridge, to head the newly created cabinet-level post. Alexander and Alexander (2002:169) pointed out that the Department of Homeland Security's mission was and still is "to develop and coordinate the implementation of a comprehensive national strategy to secure America from terrorist threats and attacks." Homeland Security also works with the executive branch on issues related to detection, preparation for, prevention, protection against, response to, and recovery from terrorist attacks within United States shores (Alexander and Alexander 2002; Clarke 2004; Strasser and Whitney 2004; Koh 2001).

On October 29, 2001, President Bush issued two Homeland Security presidential directives: (i) Organization and Operation of the Homeland Security Council (HSC) and (ii) Combating Terrorism through Immigration Policies. The first directive emphasized that securing the American public from terrorist threats and attacks was a national security function that required extensive coordination across a broad spectrum of federal, state, and local agencies to reduce the potential for terrorist attacks and to mitigate damage should such an attack occur (Alexander and Prior 2001). The Homeland Security Council's role is to ensure coordination of all homeland- and security-related activities among executive government departments and agencies to develop and implement all
homeland security policies (Alexander and Prior 2001).

The HSC consists of top principal committee officials from different cabinet-level, intelligence, and law enforcement agencies, which include: Secretaries of Treasury, Defense, Transportation, and Homeland Security; the Directors of the Central Intelligence Agency (CIA), Federal Bureau of Investigation (FBI), and the Federal Emergency Management Agency (FEMA); the Attorney General, the Director of the Office of Management and Budget, the Assistant to the President Chief of Staff, and the Assistant to the President for National Security Affairs. The latter attends all meetings of the Homeland Security Council Principals Committee (HSC/PC) (Alexander and Alexander 2002; Alexander and Prior 2001; Nye Jr., 2001).

In short, the Department of Homeland Security oversees all inter-agency coordination of homeland security policies and implementations and ensures timely responses to decisions made by the president. Other functions of Homeland Security include: detection, surveillance, preparedness, planning, training, prevention, law enforcement investigations, transportation security, airports, ports of entry and border control, and responses to domestic threats (Alexander and Alexander 2002; Alexander and Prior 2001; Bracken 2001).

Regarding the Homeland Security presidential directive of Combating Terrorism through Immigration Policies, the Bush administration indicated that the United States will continue to welcome immigrants and visitors, but it will aggressively prevent illegal immigrants who engage in or support terrorist activities from entering the U.S. and will detain, prosecute, and deport any such aliens who are already in the United States (Alexander and Alexander 2002; Alexander and Prior 2001). Under these guidelines, the
Attorney General created a Foreign Terrorist Task Force to ensure that federal agencies coordinate programs that accomplish some of the following: deny entry into the United States of aliens associated with, suspected of being engaged in, or supporting terrorist activities; and locate, detain, prosecute, and deport such aliens already present in the United States. The Task Force draws upon the staffs of the Department of State, Immigration and Naturalization Service, U.S. Secret Service, Customs Service, various intelligence and military agencies, and other federal officials (Alexander and Alexander 2002; Alexander and Prior 2001).

The Attorney General, the Secretary of Treasury, and the Director of the CIA develop and implement multi-year plans to enhance the investigative and intelligence analysis capabilities of the INS and Customs Service. The reason for developing these plans was to assist government officials to better identify, locate, detain, prosecute, and deport immigrants associated with, suspected of being engaged in, or supporting terrorist activities within the U.S. (Alexander and Alexander 2002; Alexander and Prior 2001).

The Bush administration passed measures to stop abuses of student visas and prohibit certain foreign students from receiving education and training in sensitive areas, including areas of study with direct application to the development and use of weapons of mass destruction. Additionally, the administration prohibits the training of foreigners in military skills that could be used to harm Americans (Alexander and Alexander 2002; Alexander and Prior 2001).

The Immigration and Naturalization Service (INS), in consultation with the Department of Education, periodically conducts reviews of all institutions certified to receive foreign students and exchange visitor program students. These reviews include
checks for compliance with record-keeping and reporting requirements. Those institutions that fail to comply with INS requirements may lose the privilege of enrolling foreign students (Alexander and Alexander 2002; Alexander and Prior 2001).

The Secretaries of State and Treasury and the Attorney General routinely initiate negotiations with Canada and Mexico to ensure maximum compliance with immigration, customs, and visa policies. The aim for such negotiations is to provide the involved countries with the highest possible level of assurance that only individuals seeking entry for legitimate purposes enter these countries. At the same time, however, border restrictions that hamper legitimate transnational commerce are minimized (Alexander and Alexander 2002; Alexander and Prior 2001).

The Director of the Office of Sciences and Technology Policy, the Attorney General, and the Director of the CIA make recommendations about the use of advanced technology to help enforce U.S. immigration laws and programs, facilitate the rapid identification of aliens who are suspected of engaging in or supporting terrorist activities, deny them access to the U.S., and recommend ways in which existing government databases can best be utilized to maximize the ability of government officials to detect, identify, locate, and apprehend suspected terrorists in the United States (Alexander and Alexander 2002; Alexander and Prior 2001).

The Justice Department also restructured the INS into two separate sections: (i) that which focuses on immigration services (i.e., processing visa and other immigration documents) and (ii) that which addresses immigration enforcement issues (i.e., safeguarding border control and investigating immigration violations). Additionally, the Justice Department pointed out that visa applicants from selected Arab and Muslim
countries must undergo strict criminal background checks (Alexander and Alexander 2002). The INS reforms stem, in part, from findings and revelations that without undergoing interviews, fifteen of the nineteen attackers of September 11 received quick visas from the U.S. embassy in Saudi Arabia (Alexander and Alexander 2002).

Additionally, these changes were made because the Justice Department investigation report indicated that the INS failed to adequately monitor foreign visitors in the United States. The report further pointed out that about 40 percent of the five million illegal immigrants living in the United States in 2000 overstayed their visas. In October 2001, the Justice Department requested the State Department to add 46 groups onto the list of terrorist organizations that should not be permitted to enter the United States (Alexander and Alexander 2002; Alexander and Prior 2001).

Another anti-terrorism measure dealt with the banking system regarding the funding of terrorist operations through money-laundering, illegal financial transactions, and the movement of large sums of cash across U.S. territories. The Office of Management and Budget works closely with the Attorney General, Secretaries of State and Treasury, and other federal officials to review illegal financial and banking transactions, money-laundering, and drug-trafficking crimes used by terrorists to finance terrorist operations and shut them down (Alexander and Alexander 2002; Alexander and Prior 2001).

Other American responses against terrorism run the gamut from diplomatic options to economic responses, legislative and law enforcement measures, political rhetoric, improved intelligence, military intervention, and socio-cultural responses.
The Diplomatic Response

Immediately after the attacks of September 11, the attackers were identified and responsibility was quickly traced to Osama bin Laden and his al-Qaeda network operating from the safe haven of Afghanistan. Alarmed and angry, President Bush condemned the attacks and promised the American people and the world that he will act swiftly and decisively to bring the perpetrators to justice. Before ordering military retaliation, the President employed diplomatic options and persuaded the Taliban regime to surrender bin Laden and his senior al-Qaeda lieutenants to stand trial for planning, masterminding, and financing the attacks (Scheuer 2004; Alexander and Alexander 2002; The 9/11 Commission Report 2004; Clarke 2004).

Additionally, the President and Secretary of State Colin Powell assured the Taliban leader, Muhammad Mullah Omar, that if he cooperated with the United States and shut down all terrorist training camps, allowed U.S. intelligence and forces to inspect all terrorist locations to ensure that they were no longer in operation, and released all foreign nationals, including American citizens unjustly imprisoned in Afghanistan, America and its European allies would provide economic assistance to Afghanistan and would lift all sanctions placed against the country (Alexander and Alexander 2002; Clarke 2004; Bodansky 2000; The 9/11 Commission Report 2004).

Diplomacy failed. The Taliban leaders refused to surrender their “guest”, bin Laden. When they failed to meet the U.S. requests and ultimatums, the consequence was military intervention. But before ordering military retaliation, President Bush appealed to world leaders to support military intervention to capture bin Laden and dismantle the al-Qaeda terrorist infrastructure in Afghanistan. He also indicated that if the world community
failed to support multilateral action, the United States would take unilateral action to defend its citizens and interests (Woodward 2004; Clarke 2004).

Because there was such an overwhelming condemnation of the attacks of September 11 from western leaders and citizens, the North Atlantic Trade Organization (NATO), for example, repealed Article 5 of its founding treaty and stated that “an attack on America to be an attack on the alliance as a whole, and enables America to call on its allies for military support” (The Economist 9/22/2001:13). With the NATO countries and many of their allies supporting the use of force, the Bush administration campaign of military action against Afghanistan became reality.

On October 7, 2001, U.S.-led coalition forces invaded Afghanistan, killed or captured al-Qaeda operatives, and overthrew the Taliban. Although the coalition declared victory for toppling the Taliban and dismantling the al-Qaeda network, some Taliban and al-Qaeda senior leaders such as Mullah Omar, Osama bin Laden, and Ayman al-Zawahiri remain at large (Silke 2003; Scheuer 2004; Booth and Dunne 2002; Hershberg and Moore 2002).

Before the coalition could finish the job of finding Mullah Omar, bin Laden, al-Zawahiri, and other remnants of the Taliban and al-Qaeda, the Bush administration turned its attention to Iraq and Saddam Hussein who they alleged collaborated with bin Laden and al-Qaeda in the attacks of September 11. The President again employed diplomacy and gave the Iraqi leader, Saddam Hussein, an ultimatum: to allow United Nations inspectors into all sites of nuclear plants and weapons of mass destruction (WMD); to comply with all of the United Nations’ Articles of Agreement regarding the International Atomic Energy Agency (IAEA) and anti-nuclear proliferation; and cease

When Saddam Hussein refused to comply with the United States and United Nations’ requirements and terms of engagement and agreements, U.S.-led coalition forces invaded Iraq in the spring of 2003 and toppled Saddam Hussein’s regime. In short, after briefly attempting diplomatic negotiations with the Taliban and Iraqi regimes, the U.S. and its closest ally, Great Britain, resorted to the use of military force to overthrow them.

The Economic Response

After the September 11 attacks, President Bush warned countries around the world that if they provided safe haven or support to terrorist individuals and groups, they would be treated as hostile to the United States (Fineman and Brant 2001; Wechsler 2001; Kaplan and Whitelaw 2001). He also indicated that any country that conducted business with terrorists would not do business with the United States (Fineman and Brant 2001). Furthermore, in several of his speeches, the president noted that countries that refused to cooperate with America in the war on terrorism stood to jeopardize diplomatic relations with the U.S. and risked reduction of U.S. economic and military assistance (Fineman and Brant 2001).

The Bush administration argued that fighting global terrorism required going after the terrorists’ financing which would include the shutting down of all financial pathways and capabilities that enable terrorists to raise funds for their operations (Alexander and Alexander 2002). Bush therefore ordered that al-Qaeda be put out of business by having its financial life-lines dismantled and assets confiscated (Cohen 2001).
Alexander and Alexander (2002) summarized the Bush administration’s economic tactics. On September 24, 2001, President Bush issued the Executive Order on Terrorist Financing (EOTF) to block property and prohibit transactions with any person(s) who commits, threatens to commit, or supports terrorism. Before issuing this order, Bush stated, “Because of the pervasiveness and expansiveness of the financial foundation of foreign terrorists, financial sanctions may be appropriate for those foreign persons that support or otherwise associate with these foreign terrorists” (quoted in Alexander and Alexander 2002:179). Shortly after the issuance of this Order, the former Secretary of the Department of Treasury, Paul O’Neil, warned countries and financial institutions around world that the new powers of EOTF allowed his department, in collaboration with other federal departments and agencies, to go after countries and financial institutions that failed to cooperate to fight terrorism. Secretary O’Neil stated:

We have the President’s explicit directive to block the U.S. assets of any domestic or foreign financial institution that refuses to cooperate with us in blocking assets of terrorist organizations. This order is a notice to financial institutions around the world, if you have any involvement in the financing of the al Qaida organization, you have two choices: cooperate in this fight, or we will freeze your U.S. assets; we will punish you for providing the resources that make these evil acts possible (quoted in Alexander and Alexander 2002:179).

In addition, the New Executive Order listed and designated several individuals, groups, and charities including Osama bin Laden, Ayman al-Zawahiri, Abu Zubaydah, al-Qaeda, Abu Sayyaf Group, Armed Islamic Group (GIA), and Al-Itihaad al-Islamiya (AIAI) (Alexander and Alexander 2002:179). Many who were listed have had their financial assets confiscated. Furthermore, all of the organizations listed as terrorists are from Arab and Muslim countries even though they may have operated from foreign countries including the United States.
The United States Department of the Treasury worked with other agencies to identify individuals, groups, or charity organizations suspected of committing crimes to raise funds for terrorists. These crimes include illegal movement of money within the U.S. and abroad and the sale of illegal drugs to finance terrorism (William 2002; McAllister 2004). President Bush and Congress passed the Anti-Terrorism and Money Laundering Task Force legislation to combat illegal banking transactions, to crack down on alternative banking transactions such as *hawala* ‘informal money transfers’, to control the movement of bulk cash over U.S. borders, and to punish those who commit crimes such as drug-trafficking, kidnapping, and hostage-taking to finance terrorism (*The 9/11 Commission Report* 2004; McAllister 2004; Alexander and Alexander 2002; Wechsler 2001).

The establishment of the Anti-Terrorist Financing Task Force not only allows United States authorities to work with other countries around the world to identify bank accounts of those who are associated with al-Qaeda, but also allows American government authorities to take the lead in identifying, disrupting, and dismantling the financial operations of persons, groups, charities, and non-governmental organizations (NGOs) associated to bin Laden, al-Qaeda, and other terrorist groups linked to terrorism (Alexander and Alexander 2002; Wechsler 2001; *The 9/11 Commission Report* 2004).

**The Legislative Response**

Post September 11, the United States passed several pieces of legislation significant in combating terrorism within the United States and abroad. This legislation includes the following: (i) the Anti-Terrorism Bill which allows capital punishment for terrorists found guilty of planning or executing atrocities against American citizens and interests at home and abroad; (ii) the U.S. Patriot Act which empowers the intelligence community...
and law enforcement agencies to detect, identify, disrupt, prevent, and punish terrorist individuals and groups; (iii) other legislative changes and reforms revolving around the United States’ major institutions and agencies such as the Immigration and Naturalization Service (INS), education, transportation, aviation, airports, border control, and banking systems. Most important was the restructuring of the intelligence community, chiefly involving the Central Intelligence Agency (CIA) and the Federal Bureau of Investigation (FBI), to better share intelligence information on federal, state, and local levels to ensure domestic security and to be better prepared (The 9/11 Commission Report 2004; Cherkasky and Prud’homme 2003; Strasser and Whitney 2004).

The Political Rhetoric Response

After September 11, President Bush warned the community of nations that if they did not cooperate or support the war against terrorism, they would be considered hostile to the United States. The Bush Doctrine became: “You are either with us or with the terrorists”; “If you provide safe havens or support terrorists you are a terrorist”, and “If you do business with terrorists you cannot do business with the United States” (quoted Fineman and Brant 2001:24; Wechsler 2001:129). Shortly thereafter, President Bush labeled bin Laden and his al-Qaeda operatives “the evil-doers”. Defense Secretary Donald Rumsfeld also pointed out that the campaign against the “war on terror” and bin Laden and his al-Qaeda militia would combine a variety of initiatives, including military force to “drain the swamp they live in” (quoted in Herbst 2003:161).

According to Philip Herbst (2003), the use of rhetorical devices and language combined with negative and demonizing metaphors to refer to Islamic extremism and al-
Qaeda helped tap patriotic fervor. Muslim radicals used similar metaphors against the West in general and the United States in particular (Herbst 2003). For example, Egyptian theologian, Sayyid Qutb, the champion of the Muslim jihad movement, suggested that the devout Muslim should spend his time on earth “purifying the filthy marsh of this world (quoted in Herbst 2003:161). The use of the metaphors the “swamp” and “marsh” seem to have the same connotation both in Arabic and English because these are places where enemies and predators hide. Jonathan Raban (2002:31) noted that Qutb urged true Muslim believers to participate in jihad to clean the “rubbish heap of the West”. In recent years, Osama bin Laden and Ayman al-Zawahiri have routinely called upon Muslims to kill “the infidels”, in particular Americans (the Great Satan) and Israelis (the little Satan), for the sake of Islam.

The use of rhetorical devices such as “evil-doers”, “axis of evil”, “holy war”, or the “war on terror” help the parties concerned define their enemies and arouse interest and support for their cause. Stern (2003), Mamdani (2004), and Herbst (2003) pointed out that by grounding the cause on morality, the rhetoric also make it easier to kill those defined and depicted as the enemy, including civilian non-combatants. According to Janette K. Muir (1995:186), the war metaphor “perpetuates images of hate and provides a powerful identifying means of mobilizing extreme words and actions.” According to Herbst (2003:184), “Serving to tap the enemy as evil, the war rhetoric typically conveys the impression that the war must be fought to the bitter end (and at any cost): after all, there is no compromising with the evil.”

In his State of the Union address to Congress, President Bush designated Iraq, Iran, and North Korea as “the axis of evil.” This was a rhetorical move that set up the
controversy that followed. Some argued that although it was not proven that Iraq, Iran, and North Korea were directly linked with bin Laden or collaborated with al-Qaeda in the attacks of September 11, these nations’ abilities and capabilities to produce weapons of mass destruction (WMD) were reason enough to alarm the Bush-Blair administrations and justified their campaign for the invasion of Iraq and the removal of Saddam (Herbst 2003; Clarke 2004; Woodward 2004; Scheuer 2004).

They argued that Saddam Hussein had purchased nuclear warheads from Niger, Africa, and was moving weapons of mass destruction to secret locations and that bin Laden was experimenting with bio-chemical weapons acquired from Iraq and would not hesitate to use these weapons against America and other Western countries. Others argued that this was the last straw that broke the camel’s back in the Bush-Blair war campaign to secure approval from many countries with the exception of France, Germany, Russia, and the United Nations to invade Iraq (Woodward 2004; Clarke 2004). It has now become evident from the conclusions of several Congressional inquiries, Judicial Investigation Reports, the 9/11 Commission Report, and Intelligence Investigation Reports that, in fact, there were no links between Osama bin Laden and Saddam Hussein in the attacks of September 11 nor did Saddam Hussein possess weapons of mass destruction (The 9/11 Commission Report 2004; Clarke 2004; Woodward 2004; Strasser and Whitney 2004). The invasion of Iraq was based on flawed and misleading intelligence.

The Military Response

Before the September 11 attacks against the World Trade Center and the Pentagon,
two American embassies were attacked, one in Nairobi, Kenya, and the other in Dar es Salaam, Tanzania, on August 7, 1998. In response to the attacks in East Africa, President William Clinton ordered retaliatory military strikes against bin Laden’s and al-Qaeda’s training bases and infrastructure in Afghanistan and a pharmaceutical factory in Khartoum, Sudan. The U.S. charged that the Sudan factory was producing a critical nerve gas component that could be used by terrorists against civilians (Bodansky 2000; Combs 2003; Miniter 2003; Clarke 2004; Benjamin and Simon 2003; Cherkasky and Prud’homme 2002; Duffy 2001; Hirsch and Barry 2001).

The retaliation had two implications: (1) American officials for the first time acknowledged a preemptive military strike against a terrorist group, and (2) strikes were precursors to new legislation and far-reaching policy changes (Emerson 2002; Bergen 2003; The 9/11 Commission Report 2004; The Economist 2001; Thomas and Hosenball 2001).

In 2003, five years after the 1998 blasts in Tanzania and Kenya that killed more than 250 people and injured five thousand, al-Qaeda struck again at an Israeli-owned hotel near Mombasa, Kenya, and simultaneously fired surface-to-air missiles at an Israeli commercial aircraft taking off from the Mombasa airport. Fifteen people were killed and hundreds injured. The United States government condemned the attacks and promised to work with the governments of Kenya and Tanzania to fight transnational terrorism. President Bush designated the greater Horn of Africa, a region that includes Djibouti, Ethiopia, Eritrea, Kenya, Somalia, Sudan, Uganda, and Tanzania, as a front-line region in his global war against terrorism and continues to work with African leaders to disrupt and dismantle al-Qaeda within the region (Lyman and Morrison 2004; Barkan 2004).
Responses to the attacks against the Pentagon and the World Trade Center include grieving for the loss of those symbolic sites and the victims and support for rebuilding at Ground Zero (Cloud 2001). For days and months after the attacks, thousands of people from around the world gathered at Ground Zero to mourn and express their anger (Fineman and Brant 2001). Millions of Americans donated money and blood and rallied behind President Bush and Congress to provide assistance in the rescue, relief, recovery, and rehabilitation missions and efforts (Fineman 2001; Fineman and Brant 2001). The U.S. government also provided assistance to victims and survivors’ families. Assistance included financial benefits and compensation, medical insurance, school fees, rehabilitation costs, workers compensation benefits, and job training and placement. The government also provided financial assistance to airlines and for the rebuilding of the Pentagon and the World Trade Center (Alexander and Alexander 2002; The 9/11 Commission Report 2004; Alexander and Prior 2001).

The U.S. government created the Victims Compensation Fund that disbursed billions of dollars to the victims and survivors of September 11. Billions of dollars were also collected from several non-governmental organizations (NGOs), workers unions, private funds, and charities to benefit direct and indirect victims of September 11. Among the major NGOs that spearheaded the fund-raising efforts were: the American Red Cross Disaster Relief Fund, the United Auto Workers Union, the September 11th Relief Fund, the Police and Fire Widow’s and Children’s Fund, the Twin Towers Fund, the New York Times 9/11 Neediest, the Salvation Army, the Families of Freedom, the New York City Fighters 9-11 Disaster Fund, the New York State World Trade Center Relief Fund, the
Robin Hood Relief Fund, World Vision, and Concerts of Prayer (Alexander and Alexander 2002:138-141; The 9/11 Commission Report 2004). The victims’ families who agreed not to file lawsuits against government institutions including airlines, airport authorities, airport security companies, and the landlords and management companies of the World Trade Center were compensated in the billions of dollars from these funds. Remuneration for the victims of September 11 ranged from $1.5 to $6 million. Ninety-five percent of the victims and survivors of September 11 accepted financial reward, but five percent of the victims’ families decided to seek damages through court procedures.

According to sociologist Janet Abu-Lughod (2001) and anthropologist Philip Herbst (2003), social solidarity was notably demonstrated by expressing sentiments of patriotism and nationalism. In the wake of the September 11 attacks, many honors were accorded to the firemen and policemen who had perished while rescuing others; there was an avalanche of iconic symbols such as the displays of American flags on public and private places such as buildings, automobiles, and homes; there were many ceremonies and burial rituals shown on television that honored fallen heroes; there was singing of God Bless America, America the Beautiful, and chanting of “USA! USA!” at many social events and gatherings. According to Herbst (2003), these symbolic behaviors and actions expressed strong sentiments which ranged from American bravery to national pride and support for military retaliation against the perpetrators. He also maintained that the displays of American patriotism were not only natural responses to the attacks of September 11, but also patriotic symbols and slogans used to sway Americans to rally behind President Bush’s agenda for the war on terrorism.

Furthermore, millions of people attended churches and houses of worship to
remember those who were killed and injured; millions donated or helped raise funds to help the victims, and the federal government created a Compensation Fund Commission to fairly disburse billions of dollars to the victims and survivors of the attacks regardless of their country of citizenship, immigration status, race, ethnicity, gender, or religious affiliation (Alexander and Alexander 2002).

All these socio-cultural, human, and government responses discussed here were intended to restore social solidarity and galvanize American unity on issues pertaining to the global war on terrorism and support Presidential, Congressional, and intelligence legislation put in place to ensure the safety of the United States. One of the anti-terrorism laws that President Bush and many Congressmen hoped would galvanize national solidarity in the war on terror included the passage of the U.S. Patriot Act.

The USA PATRIOT ACT

In response to the terrorist attacks of September 11, the United States Congress passed, and President Bush signed into law, the USA PATRIOT Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act). The purpose of the Act was to empower the intelligence community and law enforcement agencies to detect, prevent, and punish suspected terrorists (Alexander and Prior 2001; The 9/11 Commission Report 2004; Strasser and Whitney 2004). The act gives "federal officials greater authority to track and intercept communications, both for law enforcement and foreign intelligence gathering purposes" (Lacayo 2001:68). The Patriot Act introduced "a plethora of legislative changes which significantly increased the surveillance and investigative powers of law enforcement
agencies in the United State” (Lacayo 2001:69). The act also created new crimes, new penalties, and new procedural efficiencies for use against domestic and international terrorists (The Economist 8/22/2001).

Although initially the new act received criticism from both sides of the political spectrum, the majority of Congressmen in the House of Representatives and Senate promptly voted in favor of it and President Bush signed it into law. Before signing, President Bush stated that, “the bill will help law enforcement to identify, to dismantle, to disrupt and to punish terrorists before they strike” (Lacayo 2001:69).

The Patriot Act increased intelligence and law-enforcement powers in four areas: One is wiretappings—the act authorizes the intelligence community to conduct national surveillance and eavesdrop on all phones of suspected terrorists and seize all voice messages with a search warrant rather than a court order. Before the passage of this provision, wiretapping required separate court orders for each phone number in each jurisdiction (Lacayo 2001:69).

Two is computers—the act authorizes intelligence agencies to subpoena addresses and times of e-mail messages sent by suspects and to intercept wire, oral, and electronic communications and computer trespassers on all matters related to terrorism (Lacayo 2001:69).

Three is detention—the act empowers government officials to detain immigrants or foreigners certified as terrorist suspects or held to pose a threat to national security. Under this provision, suspected terrorists could be incarcerated for an indefinitely long period of time without trial and with only minimal judicial oversight. Prior to the passage of this provision, mandatory detention of suspected terrorists was discouraged and the
duration of time the suspects were supposed to be detained was limited to two days (Lacayo: 2001:69).

Four is money—the act empowers federal officials to order U.S. banks to cooperate for the purposes of preventing terrorism and money laundering. It requires that banks make greater efforts to stop corruption and offenses related to terrorism. It requires banks to make full disclosure of larger transactions on overseas accounts, and it prohibits banks from doing business with offshore “shell banks” (Lacayo: 2001:69).

These anti-terrorism laws range from surveillance to powers to arrest and detain, to financial disclosure and racial profiling. They invite greater federal involvement in people’s lives, thus raising fundamental concerns of the loss of constitutionally protected civil liberties. They provide intelligence agencies access to a broad array of information from school records, medical records, financial transactions, and Internet and electronic communications. Simultaneously, the standard of evidence required for obtaining court orders for any of the above activities has been greatly weakened. Now, all that intelligence and law enforcement agencies need to claim is that the information is “relevant” or “significant” to an investigation (Lacayo 2001:69; Elliot 2001:29; Clarke 2004; Booth and Dunne 2002; Hershberg and Moore 2002).

Another aspect that raises concern among the public is the power under the new act to expand the definition of “domestic terrorism” to include all those who harbor terrorists, deal drugs, and support terrorist organizations financially and logistically (Walsh 2001; Thomas 2001; Elliot 2001; The Economist 8/22/2001). The phrase is broadly defined to include other types of activities, such as the use of weapons and other dangerous devices to cause damage to property for political purposes (The Economist 8/22/001). Moreover,
the new act dramatically extends the deprivation of basic rights of immigrants in tandem with the 1996 “Antiterrorism and Effective Death Penalty Act” passed in response to the Oklahoma City bombing, which initially did not involve immigrants (Begley 2001:60). Now, under the act, the use of secret evidence against immigrants may be used to deport them or to detain them indefinitely. To detain suspected foreign immigrants indefinitely, it requires only the Attorney General’s certification that there are “reasonable grounds to believe” the non-citizen endangers national security (Elliot 2001; Biema 2001; Saporito 2001; Clarke 2004; Newman and Mazzetti 2001). There have been cases where suspected terrorists have been held incommunicado without even their families being notified of their whereabouts while they were denied access to their lawyers (Begley 2001:60; Saporito 2001:38-39). Many of those in custody have minor immigration infractions. The majority of those detained for immigration violations are mostly Americans of Middle Eastern and Southeast Asian origin with ties to Islamic religious groups (Herbst 2003; Biema 2001:72-74; Saporito 2001:38-39; Hirsh and Barry 2001).

Critics of the act contend that it was introduced with great haste and passed with little debate from Congress. Its provisions go too far and it lacks a system of checks and balances that traditionally safeguard civil liberties and freedoms protected under the Constitution (Lacayo 2001:66-69; Bieman 2001:72-74; The Economist 8/22/2001). Critics also claimed that the expanded powers granted by the act to the intelligence agencies to intercept information transmitted over the Internet lacks clear safeguards against abuse. They encourage the violation of individual rights and civil liberties (Lacayo 2001:67; The Economist 8/22/2001). Critics, thus, conclude that since the act is so broad and lacks significant checks and balances, its constitutionality is questionable.
(Lacayo 2001; Biema 2001; Saporito 2001).

According to Herbst (2003:137), the Patriot Act disregards civil liberties and freedoms in the detaining of foreigners and non-citizens because the Attorney General’s certification of “reasonable grounds to believe” the person is a threat to the national security. He maintained that the act allows the Attorney General to harass and intimidate American citizens who criticize the government on the war on terrorism and increases the ability of the government to conduct secret searches of medical, educational, and financial records without informing the parties concerned.

The attacks created a new level of fear in the public, which makes it more difficult to argue for civil liberties. In other words, the events of September 11 unveiled a new level of threat and raised the scale of public outrage and tension between domestic security and civil liberties. The loss of lives, the use of suicide-bombers, the lack of warnings, and the conversion of aircraft into flying missiles—all served as red flags signaling a need to reexamine old procedures and causing Americans to question some established liberties including the freedom to carry knives at airports or the freedom to stash money in foreign banks (Begley 2001; Clarke 2004; The Economist 10/13/2001).

Some analysts and observers noted that the security lapses in the United States had less to do with liberty than inefficiency. They argued that security was found wanting, partly because it had to deal with what once seemed an unimaginable threat and partly because, on the evidence available, it basically failed (Betts 2001; Nye Jr. 2001; Elliot 2001; Wechsler 2001; Hart 2001). Specifically, the lavishly-funded intelligence services (the CIA and FBI) failed to take note of the fact that dozens of suspected al-Qaeda operatives had entered the United States, were enrolled in aviation schools, were taking
flying lessons, and had conducted reconnaissance at U.S. airports. In fact, much of the failure to detect and prevent September 11 can be attributed to the lack of human intelligence, the failure to share available information within and among law enforcement agencies, and the failure to follow leads and connect the dots (The 9/11 Commission Report 2004; Clarke 2004; Strasser and Whitney 2004). Therefore, the argument that the restrictive procedures and laws against wiretapping and other surveillance techniques hampered the intelligence agency did not sit well with many in Congress and the general public (Betts 2001).

In the aftermath of September 11, the most commonly asked questions were: How could such atrocities happen on American soil when the U.S. has some of the most sophisticated intelligence apparatuses in the world? Could the attacks of September 11 have been prevented? As political actors, policymakers, media personalities, social scholars, and terrorism experts wrestled with these questions, the answers unfortunately were and still are hard to comprehend. However, that did not stop some people from the “culture of blame” and pointing fingers at the intelligence community and the law enforcement agencies for failing to prevent the attacks (Betts 2001; Terece 2001; Lacayo 2001; Clarke 2004; Miniter 2003).

Although some Americans commonly acknowledge that the events of September 11 were inevitable even with capable intelligence services, some people, including those in Congress, argued that there were big problems with the U.S. security agencies and so the Patriot Act was passed to correct some of the problems. One of the allegations against the intelligence community was that they failed to share available information with other law enforcement officials. Bureaucratic red tape and government-imposed walls and
restrictions were singled out as some of the impediments that prevented the intelligence community from doing their jobs (Clarke 2004; Woodward 2004; Miniter 2003; Strasser and Whitney 2004). For example, *The 9/11 Commission Report* and the Congressional Investigation Report on the attacks of September 11 judged that if the intelligence community and other law enforcement agencies, particularly the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA), and the Immigration and Naturalization Service (INS) had thoroughly done their jobs (i.e., shared information, followed leads, and connected the dots), the attacks of September 11 may have been prevented (*The 9/11 Commission Report* 2004; Strasser and Whitney 2004).

To rectify this problem, the new anti-terrorism bill was passed and signed into law to provide enhanced powers to government investigative authorities to monitor and detain suspected terrorists from planning another attack. Attorney General Ashcroft stated that the new act was the single-most effective strategy for preempting another terrorist attack on American soil (Elliot 2001). He reasoned that the act enables the intelligence community and law enforcement officials greater powers to go after those suspected of planning further attacks (*The 9/11 Commission Report* 2004; Strasser and Whitney 2004). In his report to Congress on the progress and successes of the intelligence community in detecting and preventing further attacks against Americans at home and abroad, Ashcroft stated that law enforcement agencies have made tremendous and positive strides in thwarting terrorism and arresting suspected terrorists since the new act came into effect (*The 9/11 Commission Report* 2004; Strasser and Whitney 2004).

The critics (e.g., civil libertarians, the American Civil Liberties Union, Greenpeace and other environmental movements), on the other hand, contended that Congressional
promptness and unanimity in the passage of the new bill within 45 days after September 11 raises some serious concerns as to its constitutionality. First, the act was introduced with great haste and passed with little debate i.e., without House, Senate, or conference reports (Lacayo 2001). Second, the act was introduced and passed when America was in shock and grieving the loss of more than 3000 innocent people and when America’s cherished symbols of the economic and military might, the World Trade Center and the Pentagon, were attacked and destroyed (Lacayo 2001; Elliot 2001).

If the Patriot Act had not been introduced when Americans were emotionally vulnerable, many of those in Congress, who under normal circumstances might have voted against the act, had no choice but to go along to demonstrate their patriotism and determination to fight terrorism. A few who voted against the act were viewed as being unpatriotic and standing in the way of President Bush’s bold ultimatum: “You are either with us or you are with the terrorists” (quoted in Herbst 2003:136-137).

Furthermore, critics maintained that the Justice Department and other law enforcement agencies already had all the powers needed to do their job. Thus passing new legislation conferring such broad powers was equivalent to giving the intelligence community a blank check. Empowering government officials with such broad powers invited not only its misuse but also its likelihood to be used against Americans thus violating their constitutional rights and liberties (Elliot 2001; Biema 2001; Saporito 2001). For example, critics asserted that the enhanced “roving wiretaps” in tandem with the Foreign Intelligence Surveillance Act (FISA) of 1978 authorized the FBI to conduct national surveillance (i.e., to monitor any land-line phones, cell phones, and e-mails) on both foreigners and American citizens suspected of terrorism activities plus those providing
support to terrorist organizations (Elliot 2001; Fineman and Brant 2001; Cohen 2001).

Civil libertarians worry that foreigners suspected of aiding organizations now designated as terrorist organizations (e.g., the anti-abortion movement, the Animal Liberation Front, and the Earth Liberation Front) can be detained incommunicado or deported without due process (Lacayo 2001; Elliot 2001; Biema 2001). Additionally, opponents of the act think that the power to detain without trial and with only minimal judicial oversight would, in practice, make detention indefinite, something that many in Congress also fear would increase government’s powers of surveillance in areas beyond terrorism (Lacayo 2001; Biema 2001; Elliot 2001). For example, Congressional representatives from both the Democrat and Republican parties including Maxine Waters (CA), John Conyers (MN), Bob Barr (GA), Henry Hyde (SD), and Russ Feingold (WS) argued that changing American lifestyles or compromising their constitutional freedoms in the fight against terrorism would send a wrong message to terrorists who attacked America—that they had won (Lacayo 2001). Senator Russ Feingold, the only congressperson who voted against the Patriot Act, stated that, “It is crucial that civil liberties in this country be preserved. Otherwise…terrorists will win this battle without firing another shot” (Lacayo 2001:69).

According to American Civil Liberties Union (ACLU) President, Nadine Strossen, “All these provisions together will amount to a breath-taking expansion of federal powers” that can be used against American citizens (Lacayo 2001:69). David Cole, a lawyer at Georgetown University Law Center claimed that, “These new powers violate core principles of due process and associational freedoms” (Lacayo 2001:69). Cole maintained that the new provisions grant the FBI widespread powers to infiltrate and
monitor political, religious, and charitable groups and organizations in America without clear and probable cause. He believed that the majority of the Americans have been led to believe that the new bill is also designed in such a way as to empower government officials to go after militant tax evaders and to use homeland security and national interest as guises to curtail freedoms and rights of Americans granted to them under the Constitution (Lacayo 2001)

Among the least controversial of the enhanced powers are those that make it easier for the Justice Department and the FBI to follow the money link by probing money-laundering activities (Cohen 2001; Lacayo 2001). Additionally, government power to order U.S. banks to cooperate so as deter money laundering, to disclose large transactions, and to prohibit banks from doing business with foreign “shell banks” for the purposes of preventing terrorism on American soil, was of less concern to civil libertarians. In addition, the powers to tighten immigration laws, to require that Homeland Security personnel participate in all entry-and-exit points at airports, seaports, and borders in America, and to require that the INS make changes to more stringently monitor foreign nationals and students entering and living in the United States, were not highly contested (Hart 2001).

Civil libertarians were most troubled by roving wiretaps, mandatory detentions, suspension of habeas corpus on certain suspected criminals, delays in executing warrants against search and seizure, delays in informing suspects of their charges, and detention of suspected terrorists incommunicado. Under the Patriot Act, habeas corpus has no statute of limitation and therefore suspected terrorists can be held in a prison, penitentiary, or detention center for a long period of time without actually being charged. This is in clear
violation of the right of due process. Even with the suspension of *habeas corpus*, a judge may order government officials to present detained suspects to appear in court to stand trial (Begley 2001).

Historically, suspension of the writ of *habeas corpus* has been used to violate Americans' constitutional liberties and due process rights. For example, during the Second World War, a Presidential Executive Order authorized the arrest and internment of Japanese-Americans in detention camps indefinitely simply because they were suspected of being on the side of Japan (Malkin 2004). The same argument has been advanced to the effect that the detention of the Afghani Taliban and al-Qaeda members held incommunicado at Guantanamo Bay, Cuba, without being charged with any crime, violates their rights of due process (Malkin 2004; Begley 2001).

However, the U.S. Attorney General is empowered to detain suspected terrorists incommunicado if he can make a convincing case that the release of the suspects may interfere with an on-going investigation or present an immediate danger to national security. The powers under the new act in and of themselves empower the Justice Department to detain suspected terrorists for up to eight years without bringing charges against them. At the moment, the suspension of the writ of *habeas corpus* seems to apply only to foreign nationals suspected of terrorism and not American citizens (Malkin 2004; Begley 2001).

In conclusion, the U.S. Patriot Act was introduced and passed in great haste and is broad and extremely empowering. But to suggest that the act allows the suspension of the writ of *habeas corpus* against certain suspected terrorists foreshadows the beginning of a police state is to forget that traditionally what makes America great is that political
dissent and criticism against government powers and actions are also protected under the Constitution. Again, dissenters have the right to criticize the government's war on terrorism and to ensure that the new Patriot Act does not run amok. But in all American wars, there is a natural tension between security and liberty. The trick is to achieve both without sacrificing one or the other (Begley 2001; Pound 2001; Newman and Mazzetti 2001; Cohen 2001; Lacayo 2001; Biema 2001; Fineman and Brant 2001; Elliot 2001; Thomas 2001).

In addition, when a country is invaded, as was in the case on September 11, attempts to empower state agencies with overreaching powers to detect, prevent, and punish suspected perpetrators are not uncommon. And, where there is a concerted effort among the federal, state, and local law enforcement officials to ensure that America stays safe and free of terrorism, it is not uncommon to find a clash between security and liberties. The state agencies under the new U.S. Patriot Act will likely find problems as to where exactly to draw the line between those protected rights and prohibited conduct (Begley 2001; Malkin 2004; Elliot 2001; Hirsh and Barry 2001; McGeary 2001).

The attacks of September 11 enhanced the powers of government to "sneak and peak" upon both American and non-American citizens for the purposes of the national and homeland security. But as Franklin Delano Roosevelt once said, "...we have nothing to fear but fear itself" (quoted in Soukhanov and Swainson 2000:801). To some people, it is of consolation to know that many of the provisions in the Patriot Act were granted with a sunset clause, which allows Congress to review whether they have been abused and to decide whether they are worthy of being reinstated in case the threat of terrorism wanes. Many of the provisions in the Patriot Act will not be in effect after December 31, 2005.
The question now is: Will Americans compromise their constitutionally-protected liberties to be safe from terrorism or will they require that as the government makes every effort to ensure homeland security, officials remain transparent and accountable in their exercise of power? As long as it is certain that the government’s enhanced powers will be exercised responsibly rather than with impunity, as long as these new powers are exercised in non-discriminatory ways, and as long as these powers are subjected to Congressional review and legal controls, the American public will most likely live with them for the sake of their own personal interest—security.

The Response of the Kenyan Government to the Attacks of 1998 and 2002

On August 7, 1998, trucks full of explosives simultaneously detonated outside the American embassies in Dar es Salaam, Tanzania, and Nairobi, Kenya, killing 240 people, including twelve Tanzanians and twelve Americans and injuring five thousand civilians. An outraged Kenyan President Daniel arap Moi strongly condemned the attacks and promised to cooperate with American officials and authorities to apprehend and bring the perpetrators to justice (The Daily Nation August 9, 1998).

Furthermore, Kenyan authorities promised to strengthen security within the country to prevent another terrorist attack from happening. However, on November 28, 2002, al-Qaeda-backed terrorists struck again at an Israeli-owned hotel near Mombasa and attempted with shoulder-held surface-to-air missile to bring down an Israeli commercial airliner taking off from Mombasa airport. Fifteen Kenyans and three Israelis were killed. More than one hundred were injured. The attackers were Kenyan Muslims with ties to al-Qaeda (The Daily Nation, November 29, 2003).
Why has Kenya become a terrorist target? It is located in the greater Horn of Africa, a region comprising the countries of Djibouti, Eritrea, Ethiopia, Somalia, Sudan, Uganda, Tanzania and Kenya. Some analysts ask: Is Kenya a helpless victim or a haven for terrorism? Kenya enjoys relative political stability and economic growth, but it is surrounded by some of the worst-ravaged and failed states in the region, in particular, Somalia, Sudan, and Ethiopia (Khadiagala 2004).

In May 2003, the Kenyan government revealed that a key member of the al-Qaeda network was plotting an attack on western targets. It was an admission because it confirmed al-Qaeda's presence in the country. Although the 1998 bombing of the U.S. embassy in Nairobi had demonstrated the presence of terrorists, the government took a long time to publicly acknowledge the local nature of the threat. Ever since a radical Palestinian group was implicated in the bombing of the Norfolk Hotel in Nairobi in 1981, Kenya had been considered a soft target by international terrorism experts (Barkan 2004; Lyman and Morrison 2004).

Evidence unveiled during the trial in New York of four men linked to the bombing of the U.S. embassies in East Africa in 1998 revealed a terror network that had flourished in Kenya by taking advantage of lax immigration and security laws. The leaders and members of the Kenyan cell were from the U.S., Egypt, Jordan, Pakistan, the Comoros Islands, Saudi Arabia, Palestine, and Somalia. They had assimilated into local cultures along the Indian Ocean. Some married local Muslim women to deflect attention from their operations. These individuals recruited Kenyans from the Coast Province where Kenya's largest Arab and Muslim populations reside. Due to endemic corruption in the immigration system, foreign residents of the Kenyan cell obtained citizenship and set up
small businesses and Muslim non-governmental organizations (Khadiagala 2004; Barkan 2004; Lyman and Morrison 2004; Bodansky 2000; Stern 2003).

In addition to assimilating and blending in with the rest of the population in Kenya, the al-Qaeda network depended on decentralization and flexibility. Bodansky (2000) claimed that after the death of Ali al-Rashidi (alias Abu-Ubaydah al-Banshiri), the Kenyan-based regional senior commander, bin Laden and al-Zawahari started activating other leaders in Nairobi to plan and execute terrorist attacks against U.S. facilities. According to Bodansky (2000:234-235), one of those activated operation commanders “was Wadi el-Hage, an Arab-American who had served as bin Laden’s personal secretary in Khartoum since the mid-1980s. Although fiercely devoted to the cause, he also proved unstable because he attracted attention to himself. In August 1997, a joint force of Kenyan security services and the FBI raided el-Hage’s home in Kenya and in effect ‘burned’ him as an operative.” As a result, bin Laden relieved him of duties in Nairobi, and he returned to the United States where he was arrested and interrogated by the FBI, but released. El-Hage was replaced by Subhi Abdul Aziz alias Muhammed Atef Mustafa, an Egyptian and veteran of the “Arab Afghans.” After the embassy attack, Aziz and other key leaders of the Kenyan cell vanished (Bodansky 2000; Khadiagala 2004).

Gilbert Khadiagala (2004) asserted that working with the U.S. FBI and Interpol, the Kenyan government made efforts to destroy the al-Qaeda cell by apprehending several suspects in Nairobi and Mombasa. In July 2001, in Nairobi, police arrested eight Yemeni and thirteen Somali nationals suspected of having ties to al-Qaeda. In November 2001, police arrested more than twenty individuals suspected of having links to al-Qaeda in Lamu. Despite these arrests, several key leaders of the 1998 bombing attacks, including
two Mombasa-based terrorists, remain at large.

On November 28, 2002, al-Qaeda operatives conducted a simultaneous attack against a Kenyan tourist resort, the Paradise Hotel in Mombasa, and an Israeli airliner taking off from a nearby airport. The coordinated attacks confirmed al-Qaeda's local support and illustrated their ability to evade Kenyan security and law enforcement apparatus while transporting weapons and arms such as the surface-to-air missiles (SAMs) used in the attack (Khadiagala 2004).

Today, government officials believe that there is an indigenous terrorist movement in Kenya that works with foreign nationals linked with al-Qaeda to attack Western establishments within the country. For example, after the arrest of the Yemenis, who were suspected of associating with al-Qaeda in Somalia in March 2003, Kenya’s foreign minister acknowledged the involvement of Kenyan nationals in the 1998 and 2002 bomb attacks. The first phase of arrests focused on foreigners, particularly Yemeni, Pakistani, and Somali, while the second phase of the arrests were on local individuals with links to al-Qaeda (Khadiagala 2004).

There were also inconclusive reports of links between the Kenyan cell of al-Qaeda and the largest radical Islamist group in Somalia, Al-Itihaad al-Islamiya (AIAI), stemming from the apparent mobility of some of the key leaders between Kenya and Somalia, AIAI’s base. With more that two thousand members, AIAI is the most powerful extremist group in the Horn of Africa. It was reported it used to be funded by al-Qaeda (The 9/11 Commission Report 2004; Dagne 2002; Emerson 2002). Other reports have identified the Dabaab refugee camp on the Somalia-Kenya border as a training ground for Islamic radicals through the Muslim charity, al-Haramain that had established religious
schools and social programs. But after the 1998 attacks, the Kenyan government revoked the registration of Muslim non-governmental organizations and charities, including *al-Haramain*, because of their links to terror and al-Qaeda (Dagne 2002; Menkhaus 2004).

**The Legal Response**

Some analysts argued that the slow government response to terrorist threats since the 1998 bombing grew from denial based on the perception of Kenya as a victim rather than a source of terrorism. This denial was also tied to the inability to acknowledge the wider context that led to the growth of terrorism: the erosion of government, notably weak law enforcement and gate-keeping institutions such as ports of entry and border control, and rampant corruption in state-level institutions (Lyman and Morrison 2004; Barkan 2004; Khadiagal 2004). Others noted that the Kenyan government has always been afraid of alienating Kenya’s minority group, Arabs and Muslims, who often complain of being marginalized and harassed by state authorities. However, there was a marked attitude after many Arab and Muslim protestors in Mombasa and Nairobi embarrassed the Moi regime by marching in the streets in support of al-Qaeda’s attack against the United States (Khadiagala 2004; Lyman and Morrison 2004).

The new government of Mwai Kibaki moved to establish mechanisms to meet the growing threat. In February 2003, the government created an Anti-Terrorist Police Unit (ATPU) composed of officers trained in anti-terrorism techniques. At the same time, Parliamentarians authorized negotiations between the executive and legislative branches of government to pass legislation to empower intelligence and law enforcement agencies to detect, identify, and punish suspected terrorists. In June 2003, the Foreign Minister called on Parliament to pass the Anti-Terrorism Bill (Khadiagala 2004; Lyman and...
Morrison 2004; Barkan 2004).

Other counter-terrorism measures included the passage of the Task Force on Anti-Money Laundering and Combating the Financing of Terrorism, which consists of officials and representatives from the ministries of Finance, Trade, Commerce, and Foreign Affairs, the Central Bank, the police, the Criminal Investigation Department (CID), and the National Security Intelligence Service. This team seeks to review existing legislation and recommend a national policy on combating the financing of terrorism (Khadiagala 2004).

These measures and strategies were a more proactive policy on terrorism, but their long-term viability hinges on fundamental reform in the security services, immigration system, border control, and port authorities. Fighting endemic corruption in these agencies and institutions has only begun as government officials acknowledge the need for urgent institutional reform (Ondieki 1997; Barkan 2004). There have also been suggestions to boost the capacity of the Kenya Navy to patrol the Indian Ocean coastline. After the 2003 terrorist attacks on civilian targets in Saudi Arabia and Morocco, Kenyan officials stationed two army battalions on the Kenya-Somalia border to fight terrorism (Khadiagala 2004).

U.S. Policy towards Kenya

Security cooperation has long been an important aspect of Kenya-America relations, underscored by airbase, port access, and over-flight agreements since the Cold War. Despite political disagreements between the U.S. and the Moi government over the issues of human rights, corruption, and poor governance, the security component of the relationship has endured (Khadiagala 2004). U.S.-Kenya relations under the leadership
of Kenyan President Mwai Kibaki have been relatively good as the U.S. has promised to increase funding, training, and intelligence sharing to strengthen security in Kenya and in the Horn of Africa. Since the U.S. embassy bombing in Nairobi in 1998, the United States has spent more than $3.1 million on anti-terrorism assistance, including training of more than five hundred Kenyan security personnel in the United States. These programs have been complemented by other initiatives such as the U.S. donation of $1 million in airport security equipment under the “Safe Skies for Africa” program to improve airport and aviation security (Khadiagala 2004; Barkan 2004).

Kenya is an important partner with the U.S. in the war on global terrorism. In 2002, the U.S. created the Combined Joint Task Force-Horn of Africa (CJF-HOA) consisting of more than 1,800 American military personnel supported by U.S. Central Command. Based in Djibouti, CJTF-HOA’s primary mission is to identify, preempt, and thwart terrorist threats emerging from Yemen, Somalia, and Kenya. The program also receives assistance from a multi-national naval force that patrols the Indian Ocean. The program includes the U.S. training of regional militaries and personnel in counter-terrorism strategies. Lyman and Morrison (2004:78) reported that as “part of the multinational campaign, a special anti-terrorism squad composed of the German Naval Air Wing, is currently based in Mombasa to monitor ships plying the Gulf of Aden and the Somali coast.”

Because the Horn of Africa has now become an important region in the war against international terrorism, in June of 2003, President Bush announced a $100 million package of counter-terrorism strategies to be spent in the Horn of Africa to combat terrorism (Lyman and Morrison 2004; Barkan 2004). While half of these funds will
support border and coastal security programs within the region, $10 million will be used to support the Kenyan Anti-terror Police Unit, and $14 million will used to support Muslim education. President Bush ordered the U.S. Department of Defense to administer and control how such funds are utilized. Kenya is trying to secure a third of the funds to fight the threat of terrorism within its borders (Lyman and Morrison 2004; Barkan 2004).

Tensions between Patron and Client: A Dysfunctional Response to the Target Governments

According to Joel D. Barkan (2004), Kenya is an important partner of the United States in the fight against international terrorism. But since the bombing of the U.S. embassy in Nairobi, the U.S. has not honored some of its promises to the government of Kenya and has been slow to provide financial and training assistance to prevent terrorism from emerging within the region. The Kenyan government is dissatisfied because the U.S. travel advisories warning Americans not to travel to Kenya have remained in effect since 2003. Barkan (2004:97) wrote that, “The threat of renewed terrorism has devastated Kenya’s tourist industry. Once Kenya’s second-largest source of foreign exchange, tourism has now dropped to third place. Hotels both in Nairobi and on the coast are at their lowest occupancy levels in years.”

The government of Kibaki is aware that if it does not join the war on terrorism, U.S. development aid to Kenya will be reduced, hurting a struggling economy further. Kenya is doing everything it can to combat the threat of terrorism with its limited resources, logistics, finances, and training. The Kenyan government has created a special counter-terrorism unit and intensified its search for al-Qaeda affiliates (Barkan 2004:97-98).
With the assistance of the FBI, Kenyan intelligence and law enforcement authorities have raided known al-Qaeda cells along coastal areas. Thus far, the U.S. has spent more than $6 million in anti-terrorism assistance to Kenya including $4 million for training of more than 500 security personnel in the U.S. and $2 million to boost security at Nairobi and Mombasa international airports (Barkan 2004:98).

However, Kenyan leaders and parliamentarians complain that the United States seems not to appreciate the efforts Kenya is making on the war on terrorism given its struggling economy. Other leaders resent being criticized by the U.S. ambassador and his senior staff for not doing more to fight terrorism when in reality it is the U.S. that is not providing enough resources to combat terrorism in Kenya (Barkan 2004).

In addition, Kenyan leaders complain that the U.S. is using a tough approach to force them to pass new legislation including the Suppression of Terrorism Act (STA), which many equate to the U.S. Patriot Act (USAPA) (Barkan 2004:99). Other Parliamentarians and officials complain that the Bush administration is “playing hardball” by using the so-called power of the “stick” rather than the “carrot” to secure Kenya’s support on other issues of interest to the United States. For example, the U.S. has threatened to cut off military aid ($3 million per year) if Kenya ratifies the treaty of the International Criminal Court (ICC) without exempting American servicemen under Article 98. This is viewed as an infringement on Kenyan sovereignty (Barkan 2004:99).

Barkan warned that a softer approach is required from the Bush administration if Washington is to maintain its historically warm relations with Kenya. According to Barkan (2004:100):

This means the United States should renew military aid to Kenya without conditions, as is permitted under the presidential waiver provision in the

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American Service Members’ Protection Act of 2002 (which otherwise bans military support for countries that have joined the ICC). The administration should deliver the aid package it has promised for the war on terrorism, rather than getting sidetracked on forcing the equivalent of the U.S. Patriot Act through Kenya’s National Assembly. The administration should also consider increasing U.S. development aid, contingent on Kibaki’s government’s making tough decisions to restore economic growth.

Therefore, we can argue that terrorist attacks usually increase tensions between patron and client states as U.S.-Kenya relations demonstrate. The rhetoric of the war on terror and President Bush’s warning to treat countries who refuse to cooperate with the U.S. in global terrorism as hostile forces her allies (or client states) to respond with tougher counter-measures that alienate and discomfort its citizens and supporters.

Government Responses: Comparisons of America and Kenya

Based on the discussions provided above, we can briefly compare how American and Kenyan governments responded to their respective tragedies. Immediately after the catastrophic attacks of August 7, 1998, and September 11, 2001, government officials from the two countries severely condemned the attacks and indicated that those who planned and executed them were cowardly and evil. Political leaders vowed to do everything within their power to bring the perpetrators to justice. In regard to the U.S. embassy attacks in Nairobi, Kenya, President Daniel arap Moi said: “Those who were responsible for these senseless attacks were cowards. We cannot condone their evil acts. We will find them and bring them to justice” (Daily Nation August 8, 1998). American President William Clinton also condemned those who were responsible for the senseless attacks that killed innocent people in the twin embassies bombings in Nairobi and Dar es Salaam. He called the attackers cowards and vowed to bring them to justice (Clarke
In a speech to the American public, President Clinton said: “We will use all the means at our disposal to bring those responsible to justice, no matter what or how long it takes” (Mcgeary 1998:34). Bin Laden and al-Qaeda were blamed for the attacks.

In October of 1998, President Clinton authorized military attacks against two countries, Afghanistan and Sudan, in retaliation to the twin bombings of the U.S. embassies in Kenya and Tanzania. Four perpetrators were also arrested, tried, and imprisoned for life for participating in the attacks. President Clinton also promised the Kenyan and Tanzanian governments that the U.S. will not only work with them to fight international terrorism but will also assist them financially to rebuild damaged buildings and businesses. He also promised to assist the victims’ families and survivors with medical costs and other social services to help them cope with their tragedy. Even though Clinton ordered retaliation against bin Laden’s camps in Afghanistan, vowed to track down the embassies bombers, and promised to fight international terrorism, his efforts and actions were considered inadequate because they were designed to “wag the dog”, that is, to divert attention from his personal political scandals. After his leaving office, bin Laden was still at large and his network was still attacking American interests including the attack on the U.S.S. Cole in Yemen in 2000 (Miniter 2003; Clarke 2004).

Substantial government actions against global terrorism came with the catastrophic attacks of September 11. Immediately after the attacks against the World Trade Center and the Pentagon, American leaders strongly condemned them and vowed to hunt the perpetrators down and bring them to justice. In his statements, President George W. Bush vowed: “We will hunt them down...they will pay”; “We’re at war”; and “The people who knocked these buildings down will hear from us all soon” (Thomas and
Bush labeled Osama bin Laden and his al-Qaeda operatives as “evil-doers” and countries that supported them as the “axis of evil” (quoted in Herbst 2003). Bush also called the battle against international terrorism “a monumental struggle of good vs. evil” and reminded the American people that he will strike back at the time of his choosing to smoke terrorists out of their caves and drain their swamps. In his speeches, he was resilient and vowed: “Make no mistake...we will win” (Walczak et al., 2001:36). He also promised to rebuild Ground Zero and assist the victims’ families with monetary compensation. He reminded the international community that in the war on terror, “you are either with us or you are with the terrorists.” In other words, those countries that failed to cooperate and support the United States in the war on terror would be considered hostile to the United States. Bush’s statements and rhetoric were followed by actual military invasions of Afghanistan in 2001 and Iraq in 2002 and the removal of the Taliban and Saddam Hussein regimes. Bush also created a Federal Compensation Fund to disperse millions of dollars to the families of the victims of September 11 and allocated more millions to rebuild Ground Zero.

In both countries, tough legal actions and counter-measures were instituted to enable the intelligence community and law enforcement agencies to fight terrorism. Apart from the many security measures that were instituted at airports, ports of entry, symbolic landmarks, embassies, and other places of importance, the United States and Kenya also created the US Patriot Act and the Suppression of Terrorism Act respectively to enable their intelligence agencies to combat international terrorism. The two countries are also working together in the war on global terrorism.
However, public response to legal actions, particularly those that concern the US Patriot Act and the Suppression of Terrorism Act in the United States and Kenya have been criticized because they have played a role in polarizing citizens and ethnic groupings. In both countries, the legal actions are now viewed as being draconian because they target minority groups—Arabs and Muslims under the aegis of national security. The threat to national security in both countries is now used as justification to arrest and jail both foreigners and citizens with lesser regard for due process procedures. For example, in the United States Arabs and Muslims dubbed enemy combatants and a threat to national security are being held in jails and prisons incommunicado. In Kenya, the Muslims in the Coast province complain of harassment, mistreatment, and unlawful police raids and arrests in the name of the war on terrorism.

Because of government officials’ abuse of legal action, some people or groups in America and Kenya are now reluctant to support government actions such as preemptive military strikes against terrorists and terrorist-sponsoring states (Barkan 2004; Lyman and Morrison 2004; Scheuer 2004). Additionally, countries and world leaders who supported America in the wake of the September 11 attacks are now reluctant to support the war on terror and the invasion of Muslim states. Most African nations and their leaders are no exception.

African Reactions to the Attacks of September 11

African reactions to the September 11 attacks on the World Trade Center in New York and the Pentagon in Washington D.C. were overwhelmingly supportive of the United States (Dagne 2002). In the days and months after the attacks, many African
leaders and officials offered support in the war on terrorism. African heads of states including Daniel arap Moi of Kenya, Benjamin Mkaba of Tanzania, Yoweri Museveni of Uganda, Thabo Mbeki of South Africa, and Olusegun Obasanjo of Nigeria joined other world leaders in denouncing the attacks against the United States and expressed their willingness and readiness to cooperate in fighting international terrorism. Even the Sudanese government under President Omar Bashir, whose country provided sanctuary to bin Laden between the years of 1991-1996, condemned the attacks and indicated that his country will cooperate with the U.S. in the war on terror (Dagne 2002; Roessler 2004; *The Economist* 9/22/2001).

In sum, many African heads of state and several member states of the Organization of African Unity (OAU) not only officially and collectively condemned the events of September 11, but also pledged to work with the United States and the United Nations in the fight against terrorism. The African Unity members adopted the United Nations Security Council Resolution 1373, *inter alia*, that obliges all U.N. member states to make every effort to apprehend those who finance terrorist activities; to criminalize and punish their nationals who provide safe havens to terrorist groups; to freeze terrorists’ assets; and to participate in bilateral, regional, and multinational actions to prevent terrorism.

Not all African responses were supportive. Celebrations among Muslim militants were reported in some African countries including Nigeria, Egypt, Morocco, Algeria, and Somalia. In Somalia, for example, thousands of people took to the streets of Mogadishu and burned American and Israeli flags in support of Osama bin Laden and al-Qaeda. Although Somalia’s transitional national government condemned the attacks on America, Somali officials did little to prevent the demonstrations. With the exception of these few
cases, the general public in Africa, like the rest of the world, denounced the attacks. It is estimated that 25 people from 13 different African countries died in the World Trade Center on September 11 (Dagne 2002:1-2).

Clearly, African countries have cooperated with the United States in its anti-terrorism efforts. According to press reports, the governments of Djibouti and Kenya offered their sea and airport facilities for use by American forces. The United States has a military access agreement with Kenya. The U.S. has over the years used sea and airports in Djibouti for refueling of its ships and for other purposes. With the urging of former U.S. Secretary of State Colin Powell, the Sudanese government agreed to give American officials unrestricted access to files of suspected terrorists and indicated that they would hand over suspects to American authorities. The South African government also was presented with a list of names of persons with possible links to the attacks in New York and Washington D.C. and immediately signed an extradition treaty with the United States. U.S. officials also presented other African countries with lists of names and charities suspected of terrorism and asked for cooperation in handing them over to the U.S. and shutting down charities suspected of supporting terrorist operations (Barkan 2004; Lyman and Morrison 2004; Dagne 2002).

Africa and the United States have mutual interests in suppressing terrorism. The proximity of some African countries to the Persian Gulf region is crucial to U.S. forces. For example, Eritrea has ports at Masawa and Assab on the Red Sea. In the past several years, Djibouti has emerged as an important refueling station for U.S. military planes. But a more immediate role for African countries and officials is fighting terrorism and terrorist cells and groups in Africa itself, because Africa is emerging as a safe haven for
several terrorist groups from the Middle East and North Africa (Schermerhorn 2004).

Steven Emerson (2002) argued that Sudan has been the host of many radical Islamic
groups that have been responsible for some of the worst terrorist atrocities around the
world. He maintained that the Sudan-based groups included al-Qaeda, Abu Nidal,
Gama’at al Islamiyya, Egyptian Islamic Jihad, Hamas, Hezbollah, Palestinian Islamic
Jihad, and many other Islamic militants groups from the Middle East and Africa (see also
Schermerhorn 2004; Byers 2002).

Moreover, some of the most disruptive attacks since the 1990s were conceived in
Sudan and tested against African civilians as was demonstrated by the twin bombings of
the U.S. embassies in Kenya and Tanzania on August 7, 1998. There is also evidence
suggesting that terrorist groups from the Middle East have established a presence in the
African countries of Somalia, Ethiopia, Kenya, Tanzania (including Zanzibar), and South
Africa, while terrorists are involved in illegal diamond and gemstone business
transactions in Central and West Africa (Bodansky 2000; Emerson 2002; Lyman and
Morrison 2004).

Furthermore, as U.S-coalition forces continue to supposedly “drain the swamps” of al-
Qaeda infrastructure in Afghanistan, Iraq, and other parts of the world, it is highly likely
that Somalia could become the next sanctuary for al-Qaeda remnants, simply because
Somalia’s population is 100 percent Muslim, as shown in Table 3 below. Moreover,
Somalia lacks viable government institutions and any semblance of political stability. In
Somalia, anti-American sentiments loom large (Lyman and Morrison 2004; Barkan 2004;
Dagne 2002).
Muslim Populations in Selected African Countries, 2003

<table>
<thead>
<tr>
<th>Country</th>
<th>Total population</th>
<th>% Muslim</th>
<th>Muslim population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burkina Faso</td>
<td>13,228,460</td>
<td>50%</td>
<td>6,614,230</td>
</tr>
<tr>
<td>Central African Republic</td>
<td>3,683,538</td>
<td>15%</td>
<td>552,531</td>
</tr>
<tr>
<td>Chad</td>
<td>9,253,493</td>
<td>51%</td>
<td>4,719,281</td>
</tr>
<tr>
<td>Comoros</td>
<td>632,948</td>
<td>98%</td>
<td>620,289</td>
</tr>
<tr>
<td>Congo, Democratic Republic of the</td>
<td>56,625,039</td>
<td>10%</td>
<td>5,662,504</td>
</tr>
<tr>
<td>Congo, Republic of the</td>
<td>2,954,258</td>
<td>2%</td>
<td>59,085</td>
</tr>
<tr>
<td>Côte d'Ivoire</td>
<td>16,962,491</td>
<td>40%</td>
<td>6,784,996</td>
</tr>
<tr>
<td>Djibouti</td>
<td>457,130</td>
<td>94%</td>
<td>429,702</td>
</tr>
<tr>
<td>Egypt</td>
<td>74,718,797</td>
<td>94%</td>
<td>70,235,669</td>
</tr>
<tr>
<td>Eritrea</td>
<td>4,362,254</td>
<td>50%</td>
<td>2,181,127</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>66,557,553</td>
<td>50%</td>
<td>33,777,777</td>
</tr>
<tr>
<td>Kenya</td>
<td>31,639,091</td>
<td>10%</td>
<td>3,163,909</td>
</tr>
<tr>
<td>Liberia</td>
<td>3,317,176</td>
<td>20%</td>
<td>663,435</td>
</tr>
<tr>
<td>Libya</td>
<td>5,499,074</td>
<td>97%</td>
<td>5,334,102</td>
</tr>
<tr>
<td>Nigeria</td>
<td>133,881,703</td>
<td>50%</td>
<td>66,940,852</td>
</tr>
<tr>
<td>Senegal</td>
<td>10,580,307</td>
<td>94%</td>
<td>9,945,489</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>5,732,681</td>
<td>60%</td>
<td>3,439,609</td>
</tr>
<tr>
<td>Somalia</td>
<td>8,025,190</td>
<td>100%</td>
<td>8,025,190</td>
</tr>
<tr>
<td>South Africa</td>
<td>42,768,678</td>
<td>2%</td>
<td>855,374</td>
</tr>
<tr>
<td>Sudan</td>
<td>38,114,160</td>
<td>70%</td>
<td>26,679,912</td>
</tr>
<tr>
<td>Tanzania</td>
<td>35,922,454</td>
<td>35%</td>
<td>12,572,859</td>
</tr>
<tr>
<td>Uganda</td>
<td>25,632,794</td>
<td>16%</td>
<td>4,101,247</td>
</tr>
</tbody>
</table>

Source: CIA World Factbook, updated August 2003; Eritrean figures from the Embassy of Eritrea.

The Bush Administration has indicated satisfaction with the level of support it has and continues to receive from African countries. In late October 2001, President Bush told more than 30 African ministers who were attending the annual Africa Growth and Opportunity Act Economic Forum (AGOA) that, “America won’t forget the many messages of sympathy and solidarity sent by African heads of state” (Dagne 2002:3).

President Bush also acknowledged Organization of African Unity (OAU) political support for the anti-terrorism campaign. American officials asserted that Africa, with its
large Muslim population, can play a pivotal role in solidifying support in Muslim
countries such as Nigeria (Dagne 2002). Additionally, African states and peoples have
been assured that the war on terrorism is not a war of civilizations between the West and
Islam. U.S. former National Security Advisor and current Secretary of State,
Condoleezza Rice, urged “African nations, particularly those with large Muslim
populations, to speak out at every opportunity to make clear that this is not war of
civilizations, that this is a war of civilization against those who would be uncivilized in
their approach to us” (quoted in Dagne 2002:3).

**Figure 10. A Map of Africa**

In conclusion, terrorist attacks in a field of mixed-ethnicities and mixed-religions
polarize the countries in the region. Some support the attackers while others support the
victimized countries. Some countries, such as Kenya, become more polarized internally.
The same polarization has been reported in other countries across the Africa, where more than 380 million Muslims live (The Economist 9/22/2001).

African Officials’ Worries and Concerns

African officials are worried that U.S. military retaliation against Muslim fundamentalists has caused their supporters to target African countries. Today, the rhetoric of the war on terror, which now means the war on Muslim groups and countries, has already stoked violent clashes between Islamic movements and others within African countries. For example, American military strikes against Afghanistan and Sudan in 1998 were followed in parts of east and southern Africa by violent activities by Islamic groups. In South Africa, Islamic militants called People Against Guns and Drugs (PAGAD) were implicated in a series of bombings in Cape Town. In response, a mob looted shops and smashed up an Islamic center in a Somali community near Port Elizabeth, South Africa. In Uganda, an Islamic militant group was accused of orchestrating bombing attacks in Kampala (The Economist 9/22/2001:41-42). In Kenya, local Muslims were indicted for executing attacks against a resort hotel in Mombasa. In Nigeria, Muslim militants from the north have been implicated for orchestrating attacks against Christians in the south. Many civilians were killed and maimed in these incidents. African leaders are worried that retaliation against Muslim radicals will fuel even more violence (Lyman and Morrison 2004; Khadiagala 2004).

African officials and ambassadors are concerned that despite the strong support African governments have provided to the anti-terrorism campaign, they are not seen as valued coalition partners in the fight against terrorism. It has been reported that the Bush
administration, like previous administrations, did not extend invitations to African heads of state to visit Washington for discussions on the crisis, as has been the case with many European and other world leaders (Lyman and Morrison 2004; Barkan 2004; Dagne 2002). Among the heads of state officially received by the Bush administration since September 11 were Presidents Olusegun Obasanjo of Nigeria, Daniel arap Moi and Mwai Kibaki of Kenya, Benjamin Mkaba of Tanzania, Yoweri Museveni of Uganda, and Thambo Mkeki of South Africa. The Bush administration dismissed this concern saying that what is important is the level of collaboration and cooperation on the ground and not visits to Washington D.C. and the White House. But some African ambassadors in Washington D.C. worry that sub-Saharan Africa may become a lower priority and that American financial support may be reduced because of the new focus on the war on terrorism, particularly with the costly military interventions in Afghanistan and Iraq (Dagne 2002, Lyman and Morrison 2004; Barkan 2004).

African officials assert that the United States has an obligation to assist them financially because they have suffered economically due to terrorist attacks. For example, government officials from Kenya and Tanzania told a Congressional hearing that their tourism sector, their largest foreign currency earner, has not been able to recover since the attacks. South African officials indicated that their airline industry has experienced flight cancellations and reductions in flights (Lyman and Morrison 2004; Dagne 2002).

Therefore, African leaders argue that they need U.S. economic assistance and military logistics and training to fight international terrorism in their respective countries. They would like to build an African security capacity able to detect and prevent terrorist acts.
but this would require extensive training and technological expertise. African states also
would like U.S. support in stopping money-laundering practices by extremist and terrorist
groups in their countries (Alexander and Alexander 2002; Lyman and Morrison 2004;
Dagne 2002).

Cooperation in sharing of intelligence is another area where African leaders and
governments would like to see improvement. Although American security agencies were
appreciative of the support and cooperation they received from Kenyan and Tanzanian
authorities after the U.S. embassies bombings, African leaders contend that they lack the
resources needed to provide such support routinely (Dagne 2002; Khadiagala 2004).

Immediately after the attacks of September 11, some African countries were still
concerned that they might become the next target for U.S. military action after
Afghanistan and Iraq. Sudanese officials are reportedly concerned that the U.S. may
target their country despite their recent cooperation (Dagne 2002). While U.S. officials
have said they will fight terrorism whenever it is found, they have not given any
indication that Sudan could be a target.

The U.S. has adamantly refused to lift sanctions against Sudan due to its ties with
terrorism. President Bush told Congressional members that “because the actions and
policies of the government of Sudan continue to pose an unusual and extraordinary threat
to the national security and foreign policy of the United States, the national emergency
declared on November 3, 1997, and the measures adopted on that date to deal with that
emergency must continue in effect beyond November 3, 2001” (quoted in Dagne
2002:10).

Somalis are also concerned that their country could become a target because of the
activities of Al-Itihaad al-Islamiya and its alleged relationship with al-Qaeda. President Bush added Al-Itihaad al-Islamiya to the list of organizations that support terrorism and ordered the freezing of its assets in accordance with Executive Order 13224 (Dagne 2002). The freezing of their financial assets has had a serious impact on Somalia’s fragile economy because al-Barakaat Group of Companies employed many Somalis (Menkhaus 2004).

Moreover, some African officials contend that the coalition against the war on international terrorism should be spearheaded by the United Nations instead of the United States. According to African officials, a truly international coalition led and coordinated by the United Nations is more acceptable to Africans as opposed to a coalition consisting of largely Western industrial powers and countries (Dagne 2002). Some African ambassadors were also concerned about pressures from the general public in their respective countries regarding the fate and status of African citizens detained in the United States. These ambassadors claim that they have been unable to contact their citizens in U.S. detention centers or have been unable to learn their identities or nationalities. According to African officials, citizens from several African countries, including Algeria, Egypt, Morocco, Somalia, and South Africa are being detained in U.S. detention centers and prisons (Dagne 2002).

According to African officials, cooperation between the United States and Africa on the war on terror should include arresting and extraditing members of African terrorist cells and extremist groups active in Europe and America. Others claim that they have been unable to get the cooperation of Western authorities in extraditing individuals engaged in terrorism. Some African officials claim that terrorist groups raise funds and
train terrorists in the West with little hindrance from Western governments (Dagne 2002). For instance, an Algerian ambassador told a congressional audience that his country lost an estimated 20,000 people to terrorism, but received little support from Western governments. While some of these concerns are being expressed by a handful of African officials in London, Paris, and Washington D.C., many Africans think that the U.S. must address the problem of terrorism in a more comprehensive way. African officials, and in particular those from countries with large Muslim populations, see the need for a fair and quick solution of the Palestine problem (Lyman and Morrison 2004).

Some Western and African observers are also concerned that the anti-terrorism rhetoric and campaign is significantly changing U.S.-Africa relations. For example, democracy and human rights advocates claim that African states with poor human rights records have been embraced by Washington and the Bush administration because they have indicated their willingness to cooperate in the war on terrorism (Dagne 2002; Menkhaus 2004; Iyob 2004; The Economist 9/22/2001).

Others expressed concerns that issues dealing with conflict resolution and development in Africa have been marginalized or neglected by policymakers in Washington. The Bush administration indicated that while the fight against terrorism is its foremost priority, other issues, such as trade, the fight against HIV/AIDS, and conflict management and resolution remain important (Dagne 2002; Lyman and Morrison 2004). For instance, in November 2001, Assistant Secretary of State for Africa, Walter H. Kansteiner, told a gathering of African ministers that the Bush administration has five policy priorities in Africa: (a) expanding trade and investment; (b) good governance and democracy; (c) the environment; (d) conflict resolution; and (e) combating disease and
the HIV/AIDS pandemic (Dagne 2002; Lyman and Morrison 2004).

Some human rights activists and other observers are concerned that African
governments are capitalizing on the war against terrorism by labeling legitimate
opposition parties as terrorists in order to silence political rivals and suppress dissent.
For example, in Zimbabwe, President Robert Mugabe accused members of the opposition
party of being terrorists. Since the attacks of September 11 against the United States, the
Mugabe administration has used existing laws and new legislation to harass and
intimidate members of the opposition party and independent journalists (Iyob 2004).

In Kenya, some members of the Arab and Muslim community in the Coast Province
have not only complained of being harassed by government security forces and law
enforcement officials, but have also complained of physical assault and looting of their
property. In Kenya, the war on terrorism has become a major domestic political issue
because it has complicated the relationship between the Arab minority and other
Kenyans. The government’s search for terrorists has focused on the Coast Province,
feel singled out and increasingly view themselves as victims. Aggressive interrogations
of suspected terrorists by the Kenyan police have exacerbated their sense of grievance at
the very time such feelings should be reduced.”

In Somalia, the Mogadishu-based transitional national government is a target of
attacks by other political groups who argue that the transitional national government
supports terrorism (Menkhaus 2004). In Eritrea, the rhetoric of the war against terrorism
is also being applied to harass and eliminate all political dissent and to justify systematic
suppression of all pro-democratic opposition (Iyob 2004).
Although many African governments have enacted new counter-measures, some political leaders are using the war on terrorism for ulterior motives—to silence opposition parties, eliminate political rivals, and suppress pro-democracy movements.

Some analysts and observers have argued that because of Africa’s porous boundaries, lack of proper security apparatus, and limited resources and expertise to fight terrorism, the U.S. and its European allies must significantly expand their intelligence presence in Africa (Lyman and Morrison 2004; Barkan 2004). Analysts also maintain that because America is the primary target of terrorism, the U.S. should assist fragile African governments to build security apparatus and intelligence capabilities to detect and thwart terrorist operations against American interests (Dagne 2002; Lyman and Morrison 2004).

Others noted that while it is desirable to secure and win the support of all African countries, only a handful will be capable of and suitable for joining an effective partnership with the United States in the fight against terrorism (Lyman and Morrison 2004; Barkan; Dagne 2002; Khadiagala 2004; Iyob 2004; Menkhaus 2004). Experts further noted that the Bush administration should identify relevant African actors and establish a special security relationship with these governments. For example, some analysts think that in dealing with the terrorist threat from Somalia and Sudan, Kenya and Ethiopia could provide significant support (Dagne 2002; Shinn 2004; Lyman and Morrison 2004; Barkan 2004).

Other observers, however, fear that close U.S. support for some African states and governments could be interpreted as a reduction in pressure for economic reforms and democratization. From these observers’ viewpoint, encouraging good governance, transparency, accountability, and respect for human rights, together with poverty
alleviation and social development are significant elements in building stronger U.S.-Africa relations and a terrorist-free Africa (Lyman and Morrison 2004; Barkan 2004; Dagne 2002; Khadiagala 2004; Iyob 2004; Menkhaus 2004).

Even though African nations may be considered by some political actors and policymakers as lesser partners with the United States and Europe in the war on terrorism, it is important to note that today's terrorists including those who orchestrated catastrophic attacks against America on September 11, 2001, Madrid on March 11, 2004, and Britain on July 7, 2005 came from African countries such as Algeria, Egypt, Eritrea, Libya, Morocco, Tunisia, Sudan, Somalia, and Tanzania. Moreover, al-Qaeda was conceived and nurtured in Africa. Under these circumstances, the United States and its allies should work with African nations as viable, reliable, and important partners on the war on terror and cooperate with them on security matters. Therefore, the U.S.-African relations on the war on terror should include: the sharing of intelligence, training of security personnel, cooperation in counter-terrorism programs, and finding solutions to Africa's fundamental problems—economic distress, ethno-religious conflicts, fragile governance, weak democracy, abuse of human rights, poverty, and rampant corruption—that create fertile climate and environment in which terrorism and terrorists thrive.
CHAPTER SIX


"America has the money to compensate us….If they will not give us compensation, we have to ask why: Is it because we are Kenyans?"
(Nairobi bomb survivor, 2002)

At 10:00 a.m. on August 7, 1998, suicide-terrorists drove trucks filled with explosives into the American embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, killing 250 people, among them twelve Americans and twelve Tanzanians. Five thousand were injured. Kenyans were especially devastated because at least 224 civilians were killed. In Kenya, the area surrounding the U.S. embassy was, and still is, usually busy in terms of human traffic and commercial activities. In addition, the American embassy was located at Nairobi’s busiest intersection, Moi Avenue and Haile Selassie Avenue. These avenues lead to and from Kenya’s most significant governmental and non-governmental organs, enterprises, and corporations which include: the government ministries; the Railway Corporation Headquarters and train terminus; the Kenya Bus Services and minibuses terminus; Kenya Post and Telecommunications; Central Bank of Kenya; the Treasury House, Kenya Polytechnic College; Kenya Press and Publications; the Coffee Board of Kenya; Kenya Planters of Coffee Union, Kenya Cinema; and the Ambassador and Hilton hotels.

At the time of the attacks, the U.S. Ambassador to Kenya, Prudence Bushnell, was having a meeting with the Kenyan Minister of Commerce, Joseph Kamotho, on the top
floor of the Cooperative House, a building that was severely damaged during the attacks
killing people and injuring many others. Bushnell and Kamotho were injured.

As a result of the attacks, many buildings near and around the U.S. embassy were
either completely destroyed or severely damaged. For example, the Ufundi House, a
seven-story office and secretarial college building, was completely destroyed burying
with it many civilians including college students waiting to take their final examinations.
The Cooperative Bank House, a twenty-one story building, home to government and non-
governmental agencies, was severely damaged. Civilians therein were killed and injured.

More than sixty buildings within the vicinity of the U.S. embassy suffered severe
damage. They included: the Railway Headquarters, the Electricity House, Kenya Post
and Telecommunications, and the Pioneer Building. The impact of the explosion was felt
throughout the surrounding area of the American embassy and beyond. Most of the
injuries resulted from shattered windows and flying objects. However, the buildings that
took the heaviest hits were the Ufundi and Cooperative Houses. The former was
completely reduced to piles of twisted metal and concrete, killing civilians instantly and
trapping many more in the wreckage. Outside the American Embassy, many people,
including students, were lining up for visas. Many of them were also killed or injured.
At the intersection of Moi and Haile Selassie Avenues, buses and vehicles were
completely destroyed as shown in the Figure 11. Commuters and passengers were
burned beyond recognition. In short, after the attack, downtown Nairobi looked like a
war zone. Kenyans and Nairobians who had considered themselves secure and far
removed from terrorist threats and attacks realized that terrorism knows no boundaries.
Those who survived the attacks incurred severe injuries such as the loss of limbs, hearing, and sight, plus injuries to the head and spinal cord. Because so many were injured, the Kenyan hospitals were full, medical personnel and staffs were overwhelmed, and medical services and equipment were scarce.

The United States, Great Britain, Israel, Germany, and South Africa sent rescue and recovery teams, medical personnel and staff, and medical equipment and drugs and donated money to help in the rescue and recovery and to assist victims and survivors. Several other countries from around the world also sent donations.
The Kenyan government allocated funds and used the financial donations it received from well-wishers around the world to set up the Njojo Commission to provide assistance to the victims’ families and survivors. The money from the fund was used to provide medical treatment, drugs, traveling expenses to foreign countries for further medical treatment, rehabilitation services, school fees, training in new skills, and compensation (Johanna 1998). The United States donated at least $42 million through the United States Agency for International Development (USAID) to assist in emergency rescue and recovery missions, provide treatment to the injured, pay school fees for the children of victims, and repair and rebuild damaged buildings and businesses (Costello, https://web.lexis-nexis.com/universe/document.)

To understand subsequent events, it is important to know that the governments of the United States and Kenya promised the victims’ families and survivors that they would receive free medical and financial assistance to meet their medical needs, drug payments, rehabilitation services, school fees, and learning of new skills (Linnee, https://web.lexis-nexis.com/universe/document.) The survivors and the victims’ families were also promised direct individual compensation for their pain and suffering.

Unfortunately the majority of survivors received very little. Survivors claimed that the free medical and educational assistance and social programs that they were promised were reduced or terminated. In June of 2000, I traveled to Nairobi to find survivors to speak to and record their stories in order to understand their reactions to the attacks, their claims and concerns, and their coping mechanisms after the attack. Here is the story of what transpired between the Nairobi bomb survivors and me from the notes taken during my fieldwork. This story focuses on five key themes: (i) how survivors remember the
attacks of August 7, 1998, (ii) who were the targets, (iii) the promises that were made, but inadequately delivered, (iv) the survivors’ reactions on hearing that the September 11 victims were well compensated for their loss, pain, and suffering, and (v) the coping mechanisms that survivors used to deal with their tragedy.

Nairobi Bomb Survivors Remember

Although the survivors did not understand why they were attacked, they vividly remembered the day of the attack as if it were the very day I interviewed them. When I asked them how they remembered the attacks of August 7, 1998 the day that changed their lives forever, the following is what four Nairobi bomb survivors said. All had undergone reconstructive surgeries.

That day, I was at work. At around 10:00 a.m., I heard something that sounded like a tire burst. So, I proceeded to the window to see what was happening. As I was standing at the window looking out at the U.S. embassy...I saw many people running away. I thought that whatever the bang was, it might have been big to cause Kenyans to run. Minutes later, I heard another very loud bang. After that, I thought we were invaded because the noise from the bang sounded like those of guns and bombs. I thought we were at war. A few seconds later, I was full of blood and bleeding as I lay down in my office. I was in great pain. From that time on, I did not remember what happened or where I was...When I woke up hours later, I found myself at Kenyatta National Hospital. I was in deep pain and I was crying. I thought that I was going to die. I begged the nurses who were running up and down the hospital to tell me what had happened to me. ‘Why I am here?’ I cried. ‘Why is blood coming from my eyes, ears, and head?’ I asked crying. I begged for painkillers, but nobody would attend to me. I was told to calm down and stay quiet and try to sleep as I had been severely wounded (Nairobi Bomb Survivor “A”, June, 2000).

It was around 10:30 a.m. I was at my place of work at the Kenya Railways Corporation, on the second floor, room 205, in the Personnel Section working. We heard something that sounded like a tire burst or guns. So some of us rushed to the window to find out what was happening. A few minutes later, there was fire and smoke coming into our office. There were also flying glasses coming towards our office. I was hit with a flying glass on the face. I fell down. I was bleeding very badly from my head and eyes. Later on, I was taken by a Samaritan to
Kenyatta National Hospital. Many hours later, I was operated on my eye. Days later, I was flown to Germany and received more eye operations....In the months of November and December of 1999, I flew to Germany again for another operation....They operated on my eye and gave me an artificial eye (Nairobi Bomb Survivor “B”, June 2000).

From these testimonies, it is clear that they remembered where they were and what had happened to them. For example, they pointed out that when they heard something that sounded like a tire burst or an explosion coming from the direction of the U.S. embassy, they promptly rushed to the windows in their places of work to see what was happening. A few seconds later, they heard another very loud bang. The impact from the explosion not only sent shock waves throughout the city, but also killed and injured thousands of civilians. The overwhelming majority of the survivors received injuries from flying objects, debris, and broken windows. Many were blinded. The survivors pointed out that they clearly remembered being hit, bleeding, crying, and pleading for help as they lay on the ground helpless and blind. They also remembered being in great and excruciating pain and thought that they were going to die. They reported that at the hospitals, they begged doctors and nurses to attend to their wounds and ease their pain.

Additional revealing accounts of memories presented by other survivors show that they remembered and wanted to discuss not only the day of the attack, but also their injuries, pain, and medical treatment.

I was here working on the second floor and at about 10:15 a.m. I heard a loud noise. I went to the window to check out what was happening because the noise was so loud that it shook the whole building. Just as I reached the window to look out towards Haile Sialassie Avenue and Moi Avenue, I heard another very loud noise and saw the window glasses flying into our office. I was hit on the face and fell down under the table. I did not remember what happened to me except that I was hurting in my eye, head, and ear....The people were telling me that I had been hurt very badly with what was they thought was a bomb. I could not see or hear well since I had been injured so badly. There was a lot of blood coming from my eye and I was crying for help. Some people rushed me to Kenyatta National
I was here on the first floor in the Payroll Section working. At about 10:00 a.m., I was standing near the file cabinets and then all of a sudden, I heard something that sounded like gunshots. I thought that it might have been a gas tank that blew off. But then I saw smoke and fire. I then proceeded further to the window to see where the shots or smoke were coming from. I remember the whole building was shaking, and the next thing I knew, I was down after being hit by flying window glasses. I did not know what was happening and why I was hit or why I was bleeding. I heard many people running out of the office building, but I could not find my way out because I could not see. Blood was coming out of my eyes, head, and face. Sometime later, my brother called my office, but I did not answer as I could not see or find the phone. But one of my co-workers did answer the phone and told my brother that I had been seriously injured from what many believed to be a bomb attack. So, my brother rushed into my office, got hold of me, washed blood from my eyes and face and carried me into a matatu (minibus) and took me to Kenyatta National Hospital. After I arrived at the hospital, I did not receive treatment as there were many more bomb casualties with even more severe complications who were in need of urgent medical care including surgeries. The doctors, however, gave me painkillers and non-infection medication while they attended to those with much more serious injuries. I was told to wait to be operated on because the theaters were full of people who were undergoing operations. Later that day, I was transferred to Nairobi Hospital, where I was operated on. Both of my eyes were operated on and the retinas were reattached. Months later, I was flown to West Germany under the USAID grant for further treatment (Nairobi Bomb Survivor “D”, June 2000).

The survivors reported that they were advised by therapists, counselors, or psychiatrists to join a survivor group and to attend weekly meetings to share their experiences, stories, and ordeals with other survivors. While attending survivor groups, they met others with even more severe injuries and experiences. They also said that sharing their stories with other survivors and listening to others narrate their ordeals helped them to deal with their own tragedies and gave them a sense of comfort and belonging. The next testimony is a case in point.
I joined a survivors’ group and attend the meeting at least once a week. Because when you are with people who were injured and who survived the attack, it makes you feel that you are not the only one whose life was affected. Attending the group meeting, I find survivors from different tribes, occupations, genders, or age-groups whose stories and injuries are even more severe than mine. Usually, we sit around, talk, cry, and console each other. It makes me feel good because at least you know that there are some people who in fact understand what I’m going through. You see, sometimes people who were not injured or lost one of their family members do not understand what we are going through. Some people think that we should get over it and move on with our lives. Others think that we are using our injuries to milk government assistance or compensations. But that is not the case. I and others like me did not ask to be injured in that bomb attack. I would give a million dollars to get my sight back. But that is not going to happen. So the way I cope is to accept the situation and work with what I got—being blind, but being alive (Nairobi Bomb survivor “K” August 2002).

To summarize, the survivors remember very vividly where they were and how they got injured on the morning of August 7, 1998. They were working in buildings surrounding the American embassy, but were drawn to their windows to inquire as to what was happening at the American embassy. Moments later, their lives changed forever as they were hit by flying objects and broken glass. Even though they did not remember who assisted them to Kenyatta National Hospital and other clinics around the city, they indicated that work-mates, good Samaritans, and strangers drove them to hospitals. At the hospitals, they did not receive medical attention right away because the doctors and nurses were overwhelmed. They remembered crying and begging for painkillers and treatment. When they finally received treatment, they were highly appreciative of the medical treatment they received in Kenya and Germany. They also pointed out that besides the immediate medical treatment they received, Kenyan and American government officials promised them long-term free medical and educational assistance and other social services. But those promises were inadequately delivered or were prematurely terminated.
Who Were the Targets?

The bombing of the U.S. embassy in downtown Nairobi on August 7, 1998, is now considered as “the day of infamy” among many Kenyans. Although some people argued that the attack was directed at American citizens and interests, Kenyan citizens and interests were also severely impacted (Bodansky 2000; Clarke 2004; The 9/11 Commission Report 2004). More than two hundred Kenyans were killed, five thousand were injured, and numerous business enterprises were destroyed. Some news reports asserted that al-Qaeda’s attacks killed and injured many Muslims in Nairobi, but that seems unlikely, because on Fridays most Muslims are in mosques attending morning prayers (Costello https://web.lexis-nexis.com/universe/document, Kamsteiner https://lexis-nexis.com/universe/document). Moreover, perusing through hundreds of names of the plaintiffs who joined in a class action compensation suit against the United States in the case of Macharia, et al., v. United States of America, one finds very few Muslim names. Among the 219 names inscribed on the black granite wall at the Nairobi memorial site, one finds few traditional Muslim names. It is important to note that traditional Muslim names are a reliable indicator of religion because non-Muslims who convert usually take Muslims names. It is almost unheard of for Muslims in Kenya to convert to Christianity.

Contrary to the assertions of some people that al-Qaeda intended to kill only American citizens and non-Muslims during the attacks, my interviews with some of the Nairobi bomb survivors suggest that they saw the attacks differently. Four extracts from my interviews with the survivors demonstrate that the terrorists did not care who died in the attacks. Both American and Kenyan citizens were targets.
If it is true as people say that this bad Arab man they call Osama bin Laden and his al-Qaeda wanted only to kill Americans, why didn’t they go to Washington D.C. to kill the Americans there? Why did they come in our country to find the Americans knowing very well that if they attacked the American embassy here, it would be Kenyans who would be killed and injured? (Nairobi Bomb Survivor, “B” June 2000).

If Osama bin Laden and his al-Qaeda terrorists didn’t want to kill us and other Kenyan civilians, they would have at least picked a different target or location which is less congested. Instead, al-Qaeda chose to attack the American embassy in an area known to be congested with both human traffic and motorcars (Nairobi Bomb Survivor “C” August 2002).

It is clear that at least these survivors believe that Kenyans were also targets. Other survivors also reported that:

Al-Qaeda chose to invade and attack us and our country on a Friday morning because they knew that there would be thousands of Kenyans in and around the U.S. embassy. Again, al-Qaeda terrorists knew that the majority of the Muslim believers would be attending services in the mosques in and around the city (Nairobi Bomb Survivor “A”, June 2000).

When you visit the Nairobi bomb memorial site and read the names of all those who died from the blast, you can see that there are very few names of people of Arab and Muslim descent who were among those who died as a result of the attack. This goes to show you that bin Laden and al-Qaeda carefully planned the timing of the attacks to minimize killing people of Muslim faith (Nairobi Bomb Survivors, August 2002).

These statements did not mean that Kenyan Arabs and Muslims were spared. To the contrary, some Muslims were killed or injured. These survivors wanted to set the record straight. They complained that immediately after the attack, news reporters, journalists, media pundits, and even political leaders from around the world were saying that al-Qaeda’s attacks killed many people of Kenyan Arab descent. Evidence suggests, however, these reports were incorrect because the overwhelming majority of those who were killed and injured by the blast were non-Arabic. The remarks of the two survivors above do not indicate that they harbor hatred for Kenyan Muslims for the attacks, but
hearing and seeing some Kenyan Muslims take to the streets of Mombasa to celebrate bin Laden’s and al-Qaeda’s attacks against the American embassy in Nairobi, which resulted in the death of more than two hundred Kenyans and injured five thousand others, was troubling and utterly incomprehensible to these survivors. Determining whether Kenyans were the targets of terrorism is crucial to understanding their reactions and frustrations regarding the unsatisfactory government assistance that survivors received.

Undelivered Promises

The embassies bombings in Nairobi and Dar es Salaam not only received world-wide condemnation, but also caused U.S. officials to order military retaliation against Osama bin Laden and the al-Qaeda infrastructure in both Afghanistan and Sudan (The 9/11 Commission Report 2004; Miniter 2003). Some critics, however, thought that the U.S. military response was inadequate and did little to prevent al-Qaeda from planning the catastrophic attacks of September 11, 2001 (Bergen 2002; Emerson 2002; Mifflin 2001; Miniter 2003). Others argued that President Clinton’s decision to authorize military retaliation against Afghanistan and Sudan was intended to deflect attention from his personal sexual and political scandals (Clarke 2004; Bergen 2002; The 9/11 Commission Report 2004).

In the days and months after the embassy attacks in Kenya and Tanzania, Clinton promised the African victims that the United States would do everything within its power to bring the perpetrators to justice, however how long it may take (McGeary 1998). The governments of America and Kenya promised the victims and survivors that they would do everything possible to assist them in dealing with their losses and injuries. Some of
the promises made included free medical treatment, drugs, counseling, rehabilitation, school fees, job training, and direct individual compensation (Brancaccio, https://web.lexis-nexis.com/universe/document.)

Although the U.S. government gave $42 million in terms of humanitarian aid, the funds were not enough because they also covered other things such as relief, rescue, recovery, and rehabilitation missions (https://web.lexis-nexis.com/universe/document.) Additionally, even though some of the money that the U.S. gave helped Kenya establish the Njojo Commission to disburse funds to victims and survivors, those who received monetary compensation were fewer because priority was given to those with severe injuries (Brancaccio, https://web.lexis-nexis.com/universe/document.) Nonetheless, many victims’ families and survivors received medical assistance and/or financial compensation which ranged from about $500 for light injuries to about $2,000 for severe injuries to about $11,000 for the loss of life (http://news.bbc.co.uk./l//hi/world/africa.) This was small compensation given that thousands of survivors today cannot work or are jobless (https://web.lexis-nexis.com/universe/document.)

According to the Kenyan Daily Nation (May 23, 2002) newspaper, the survivors have continued to petition the U.S. government for further assistance. The termination of medical, educational, and poverty programs being provided by USAID has left them feeling desperate and helpless. The Daily Nation reported that:

Representatives of 100 women beneficiaries of the USAID project said most of the survivors sustained permanent and crippling injuries that put them on life-long support drugs, while others lost their jobs...More than 250 Kenyans and a dozen Americans died in the blast and another 5,000 were injured. The US House of Representatives has ruled out compensation for African victims....The women, who have formed the Bomb Blast Women Survivors Self-Help Group, asked the USAID to extend the program for another four years to enable the beneficiaries to arrange to for alternative medical schemes, and to educate their children to at least
college level (Kelly 2002).

The same worries and fears were also expressed by the survivors that I interviewed. For example, when I asked them what kind of things or services they were promised by government officials and whether or not those promises were adequately delivered, these were some of their remarks:

We were wronged, unjustly attacked, and left to bear the burden of sins we did not commit (Nairobi Bomb Survivor “E”, August 2002).

Every time we attend this anniversary, we hear the same story that the governments of Kenya and America will do more to help us [survivors] in terms of medical and financial assistance. We are frustrated because these promises are never delivered (Nairobi Bomb Survivor “F”, August 2002).

It is clear that the survivors felt that the promises that government officials made to them in the days and months after the attack were inadequately delivered. They pointed out that they were not only wronged and their lives violated, but also their injuries and suffering were quickly forgotten and they were left to finance their own medical costs and needs. They also indicated that they were angry that every time they attended the Nairobi bomb attack anniversaries and requested more medical and educational assistance and monetary compensation, they received the same dose of false hopes and undelivered promises.

The following is a story of a single mother of two children. Not only was she severely injured and forced to retire from her job, but the small compensation she received as remuneration from her employer went to finance her medical costs and needs. She said that without employment or government assistance, she does not know how she will raise her children.
She also noted that upon learning that American officials decided to provide compensation to twelve of its citizens who died in the embassy attack, but refused to compensate her made her angry. She pointed out the U.S. government denied her compensation and others who were affected by the attack because of discrimination.

My chest was crushed... I was forced to retire because I could not work anymore. I received $4,000 from the bank as compensation. I used the money to cover for medical costs. That money is gone now. I still require medications and monthly medical check-ups, but I can't afford the costs. I have two children in school. Sick and without a job, I don't know how I will pay for their fees and raise them. We were promised financial compensation, but we have not received anything yet. We were told that the families of twelve Americans who died in the Nairobi bomb blast were awarded one million dollars each. We sued the U.S. government for damages, but Americans refused to compensate us. We know that America has the money to compensate us. If they will not give us compensation, we have to ask why. Is it because we are Kenyans? (Nairobi Bomb Survivor "G", August 2002).

This statement is supported by another survivor who upon learning that the governments of America and Kenya planned to terminate free medical and drug assistance wondered how he would pay for this cost of his treatment without government assistance:

...now our government has said that the money which the United States gave through humanitarian aid to assist us is finished. We were told that all free medical treatments and other social services have been terminated. Now we are supposed to pay for our own medical costs. Worse still, many of us [survivors] did not have insurance coverage and cannot afford to pay for our medical costs (Nairobi Bomb survivor "I" August 2002).

In summary, the Nairobi bomb survivors are not only angry that government officials reneged on their promises to provide them with long-term medical assistance and free medicines, but also were bitter that all medical assistance and services were being terminated without the provision of an alternative medical plan. They also indicated that medication and periodical medical check-ups are so expensive, they were unable to pay
since most of them did not have insurance. Furthermore, when they learned that all of the victims of the September 11 attacks were compensated in millions of dollars for their loss and suffering while Kenyans were denied such payments, they were bitter and decided to use legal action to acquire damages. But when their class action suit and claims for damages were dismissed in the U.S. courts, they were further angered because they felt that they were being treated by the U.S. government with indifference simply because they were African and Kenyan. In other words, the Nairobi victims and survivors felt that their lives were less important compared to those of September 11 and that Kenyan death, loss, and suffering were in vain.

Resentment over Denial of Monetary Compensation

The September 11 attacks killed three thousand civilians from more than sixty countries around the world. Shortly after the attacks, the U.S. government established the September 11 Victims Compensation Fund to distribute monetary compensation to the survivors and the victims’ families (Alexander and Alexander 2002). The United States’ decision to compensate both American citizens and foreign nationals for their loss, pain, and suffering set a new precedent in American legislation. But the decision to pay the victims of September 11 millions of dollars while denying other victims compensation continues to generate heated debate (Kelly 2002; Musa 2002; https://web.lexis-nexis.com/universe/document.)

Cases in point are the victims of the U.S. embassies bombings in Kenya and Tanzania. For example, whereas the U.S. government compensated the twelve Americans who died in the embassy attack in Nairobi, family members of the more than two hundred Kenyans
who died and five thousand who were injured were denied individual compensation because according to the U.S. Congress, they were not American citizens (Walsh, https://web.lexis-nexis.com/universe/document.) Moreover, when more than five thousand Kenyans who were injured in the U.S. embassy attack brought a class action suit against the U.S. government requesting financial damages, claiming that the U.S. government “negligently failed to secure the Embassy and to warn of a potential terrorism attack”(Macharia et al., v. United States), their suit and claims were dismissed in both the U.S. District Court of Columbia and the U.S. Court of Appeals. These courts stated that the plaintiffs “failed to demonstrate sufficiently why the U.S. government should be held liable for the deaths and injuries in the terrorist attacks” (Macharia et al. v. United States).

The Kenyan bomb survivors’ perception of compensation is the same as those of other victims and survivors of al-Qaeda actions. The moral perception among the victims and survivors whether they are from Africa or America is that government allocated funds and money collected through charities were supposed to be used for their medical expenses and to meet counseling and rehabilitation needs as well as other basic services during the recovery phases (Swetnam 2003; Akhahenda 2002; Hernandez, https://web.lexis-nexis.com/universe/document.)

The victims and survivors who suffer terrorist assaults expect to be fairly compensated without being discriminated against based on their race, color, or religion (Linnee, https://web.lexis-nexis.com/universe/document.). For example, the American government’s decision to compensate all victims of the September 11 attacks regardless of their race, ethnicity, status, or religion set a new precedent upon which other victims of
terrorism base their legal arguments. The survivors indicated that because the U.S. government made direct monetary compensation to twelve American citizens who died in the Nairobi blast, they also expected to be compensated, although not as much as one million dollars each (Kelly 2002).

When I asked the Nairobi bomb survivors what their thoughts were regarding the issue of monetary compensation and how they felt when they learned that twelve American citizens who were killed in the U.S. embassy attack in Nairobi as well as the 3,000 American and foreign victims of the September 11 attacks were highly compensated, these were some of their grievances and remarks:

It showed us that America has the money to compensate terrorist victims and survivors, but does not want to compensate those who were killed and injured in their embassy attacks here in Kenya....Because the American government compensated twelve of its citizens who were killed and several others who were injured from the bomb attack...The twelve Americans who were killed received at least $1 million each...while some of us received nothing. Again the American government awarded the September 11 victims and survivors, both U.S. citizens and non-citizens, with millions of dollars while the rest of us [Kenyans] have not. Worse still, we have tried the legal procedure to acquire money or damages for our losses, pain, and suffering, but the U.S. courts keep dismissing our claims. We think that the American government has refused to compensate us Kenyan bomb victims and survivors because of racial discrimination. If the U.S. government compensated all those who were killed or injured on September 11, we are also entitled to compensation because terrorist victims or survivors in New York are just as human as those in Nairobi (Nairobi Bomb Survivor “E” August 2002).

The above remark was also confirmed by another survivor’s testimony who believed that it was only fair and morally right that the United States government provide the survivors with some type of direct individual payments so that they can pay for their long-term medical care and needs. The survivor also pointed out that it was not only inhumane that African victims were treated indifferently as their lives, losses, and sufferings were considered by the American government as less important, but also it was
unfair that American officials have refused to release or make available bin Laden’s and al-Qaeda’s seized funds and assets to benefit the survivors of terrorism.

It is not fair. It’s really hurting. Like for me, my life really changed. I think that they should compensate us so that we...we can organize ourselves and be able to live a good life. America should give us money because it gave other terrorist victims and survivors who were killed and injured in New York and Washington D.C. We are all human beings. A terrorist attack affects all of us the same way no matter which country one comes from. If the American government doesn’t want to pay from their own pocket, it should at least make available Osama’s and al-Qaeda’s seized assets and funds to be used to compensate us. Because Osama and his al-Qaeda group were the ones who attacked us, their financial assets, which the American government seized, should be used to compensate all of al-Qaeda’s victims and survivors including us Africans (Nairobi Bomb Survivor “G” August 2002).

In this respect, it is worth giving some careful consideration to the next statements that were provided by two survivors and chairmen of the Nairobi Bomb Blast Association and the Nairobi Visual Bomb Blast Group who acknowledged that although the U.S. government had spent more than $40 million in the form of humanitarian aid to assist Kenyan victims and survivors to deal with their plight and assisted in renovating the damaged buildings, these survivors, however, felt that the U.S. officials were more interested in rebuilding damaged businesses and infrastructure than in assisting the survivors rebuild their lives. These survivors also indicated that they continue lobbying the U.S. government to provide them and thousands of others with long-term medical and educational assistance, counseling and rehabilitation services, and monetary awards.

Kenyan victims cannot understand why some al-Qaeda victims were compensated while others were not....It seemed the US cared more about buildings than people ....The US must realize that they can’t just walk away from these problems....It seems to us that the US government is more interested in renovating buildings that were damaged than assisting the survivors in their struggle to recover and heal (Nairobi Bomb Survivor, “H”, August 2002).

The U.S. government should make some compensation to the Kenyan bomb survivors for their injuries and long-term recovery needs because they were

In sum, the testimonies presented above show that the Nairobi bomb survivors were angry that they were discriminated against and denied compensation when the twelve Americans who died in the U.S. embassy in Nairobi and 3000 victims who died in the World Trade Center on September 11 were generously rewarded with millions of dollars. They also resented the fact that the United States courts not only dismissed their class action suit demanding damages, but also that the U.S. government refused to make available bin Laden’s and al-Qaeda’s frozen assets and funds to be used to benefit them.

It is important to note, however, that had the twelve American citizens who were killed in the American embassy attack in Nairobi and had the 3000 victims of September 11 attacks from more than sixty countries not been compensated in the millions of dollars, the Kenyan victims and survivors would not, perhaps, have raised the compensation issue, nor would discrimination or racism have been invoked as the rationale for denying them direct individual payments. Otherwise, the Kenyan bomb survivors would have appreciated the little government assistance they received and continued to rely on their families, charities, and religious beliefs as coping mechanisms.

Survivors’ Coping Mechanisms

The American embassy bomb attack in downtown Nairobi killed more than two hundred and injured five thousand. The cries and groans from those who were wounded and the stench of those burnt beyond recognition have never faded from the ears and eyes of Kenyans. The site of the five-storey American embassy, the spectacular 25-storey bell-bottom-shaped Cooperative House, and the five-storey Ufundi building that housed
small private businesses and a secretarial college remain an eerie and somewhat ghostly place. The location of the American embassy and the Ufundi House is now a memorial park and monument in honor of the 219 dead and thousands wounded and left with indelible scars and bodily deformities (http://web.lexis-nexis.com/universe/document.) Thousands of those affected have struggled and continue to struggle. While many received some direct individual compensation, it is still not enough for those unable to work to support their families (Macharia et al. v. United States). In every memorial service that victims' families and survivors attend, they continue to request more financial assistance and demand some compensation from the U.S. government (http://web.lexis-nexis.com/universe/document.)

When asked how it feels to have survived the attack, how they cope with their injuries and suffering, and what they think of the August 7, 1998, attack, this is how one Nairobi bomb survivors put it:

It is unthinkable and unexplainable. The bomb happened so fast that you cannot remember anything except the pain and injuries and daily struggles and nightmares that you go through and endure. A bomb that lasted a few seconds changed our lives and our country forever. But as a survivor, I thank God for being alive. Although I lost an eye and I am still in great pain from the head injuries and wounds, I thank God for sparing my life because some of my fellow Kenyans were not lucky enough to have survived the bomb. I feel blessed. At the rehabilitation and counseling centers, the psychiatrists and counselors tell us to speak out about our ordeal and share it with our fellow bomb survivors about our nightmare. They also tell us that by speaking out and sharing with other people of our experience will help us cope and heal. They also strongly suggest that we join survivors' support groups to share our stories and experiences. Otherwise, you deal with it the best you know how. For me, I tend to treat this tragedy just like any other tragedy and move on with my life. I wake up every day and thank God for sparing my life knowing that there are some families who lost their beloved ones in the attack. Since the attack, however, I have been experiencing daily nightmares and suffer panic attacks. In fact, even the sound of a bursting balloon or a tire of a motorcar terribly scares me to death. Otherwise, I try to make every moment count and make the best of the worst situation. Kwa sababu hayo ndio maisha. Tufanyeje? (Because that is life, what can we do?) (Nairobi Bomb

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While the testimony shows that the survivor still experiences fear and nightmares whenever he hears a loud noise, he indicated that he treats the attack as any other tragedy and tries to move on with his life knowing full well that there were other Kenyans who did not survive the attack. He expressed gratitude that God spared his life. He also pointed out that he prays that such a tragedy does not happen again, not in Kenya or anywhere in the world:

I count myself blessed. I really thank God for sparing my life. I’m alive today because of God’s mercy and grace. I also pray and ask God that this tragedy should never happen again, not only here in Kenya, but anywhere in the world because terrorism is devastating and destructive. In fact, we Kenyans are peaceful people and therefore terrorists should leave us alone (Nairobi Bomb Survivor “B”, June, 2000).

The next statement was presented along these same lines, but differs slightly because the survivor was partially blinded and worried that her work production was low and therefore considered herself a failure.

I live to deal with it. I know that my life will never be the same again, and so I try to do the very best I can with what I have got left. It is really a problem, especially working without my two eyes and ears. I have a problem seeing and hearing and that affects my overall work assignments. Sometimes my work production is low and I feel like I’m a total failure. But thanks to the help of the rehabilitation centers, counseling centers, I’m able to handle my anger, pain, and suffering better (Nairobi Bomb Survivor “C”, June, 2000).

The next three testimonies show that survivors took counseling services and joined a survivors’ group to share their experiences and ordeals with other victims and survivors, but nothing is as comforting and healing as the power of prayer:

I cope through prayers and by asking the Lord to give me and my family strength and courage to move on with our lives. At the rehabilitation centers, our counselors and psychiatrists suggest that we express and share our experiences, anger, pain, suffering, stresses, and other trials and tribulations with fellow survivors and other people as a way of coping with our situation. Moreover, with
me as with the rest of the other bomb survivors, we count ourselves blessed to be alive. We are aware that the realities and memories of August 7, 1998, will never go away, but we try so hard to take care of everything one step at a time. We try as much as possible; however, no matter how painful and discouraging the ordeal is to look at the bright side of things and push ourselves without surrender to live our lives without fear (Nairobi Bomb Survivor “C”, June, 2000).

I believe in the strength of the Lord...prayers and empathizing with others is very important to our survival. Through togetherness and being strong and united as a family of survivors, we can move on with our lives. That is simply how I cope with my loss and suffering. I have accepted the fact that I’m totally blind, and there is nothing I can do to change that. But those who planned and executed the attacks that robbed us our sight and health will have to answer to God come Judgment Day. For now, all I can do, and I hope other survivors do the same, is move on with our lives, because life does not stop just because one is blind or disabled (Nairobi Bomb Survivor, “M”, August, 2002).

I had to accept my fate because there is nothing I can do to change things. I know that I will never be able to see again. I decided to move on with my life and to do the very best to raise my children. I count myself blessed and lucky to be a survivor because I know many of my fellow workers and other Kenyans died in the attack (Nairobi Bomb Survivor “I” August 2002).

In sum, the evidence and testimonies presented here show that the Nairobi bomb survivors have not only accepted their fate as disabled and blind people, but have also decided to move on with their lives as there is nothing they can do to reverse the situation. They are grateful that God spared their lives and therefore feel blessed.

Conclusion

To conclude, most of the Nairobi bomb survivors that I interviewed were at their places of work when they were injured. They told me that when they heard something that sounded like a big bang coming from the direction of the U.S. embassy, they rushed to their windows to see what was happening. A few seconds later, they were hit and injured from flying glass and broken windows. In addition, survivors that I spoke with were either partially or totally blinded from the blast. They told me that after being
injured, they were lying on the floor in their offices or in the streets crying and begging for help.

The survivors remember vividly the events of that Friday morning of August 7, 1998, and especially the excruciating pain they experienced. Most of them, however, do not have a clear knowledge of how they got to the hospitals, who the good Samaritans who drove them to hospitals were, or who assisted them into the *matatus* (minibuses) to get to hospitals for treatment. They also indicated that the governments of Kenya and America were helpful in assisting them to receive free medical treatment, surgeries, medication, and other assistance to help them deal with their ordeal. In regard to their coping mechanisms, they indicated that they are blessed to be alive and thus have accepted their fate, injuries, and ways of life as blinded or disabled people. Again, they pointed out that joining a survivors' group and attending meetings and sharing their stories and experiences with other survivors assured them that they are not alone in their trauma. Others indicated that they attend church much more regularly now to thank God for sparing their lives. They pointed out that with God on their side, no loss, pain, or suffering is difficult to overcome. The survivors, however, indicated that they still continue their long quest for compensation from the U.S. government for their injuries and long-term recovery needs as they can no longer hold jobs because of their injuries. They were particularly disappointed that the U.S. government decided to give monetary compensation to twelve of its citizens who died during the U.S. embassy attack in Nairobi, as well as provided compensation to all three thousand victims of September 11 (American and non-American alike), while they were denied similar compensation. Furthermore, when they filed a class action suit against the U.S. government asking for
damages, their suits and claims were dismissed in the U.S. District Court, the U.S. Court of Appeals, and the Supreme Court for failing to prove that the U.S. government was negligent in failing to warn Kenyans of the attacks or preventing the attacks from happening (refer to Macharia et al., vs. United States of America in the Appendix II).

In one respect, the attacks of the U.S. embassies in Africa and those of September 11 brought Africans and Americans together. According to the Assistant Secretary for African Affairs, Walter Kansteiner (https://web.lexis-nexis.com/universe/document) the attacks against the American embassies in Kenya and Tanzania not only renewed their shared commitment to peace and freedom, but also strengthened their ties further in regard to the war on global terrorism. Furthermore, Kenya and Tanzania are among the key U.S. allies and partners in the Horn of Africa in the war against international terrorism (Lyman and Morrison 2004). Moreover, the former U.S. Ambassador to Kenya, Prudence Bushnell (also a survivor of the attack), noted that the victims of African and American terrorist attacks have a common bond and kinship because they were the first ones to experience the horrors and devastation of al-Qaeda terrorist operations (Shipman, https://web.lexis-nexis.com/universe/document.)

For his part, Douglas Sidialo, a survivor of the U.S. embassy attack and a leader of the Kenyan bomb survivors also pointed out when he heard of the September 11 attacks, he was angry and grieved. He said that, “I felt an instant sense of solidarity with America…I knew Americans were our brothers…I wished that I could travel to America to console the victims and survivors….Because Americans traveled to Kenya to assist and console us during our tragedy” (https://news.bbc.co.uk/1/hi/world/africa.) Sidialo also noted that Kenyans and Americans have been “brought together by these events”
He maintained that “the survivors and grieving relatives of the Oklahoma City bombing, U.S. embassies bombings in Kenya and Tanzania, and the September 11 attacks in New York City and Washington D.C., must come “together as a family” to console and comfort other survivors in their quest to cope with their tragedy and in their struggle to find emotional and psychological healing. Sidialo indicated that sharing stories, experiences, or ordeals with other terrorism survivors is key in assuring them that they are not alone in their loss and suffering.

In regard to the 1998 U.S. embassy bombings in Nairobi and Dar es Salaam, the U.S. Congress approved a new embassy bomb law that provided compensation to the twelve American citizens who were killed in the explosion. Congress overwhelmingly voted 391 to 18 to provide compensation for deaths and injuries suffered by its citizens. More than $10 million was designated for payment to the families of the Americans who perished (Kelley 2002). Although there were more than two hundred Kenyans and twelve Tanzanians who died in the bomb attacks, Congress made it very clear that Africans (i.e., Kenyans and Tanzanians) could not be compensated because they were not U.S. citizens (Kelley 2002).

Among the Congressional dissenters from the legislation was California Congresswoman Barbara Lee who disagreed with the majority of her fellow Congressmen in the way the compensation plan was designed. She questioned that if Congress established a compensation system that allowed all victims and survivors of September 11 to be compensated irrespective of their nationalities, why were the victims
of the 1998 American embassies bombings, of which majority were African, denied compensation? (Kelley 2002). She maintained that if Congress’s new law stipulated that citizens of other countries were entitled to receive equal compensation as those of U.S. nationals due to the attacks of September 11, why were the African victims of the 1998 American embassies bombings denied the same compensation coverage? (Kelley 2002). Congresswoman Lee, therefore, indicated that she would introduce a bill to provide relief and compensation to the Kenyan and Tanzanian survivors. She pointed out that it was morally wrong for Congress to deny African victims of terrorism compensation solely because they were not American citizens whilst it was morally correct to offer compensation to all victims of the September 11 attack regardless of their nationality or country of citizenship. She reminded her fellow Congressmen that, “More that 4,000 Kenyan and Tanzanian nationals were also injured in the bombings....They were a productive part of their countries’ labor force” (Kelley 2002). Congresswoman Lee’s efforts to persuade Congressional members to make payments to the Kenyan and Tanzanian victims and survivors were unfruitful.

Personal Observations

Initially, when I approached the authorities in Nairobi and made my intentions known to them that I wanted to interview survivors of the bomb blast, especially those who had resumed their duties in the aftermath of the bomb, I was taken aback when I heard that those who were injured were not liked by some of their fellow workers because they received a lot of exposure from the rehabilitation centers, counseling, and the agencies that were assisting them cope with their tragedy, and, of course, researchers.
For example, when I inquired to interview four of the survivors who were present on that particular day, this is what one of the workers who was instructed to introduce me to the survivors had to say: *Wewe bwana Njoroge, kuna watu wenu hapa wanataka kuongea na wewe kuhusu mambo ya bomu* (You, Mr. Njoroge, there are your people here who want to talk to you about the bomb attack). I sensed a feeling of uneasiness between those who were injured during the attack and those who were not, because it seemed to me that the non-victims thought that the survivors were being treated as heroes or heroines or were using their injuries to gain advantage—to receive sympathy and government favors—free medical treatment, drugs, school fees, and job training.

For example, when I inquired from the Kenya Railways Corporation if I could have the names of those who were injured in the U.S. embassy attack so that I could talk to them about their experiences as survivors, I received the following from the coordinating officer in charge of the survivors:

> So you are from an American university doing a study on the responses of the victims and survivors of the bomb blast? In order for you to see or talk to those who were injured in our Corporation, first you have to make an appointment with our General Manager....We want to know those who have been interviewed and what they are saying....Whether those who have been interviewed will receive further financial assistance....Again, you people (researchers) come here to talk to these survivors when they are working...you know, it takes time from their work and duties and this becomes a conflict of interest...they use government working hours for private gain...maybe you should come back during lunch hour, and I will see what I can do to help you (personal conversation with “J”, June, 2002).

I asked to talk directly to the General Manager to introduce myself and make my case. He replied: *“Wewe nenda urudi saa saba tutaongea”* (You go and come back at 1:00. We will talk) (Ondieki, 1997). I recognized that the officer that I was dealing with did not want me to identify and interview survivors because I was not willing to do as he wanted—“to talk well” (i.e., to offer lunch or a couple of drinks) (Ondieki, 1997). At
first, I thought that his actions were inappropriate because he wanted to be bribed before allowing me to speak to survivors. So I left and came back at 1:00 p.m. as he had instructed. I found the officer still waiting for me. I offered to buy him a couple of beers and a roasted leg of goat meat to let me contact and speak to the survivors. He agreed. The following day, he personally assisted me in contacting the bomb survivors and even instructed them it was all right for me to interview them in their offices during working hours.

I also encountered similar obstacles at the Kenya School for the Blind (KSB). When I walked into the office of the officer in charge of KSB and requested to interview bomb survivors blinded from the American embassy attack, he told me to provide a letter from my university showing that I was a doctoral student conducting fieldwork. After providing him with said letter(s), he agreed to allow me to contact and speak to survivors. But he stated that, “I would like to know more about your research and your life in the U.S.” (Officer “J”, June 2002). I knew exactly what he meant. He expected me to reciprocate by giving him *kitu kidogo* ‘something small’ or inviting him for *chai* ‘a cup of tea’ for allowing me to speak to survivors. Having encountered a similar problem at the Railway Headquarters, I offered to take him for drinks. He allowed me talk to survivors. Ethnographers often encounter many obstacles and problems that include finding reliable gatekeepers, contacting respondents, canceling appointments, unwillingness and uneasiness responding to questions, acting suspiciously, and failing to gain rapport (Spradley 1980). Researchers and ethnographers who know how to solve these problems, especially those that deal with persons of authority, find it much easier to conduct their research. Usually, buying a few beers, cigarettes, or food for officials and respondents is
important to building rapport. I did the same thing during my fieldwork (Ondieki 1997).

I also found out that there were some individuals who were claiming to be the coordinators or chairmen of the bomb survivors or victims’ families who lobby government officials and U.S. officials to compensate those who were affected by the attacks. In reality, some of these so-called “coordinators” were only self-anointed prophets. Their claims that they lost one of their relatives or were themselves injured could not be proven. Some claimed to speak on behalf of the victims and survivors, but in reality had ulterior motives, to line their own pockets and receive government favors, that is, to get money from the Njojo Commission and school fees for their children. Others were expecting that if and when the victims and survivors would finally receive monetary compensation for their loss, injuries, and suffering, they would also benefit.

Given the African custom of the extended family, denying compensation to victims or survivors of terrorism who used to be the breadwinners and are now unable to work to provide for their families, extended families, and relatives is akin to sentencing hundreds and thousands of dependent family members to lives of poverty and even early death (Rutahindurwa 2003). For example, it has been reported that more than 5,000 Kenyans who were wounded during the U.S. embassy bomb attack incurred permanent injuries which prevent them from holding jobs (http://news.bbc.co.uk/1/hi/world/americas/).

Moreover, it has been reported that about 80 percent of those who were injured were male breadwinners. According to the Chairman of the Nairobi Bomb Survivors Association, the attacks left thousands of families without breadwinners, therefore forcing them to become beggars Nairobi Bomb Survivor, August 2002).

The Responses of the September 11 Victims
The victims and survivors of the American embassy bombing in Nairobi can be compared to those of the September 11 attacks in New York in relation to the following themes: (1) The initial reactions to the attacks—how they remembered; (2) undelivered government promises; (3) compensation issues; and (4) the coping mechanisms. The victims and survivors of September 11 remembered vividly seeing the first plane slamming into the South Tower of the World Trade Center and thought it was an accident. A few minutes later, they saw another plane crashing into the North Tower and suspected that the United States was possibly under terrorist attack. A few hours later the Twin Towers collapsed, killing more than three thousand civilians and injuring thousands others. The initial reactions from survivors and millions of others who witnessed the attacks of September of 11 were horror, shock, anger, and fear.

The situation in downtown Manhattan was akin to a war zone. Those who witnessed the scenes of horror and devastation caused by the attacks lacked the words to express the horror of that “Black Tuesday”. Witnessing people jumping out of the top floors of the World Trade Center to their deaths, seeing terrified victims trapped in the burning towers begging to be rescued, witnessing the overwhelming black cloud of debris that enveloped lower Manhattan and blinded thousands when the towers fell, and experiencing the sheer terror of the attacks seemed surreal and incomprehensible to those within the vicinity of the towers (Fink and Mathias 2002; *Time* September 11, 2001). President Bush called the attacks “a national tragedy and an apparent act of terrorism against our country.” Others pointed out that September 11 was the most devastating terrorist onslaught waged against the United States since Pearl Harbor. September 11 was simply referred to as another “day that will live in infamy” (*Time* September 11, 2001; America Under Siege, 2001).
Unlike the attacks of the U.S. embassy in Nairobi that claimed more than two hundred civilians and injured five thousand, those of the World Trade Center and the Pentagon claimed more than three thousand people and injured thousands others. Unlike Kenya where few people watched the actual attacks unfold, attacks against the United States were watched by millions of Americans on their television sets. Compared to Kenyans, Americans were dramatically affected because thousands of survivors and millions of people witnessed the attacks and clearly remember exactly where they were during the “day of infamy” that changed their lives. In an article appearing in *Time* on September 11, 2001, Lance Morrow wrote that the September 11 attacks were different from all previous ones that al-Qaeda had planned and executed because of the following:

This was terrorism brought to near perfection as a dramatic form. Never has the evil business had such production values. Normally, the audience sees only the smoking aftermath—the blown-up embassy, the ruined barracks, the ship with a blackened hole at the waterline. This time the first plane striking the first tower acted as a shill. It alerted the media, brought cameras to the scene so that they might be set up to record the vivid surreal bloom of the second strike (‘Am I seeing this?’) and then—could they be such engineering geniuses, so deft at demolition?—the catastrophic collapse of the two towers, one after the other, and a sequence of panic in the streets that might have been shot for a remake of *The War or the Worlds* or for *Independence Day*. Evil possesses an instinct for theater, which is why, in an era of gaudy and gifted media, evil may vastly magnify its damage by the power of horrific images.”

In the days and months after the attacks, there was an overwhelming sense of unified American fury that demanded revenge and military retaliation against the perpetrators
and the states that sponsored them. In October of 2001, President Bush ordered the invasion of Afghanistan, Osama bin Laden’s and al-Qaeda’s safe haven and site of their training camps. Within months, the Taliban was on the run. The Bush administration also promised to assist in the rebuilding of Ground Zero, bail out affected businesses and airlines, and assist the victims’ families financially. Some victims’ families were and are still are unsatisfied with the promises that the government made to them and have not to date been met.

Undelivered Promises

Compared to the Kenyan government, the United States followed through with many of the initial promises it had made to the victims’ families in regards to setting aside a section at Ground Zero as sacred ground to memorialize those who were killed in the World Trade Center and to compensate families of the victims. The Kenyan government, with the assistance of the United States, constructed a monument where the U.S. embassy used to be located to honor those who were killed in the bomb attack. The United States government, on other hand, has not yet built a memorial to honor those who perished in the September 11 attacks. It is not that the U.S. does not intend to build a memorial, but due to controversies swirling around the most appropriate way to do so have hindered any meaningful progress. Because the U.S. government has as yet failed to deliver on its promise, this has angered many families of the victims.

Unlike Kenya which failed to establish a national inquiry to find out why the attacks happened, the families of the September 11 lobbied Congress to create The 9/11 Commission to investigate the attacks (p. xvii). The Commission investigated why and
how the attacks of September 11 occurred and provided recommendations to the U.S. Congress to ensure that such attacks do not occur again in the United States. Some of the recommendations made included: Restructuring of the intelligence community to ensure that the FBI and CIA shared information and worked together with less bureaucratic infighting, creating a National Intelligence Director to oversee the overall task of national intelligence programs, and empowering the Department of Homeland Security to oversee homeland defense and other security issues at airports, ports of entry, and preparedness strategies to ensure national security (The 9/11 Commission Report 2004:361-428).

Today, the families of the September 11 are still a powerful force lobbying Congress and American officials to deliver all of the promises made to them in the days and months after the attack. They also demand that all of the recommendations made by The 9/11 Commission Report are enacted to ensure that another attack does not occur on U.S. soil. Families of the Nairobi attack, on the other hand, lack the means and the wherewithal to form a lobbying group to voice their concerns and demands. In addition, because of the Nairobi bomb victims’ and survivors’ suit for more compensation was dismissed in the U.S. courts and because government medical assistance and social programs were terminated, they were left without recourse but to pay for their own medical and rehabilitation costs. In Kenya as in America, families of victims and survivors have lost trust with their governments because many promises were either inadequately delivered or have not been delivered at all.

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Compensation Issues

In both Kenya and the United States, commissions were established to disperse compensation to the victims’ families. The Kenyan government created the Njojo Commission to oversee the task of dispersing money acquired from charities and the United States Assistance for International Development (USAID) to the victims and survivors. In America, Congress established a Federal Commission Fund to compensate millions of dollars to victims’ families for their loss, pain, and suffering. In the U.S. more than 90 percent of the victims’ families of the September 11 attacks accepted compensation and agreed not to bring lawsuits against U.S. insurance companies, commercial airlines, airports, and the World Trade Center. Other families, however, decided to seek damages through the courts.

Unlike Kenya, where the bomb victims and survivors received compensation ranging from a few hundred to a few thousands of dollars, the September 11 victims received compensation in terms of millions of dollars. The United States denial to compensate the Kenyan victims and survivors with individual direct payments for their loss and suffering necessitated a class action suit against the United States government (see Macharia et al. vs. United States of America in Appendix II). The suit, however, was dismissed in the U.S. Civil Court, the U.S. Court of Appeals, and the Supreme Court.

Coping Strategies

In both Kenya and the United States, the coping mechanisms that the victims’ families and survivors employed to deal with their loss, pain, and suffering were the same. They included joining survivors’ support groups where they shared their experiences and
ordeal with others who were similarly affected by the tragedy; others relied on family
members and their religious faith to provide comfort and solace, thus accepting the bitter
reality that they will never see their loved ones again and accepting the fact that they are
unable to reverse the outcome of the attacks. With the exception of those victims and
survivors who are still bitter and angry about the attacks that robbed them of their loved
ones or were severely injured, the majority of the victims’ families and survivors have
decided to get on with their lives.

But as long as government officials fail to deliver on all the promises they made to the
victims’ families and survivors, as long as officials fail to enact all recommendations
made by The 9/11 Commission, and as long as officials fail to bring the principal
masterminds and perpetrators of the Nairobi embassy bombing and the World Trade
Center attack to justice, including Osama bin Laden and Ayman al-Zawahiri, the victims,
survivors, and the public will continue to lose faith in their governments.

In comparing the attacks of the September 11 and those of the embassy bombing of
August 7 and in talking with the bomb survivors in Kenya, I find some common patterns
regarding the compensation issue and payment plans. Some of these common concerns
can be phrased in terms of three general questions: (i) Why not us? (ii) Is that all? (ii)
Why should we settle for less? These simple questions can be developed further. First, if
the victims of the September 11 attacks were compensated in the millions of dollars, why
were the victims of the first World Trade Center attacks in 1993 denied the same
compensation; or the victims of the Oklahoma City bombing in 1995; or the victims of
the U.S. embassy bombings in Kenya and Tanzania in 1998, or victims of the anthrax
attacks in 2001? Why has a consistent plan not emerged?
Second, why were the September 11 victims paid in millions of dollars while those in the African embassy attacks were paid in a couple of hundred or a few thousand of dollars? Third, why did the U.S. government treat the suffering of African bomb victims and survivors with indifference while the families of twelve American citizens have now been paid $1 million each?

Fourth, why is it that the U.S. court systems are awarding significant sums of money to plaintiffs and victims of terrorism in default judgments against terrorist-sponsoring countries such as Iraq, Iran, Libya, and Saudi Arabia, but not the victims of the U.S. embassies attacks in Kenya and Tanzania?

Fifth, why did the U.S. Congress decide to compensate a few terrorist victims and survivors with seized assets from countries known to be terrorist sponsors and not all victims of terrorism? Sixth, why should the 1998 African bomb victims settle for payments ranging from $500 to $11,000 when the victims of September 11 cannot even settle for $1 million for the loss of a loved one? Seventh, if it is true that the U.S. has successfully seized more than $200 million of bin Laden and al-Qaeda assets, why is it refusing to make those assets available to the victims and survivors to be used to benefit them regardless whether they are American or African? These are the sorts of questions that trouble the survivors and many other Africans, including myself.
CHAPTER SEVEN

RETHINKING TERRORISM: A SHIFT OF PARADIGM

“Liberty is a food that is good to taste but hard to digest: it sets well only in a good strong stomach.”
--Jean-Jacques Rousseau, [1835]

“War is a like a delicious piece of cake that everybody wants a piece of: Politicians, criminals and speculators, profiteers and murderers, sadists and masochists, the faithful and the charitable, historians and philosophers, and journalists.”
--Dubravka Ugresic, 1995

In this study, I developed a holistic theory of the culture of terrorism as a protracted step-child of economic injustices, political oppression, the legacies of imperialism and neo-colonialism, socio-cultural imperatives, and ideological and religious zealotry (Azar 1989; Chua 2003; Riches 1986; Taheri 1987; Hoffman 1995). Non-governmental terrorist operations directed towards nation-states can be viewed as responses to the clashes of civilizations and globalization and government officials’ policies and actions (Huntington 1996; Chua 2003, Chomsky 2003).

Deliberate and choreographed terrorist operations are an attempt to create a theater—symbolically designed not only to inculcate fear and instill insecurity and influence a larger audience, but also to undermine government authorities in their attempts to protect their citizens (Crenshaw 1995; Hoffman 1999; Harvey 1998; Stern 1999; Jenkins 1990). For example, Livingston (1978: 20) wrote that, “the significance of international terrorism does not lie in the number of lives taken or in the amount of destruction inflicted; it lies in the number of lives threatened and in the amount of fear the terror generates.”
In modern times, terrorist organizations, particularly Islamic fundamentalist organizations such as al-Qaeda target the West in general and the United States in particular because these societies generally enjoy unmatched economic and military superiority. The al-Qaeda network continues to exploit new technologies and vulnerabilities and seeks sophisticated and lethal weapons to inflict mass casualties. Modern societies are especially susceptible to weapons of mass destruction. For example, the attacks against the U.S. on September 11 were stern reminders that a few non-state terrorist individuals armed with primitive weapons (i.e., wielding knives and box-cutters) could hijack America’s own commercial aircraft and crash them into financial and military buildings causing thousands of deaths and unprecedented destruction to the world’s sole superpower, the United States (Talbott and Chanda 2001; Alexander and Alexander 2002). The 9/11 Commission Report (2004; xvi) articulated it best when it reported that on September 11,

We learned about an enemy who is sophisticated, patient, disciplined, and lethal. The enemy rallies broad support in the Arab and Muslim world by demanding redress of political grievances, but its hostility towards us and our values is limitless. Its purpose is to rid the world of religious and political pluralism, the plebiscite, and equal rights for women. It makes no distinction between military and civilian targets. Collateral damage is not in its lexicon.

Deliberate and catastrophic attacks against defenseless civilians usually provoke government officials to employ rhetoric of war on terrorism to resuscitate patriotism and galvanize national and international support and cooperation for the necessity of preemptive military force to fight international terrorism (Scheuer 2004; Clarke 2004; Woodward 2004). Government officials impose counter-terrorism measures that often infringe upon protected constitutional freedoms and liberties. For instance, some of the provisions of the US PATRIOT ACT threaten democratic practices and suppress citizens’
civil and personal rights—the freedoms of expression, association, and protection from arbitrary and capricious laws and practices (Booth and Dunne 2003; Mahajan 2002; Chomsky 2003).

In addition, as the U.S. government relentlessly continues to pressure world leaders to pass new and tougher counter-terrorism measures, and as the Bush administration threatens to use the power of the “stick” (military force and economic sanctions) against countries that fail to cooperate and support the U.S. in the war on terror, the warm relations and support that the United States enjoyed prior to September 11 continue to weaken. Furthermore, the overwhelming cooperation and support that the United States received from the international community during and immediately after the attacks of September 11 have continued to wane. President Bush’s political mantra: “You are either with us, or you are with the terrorists” (quoted in Clarke 2004:244), and his preemptive invasion of Iraq are partly responsible for the lukewarm support the U.S. has received from other world leaders and nations.

To summarize the theory, terrorism consists of socio-cultural practices, ideologies, methods, tactics, organizational structures, and resources that groups use to address their grievances to advance tactical and strategic objectives. Terrorism can be viewed as a desperate response by weak and powerless groups (i.e., those in terms of numbers, size, capabilities, technology, and weapons) waging war against strong and powerful state entities. But terrorism can not only be seen as a weapon of the weak, but also a method of struggle that any person, group, and state or non-state entity can employ to achieve desired goals such as economic, political, religious, social, or ideological remuneration.
Because terrorism is another form of foreign policy, government responses against it must not only take into consideration the challenges and impact that terrorist operations pose, but also discern the overall calculus of terrorism. To discern the phenomenon of terrorism, an ancient and complex problem, it is important to take into account that the nature of terrorism, its characteristics, causes, courses, consequences, and mitigating mechanisms shift in time and space. In this case, we can speak of a distinction between the “old terrorists” and “new terrorists”.

The Changing Face of Terrorism

Some scholars and analysts have argued that the “traditional” or secular terrorists were largely left-wing ideologues employing violence to achieve political objectives, were nationalistic and separatist in scope, relied on guns, bombs, and dynamite as weapons of choice, and kidnapped government and business officials and used them as bargaining chips (Fraser and Fulton 1987; Laqueur 1987 White 1999; The 9/11 Commission Report 2004). The “modern” terrorists, on the other hand, comprised mostly of right-wing ideologues, lack political agendas except religion. They employ a vast array of weapons (bombs, explosives, suicide-missions, or weapons of mass destruction) to kill and inculcate fear and insecurity in a larger audience beyond their targets (White 1999; Fraser and Fulton 1987; Laqueur 1987; The 9/11 Commission Report 2004; Hoffman 2004).

Whereas traditional terrorists largely conducted attacks against government institutions and societies within their territorial boundaries, flew specific flags, wore specific uniforms, and demanded seats at the negotiation tables, the new terrorists, on the other hand, conduct attacks within and outside their territories, fly no specific flags, wear
no specific uniforms, and demand no seats at negotiating tables (Hoffman 1999; Henderson 2002; Keane 2001). Comparing traditional and modern terrorism, White (1999:76) noted that they have to been viewed as “a manifestation of violence in a particular time period.”

Historian Walter Laqueur (2001) also pointed out that yesterday’s theories and explanations might be inadequate to examine today’s and tomorrow’s terrorists. This is for the following reasons: First, prior to the 1990s, traditional or secular terrorist groups such as the Palestinian Liberation Organization (PLO), the Irish Republican Army (IRA), and the Basque Freedom Front (ETA) not only subscribed to the left-wing ideologies of Lenin-Marxist doctrine, but also were motivated by a specific political agenda—to acquire independence. Conversely, the modern terrorist groups of the post-Cold War era subscribe to right-wing ideologies and lack specific political agendas except that they are motivated by extremist religious zealotry that advocates total destruction of the enemy. For example, some scholars contend that al-Qaeda’s main intention in attacking the United States had nothing to do with acquiring independence but to eliminate U.S influence from the Gulf regions and Middle East to make it possible to create Islamic states that follow stringent Sharia laws and doctrines (Hoffman 1999; Laqueur 2001 and 2004; Jenkins 2001, Combs 2003; Ruthven 2002; Armstrong 2000; Stern 2003).

Second, traditional terrorist organizations targeted significant persons and institutions—politicians, ambassadors, businessmen, academicians, or embassies. After kidnapping an ambassador or taking an embassy hostage, the traditional terrorists used them as bargaining chips to get concessions and reach their goals. Brian Jenkins (1985) judged that traditional terrorists killed fewer significant persons to scare a larger
audience. Modern terrorists, on the other hand, target both “hard targets” such as military barracks, the Pentagon, embassies, or financial sites such as the World Trade Center and “soft targets” such as hotels, resorts, residential complexes, or commuter train and bus systems where civilians congregate. Modern terrorists’ goal is to kill as many people as possible and force millions and perhaps billions of people around the world to watch and listen via the media (Weinberg and Eubank 2000; Stern 1999; Scheuer 2004; The 9/11 Commission Report 2004; Alexander and Alexander 2002).

Third, a majority of the followers that joined traditional terrorist groups and participated in terrorist operations came from poor, illiterate, and marginalized backgrounds. Others came from dysfunctional families. The followers of Palestinian Liberation Organization, Hamas, Hezbollah, Euskadi ta Askatasuna, and Tamil Tigers are examples (Post et al. 2002; Laqueur 2001). Conversely, a majority of members and followers of modern terrorist groups come from stable, middle, and upper class families, and are well-educated and well-traveled. Al-Qaeda’s leaders, Osama bin Laden, Ayman al-Zawahiri, Sheik Mohammed, Mohammed Atef, Ramzi Yossef, and the September 11 attackers, Mohammed Atta and his co-hijackers, are examples (Zakaria 2003; Gunaratna 2002; Bergen 2002; Reeve 1999; Strasser and Whitney 2004; Clarke 2004).

Fourth, whereas the traditional terrorist organizations employed primarily the techniques of kidnapping, bombing, and hostage-taking within territorial boundaries, the modern terrorists employ various fighting techniques and methods to wage jihad. Modern terrorists bring jihad to the enemy’s shores. Their techniques include sleeper agents, freelancers, and suicide-bombers who infiltrate the targeted society, collect information, conduct surveillance, and live quietly within the targeted society to evade
detection until they are activated to carry out attacks. Modern terrorists also employ both sophisticated and primitive methods to wage war. For example, the nineteen suicide-bombers who attacked America on September 11 used box-cutters and pocket-knives (primitive weapons) and American commercial aircraft as guided missiles (sophisticated weapons) to attack the World Trade Center and the Pentagon (Alexander and Alexander 2002; The 9/11 Commission Report 2004). In short, because the al-Qaeda network relies on sleeper agents living quietly in the countries they plan to attack and blends in with the community as the perpetrators of September 11 did, they are far more lethal than their previous terrorist counterparts. Reed L. Wadley (2003:339) stated:

Al-Qaeda' reliance on so-called sleeper agents suggests the potential for some sort of treacherous attacks, especially against (culturally similar) civilian targets. Added to this is the apparent shift of terrorist organizations, from hierarchical cell structures to loosely connected, linear networks, which may allow for more independence in 'potentially far more lethal’ tactical decisions, as well as increased anonymity. It should also not be forgotten that guerilla/terrorist organizations, of whatever stripe, are never culturally neutral. Some, such as the Taliban and Al Qaeda, come from regions with a well-established ethic of honor and blood vengeance, where treachery may be an acceptable means of 'payback'. Indeed, given the tribal pattern of small groups using treachery against other small groups, the possibility exists that Al Qaeda operatives or their sympathizers might employ treacherous ambushes against small units of, for example, U.S. Special Forces, allied forces deployed in Afghanistan.

Because terrorist attacks are now conducted by religiously- and ethnically-inspired individuals or groups and because terrorist operations are now privately funded and choreographed to kill many people and destroy unprecedented amounts of property far more than in the previous decades, the face of terrorism is changing markedly. Michael A. Diamond (2002:36) pointed out that:

Today, terrorism is associated with public acts of violence and mass destruction, dramatic public performances intended to shock bystanders and symbolize a war between good and evil. The timeliness and relevance of understanding the
psychology of large ethnic, religious, nationalist and cultural large-group conflict is unmistakable.

A brief summary of motivational theories and counter-terrorism responses could serve as a backdrop to this discussion. There are several explanations why some individuals and groups use terrorist operations to advance their agendas, some of which provide useful insights into the phenomenon of terrorism and terrorist events, but none of which can sufficiently explain why some organizations such as al-Qaeda resort to terrorist attacks during peacetime. Chapters one and three of this study examined the theories and organizational structure of al-Qaeda in detail. In this section, I briefly examine key motivational explanations grouped into three categories: (1) cultural, (2) psychological, and (3) pragmatic.

For a cultural viewpoint, violence or terrorism is viewed as something that is embedded in the cultural practices of some people or societies so that when conflicts occur, the propensity to employ violence comes almost naturally to the parties concerned. Anthropologist Napoleon Chagnon's analysis of the fierce people, the Yanomamo (1968), is an example. Second, culture becomes an explanatory variable when individuals or groups draw inspiration from earlier violent movements or heroes. Harry H. Turney-High's study on the Primitive War: Its Practices and Concepts (1991) is an example. Some people, therefore, talk about a “Zulu warrior tradition” that the Inkatha Freedom Party is said to symbolize or an “Islamic jihadist” tradition against the infidel that is said to have inspired Arab and Muslim fundamentalist organizations such as al-Qaeda. In other words, culture helps to explain why some groups or societies employ violence to get what they want. Oftentimes, societies reach into the past to retrieve long-forgotten heroes, narratives of great battles, and myths that portray bravery, courage, honor, pride,
and power (Post et al. 2002). Islamic religious extremists, such as al-Qaeda, eulogize Saladin (a 12th century Arab warrior) who fought and defeated the Christian Crusaders. Al-Qaeda’s senior leaders, bin Laden and al-Zawahari, are attempting to follow in the foot-steps of Saladin by waging holy war against the infidel United States and Israel (Armstrong 2000; Ruthven 2002; The 9/11 Commission Report 2004; Emerson 2003; Gunaratna 2003; Bergen 2003; Herbst 2003).

The psychological explanations revolve around individuals or group behavior under conditions of competition, rapid change, modernization, and globalization. The basic argument is that a large number of people in the world do not benefit from development. Many people simply find it difficult to satisfy their ambitions when confronted by the pressures of modernity and globalization. The result is relative deprivation, which generates feelings of frustration and a desire to express them in aggressive and violent ways. The proponents who apply this theory to terrorist organizations tend to assume that members and followers of such organizations come from poor and impoverished backgrounds and marginalized and dysfunctional families who carry their frustrations into terrorist movements (Post et al. 2002; Jenkins 2001). Although it can be argued that poverty, marginalization, alienation, and hopelessness breed frustration and frustration breeds violence because disadvantaged individuals with a propensity to violence get pulled into terrorist groups, the theory does not explain why some individuals from good, rich, educated backgrounds such as many in al-Qaeda’s infrastructure join terrorist movements or participate in suicide-bombings (Silke 2003; Atran 2004). For example, the perpetrators of the September 11 attacks, with their education and technological skills, could have had secure livelihoods and worked in good jobs, but chose to sacrifice
their lives for religious reasons. In this case, I argue that deprivation, poverty, marginalization, alienation, and hopelessness do not always push their victims towards terrorism, for if that were the case, the poorest countries and the most oppressed peoples in third world countries, including those in sub-Saharan Africa, Latin America, the Caribbean, and Asia, would have resorted to terrorism (Zakaria 2004; Bergen 2002; Atran 2004; Jenkins 2001).

The pragmatic factor focuses on the rational calculation imperative. From a rational standpoint, terrorism does not have any intrinsic propensity or meaning. Like any other political movement, terrorism can be viewed as an instrument that rational individuals or actors employ to advance their agendas—cultural, economic, political, social, religious, or ideological. Thus, rational choice explanations are important in the study of terrorism. One can hardly find groups of individuals who glorify terrorism as an end in itself. Many organizations tend to abide by the Clausewitzian dictum of terrorism as a continuation of politics by other means (Peters 2002). Put otherwise, most terrorist groups, including those driven by religious fervor and zealotry claim that their terrorism has a political logic. For example, even though al-Qaeda is a religious terrorist movement, it claims to have a political motivation for conducting terrorist operations. Al-Qaeda routinely reminds Arab and Muslim people that the reason for waging war against the West and the United States is because of their foreign policies and actions toward the Arab and Muslim world (Scheuer 2004). I argue that bin Laden and al-Qaeda only use U.S. foreign policy actions and the Arab-Israeli conflict when it fits their needs—to recruit new members and followers to their organization and to acquire support from the Arab and Muslim world. Otherwise, bin Laden and al-Zawahiri are not particularly interested in the Palestinians
and their problems (Keane 2001; Friedman 2002).

Jenkins (2001) and others discussed the issue of the paradigm shift regarding terrorism in the following areas: First, from a motivational standpoint, there have been fundamental changes in terrorist objectives. For example, during the 1960s and through the 1980s, terrorists were driven largely by either ideological imperatives (communism or socialism) or narrow nationalistic factors (liberation) that spawned separatist violence. But toward the end of the twentieth-century, religious beliefs and imperatives provided the context for violence and terrorism. This shift is important because those who believe that they have the mandate of God or Allah to kill their enemies have fewer moral qualms about mass murder and care less about the conventional rule of war (Diamond 2002; Hoffman 1999; Jenkins 2001).

Furthermore, because religiously inspired terrorists rarely have a political agenda to promote, they usually do not care if their terrorist campaigns and operations yield actual socio-political or economic reforms. This is because terrorist zealots usually believe that martyrdom for God's cause brings reward in the afterlife (Keane 2001). In this case, suicide terrorism and mass murder go hand in hand. Scholars and analysts who predicted that religiously-driven terrorists would be capable of planning and executing the worst destruction and cause casualties of epic proportions were vindicated by al-Qaeda's daring and meticulously coordinated attacks against the United States on September 11 (Alexander and Alexander 2002; Clarke 2004; Jenkins 2001).

Second, from the technological viewpoint, Jenkins (2001) argued that the secret weapon of the modern terrorist, as the al-Qaeda attackers of September 11 demonstrated, did not necessarily require sophisticated technology, but rather human resolve. He
maintained that coordinated terrorist operations succeed only when those executing them are willing to sacrifice their own lives. The hijackers and perpetrators of the September 11 attacks did exactly that and thus, “wiped out several assumptions about suicide attacks” (p.7). For example, some scholars and analysts who previously viewed suicide attacks as not exportable were taken aback when al-Qaeda operatives and suicide-bombers traveled, trained, planned, and executed the worst attacks on American soil since Pearl Harbor (Talbott and Chanda 2001; Hoge and Rose 2001).

Third, the profiles of terrorist individuals including those of the September 11 perpetrators also differ from the profiles of the typical suicide-bombers seen in the Middle East, Southeast Asia, North Africa, and Latin America, who for the most part came from poor and impoverished backgrounds, were generally illiterate and from dysfunctional backgrounds, or were psychologically deranged and damaged young men in their early 20s (Post et al. 2002). Some scholars and analysts believed that with greater maturity, social status, education, and economic opportunity, the proclivity to suicide would dwindle (Silke 2004). Jenkins (2001) noted that even though economic opportunities usually discourage young men from joining terrorist groups to participate in suicide operations, the September 11 perpetrators, on the other hand, had it all. They were older and thus more mature (in their late 20s and early 30s), were highly educated, (with bachelor’s and master’s degrees), were well-traveled and knowledgeable (had lived in Europe and America and spoke multiple languages), came from well-to-do families, and were much more sophisticated than their predecessors because they understood the cost-benefit ratio of participating in a suicide mission (Zakaria 2003; Gunaratna 2002; Bergen 2002). For these reasons, Jenkins (2001) argued that the profile of the suicide
attacker requires revision.

Part of the explanation for the radical difference of the September 11 perpetrators resides in the nature of bin Laden’s network, which tapped into a much larger human reservoir than any previous terrorist organization. For example, traditional terrorist groups usually were small in size with an active membership of a few hundred. However, the Soviet-Afghanistan war of the 1980s brought thousands of Arab and Muslim fighters from different continents, countries, classes, and Islamic sects into Afghanistan (Cooley 2000; Mamdani 2004; Scheuer 2004). After fighting and defeating the Soviets, they became al-Qaeda members and drew on multiple resources and logistics in planning and executing operations against the West and the United States. Some analysts think that al-Qaeda has several thousand members, a size that is much larger than any of the larger traditional terrorist organizations. A large number of active members within al-Qaeda is important because it allows individuals to specialize in areas such as recruitment, military training, logistics, techniques, information gathering, aviation, or suicide bombing (Williams 2002; Gunaratna 2002; Jenkins 2001).

Additionally, it is equally important to take the cultural context into account. For example, all cultures (primitive and civilized) produced their share of martyrs and heroes who readily sacrificed their lives for causes in which they believed (Post et al 2002). For example, the fanatical obedience of the Arab assassins who nine centuries ago struck terror in the minds of their enemies is a classic example (Herbst 2003). Other revered heroes run the gamut from historic conquerors such as Saladin who fought and defeated the Christian Crusaders; Alexander the Great who conquered the then known world; Ghengis Khan who conquered Mongolia and much of Asia and into parts of Europe, and
Shaka Zulu who fought and defeated the Boers in South Africa to contemporary heroes such as Steve Biko of South Africa, Tom Mboya of Kenya, and Patrice Lumumba of Ghana. Jenkins (2001:9) pointed out that, “In recent years, suicide terrorism has become the benchmark of religious devotion and political commitment among ‘true believers’ in the Middle East.”

Political scientist Martha Crenshaw (1995:2) also noted that modern terrorists “are seeking nothing less than to transform the world. Motivated by religious imperatives, they are feared by many observers and bystanders to lack an earthly constituency and thus feel accountable to only a deity or some transcendental or mystical ideas. Many terrorists today are more inclined to use highly lethal methods in order to destroy an impure world and bring about the apocalypse—unlimited ends lead to unlimited means.”

The report from the United States National Commission on Terrorism noted that terrorist threats are changing in ways and styles that make it much more difficult to combat and defeat than ever before. The commission also reported that international terrorism once threatened America and its interests abroad, but today, international terrorists target and attack American citizens and interests at home (cited in Chomsky 2002). The first World Trade Center terrorist bombing in 1993 masterminded by Ramzi Yousef clearly demonstrated that point. Therefore, contemporary societies are now faced with new kinds of terrorists and threats that require new kinds of responses and strategies from counter-terrorism experts and engaged governmental officials to combat it.

Officials in the Bush administration have repeatedly claimed that the U.S.-led coalition forces in Afghanistan and Iraq have made significant strides and tremendous progress in the war on global terrorism. These officials and those in government and the
military contend that since the war on terror began, al-Qaeda’s infrastructure has been dismantled, many of its members and supporters killed or captured, and its top leaders forced to hide (Hoffman 2003; Seger 2004). For example, Vice President Dick Cheney, senior intelligence officials, senior military leaders, and other policymakers have claimed that the al-Qaeda infrastructure has not only received serious blows and is in its “last throes”, but also that the days are numbered for Osama bin Laden, Ayman al-Zawahiri, and Taliban leader Mullah Muhammed Omar (Hoffman 2004; Gunaratna 2004).

Furthermore, American officials and authorities routinely cite the capture of senior al-Qaeda officials and lieutenants such as Khalid Sheik Mohammed, Ramzi Binalshibh, Abu Zubaida, Nurjaman Ridiuan Isamuddin (alias Hambali) and the killing of Mohammed Atef and al-Zawahiri’s only son among other terrorists as proof that al-Qaeda’s infrastructure is nearly destroyed (Hoffman 2003; Gunaratna 2004).

Despite the raids on al-Qaeda operatives and the military strikes against al-Qaeda’s senior leadership, it remains a potent force and a highly capable and extremely lethal network. Al-Qaeda is not only the world’s number-one terrorist threat, it is also an organization that has shown that it is adaptive, mutating, and resilient (Atran 2004; Hoffman 2004; Gunaratna 2004). In other words, it remains to be seen what al-Qaeda’s next attacks will entail. Although there have been significant attempts by government authorities to dismantle the network, its officials and cell members have been successful in planning and executing several deadly attacks against civilian populations in many countries around the world.

For example, since the commencement of the war on global terror, al-Qaeda affiliates and operatives have successfully executed attacks against tourist resorts in Bali,
Indonesia, and Mombasa, Kenya (2002); a commuter train in Madrid, Spain (2003); residential complexes and business enterprises in Saudi Arabia (2004); and government institutions and non-governmental organizations in Kabul, Afghanistan, and Baghdad, Iraq (2003-2005) all resulting in mass murder and unprecedented destruction of property and disruption of commerce. For these reasons, Fouda and Fielding (2003:180) wrote: Whether al-Qaeda continues to exist as an organization or not, its methods have demonstrated to the world that a tiny organization with limited resources can humiliate the greatest power on earth. That lesson has not been missed by thousands of Islamist militants around the world. The destruction of al-Qaeda’s bases and infrastructure in Afghanistan may only have served to spread the organisation’s techniques. Without a fundamental reassessment of American foreign policy and its uncritical support for Israeli actions in the Occupied Territories, the war against terror will continue for many years to come.

Under these conditions, therefore, it would be a grave mistake for political and public officials to claim victory. Al-Qaeda is still a global menace and threat. Bruce Hoffman (2003) also warned that an effective assessment of al-Qaeda should take into consideration that as long as bin Laden and al-Zawahiri are alive and direct their followers to continue their relentless attacks against the infidel West and America, it would be premature for the political leaders, the intelligence community, and the military apparatus to declare victory and ultimately “write al-Qaeda’s obituary” (Hoffman 2003: 430). Other scholars and analysts also noted that it is not only dangerous to downplay al-Qaeda’s ability to mutate into new, autonomous, and lethal cell networks which may be extremely difficult to identify, fight, and defeat, but also because they are scattered in
many countries around the world. Therefore, whether bin Laden and al-Zawahiri are killed, it would be premature to think that the network can be totally be dismantled because there are so many followers waiting to replace bin Laden and al-Zawahiri (Silke 2004; Raufer 2003; Gunaratna 2004).

There have been significant developments in the war on terror. For example, Al-Qaeda now lacks safe havens and training camps that were readily provided by the Taliban regime in Afghanistan and several of al-Qaeda key members have been killed or captured. Bin Laden and al-Zawahiri have been forced to become fugitives. However, we should be careful not to underestimate al-Qaeda’s capabilities to plan and execute devastating attacks. We are still far from winning the war on terror, just as we have been unable to win the war on poverty or drugs.

Furthermore, terrorists continue to attack soft targets around the world killing innocent civilians; inculcating fear in the public; destroying property and impacting people’s lifestyles; coercing and intimidating government officials; and influencing policymakers and decision-making processes. Peace, stability, and self-preservation in the twenty-first century may not be attainable and the world might not after all be any different from the one British philosopher Thomas Hobbes envisioned in the year 1651. Hobbes wrote in his book the *Leviathan* that in a world that is afflicted and infested with hatred, anarchy, chaos, war, fear, and danger, the “life of man is solitary, poor, nasty, brutish, and short” (p.186). Worse still, if terrorists were to succeed in acquiring weapons of mass destruction, we should expect that the lives of millions and perhaps billions would certainly be even more solitary, poorer, nastier, more brutish, and shorter.
The traditional way of studying and understanding terrorism and terrorists based on organizational definition, psychological profiles, and personality traits and attributes may no longer be relevant because oftentimes yesterday’s profiles, theories, and assumptions about terrorism may not necessarily be applicable to today’s and tomorrow’s terrorists (Hoffman 2003; Raufer 2003; Laqueur 2001; Kushner 2004). For example, in an environment where al-Qaeda terrorists are the primary target of government officials’ wrath and military force, al-Qaeda has managed, however, to mutate and cope with the environment and the political landscape they now face. Moreover, al-Qaeda has managed to change adaptively from what was once viewed as a monolithic organization with a centralized organizational command and control structure and pyramidal and hierarchical leadership structures into more dynamic, diverse, and decentralized organizational structures which are comprised of loosely-connected cell networks and entities that act independently of each other by planning and executing attacks without approval from a central command and leadership structure (Gunaratna 2004; Hoffman 2004; Jenkins 2001).

Consequently, post-September 11 and the subsequent invasions and preemptive strikes against Afghanistan and Iraq, the world’s attention has turned to the question of how to best deal with and respond to global terrorism. In the contemporary world, the threat of terrorism not only dominates the political discourse and politics of world leaders and the international community, but also commands great public attention and debate. But as world leaders and nation-states employ both unilateral and multilateral approaches and institute new and tough counter-measures necessary to combat terrorism and terrorists, one thing seems to be obvious: there is still no such thing as a “magic bullet” or any easy
answers and solutions to the problem of international terrorism, as one man’s terrorist will always be another man’s liberator (Taheri 1989; Silke 2004; Alexander and Alexander 2001; Chomsky 2002).

However, efforts from the interdisciplinary studies on the phenomenon of terrorism have helped a great deal to identify some of the most essential components and issues that political leaders, intelligence personnel, policy-makers, and the general public must take into account in their quest to understand terrorism (Silke 2004).

Although military responses and preemptive strikes against terrorists and terrorist-sponsoring states may be considered as useful and effective mechanisms, they have, thus far, proven to be counter-productive. Other counter-measures must also be applied. They include: cutting the economic arteries that supply terrorists with cash, that is, cutting off the flow of money, the lifeblood of the terrorist infrastructure; impeding terrorist fund-raising capabilities and money-laundering means that support terrorist operations; freezing or confiscating terrorists’ assets and investments; instituting tough laws and punishing terrorists and suspected terrorists to discourage them from planning attacks; encouraging multilateral approaches and working in partnerships with other countries around the world to fight terrorism; and finding solutions to the world’s social malaise, poverty, illiteracy, and hopelessness. The latter would play a pivotal role in discouraging young people from joining terrorist organizations.

Therefore, an effective counter-terrorism strategy that is supported by other world governments and blessed by multilateral cooperation and the United Nations would most likely send a strong message to terrorist individuals and organizations that their actions or behavior would not be tolerated. For example, the attacks of September 11 against
America were not only condemned worldwide, but also made millions and perhaps billions of people around the world to treat the attacks as if they were their own. Writing about the impact of the attacks, a French columnist from the newspaper *Le Monde* wrote, "we are all Americans." This statement was echoed by the members of the North Atlantic Treaty Organization (NATO) who unanimously repealed Article 5 of its founding treaty, which declared that "the attack on America to be an attack on the alliance as a whole, and enables America to call on its allies for military support" (*The Economist* 9/22/01:13).

Furthermore, when the United States requested from the international community and the United Nations cooperation, support, and a mandate to use military force to remove the Taliban regime and dismantle bin Laden's and al-Qaeda's terrorist training camps in Afghanistan, many world leaders, international organizations, and nation-states responded promptly and positively. Therefore, a few months after preemptive strikes began, the Taliban regime was toppled and al-Qaeda's training camps were dismantled. Seger (2004) noted that even though from the standpoint of al-Qaeda, the September 11 attack was an operational success, it resulted in a massive backlash against al-Qaeda's infrastructure. He maintained that U.S.-led coalition forces overthrew the dictatorial leadership of the Taliban regime; killed and captured hundreds or thousands of al-Qaeda operatives; dismantled bin Laden's and al-Qaeda's headquarters and training camps in Afghanistan; and forced Mullah Omar, bin Laden, al-Zawahiri, and other surviving remnants of the Taliban and al-Qaeda into caves.

Other analysts also warn that it is important to take into consideration that al-Qaeda is not only the most well-known terrorist organization in the world, but also is the most difficult to detect and fight because it is now spread over eighty countries around the
world (Napoleoni 2003; Strasser and Whitney 2004; Clarke 2004). It is also important to take into account that religious terrorism is a phenomenon capable of morphing to accomplish its intended objectives (Jenkins 2001). The same can be said of al-Qaeda.

It is equally significant to remember that al-Qaeda is a network of individuals and terrorist organizations. Some of these organizations are highly structured while others operate as loosely-knit cells. Usually, the behavior of a highly-structured group is predictable. Conversely, the behavior and actions of networks and loose cells are difficult to predict as they usually lack a strong leadership structure or command and control apparatus.

In her concluding remarks, Maria A. Ressa (2003:220-221) stated that:

*Al-Qaeda’s ideology unites disparate Muslim groups, crossing national and ethnic lines. The West has not done enough to fight ideology with ideology. Law enforcement and military action are not enough. If pursued excessively, they are bound to fail. The United States and its Western allies have become their worst enemies by acting in ways that reinforce and perpetuate the stereotypes propagated by al-Qaeda. There is only one way to win the global war on terrorism—by supporting the moderate Muslims around the world, and by asking for their help. The operative word is “ask”; Americans cannot dictate or demand. Until and unless the West realizes this and begins to act accordingly, al-Qaeda will find supporters for its radical ideology. Yes, law enforcement is crucial, and military maneuvers against al-Qaeda camps must continue. But the linchpin of the war is the Muslim moderates in every Islamic community around the world, who must once again tell the world exactly what Islam truly stands for. They face a difficult task of trying to cage an amorphous enemy that uses their language and traditions to inspire a primal response.*

To summarize, five points regarding the changing face of terrorism need to be reemphasized. One, in its long history, terrorism has appeared in many shapes and guises. In modern times, communities face many kinds of terrorism that have far-reaching and negative impacts to their social fabric. This is because the calculus of terrorism has changed in its motivations and approaches because the terrorists’ targets,
techniques, and tactics are continually changing. For instance, since the 1990s, terrorists’ motives have changed in significant ways. Laqueur (1996:25) noted that, “…the anarchists and the left-wing terrorist organizations that succeeded them, down from the Red Armies that operated in Germany, Italy, and Japan in the 1970s, have vanished; if anything, the initiative has passed to the extreme right.” In contemporary times, most terrorists are mostly inspired by ethnic and religious fervor. The latter motivation applied and still applies to al-Qaeda fundamentalists.

Second, the face of terrorism has changed in regard to its modus operandi. According to Laqueur (2004:25), “terrorism is by no means militants’ only strategy.” This is because today’s terrorist groups such as Hamas, Hezbollah, Palestinian Liberation Organization (PLO), Islamic Jihad, the Basque Homeland Front (ETA), the Irish Republican Army (IRA), and al-Qaeda combine both the political and terrorism wings in their struggles. In reference to these groups, Laqueur (2004:25) wrote that, “The political arm provides social services and education, runs businesses, and contests elections, while the ‘military wing’ engages in ambushes and assassinations. Such division of labor has advantages: the political leadership can publicly disassociate itself when terrorists commit a particularly outrageous act or something goes wrong.”

Third, terrorist operations have also changed because today’s terrorists employ various approaches and techniques to wage war against their enemies. These techniques involve suicide-bombings, kidnappings, hostage-takings, and beheadings. Additionally, terrorists groups attack both hard and soft targets to cause mass casualties. Because terrorists groups are motivated by ethnic, religious, and apocalyptic millenarianism, they may not hesitate to use weapons of mass destruction.
Fourth, because state-sponsored terrorism is slowly diminishing, terrorist groups heavily rely on individuals to sponsor their activities. Al-Qaeda and many of its core religious groups relied in the past and still rely on Osama bin Laden for sponsorship. In other words, as countries disassociate themselves from terrorist groups, terrorism has increasingly become a private enterprise funded and conducted by individuals.

Fifth, to combat contemporary terrorism, new definitions and terms need to be developed for the new realities regarding terrorism. The intelligence community, policy-makers, and political actors, in particular, must take into consideration that there are significant differences among terrorists’ motivations, approaches, and objectives. They must understand that they dealing with a different kind of terrorist who would stop at nothing to cause mayhem. Therefore, when designing counter-measures to fight terrorism and terrorists, policy-makers must consider the changing face of terrorism. Conversely, in the absence of these considerations and realities, current counter-measures may deter yesterday’s terrorist, but not necessarily tomorrow’s terrorist.
CHAPTER EIGHT

CONCLUSIONS

May the culture of life and love render vain the logic of death...may Christians, Muslims, and Jews seek greater unity with each other...may hope conquer the ‘inhuman’ phenomenon of terrorism.


Terrorism is an ancient phenomenon. Scholars, analysts, and terrorism experts have attempted to define what terrorism entails but have been unsuccessful in providing a universal explanation that is acceptable to all. Terrorism eludes precision because it means different things to different people. The general consensus, however, is that it is an intentional act of force to induce fear, advance desired goals, and influence policy decisions. In chapter one, I provided an operational definition of terrorism and indicated that it is a deliberate, calculated, premeditated, and unlawful use of violence or the threat of violence to inculcate or create an atmosphere of fear with the intention of coercing or intimidating state authorities for the purposes of advancing economic, political, social, religious, or ideological objectives. I also indicated that individuals or groups who employ terror intend not only to undermine a government’s ability to protect its citizens, but also intend to produce fear and insecurity far beyond its immediate victims or physical targets to influence the behaviors of larger and broader audiences and to sway government officials’ decision-making processes.

In chapter one, I also examined major theories of terrorism capable of explaining the phenomenon of terrorism. They included the following: “Clash of civilizations”, “clash of globalization”, “root-causes theory”, Marxist theory, and revitalization theory. After discussing these theories in detail, I argued that even though they provided significant
insights into the problem of terrorism, they lacked a holistic cultural approach. In my study, I provided a holistic theory of the culture of terrorism and stated that terrorism is a socio-cultural response to the legacies of colonialism and neocolonialism. These legacies include underdevelopment, political oppression and repression, economic and social injustice, and globalization. In certain places, on-going colonial conflicts are catalyzed by the clashes of civilizations and communities whose differences are aggravated by ancient cultural animosities or traditional practices that evoke tribal and religious fervor. The conflicts are also motivated by virulent historical hatred between developed and developing countries and societies. For example, the practices and policies of the United States provoke some individuals or groups in Arab and Muslim countries to employ violence and terrorism to inculcate fear and instill insecurity in the American psyche and to undermine government authorities to influence policy-making decisions. Catastrophic terrorist attacks, on the other hand, provoke government officials to use the rhetoric of war on terror not only to resuscitate patriotic slogans and divert the public’s attention from domestic problems and agendas, but also to employ the rhetoric of the threat of terrorism to galvanize national and international support and cooperation for the necessity of military intervention and to fight international terrorism. Government responses against terrorism oftentimes impose excessive counter-measures that may infringe upon peoples’ protected constitutional freedoms and liberties. For instance, in the U.S. and several European countries, the introduction of draconian anti-terrorism legislation in the guise of the war on terror threatens democratic practices and values and suppresses citizens’ civil and personal rights, such as the freedoms of expression and association and protection from arbitrary and capricious laws (i.e., detentions without trials, rights to

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legal counseling, and the suppression of due process procedures). This evokes emotional reactions, public fury, and political dissent and results in internal conflict and instability. Furthermore, rash responses to terrorism negatively affect not only the peoples' personal and national security and sense of community, but also undermine democratic systems. From an international viewpoint, the war on terror has not only forced world leaders to pass new legislation to combat terrorism, but also has provided an opportunity for some leaders in Africa, Asia, and the Middle East to use the rhetoric of war on terror to crack down on political opponents, opposition groups, human rights advocates and to criminalize political dissent and protests. For example, as the U.S. continues to pressure the international community and world leaders to enact more and tougher anti-terrorism measures, and as President Bush continues to threaten countries that fail to cooperate and support the U.S. in the war on terror with the power of "the stick", i.e., the use of military force or the imposition of economic sanctions such as terminating foreign aid and loans, restricting foreign trade and investment, freezing financial assets, or embargoing weapons, the general support that the U.S. enjoyed prior to the events of September 11 continues to weaken. Moreover, the international support and cooperation that the United States received in the days and months immediately after the attacks of September 11 continue to wane.

Therefore, terrorism consists of a set of socio-cultural practices, ideologies, methods, techniques, organizational structures, and tools that individuals or groups find useful to redress their grievances and advance their desired goals. Terrorism can be a desperate response by weak and powerless groups (i.e., in regard to size and capabilities) challenging strong and powerful entities (i.e., in regard to states with established
militaries). But terrorism is not only a weapon of the weak, it is also an instrument of struggle that any person or group can use to accomplish some type of economic, political, social, religious, or ideological objective. In this case, we can conclude that both state authorities and non-state groups can use terrorism to advance their desired agendas.

In chapter two, I described how I gathered data to examine the phenomenon and the impact of terrorism. I indicated that my primary source of information was library materials that included recent books, journals, magazines, and newspaper articles, the Internet, and other media outlets. In addition, I indicated that I supplemented my information by conducting fieldwork in Kenya where I interviewed the U.S. embassy bomb survivors in Nairobi to understand how the attack affected them and how government authorities assisted them. I employed an informal method using semi-structured questionnaires. I presented my findings in an ethnographic narrative. I also highlighted some of the problems and obstacles I encountered in the field and explained how I dealt with them, thus enabling me to contact and interview survivors.

In chapter three, I examined al-Qaeda as victimizer. Because the attacks against the U.S. embassy in Nairobi and the World Trade Center in New York were the hallmarks of al-Qaeda, I discussed in detail its origins, organizational structure, recruitment methods, and modus operandi. I indicated that the 1998 attacks against the U.S. embassies in Kenya and Tanzania were a dress rehearsal for the attacks of 2001 against America.

I indicated that prior to attacks of September 11, al-Qaeda was centrally and hierarchically structured with an elaborate rank and file. I also demonstrated that it was structured in a pyramidal style where command and control ran from the top to the bottom within the organization. Top leaders of al-Qaeda included Osama bin Laden and
Ayman al-Zawahiri and their closest loyalists. There was also an existence of a well-organized chain of officials that was comprised of loyalists who headed various committees to supervise recruitment, training, financing, and operations.

I indicated that al-Qaeda functioned as a family entity where duties, assignments, positions of power, and promotions were conferred based on family and marriage ties, kinship, and loyalty to bin Laden and the ideology of jihad. In addition, I indicated that after September 11 and as U.S.-coalition forces invaded Afghanistan, al-Qaeda lost its sanctuary and training camps and was forced to operate from the underground. In other words, post-September 11, al-Qaeda decentralized into loose cells and affiliates that independently conducted terrorist operations to advance the organization’s objectives.

I indicated because al-Qaeda operatives are now scattered in several countries around the world and because these cells operate independently, it is difficult for intelligence and law enforcement agencies to disrupt them. This is because they are like a bunch of grapes such that when one is plucked, the rest continue to flourish.

Additionally, I showed that al-Qaeda is the only non-governmental organization that has been successful in conducting attacks on land, sea, and air (e.g. the American embassy car bomb attacks in East Africa in 1998, the U.S.S. Cole attack in 2000, and the U.S. World Trade Center and Pentagon in 2001), but also is the only group that has been capable of conducting series of terrorist attacks world-wide even when being hunted down by U.S.-coalition forces. The chronology of attacks perpetrated by al-Qaeda and presented in chapter one affirms my assertion than fewer countries now claim to be immune from al-Qaeda’s attacks.
Finally, I indicated that al-Qaeda’s *modus operandi* not only changes with the current environment they now face, but also includes constant innovation in their techniques. Al-Qaeda’s tactics are like that of chameleon that camouflages itself during a crisis to ensure its survival.

In chapter four, I discussed some of the problems and issues that preoccupy social scholars and political actors in political discourses and public debates and speeches regarding terrorism. Some of these issues include whether terrorist organizations are liberators or oppressors. I argued that terrorists and state officials use these phrases to demonize and weaken the spirit of their enemies in order to acquire alliance and support for their objectives. I pointed out that the words liberators and terrorists use usually change in time and space. Today, one can be labeled a terrorist and tomorrow be called a liberator. For example, Nelson Mandela, Jomo Kenyatta, and Yasser Arafat were at one time labeled terrorists and later were called liberators and even statesmen.

I also discussed the issue whether or not individuals join terrorist groups or commit acts of violence because they are poor, deranged, deprived, or cowardly. I pointed out that to the contrary, al-Qaeda senior leaders including bin Laden, al-Zawahiri, and the perpetrators of September 11 were not from poor and deprived families nor were they deranged cowards. They came from privileged, stable families, but yet were willing to fight and die for their ideologies and religious faith. In other words, the attacks that we have witnessed thus far have been conducted by al-Qaeda members who came from the upper and middle classes.

Additionally, I discussed whether or not U.S. foreign policy is a source of resentment, anger, hatred, and violence against the United States. I indicated that as much as
American policies and practices directly or indirectly affect many people and countries around the world and particularly provoke individuals and groups in Arab and Muslim countries to harbor sufficient hatred to attack America, the majority of people and societies the world over who are affected by these policies and practices do not resort to violence to express their resentment and grievances.

Finally, I discussed whether solving the Palestinian-Israeli conflict can reduce the "Muslim rage" and end hatred and violence against Americans and Israelis and their allies. I indicated that as much as finding a solution to the Palestinian-Israeli problem is a positive step towards peace in the Arab and Muslim world, some terrorist groups will continue to capitalize on the Palestinian-Israeli conflict not only to justify their violent actions, but also to acquire support and increase their pool of followers. Bin Laden and al-Qaeda operatives now embrace the Palestinian problem as their own to justify their actions against the United States. Furthermore, even with the withdrawal of Israelis from some Palestinian territories, violence and suicide-terrorism directed at Israeli citizens and interests have not receded.

In chapter five, I discussed in detail the measures governments put in place to respond to terrorism and fight terrorist organizations. I indicated that the war on terror has taken multi-faceted approaches such as diplomatic, financial, legislative, political and rhetorical, military, and socio-cultural to fight international terrorism and dismantle al-Qaeda's infrastructure (Reynolds 2002; Gunaratna 2002; Hoffman 2004).

The diplomatic approach involved requesting the world community to cooperate with the United States and those countries affected by terrorism to fight against terrorism. For example, when bin Laden was implicated in the embassies bombings in East Africa and
the September 11 attack, the United States government requested the Taliban leadership to surrender him and other senior al-Qaeda members to stand trial for planning and masterminding those attacks. When the Taliban officials refused, preemptive military retaliation was authorized which led to the demise of the Taliban government and the dismantling of the al-Qaeda safe haven in Afghanistan.

The financial approach dealt with freezing assets of bin Laden and al-Qaeda members to prevent them from financing future attacks. The United States and other countries have passed legislation authorizing their respective officials and agencies to identify terrorist organizations and freeze their assets.

The creation of the Homeland Security Department dealt with domestic threats to ensure that future attacks do not occur within the United States. Security enhancements at U.S. airports, border entries, symbolic monuments/buildings, and embassies were instituted as counter-terrorist measures.

The political rhetoric dealt with the war on terrorism and campaigning for support for preemptive military retaliation against hostile groups and countries. In his speeches, President Bush declared that the September 11 attacks constituted the "first war in the 21st century." Thus, he wanted Osama in Laden "dead or alive" and promised the Americans and the world that he would "smoke all of al-Qaeda terrorists out of their caves". He referred to al-Qaeda members as "evil-doers." Other officials in the Bush administration also indicated that their task was to "drain the swamps of terrorists" to make the world safe and free of terrorism. President Bush's doctrine became: "You are either with us or you are with the terrorists" and "If you do business with the terrorists, you cannot do business with the United States." Additionally, in his State of Union
address, President Bush called Iraq, Iran, and North Korea the “axis of evil” because they sponsored international terrorism. In short, Bush declared war on terrorism and put the world on alert that those countries that failed to cooperate and support the war on terror would be considered hostile to the United States and would face military retaliation.

Other measures in the war on terror included the passage of the United States Patriot Act which provided enhanced powers to intelligence and law enforcement agencies to identify, thwart, and prevent terrorist attacks. Critics of this Act claim that the power to hold suspected terrorists incommunicado is not only a draconian act but is also unconstitutional as it violates individual liberties and due process procedures.

In regard to the socio-cultural responses, the U.S. government declared a period of mourning to remember and honor those who died during the attacks. The government also promised to provide financial compensation to the victims of September 11, 2001.

In chapter six, I dealt with the reactions, claims, and coping mechanisms of the victims of terrorism. I conducted fieldwork in Nairobi and interviewed survivors. These were the findings: First, survivors vividly remembered where they were when the attack happened but did not know who took them to hospital. They also said that they were in great pain and begged doctors and nurses to give them medication to reduce their pain.

Second, even though survivors blamed al-Qaeda for the attacks, they pointed out that government authorities were also to blame because they failed to do everything within their power to prevent the attacks. They also indicated that the U.S. government was to blame because it knew that its embassy was vulnerable and yet failed to provide sufficient security. They pointed out that the even when the U.S. ambassador to Kenya, Prudence Bushnell, alerted American officials that the embassy was vulnerable, nothing
was done to enhance security around the embassy. Ambassador Bushnell testified before the U.S. Congress and requested funds to provide more security for the embassy, but her efforts and requests were unsuccessful. Survivors therefore claimed that the actions and inactions of the United States created circumstances that permitted the attacks that subsequently cost lives and injuries. Because U.S. officials failed and neglected to secure the embassy in Nairobi, survivors filed lawsuit against the United States government demanding damages (refer to Macharia et al., vs. United States in appendix II).

Third, survivors indicated that although the governments of Kenya and America assisted them with free medical treatment and financed their surgeries, medications, and rehabilitation efforts, they were bitter that assistance was prematurely terminated leaving them without alternative means to cover medical costs. They said that the money that the United States gave the Kenyan government after the attacks was used to rebuild damaged buildings rather than help victims and survivors rebuild their lives. They claimed that America was more interested buildings than victims. They pointed out that they were bitter because the United States government decided to directly compensate the families of the twelve Americans who died in the attacks, but failed to do the same for the families of the Kenyan victims. They said that they were angry because families of Americans who died in the blast received one million dollars each while families of Kenyans who perished in the same attacks received less than ten thousand dollars. They said that the United States failed to compensate them because of racial discrimination, because they were African and Kenyan. In addition, they pointed out that when they heard that the families of the September 11 attacks were compensated in the millions of dollars, they were furious. They indicated that compensation would not have become an issue if all
victims had been treated fairly. Again, they said that when they learned that their civil suit was dismissed in U.S. District Court, the Court of Appeals, and the U.S. Supreme Court, they were even more angry.

Fourth, survivors said that they relied on their families to deal with their pain and loss. They also joined survivor groups to share their experiences with others. Others pointed out that they turned to God and prayer to ease their pain. Some said that they attended church regularly not only to thank God for sparing their lives, but also to pray for those who planned and carried out the attacks. Some even said that they had forgiven Osama bin Laden and his al-Qaeda operatives, because as Christians forgiving enemies is the right thing to do. Survivors also pointed out that they accepted their fate as blind and disabled persons because there was nothing they could do to reverse the situation. They said that they find comfort and solace in church and prayer because with God on their side, pain, loss, and suffering can be endured and conquered.

In chapter seven, I discussed the changing face of terrorism and indicated that yesterday’s terrorists were different from today’s terrorists. I argued that traditional terrorists generally limited their attacks within their own countries while modern terrorists lack territorial boundaries. I also pointed out that traditional terrorist groups generally relied on states for sponsorship while contemporary terrorists rely on individuals. In other words, terrorism has become a private enterprise as the al-Qaeda network demonstrated. Al-Qaeda operatives brought jihad to their American shores as the attacks of September 11, 2001, showed. Contemporary terrorist groups, particularly al-Qaeda, not only rely on free-lancers and sleeper-agents, but also tap into native
terrorist cells to plan and execute operations. The attacks in Mombasa, Bali, Madrid, and London were examples.

I also pointed out that the methods and techniques that traditional terrorist groups used were different from those of contemporary terrorists. The latter employ innovative techniques such as attacking soft targets and civilians to weaken the spirit of their enemies and to demonstrate that no one including Americans are immune. Moreover, modern terrorists primarily employ suicide-bombings, hijackings, kidnappings, and beheadings to attack their enemies. For example, Islamic fundamentalists and al-Qaeda’s leaders encourage their followers to use lethal methods and martyrdom as weapons to fight the enemies of Islam. Again, unlike traditional terrorists, modern terrorists and al-Qaeda are increasingly using females as martyrs in the jihad struggle.

Additionally, I argued that the motivation for terrorism has shifted. I pointed out that whereas traditional terrorist groups were generally motivated by political factors, such as national liberation, contemporary terrorists are motivated by religious factors, such as zealotry and fanaticism. Moreover, I argued that the language and ideology of counter-terrorism has changed. In public speeches and political discourse, social scholars, policy analysts, media personalities, and political leaders including the Bush administration are backing away from the phrase “war on terror” in favor of “prolonged struggle against violent extremism.” The reason for this shift seems to be that calling terrorism a war diverts attention from the ideological struggle. Because bin Laden and his al-Qaeda operatives call their endeavor jihad ‘struggle’, it would seem that the language of the Bush administration is coming to resemble that of the terrorists.
APPENDIX I

EXCERPTS: THE NAIROBI BOMB SURVIVORS

The following is a transcription of interviews with the Nairobi bomb survivors during my fieldwork in 2000. The survivors included two men and two women from four different Kenyan tribes. They were: Mr. “A” (a Kikuyu); Mr. “B” (a Luo); Ms. “C” (a Luhya); and Ms. Kilonzo “D” (a Kamba). These survivors were-and still are employees of the Kenya Railways Corporation. At the time of the bomb attack, they were in their offices working. When I approached them and requested to speak to them what it meant to be a bomb survivor, they had all just resumed work after a period of undergoing medical treatment. My interview with these survivors took place at their workplace and during office hours and with the permission of their supervisors.

I introduced myself to the survivors as a doctoral candidate in anthropology and ethnic studies in the United States; informed them that I was interested in their story and wanted their reactions to the attack and how they coped with it. After gaining their approval, I proceeded with informal interviews. Specifically, I used the grand-tour questions to elicit general responses from survivors (i.e., to get the big picture). I also used the min-tour questions as follow-ups to elicit detailed and more specific answers.
Table 1, Questions asked in semi-structured interviews in English.

I: Grand-tour Questions

1. Can you tell me where you were and what happened to you when the United States embassy was attacked on the morning of August 7, 1998?

2. Can you tell me how you were rescued, what injuries you incurred, and what medical treatment you received?

3. Where else, outside the Kenyan hospitals, were you taken for further treatment and what treatment did you receive?

4. Can you tell me how you came to know that the bomb attacks were planned and conducted by Osama bin Laden and his al-Qaeda organization?

5. Can you tell me what kind of government or non-governmental assistance you received or continue to receive to help you cope with your ordeal?

6. Since the attack, have you received financial compensation from the Njonjo Commission (a government-appointed commission to oversee the task of assisting victims and survivors of the bomb attack) and how were you selected for this compensation?

7. Do you think the financial assistance you received was enough to offset your medical payments and other personal expenses?

8. Tell me why you decided to join other bomb survivors in a civil lawsuit against the U.S. government for more compensation for the pain and suffering you incurred?

9. When you learned that you had lost your civil suit in an American court, what were your thoughts, and do you think that justice was done?

10. What do you think your government should do to ensure that such attacks do not happen again and that the safety of the citizens of this country is top priority?
Table 1, (continued)

II: Mini-tour Questions

11. You indicated that you traveled to Germany for further medical treatment. What were the reasons and how were you selected to travel abroad for treatment?

12. Please tell me more why you were selected to travel to Germany and what kind of medical treatment you received?

13. You have indicated that the governments of Kenya and the United States provided you with free medical treatment, continual medical check-ups, drugs, and school fees for your children. For how long will you receive this assistance and what will you do when the assistance is no longer available?

14. You stated that the Kenyan and American government promised to assist you in educating your children up to secondary school or university. Do you think that the two governments have delivered what they promised?

15. You indicated that the reward that you received from the Njonjo Commission was peanuts compared to what the American citizens received. Why do you say that?

16. You have particularly stated that the reason you think the U.S. government refused to compensate you for the damages that you incurred as it did with the twelve Americans who died from the bomb was “because you were Africans”. What do you actually mean by that statement?

17. In your own opinion, how much money were you expecting to be compensated for your pain and suffering?

18. Explain further how you actually cope on a day-to-day basis from the injuries you incurred? In other words, describe some of the typical things you do to deal with your pain and suffering?
Table 1. Questions asked in semi-structured interview in Swahili

<table>
<thead>
<tr>
<th>Moja: Maswali kwa Jumla</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Utaweza kuniambia ulikua wapi na nini kilichotendekea tarehe saba mwezi wa nane mwaka wa elfu moja mia tisa na tisini na nane wakati bomu ilikolipuka?</td>
</tr>
<tr>
<td>2. Nieleze ni majeraha ya aina gani ulioyapata kutokana na mashambulizi hayo, ni usaidishi gani au matibabu gani uliyoyapokea?</td>
</tr>
<tr>
<td>3. Niambie ulipelekwa hospitali gani hapa Kenya au ngambo kwa matibabu na ni matibabu gani uliyoyapokea?</td>
</tr>
<tr>
<td>4. Nieleze ulijuaje kwamba mashambulize ya bomu kwa ubalozi wa Amerika yalitendwa na bwana Osama bin Laden na kundi lake la al-Qaida?</td>
</tr>
<tr>
<td>5. Utaweza kuniambia tangu ujeruhiwe, serikali ya Kenya au Amerika imekusaidi kwa njia gani?</td>
</tr>
<tr>
<td>6. Ni kiasi cha pesa ngapi ulichopokea kwa majeraha yako kutoka kwa serikali ya Kenya au kutoka kwa Komisoni ya Njonjo?</td>
</tr>
<tr>
<td>7. Unafikiria kwamba fedha ulizozipata zilikua za kutosha kugaramia matibabu na mahitachi yako mengine?</td>
</tr>
<tr>
<td>8. Nieleze ni kwa sababu gani ukaungana na wajeruhi wenzako kuichukua serilikali ya Amerika kotini kwa malipo zaidi?</td>
</tr>
<tr>
<td>9. Wakati mlipoelezwa kwamba mlipoteza kesi yenu kule mahakamani mwa Amerika ni mawazo gani yaliyokujia na unafikiri mlitendewa haki?</td>
</tr>
<tr>
<td>10. Kwa maoni yako, ungetaka serikali ya Kenya kuchukua hatua gani ili kuilinda nchi hii kutokana na uadui wa bin Laden na kundi lake la al-Qaida?</td>
</tr>
</tbody>
</table>
Table 1, (continued)

Mbili: Maswali kwa Maelezo Zaidi

11. Umesema kwamba ulipelekwa kwa hospitali ya Kenyatta na baadaye kule inchi ya Ujerumani kwa matibabu zaidi. Ni kwa sababu gani ukachaguliwa kwenda ngambo kwa matibabu Zaidi?

12. Tafadhali nieleze kwa urefu ni majeraha gani uliyoyapata ili kuchaguliwa kwenda ngambo kwa matibabu zaidi?


14. Umesema kwamba serikali ya Kenya na Amerika zilikuhaidi kukusomeshea watoto wake hadi malize sekondari au chuo kikuu. Je serikali hizo zimethemitisha haadi hiyo?

15. Umesema kwamba serikali ya Kenya na Amerika zilikushinda kuationisha watoto wake hadi malize sekondari au chuo kikuu. Je serikali hizo zimethemitisha haadi hiyo?

16. Tafadhali nieleze kwa urefu unamaanisha nini ukisema kwamba serikali ya Amerika ilikataa kuwaliwa au pesa za kutosha kwa majeraha yenu kwa sababu "wenye ni watu wa Afrika". Unamaanisha nini ukisema hivyo?

17. Kwa maoni yako, ulitarachia kiasi cha malipo ya pesa ngapi kutoka kwa serikali ya Amerika kwa majeraha uliyoypata kutokana na uvamizi wa bomu?


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Mr. "A", June 19, 2000, Nairobi, Kenya

The following is a transcription of an interview with a Nairobi bomb survivor "A", a Kikuyu by tribe, a male in his 50s, and an employee of the Kenya Railways Corporation. At the time of the attack, he was a general service officer. When I interviewed him, he had resumed work at the Kenya Railways and was holding the same job position.
Kennedy: Tell me where you were and what happened to you on August 7, 1998?

A: I was here in my office working for the Kenya Railway Corporation when suddenly I heard a very big bang. At first I thought that it was a Kenya Bus Services (KBS) tire that had busted or some kind of accident involving two buses. So, I proceeded to the window to see what was happening. As I was standing at the window looking out at the then U.S. embassy at Haile Selassie Avenue, I saw many people running away. I thought that whatever the bang, it was really big as many Kenyans were running from every direction. Minutes later, *nilisikia tena milio mwengine mkubwa mno* (I heard another very loud bang). After that, I thought we were invaded because the noise from the bang sounded like those of guns and bombs. I thought we [Kenyans] were at war. A few seconds later, I was full of blood and bleeding as I lay down in my office. I was in great pain. From that time on, I did not remember what happened or where I was.

K: So, when you woke up or regained your consciousness, where were you?

A: When I woke up, I found myself at Kenyatta National Hospital. I was in deep pain and I was crying. I thought I was going to die. I begged the nurses who were running up and down in the hospital to tell me what had happened to me. 'Why am I here?' I cried. 'Why is blood coming out of eyes, ears, and head?' I asked crying. I begged for pain-killers, but nobody would attend to me. I was told to calm down and stay quiet and try to sleep as I had been severely wounded.

K: Did you finally find out what had happened to you and did you receive treatment?

A: Yes. But it was not until 5:00 p.m. when finally the doctors told me that I had incurred severe injuries on my left eye, arm, ear, and head from a bomb blast that had exploded that morning at the U.S. embassy. I was told that there were many people who were badly injured. So I did not get any treatment until late that day probably around 11:00 p.m. But before I was actually treated the doctor and nurses gave me pain-killers to help me sleep. I also received some blood transfusion because I had lost a lot of blood from the injuries. The following day, the nurses washed my blood off my wounds and took me to the operation theater for an eye and head operations. I was hospitalized at Kenyatta hospital for two months and received a total of two major operations and other minor operations to my arm, ear, and jaw. Soon afterward I was flown to Germany for further treatment.

K: In Germany, what kinds of treatment did you receive and have you now fully recovered from those injuries?

A: In Germany, I received further head and eye operations and received an artificial eye. I stayed in a Germany hospital for two weeks and then flew back to Kenya where I now see doctors at Kenyatta hospital on monthly basis for further medical check-ups. I am slowly recovering from the wounds and as you can tell I am at least better enough to be
back at work.

K: Immediately after the attack, did you know who was responsible for the bomb that resulted into your injuries?

A: No.

K: How about now, do you know who was responsible for the attack?

A: Serikali inasema kwamba ilikuwa kazi ya waraabu na huyo mjamaa anayeitwa Osama na kundi lake (the government says that it was the work of the Arabs and that person called Osama and his group).

K: Do you then blame the Arabs for the bombing that led to your injuries and loss of your eye?

A: Yes and No. Yes, I blame those Arabs that were directly involved in the killing and wounding of many of us. Ninamlaumu huyo jamaa mwaarabu adui anayeitwa Osama bin Laden (I blame that Arab person they call Osama bin Laden). And no, I do not blame all the Arabs for the bomb and for what happen to me and the rest of us. I only blame those who were responsible for the attacks that killed and injured so many of us Kenyans including the some Americans.

K: What is your perception of the terrorists (what you do think about terrorists)?

A: They are bad people. They came to our country invaded us and killed and maimed us. I can only thank God for those of us who were so luck enough to survive. The only thing I can say is that terrorists are very bad people and should never be allowed to kill or harm other people anywhere in the world.

K: Do you have any thoughts why you think al-Qaeda targeted the American embassy in Nairobi that resulted in the death and injuries of many civilians?

A: I don’t know why terrorists chose Kenya or why they targeted the U.S. embassy here in Kenya that killed and injured many of us innocent people. I heard that the terrorists were targeting Americans and wanted to get back at the Americans for reasons that I do not know. I think that if those Arab terrorists wanted Americans they knew where to find them not here in Kenya. Terrorists chose the wrong country and wrong place to get back at the Americans. But now that they [terrorists] have killed and wounded us, all that is left is to pray to God that something like this does not happen again.

K: Have governments of Kenya and U.S. assisted you to cope with this tragedy?

A: Both governments have helped us [survivors] in many ways to cope with this tragedy. The Kenyans government helped us with free medical treatment in Kenyatta National Hospital. It also paid our traveling and living expenses to Germany while we
receiving further treatments. Again over the years our government has been subsiding or paying for our monthly and annual medical check-ups here in Kenyan hospitals. Together with the U.S. relief aid, our government pays for our retraining at the Kenya Society for the Blind and at other rehabilitation and counseling centers. In addition, our government paid three month of our computer training skills. As for the American government, through its United States Agency for International Development (USAID) and American Medical Relief Emergency Fund (AMREF) and other related agencies, they have assisted us with further medical treatments here in Kenya and Germany and for the continuous medical check-ups, drugs, and counseling services.

K: Besides the free medical treatment and drugs, what else have you received from either the Kenyan or American governments to deal with your suffering?

A: Our government [Kenya] under the Njonjo Commission and the funds that were generously donated by the U.S. government, the Red Cross, and other private organizations and well-wishers were given to some of us [survivors and victims’ families] for our pain and suffering. In fact some people were awarded financial assistance in hard cash and/or in terms of school fees. Those who were awarded school fees were told that the fees will last for two to four years. Again, some of us were told that the money or training we received was supposed to be a compensation for our pain and suffering from the bomb attack.

K: How much have you personally received from the Njonjo Commission?

A: I was awarded Kenyan Shillings 150,000 ($1,500) the highest amount of money awarded to survivors with major injuries such as mine. I understand that some of my fellow bomb survivors were awarded even less for their injuries.

K: Why do you think that was the case?

A: I really don’t know. We were told that it depended on the severity of the injuries that a person suffered. And in my case, I had the most.

K: Do you know what other criterion that the Njonjo Commission used to determine the extent of a survivor’s injuries before awarding them money?

A: No. But I understand that it depended on the severity of injuries, which had to be first determined by the doctors. That is why I think some survivors were awarded very little money. In fact, some of my fellow survivors told me that they given between Kenya shillings 30,000 to 50,000 ($400 to 600). Officials from the Njonjo Commission simply told that it depended on the injuries one received?

K: In your knowledge, do you know whether all other bomb survivors or victims families have thus far been compensated for their pain and suffering or for losing their beloved ones or breadwinner?
A: No. I have heard that some survivors have been complaining for not being given money or school fees to help them cope with their loss and suffering. Furthermore, even some of us who have been lucky enough to receive some money, the financial assistance is not enough. It is peanuts compared to the injuries and the pain we experience on a daily basis. Some of us who incurred severe injuries cannot afford to purchase medication or go to hospital for further treatment and other routine check-ups from the bomb injuries. I think that all bomb victims and survivors should be better compensated to help them cope with their loss and suffering. It is only fair that the government treats all victims and survivors of the bomb blast equally and fairly. We did not bring these pain and suffering to ourselves. We were at the wrong place at the wrong time. We need more financial assistance to help us especially acquire further medical treatments in our road to recovery.

K: Can you think of any other non-governmental agencies that helped you or continue to help you to deal with you tragedy?

A: Yes indeed. They include, the Red Cross, the American Relief Emergency Fund (AMREF) among others, which I don't know by name. All I know is that these organizations have been very generous to us for providing us with food, clothing, and funds for medical treatment, rehabilitation, and counseling. And in conjunction with the Kenyan government, these agencies have assisted us with monies to be able to attend seminars at the Kenya School of the Blind and other rehabilitation centers and other necessary treatments for the purposes of healing.

K: Mr. “A” What does it feel like to have survived the bomb attack?

A: It is unthinkable. The bomb happened so fast that you can't remember anything except the pain and injuries and the daily struggles and nightmares that you go through and endure. A bomb that lasted for a few seconds changed our lives and our country forever. But as a survivor, I thank God everyday for being alive. Although I lost an eye and I am still in great pain from the head injuries and other wounds, I thank God for sparing my life because some of my fellow Kenyans were not lucky enough to have survived the bomb. I feel blessed.

K: How do you deal with yours injuries on the daily basis as you try to make sense of what happened to you and thousands of Kenyans after the bomb attacks?

A: At the rehabilitation and counseling centers, the psychiatrists and counselors tell us to speak out about our ordeals and share it with our fellow survivors about our nightmares. They also tell us that by speaking out and sharing with other people of our experience will help us cope and heal. They also strongly suggest that we join survivors support groups to share stories and experience. Otherwise, you deal with it the best way you know how. For me, I tend to treat this tragedy just like any other tragedy and move on with my life. I wake up everyday and thank God for sparing my life knowing that there are some families who lost their beloved ones from the attack. Since the attack, however, I have been experiencing daily nightmares and suffer from panic attacks. In
fact, even the sound of a busting balloon or automobile tire terribly scares me to death. Otherwise, I try to make every moment count and make best of the worst situation. Kwa sababu hayo ndio maisha. Tufanyeje? (Because that is life. What can we do?).

K: As a survivor, what would you like the Kenyan government and its related agencies put in place to ensure that another terrorist attacks does not occur here?

A: I think that our government should be tough on terrorists. It should be extremely careful and alert at all times because if a terrorist bomb can happen once it can again. And, if a bomb can happen here in Kenya it can happen anywhere. Our government must thoroughly screen visitors, refugees, and anyone coming into our country because we no longer know who the bad guys are. Our government should tighten the security at all of our borders in order to make sure that terrorist attack does not ever happen again. Again, all political refugees and other foreign citizens in our country should be watched and their purpose for being in our country be known. Finally, our government should enforce tough Immigration laws and ensure that our Airports and Ports are tightly secured. This means that all necessary precautions should be taken to ensure that our government is prepared to fight and prevent terrorism.

K: What can you say about the rescue team, medical personnel, NGOs, and other groups that were responsible in the rescue and recovery mission and assisting survivors cope from this horrendous bomb attacks?

A: They were simply great and helpful. The rescue mission from American and Israel working with fellow Kenyans helped rescue and save many survivors. The medical staff both here in Kenya and Germany was good and treated us well to save our lives. The NGOs and others related agencies have all been generous and helpful and for providing us with financial assistance, medical treatment, counseling, rehabilitation, school fees, and other financial and training assistance to help us cope with our tragedy. We are so grateful to all those organizations and peoples who were involved in the rescue mission, emergency relief, counseling, rehabilitation, medical treatment, and other generous financial assistance we received from these organizations and well-wishers from all over the world.

K: Thank you for your time and insights. I wish you well.

"Mr. B", June 19, 2000, Nairobi, Kenya

The following is the response of bomb survivor “B”, a Luo by tribe, and a male in his 40s. At the time of the attack, he was a personnel officer at the Kenya Railways.
Kennedy: Tell me where you were and what happened to you on August 7, 1998?

B: It was around 10:30 a.m. I was at my place of work at the Kenyan Railways Corporation, on the second, floor room 205 in the Personnel Section working. We heard something that sounded like guns and busted tire. So some of us rushed into the windows to find out what was happening. A few minutes later there was fire and smoke coming into our offices. There were also flying glasses coming towards our office. I was hit with a flying glass on the face. I fell down. I was bleeding very badly from my head and eyes. I was taken by a Samaritan to Kenyatta Hospital. Many hours later I was operated on my eye. Days later, I was flown to Germany and received more eye operation. I stayed in a Germany hospital for one month. After that I flew back to Kenya and for some time, I have been going to Kenyatta Hospital for more treatment. In the months of November and December of 1999, I flew to Germany again for another operation. After the operation, I came back to Kenya and since then, I have been seeing Dr. Gondi, an eye specialist at the Kenyatta Hospital. He checks up on me and others with similar situations to make sure that there are no further complications from the operations. In fact, today I went to see Dr. Gondi because my eye has developed some complications from the operations I received here in Kenya and Germany.

K: In Germany, what kinds of treatment or operation did you receive?

B: Head and eye injuries. They operated my eye and gave me an artificial eye.

K: Can you now see clearly?

B: Not at all because everything is blurry and oftentimes painful when I’m outside in the sun.

K: Who do you blame for the attack that caused you these injuries?

B: They say that it was the work of Muslims and this guy they call Osama.

K: When you say “they” what do you mean?

B: Oh! I mean the Kenyan and American officials and the media say that those who were behind the attack were Arabs and Muslims and al-Qaeda.

K: Continue please...

B: Kulingana na maafisa was selikali yetu and Amerika wanasaema kwamba ni waarabu waliyeusika na haswa huyo mjamaa Osama na kundi lake. Isitoshe, magazeti, radio, televisoni, zote zinamiaumu Osama (According to our officials and those in America say that those who were behind the attack were Arabs and especially Osama and his group. Furthermore, the newspapers, radio, and television all blame Osama).

K: Do you therefore blame Arabs and Muslims for the bombing?
B: No. I only blame those who were involved in planning and attacking us. But because those who attacked us happened to be Arabs and Muslims, we can blame them for the deaths, injuries, and destruction of our people and country.

K: How have the governments of Kenya and America helped you cope?

B: Both governments have helped us [survivors] with free medical treatments here in Kenya and Germany. The two governments have also assisted us to pay for our traveling and living expenses in Germany and assisted us in terms of schools fees for our children. And under the Njonjo Commission which was established with funds generously donated by the U.S. through USAID, Red Cross, and other non-governmental organizations, some of us [survivors] have been awarded some money as compensation for our injuries.

K: How much have you received so far for your pain and suffering?

B: Thus far, I have received cash shillings 120,000 ($1200). However, the money I and others received is not enough to offset our medical expenses. We really need more financial assistance from our government because we can’t afford to see our doctors for medical check-ups. Since the government does not pay or subsidize our drugs and medicines, were are forced to foot the bill ourselves. Some of us are not in position to do so and therefore we are suffering.

K: What do you think about terrorists?

B: They are really bad people. They are animals and cowards.

K: Are you angry that these so-called animals caused you these injuries? And how do you cope with your pain and suffering on a daily basis?

B: Yes, I am angered and bitter. Why did those terrorists cowards had to bomb us? Why did they target us? What did we do wrong to them to kill and injure us? If these bad people [terrorists] were angry and hated Americans, why didn’t they go to America and attack them there? Why here in Kenyan? To cope with my loss and suffering, I have to look at this tragedy as if it were an unfortunate situation (say a road accident) and deal with as one can deal with an accident. You see, once you convince yourself that this bomb was just one of those accidents, then, you can try the best you can to move on with your life.

K: What advice can you offer the Kenyan government and its officials as to how they could be better prepared to deal with and prevent future acts of terrorism?

B: Our government must be extremely on the look out for bad people. Our officials cannot afford to allow anybody to enter our country without thorough screening or making sure that those who come to Kenya are here legally. Most important, our government must tighten security at all airports, borders, and all other places of entry. Again, all those who are here in Kenya illegally must be deported back to their own
countries. Furthermore, those who are arrested for planning and executing terrorism must be punished severely in order to send a message to could-be terrorists that Kenya will not seat on the side-lines when it comes to terrorism, domestic or transnational. Our country must also cooperate with countries in fighting terrorism and learn from the western countries how to respond terrorism. Our country must provide better training tools and facilities to the rescue and emergency relief teams, medical personnel, and other related agencies in order to save lives in-case another terrorist attack occurs.

K: How does it feel like to be a bomb survivor?

B: I count myself blessed. I really thank God for sparing my life. I’m alive today because of God’s mercy and grace. I also pray and ask God that this tragedy should never happen again not only here in Kenya but anywhere in the world because the terrorism is devastating and destructive. In fact, we Kenyans are relatively peaceful people and therefore terrorists should leave us alone.

K: Do you ever experience a sense of guilt that you survived and hundred of other Kenyans died from the attack?

B: Yes. Those who died from the bomb blast on that Friday morning would be anybody. In fact, many of those who died were innocent people and bystanders. Some were coming to town that morning in buses, mini-buses, and private cars to work. Some were standing on queue waiting to enter into the U.S. embassy for student and traveling visas. Some were walking-by the embassy heading to their different destinations. Some were waiting for their loved ones in and around the U.S. embassy. Some were attending classes at a secretarial college at near the U.S. embassy. And some were basically at their usual place of work when they were killed or injured. Yes, I feel guilty because those who were killed had their lives cut short without any apparent reason. Those who perished in that horrible act will never get to see their children grow, marry, and have children of their own. Those who were queuing for student visas will never get a chance to pursue an American education. Those who were attending the Kenyan secretarial college will never get an opportunity to receive their diplomas. Those who were waiting for their loved ones will never get a chance to say hello or goodbye. Those who were killed while working in their offices will never get a chance say goodbye to their beloved ones, friends or workmates. And those who came to town that Friday morning never went back home alive. That is why I think that I’m lucky and blessed because I can go home to my children and family whereas those who killed will not. Besides, in the aftermath of the bomb attack, I’m back working to make ends meet and to provide for my family whereas those who died will not. I’m still alive and here today even though I’m severely injured at great pain. But many of my fellow Kenyans were doomed on that day. It makes me angry and sad that those who died or injured were in the wrong place at the wrong time. I have asked myself many times why I survived while they died, but I don’t have answers. Yote tunamwachia mungu (We leave all to God).

K: Thank you for sharing your story. Best wishes.

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Ms. "C", June 19, 2000, Nairobi, Kenya

The following is an interview with Nairobi survivor “C”, a Luhya by tribe, a female in her 30s, and an employee of the Kenya Railways Corporation. At the time of the attack she was an office assistant.

K: Tell me where you were and what happened to you on August 7, 1998.

C: I was here on second flood working and at around 10:15 am, I heard a loud noise. I went to the window to check out what was happening because the noise was so loud that it shook the whole building. Just as I reached the window to look out towards Haile Selassie Avenue and Moi Avenue, I had another very loud noise and saw the window glasses flying into our office. I was hit on the face and I fall down under the table. I did not know what had happened to me except that I was hurting in my eye, head and ear. I crawled outside bleeding from my face and other parts of my body. The people were telling that I had been hit very badly with what they thought was a bomb. I would not see or hear well since I had been injured so badly. There was a lot of blood coming from my eye and I was crying for help. Some people rushed me to Kenyatta Hospital. At the hospital, I heard a lot of people crying because they had been injured from a bomb attack.

K: At the hospital what kind of medical treatment did you receive?

C: I did not get medical treatment immediately. But hours later, I was taken to the operation theater where my left eye was operated on. I hospitalized for some time. Weeks later, I was discharged. Then sometime in 1999 I flew to Germany for a second eye operation. I receive an artificial eye. Before, coming back to Kenya, the Germany doctors told me that I needed to go back again for another eye operation. Months after arriving to Kenya, I visited Dr. Gondi at the Kenyatta Hospital, who with other doctors told me that beside my eye, one of my ears was also severely damaged. They told that I’d to be operated on because at first they did not did not know whether it was all that serious. After my operation, I can now hear a little bit.

K: Who do you blame for the attacks that caused you these injuries?

C: I really do not know who to blame. I don’t know the people who were responsible. At first we all thought it was a fatal road accident or bus collision. But hours and days later, our government and that of America said that the bomb attack was the work of the Arab terrorists and that Saudi Arabia citizen, Osama.

K: Now that you know who was behind it, what do you think of terrorists?

C: I think that they are very bad people because they killed and injured many innocent
people for no reason. They are cowards. Hao waarabu nikaa tu wanyama (those Arabs are like animals).

K: Are you angry that terrorists targeted Kenyans even though their alleged intentions were the United States and its citizens?

C: Yes. Because, all these scares that you see in my body is the work of those terrorists. I will never be able to see and hear again with both of my eyes and ears because of the injuries I suffered from those terrorist animals. But even if I'm angry and bitter there is nothing I can do now to change the situation. I have cried enough and suffered enough. I know that being angry or bitter won’t help me turn things around as they were before the attack. And I don’t believe in a moment that those terrorists did not intend to target our people. If they did not intend to kill us, why did they pick Friday morning (one of the busiest days in the week) to bomb the U.S. embassy? And if they wanted to kill Americans and not us, why didn’t they go to America to bomb them there?

K: So how do you cope with your tragedy on the daily basis?

C: I live to deal with it. I know that my life will never be the same again, and so, I try to do the very best I can with what I have got left. It is really a problem especially working without my two eyes and ears. I have a problem seeing and hearing and that affects my overall work assignments. Sometimes my work production is low and I feel like I’m a total failure. But thanks to the help of the rehabilitation centers, counseling services, I'm able to handle my anger, pain, and suffering better. Also with the assistance of donations from the USAID and NGOs, some of us [survivors] were able to enroll in secretarial colleges or computers to acquire new skills. I find computer skills very helpful at work.

K: You mentioned that you attended computer classes. Who paid for it and how long did it last?

C: Our government assisted some of us and with the money generously donated by different organizations, agencies, and well-wishers in paying for the computer training at the local private colleges for three months.

K: Is there any other assistance that you have received thus far to help you cope with your loss and suffering?

C: Yes. Besides the free medical treatments and medicine our government, some of us were lucky enough to travel to West Germany for further medical treatment. Our government paid for our airfare and other expenses. Also, our government under the Njojo Commission compensated some of us some money. I was awarded Ksh.150,000 ($1,500). We were told that the money some of use received were from the Kenyan government treasury and the assistance from the American government and other generously donated money from the world organizations that made it possible to establish the Njonjo Commission. In addition, I have been making use of the Kenya Society for the Blind for rehabilitation, counseling, and other services to deal with my disability.

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problems. All these services have been made possible by both our government and that of the American.

K: How about school fees for your children?

C: No. I did not get assistance in terms of school fees because my children are still too little. Those who received school fees were families of the victims and other survivors whose children were old enough to attend primary school and secondary schools. Basically, for many survivors, the fees assistance was supposed to last for two to three years whereas for those who lost a family member, school-fees will lasts up to secondary school. But I was promised some little money in order to start a small business which I have not received to-date. As for the future medical treatments from my complicated operations, it remains uncertain whether our country or that of American will continue to assist to us pay for our medical bills and routine check-ups. I really hope that they continue to assist us financially or medically until we are in a position to financing our medical treatment. Without the government assistance, some of us who received artificial eyes in Germany will not be able to maintain them as many of us did not have insurances at the time of the attacks to cover for these complicated surgeries.

K: Thanks for your time and story. I wish you well.

Ms. “D”, June 19, 2000, Nairobi, Kenya

The following is an interview with the Nairobi bomb survivor “D”, a Kamba by tribe, a mother of four, and an employee of the Kenya Railways Corporation. At the time of the attack, she was assigned to duties in the payroll office. When I interviewed her, she was still holding the same job position.

K: Tell me where you were and what happened to you on August 7, 1998?

D: I was here on the first floor on the payroll section working. At about or around 10:00 a.m., I was standing near the file cabinets and then all of a sudden, I heard something that sounded like guns-shots. I thought that it might have been a gas tank that blew off. But then I saw smoke and fire. I then proceed further to the window to see where the shots or smoke were coming from. I remember the whole building was shaking and the next thing I knew, I was down after being hit by flying window glasses. I did not know what was happening and why I was hit or why I was bleeding. I heard many people running out of the office building but I would not find my way out because I could not see. Blood was coming out of eyes, head, and face. Sometime later, my brother called my office but I could not answer as I could not see or find the phone. But one of my co-workers did answer the phone and told my brother that I had been seriously injured from what many
believed to be a bomb attack. So, my brother rushed to my office, got hold of me, washed blood from my eyes and face and then carried me into a matatu (minibus) and took me to Kenyatta National Hospital.

K: At Kenyatta National Hospital what kind of treatment did you receive?

D: After I arrived at the hospital, I did not receive treatment as there were many more bomb casualties with even severe complications who were in need for urgent medical care including surgeries. The doctors, however, gave me painkillers and non-infection medication while they attended to those with much seriously injuries. I was told to wait to be operated on because the theaters were full of people who were undergoing operations. Later that day, I was transferred to Nairobi Hospital where I was operated. Both of my eyes were operated on and the retinas were reattached. Months later, I was flown to West Germany under the USAID grant for further treatment. I stayed in West Germany for two weeks and then returned to Kenya. Since then, I have been seeing Dr. Gondi, an eye specialist once a month for check-ups.

K: Who paid for your medical treatments in Kenyan and Germany hospitals?

D: Our government paid the bill for my operation at Nairobi Hospital. And with the assistance of the U.S funds, I was able receive traveling expenses to attend more operation treatments in West Germany. Furthermore, our country allows me to see my doctors free of charge for further medical check-ups, at least for now.

K: Besides the free medical assistance, what else have you received thus far to help you cope with pain and suffering?

D: Our government paid school fees for four of my children for a duration of two years; paid my expenses at a computer college for three months; and still pays for my monthly rehabilitation expenses at the Kenya Society for the Blind.

K: Have you received direct compensation for your pain and suffering?

D: Yes. The Njonjo Commission awarded me Shillings 60,000 ($800). We were told that most of the money came from the USAID, the NGOs, and donations from charities around the world to assist us deal with our injuries.

K: Do you think that the financial assistance you received and those that your fellow survivors received was enough to help you cope with your suffering?

D: Not really. Because our government indicated that they would provide us with free medical assistance and yet that assistance did not include subscription drugs. Since drugs are so expensive, the little money that I was awarded as compensation for my suffering, I used it to purchase drugs. Now that the award money is gone, I am without medication. I don't have the enough money or the means to pay for my medical bills and at the same time provide for my four children. I think that our government should do a lot more to
help us get well because what happened to us was not our own-making.

K: What are your thoughts about the terrorists whose actions changed your life?

D: They [the terrorists] are simply cowards. If those terrorists were angry with the Americans, they should have gone to Washington D.C., and bomb the Americans there not here in Kenya.

K: If you had the opportunity to face the terrorists caused your injuries, what would you say to them?

D: I would ask them the following questions: Why here? Why us? What did we do wrong to you to deserve this? What did you accomplish by killing and injuring us and in the process destroying thousands of people’s lives? Most important, I would tell that I forgive them and ask them never again to repeat the same senseless murder against us or against other innocent people around the world. I would also tell them that I forgive them as human beings and hope that God would also forgive their vicious actions. But, I would also like them to be punished severely so that they can reap what they planted.

K: Why would you forgive people whose actions changed your life forever?

D: Because I’m a born again Christian. And the Bible tells us to forgive all those who tress-pass against us including of-course our enemies the terrorists. I believe that God spared my life for a reason and that is why I feel blessed. I know that my life will never be the same again. I also know that I will never be able to see again with both of my eyes. But forgiving my enemies is the beginning of my getting well and moving on with my life. Forgiving the terrorists who attacks us on August 7, 1998, is in a way showing them human compassion and showing them that their criminal acts against innocent people (Kenyans, Tanzanians, and Americans) is not the right way to achieve ones grievances because there are many more peaceful avenues to solve problems without necessarily resorting to terrorism. Using terrorism as an instrument to bring about change only manages to kill innocent people, God’s people.

K: How else do you cope with your loss, pain, and suffering on a daily basis?

D: Through prayers and by asking Lord to give me and my family strength and courage to move on with our lives. At the rehabilitation centers, our counselors and psychiatrists suggest that we express and share our experiences, anger, pain, suffering, stress, and other trials and tribulation with fellow survivors and other people as a way of coping with our situation. Moreover, with me as with the rest of other bomb survivors count ourselves blessed to be alive. We are aware that the realities and memories of that August 7, 1998 will never go away, but we try so hard to take everything one step at a time. We try as much as possible, however, painful and discouraging the ordeal is to look at the bright side of things and push ourselves without surrender to live our lives without fear.

K: Do you experience nightmares and if so how often?
D: Yes. I experience bad dreams almost every night. In my nightmares, I hear cries for help. I hear the injured groaning in agony. I hear cries from their loved ones. I hear their cries for pain-killers to help them and me to sleep even if only for a moment. And then, I wake up crying and sweating and experiencing fear and helplessness. It is like being terrorized over and over again every night. This is what I have to go through on a daily basis. I dread going to sleep at night. I now suffer from what the doctors call hypertension. This is a disease I did not have before the bomb attack.

K: What are your thoughts to the allegation that the U.S. embassy security personnel refused to let Kenyan rescue teams to enter through their embassy to rescue survivors who were trapped in the rubbles in the five-story building, Ufundi House who would have been rescued had the American security allowed the rescuers and volunteers through the embassy entrance?

D: I think that Americans were also concerned in rescuing those who were trapped inside the U.S. embassy. They had to rescue and save their personnel and people first before helping Kenyan victims and survivors. I can understand why they had to guard their embassy. For instance, if you came home from work and you found your apartment on fire, what do you do? Do you try to save your house or your neighbors? Of course, your first human instinct and priority is to try to rescue and save your house and try to salvage whatever belongings you can in your house before going to help your neighbor. So, the same can be said about the Americans. The Americans embassy military personnel were doing what comes natural to all human beings. The truth of the matter is the Americans were trying to rescue their own people and help secure or guard their belongings before helping the Kenyans. Personally, I don't know why the U.S. embassy security denied permission to our Kenyans rescue and volunteers from using their main entrance to rescue many of our people who were buried alive in rubbles at the Ufundi building. But again, I'm not in a position to answer why the Americans denied such permission. That is a question that American security personnel can answer.

K: Thank you for story, experience, and insights. Best wishes.

Interviews with Nairobi Bomb Survivors on the Compensation Issue

The following interviews were conducted in 2002 during the fourth anniversary of the Nairobi bomb attack. The survivors were interviewed at the site of the attack (now a memorial site). The interviews focused on the survivors' reactions and claims that government authorities and officials promised them free medical treatment, drugs, routine medical check-ups, school fees, and other social services but were inadequately delivered. Another promise involved assisting the victims and survivors through legal
Mr. “E”, August 7, 2002, Nairobi, Kenya

Mr. “E” is a Kikuyu by tribe and a male aged 65 years. At the time of the bomb attack, he was in a Kenya Bus headed to work. When he was injured, the bus that he was riding in had just stopped at a traffic light near the U.S. embassy.

K: Mr. “E”, tell me where you were and what happened to you four years ago today?

E: I was in a Kenya Bus headed to work on the morning of August 7, 1998, four years today. I remember that bus had stopped at traffic lights at a round about or intersection of Moi and Haile Selassie Avenues, next to where the American embassy used to be. Some seconds later, a bomb went off killing many passengers and pedestrians. I, like many others were blinded from flying objects and broken glasses and windows.

K: How has the government assisted you to cope with your tragedy?

E: For four years now, our government has been assisting us [the survivors] in terms of free medical treatments, drugs, rehabilitation and other services to help us cope with our loss, pain, and suffering. Now that we are told the government would no longer provide us with free medical services, we don’t know what is going to happen to us. I have ten children who are jobless. I’m also jobless because I’m blind and the injuries I incurred from the bomb cannot allow me to hold a job.

K: Were you among the 5,000 Kenyan survivors who sued the U.S. government for damages under the class action suit of MERANIA MURINGU MACHARIA, ET AL., v. UNITED STATES OF AMERICA?

E: Yes.

K: Why did you join in that civil suit?

E: Because we were told that the U.S. officials knew about the terrorist attacks against their embassy but did not do more to secure it from the attack. We were also told that the American officials failed to warn us or our government of those terrorist attacks.

K: So, what happened to your suit?

E: Nothing. We were told that the judges in the United Stated threw it out because our
lawyers did not prove that the United States was responsible for our deaths and injuries. The U.S. courts, however, suggested that we should seek damages from the terrorist individuals or organizations themselves, specifically Osama bin Laden and his al-Qaeda network.

K: Have you received any money from bin Laden or al-Qaeda’s frozen assets?

E: No.

K: Why is that?

E: Again the United States has refused to allow Osama and al-Qaeda’s seized assets and funds to be used to compensate us for our loss, pain, and suffering. We don’t understand why the U.S. refuses to give us Osama and al-Qaeda’s frozen money to help us deal our loss.

K: How did you know that some of Osama and al-Qaeda’s assets seized?

E: We learned from our officials and the media that after the terrorist attacks against the United States on September 11, millions of Osama and al-Qaeda’s funds were seized.

K: Has your government assisted you in any way to receive restitution from al-Qaeda’s frozen assets and funds?

E: Not really. Nobody is telling us anything. Nobody is doing anything. Our states officials keep promising us that they will do more to assist us but nothing is happening. Even the American Ambassador keeps telling us every anniversary that America will never forget us, and yet it refuses to allow Osama and al-Qaeda’s seized assets to be used to compensate us. We do not understand why the U.S. is doing this to us and denying our claims. Our lawyers have appealed and so we are waiting for a decision.

K: When you learned that the September 11 victims and survivors were individually compensated for at least $1.5 million for their loss and suffering, what were your thoughts?

E: It showed us that America has the money to compensate terrorist victims and survivors but does not want to compensate those who were killed or injured in their embassy attack here in Kenya.

K: Why do you say that?

E: Because the American government compensated twelve of its citizens who were killed and several others who were injured from the bomb attack. The twelve American who were killed received during the U.S. embassy attack received at least $1 million each for while we received peanuts or nothing. Also the American government awarded the September 11 victims and survivors (both U.S. citizens and non-citizens) with millions of
dollars while the rest of us [Kenyans] have not. Worse still, we have tried the legal procedure to acquire money damages for our loss, pains, and suffering, but the U.S. courts keeps dismissing our complaints. We think that American government has refused to compensate us Kenyans bomb victims and survivors because of racial discrimination. If the U.S. government compensated all those who were killed or injured on September 11, we are also entitled for compensation because terrorist victims or survivors in New York are just as human as those in Nairobi.

K: Thanks for your insights. I wish you well.

Mr. “F”, August 7, 2002, Nairobi, Kenya

Mr. “F” is a Kikuyu by tribe and a male in his 40s. He is the chairman of the Nairobi Bomb Blast Survivors. He is among the 5,000 bomb survivors who sued the United States government for damages.

K: Why did you decide to attend today’s anniversary? What were your thoughts when you learned that the U.S. government decided to make payments to victims of September 11 and not the Kenyan victims?

F: I’m the Chairman of the Nairobi Bomb Blast Survivors Group. Every year we attend this anniversary, we hear the same story that the governments of Kenya and America will do more to help the victims and survivors in terms of medical and financial assistance. We are frustrated because the government promises are never delivered. We filed a class action suit against the United States in the District Court of Columbia, but we were told that U.S. Judge dismissed our complaint because our lawyers did not prove that the U.S. was negligence and responsible for our deaths and injuries. Our lawyers have filed an appeal but we don’t know the outcome. We have never been told what happened. So despite being the number one democratic nation in the world, we suspect it [the United States] has no respect for the judiciary....Kenyan victims cannot understand why some al-Qaeda victims and survivors were compensated while others were not. It seems to us that the U.S. cares more about renovating damaged buildings than providing relief and financial assistance to the victims. Furthermore, we were shocked and bitter to learn that the U.S. officials passed legislations that offered compensation to the victims of September 11 (both Americans and non-Americans) and the families of the twelve Americans who died in the Nairobi attack but not the Kenyan and Tanzanian victim’ families or survivors.

K: Thanks for your insights.
Ms. "G", August 7, 2002, Nairobi, Kenya

Ms. "G" is a Kikuyu by tribe, a female aged 33, and a mother of two children. At the time of the attack, she was in the second floor of the Cooperative House working. The force from the bomb threw her out of the window injuring her.

K: Ms. "G" where were you four years ago today and what do you think about the compensation issue?

G: I was in the second floor of the Cooperative Bank House, working. The force from the bomb threw me out of the building. I was severely injured. My chest was crushed. I also received other bodily injuries. I was forced to retire because I would not work anymore. I received $4,000 from the bank. I used the money to cover for medical costs. That money is gone. I still require medications and monthly medical check-up, but I can’t afford the costs. I also have two children in school. Without a job, I don’t know how I will pay for their fees. We were promised financial compensations but we have not received anything yet. We were told that the families of the twelve Americans who died in the Nairobi attacks were awarded one million dollars each. We sued the U.S. government for damages but Americans refused to compensate us. We know that America has the money to compensate us. If they will not give us compensation, we have to ask why. Is it because we are Kenyans?

K: Thank you for your time and insights.

Mr. "H", August 7, 2002, Nairobi, Kenya

Mr. "H" is a Kikuyu by tribe and a male aged 45. At the time of the attack, he was walking past the U.S. embassy. He was seriously injured and his arm was severed.

K: Tell me where you were four years ago today and what think about compensating of the victims and survivors of terrorism?

H: Four year ago, today, I was walking past the U.S. embassy when the bomb went off. I received severe bodily injuries. My hand was severed. I can’t work. I can’t provide for my wife and seven children. We were told that we can apply for a U.S.-sponsorship business loan of about $250 to start a small shop (kiosk). I was turned down because I
would not come up with two guarantors. I hear that the American government is giving millions of dollars to the September 11 victims and survivors, but I can’t get even 250 dollars to assist me take care of my family. I’m bitter because before the attack, I was at least capable of taking care of my family. I used to farm in my little land and raise a few cows. I used to sell my vegetables and milk in Nairobi. But now, all I can do is beg.

K: Thank you for sharing your story. I wish you well.

Ms. “I”, August 7, 2002, Nairobi, Kenya

Ms. “I” is a female aged 28 years. At the time of the bomb, she was seven months pregnant. She still works as a telephone operator in the Cooperative House, a job she held when the attack took place. She was totally blinded.

K: Tell me where you were four year ago today, what happened to you and what you think about the U.S. decision not to compensate you for loss and suffering?

I: Four year ago today, I was in the 13th floor of the Cooperative Bank building working as a telephone operator at the switch-board. I heard a very loud bang coming from the American embassy which is next door to my office, the Cooperative Bank. I rushed to the window that faced the American embassy to see what was happening. Shortly thereafter, something powerful exploded. I was knocked down from flying objects and glasses from broken widows. I was bleeding from my eyes and ears and all over my body. I would not see anything. I thought I was going to die. I was also seven month pregnant.

K: How did you get out of the building?

I: I don’t know who assisted me out but I think it would have been my colleagues or the rescue people.

K: Where were you taken?

I: Kenyatta National Hospital.

K: What were your injuries?

I: Severe body injuries and total blindness.

K: Why weren’t you taken abroad for treatment as were some of your fellow survivors?
I: Because the doctors told me that there is nothing that would be done to save me as I was totally blinded from the bomb attack. Instead of going abroad for further treatment, our government paid my expenses to attend the Kenya School for the Blind to learn to function as a blind person.

K: What is life like as a blind person?

I: Every hard. You see before the bomb attack, I was able-bodied and independent person and productive at work. Now I have to use a cane to find my way around. On many occasions, I have to request other people or strangers to assist me to cross a road, board a bus, get into an elevator, or find food in the market. For me, the worst part being blind is that I never saw how my baby looks like because she was born two months after I had been blinded from the blast. For me being a parent and blind has been really difficult because if my children are in any problem or danger, I cannot help them because I can’t see. That really hurts me more than anything else.

K: So how did you cope with your loss and suffering?

I: I had to accept my fate because there is nothing I can do to change things. I know that I will never be able to see again. I decided to move on with my life and do the very best to raise my children. I count myself blessed and luck to be a survivor because I know many of my fellow workmates or Kenyans died from the attack.

K: How has the government assisted you to cope with your tragedy?

I: Other than the free medical treatment, medication, or rehabilitation services that our government has been able to assist us with, I also received some money from the Njonjo Commission.

K: How much did you personally receive?

I: Around Kenya Shillings 150,000 ($2,000). Our government also promised us [victims and survivors] more assistance or damages for our loss and suffering.

K: Is the government still assisting you with free medical treatment, drugs, and other services that it promised?

I: Yes and No. Yes because for almost four years we have been assisted with free medical treatment at the Kenyatta National Hospitals, medical check-ups and medication and other services such as rehabilitation and counseling. But now our government has said that the money which the United States gave through the humanitarian aid to assist us is finished. We were told that all free medical treatments and other services have been terminated. Now we are supposed to pay for our medical costs. Worse still, many us [survivors] did not have insurance coverage and cannot afford to pay for our medical costs.
K: So how are you going to pay for your medical services?

I: I went back to work as a telephone operator at the Cooperative House. The old job, I use to do. I now earn at least more than $1 dollar a day. Since being blinded, I have not been as productive as I would have like to be. Before the attack, I was hoping for a promotion but now that hope is slim. Again, before the attack, I used to work overtime and was attending a secretarial college to become secretary, but now, it is hard to do that.

K: What about the compensation and damages from the class action suit that you filed against the U.S. government?

I: We were told that the American judged dismissed our claim. But our lawyers have appealed again.

K: After hearing that the U.S. government refused to award you damages, what were your thoughts?

I: ‘It’s not fair. It’s really hurting. Like me, my life has really changed. I think that they should compensate us so that we...we can organize ourselves and to able to live a good life’. America should give us money because it gave other terrorist victims and survivors who were killed and injured on September 11. We are not any different from those were killed or injured in New York and Washington D.C. We are all human beings. A terrorist attack affects all of us the same way no matter which country one comes from. If American government doesn’t want to pay from their own pockets, it should at least make available Osama and al-Qaeda’s seized assets and funds to be used to compensate us. Because, Osama and his al-Qaeda group were the ones who attacked us, their financial assets, which the American government seized should be used to compensate all of al-Qaeda’s victims and survivors including us Africans.

K: Thank you for your story and insights. I wish you well.

Mr. "J", August 7, 2002, Nairobi, Kenya

Mr. "J" is Kikuyu by tribe and a male aged 50. At the time of the bomb attack, he was at his place of work at Pioneer House, a building near the American embassy. He was injured from flying debris or broken window glasses.

K: Mr. "J" how were you injured and why did you attend this year’s anniversary?

J: I was working in Pioneer House, which is next to the American embassy. When the
book went off, I was knocked-down and buried under debris. My chest was crushed. When I was rushed to the hospital, I was told that my lungs were bleeding. Since then, I have had many complications with my lungs because they are weak. The doctors told me that I have to have medication to help function. For over three years, our government gave us medication for free, but now the government has stopped doing that. We were told that from now on we must pay for our own medical care and health services. Me, like thousands of other my other Kenyan survivors cannot afford to pay for our medical treatment or medication. 'I’m not working anymore and so I can’t afford to pay for my drugs’. This is why I come here today to remind our state officials and those of the United States that we [victims and survivors of bomb] did not ask for what happened to us on August 7, 1998. We were innocent civilians who were attacked, killed, and injured. So our officials and those of America should do more to help us and not to abandon and neglect us simply because we are disabled.

K: Thanks for your time and story. Good luck.

Bwana “M”

K: Tafadhali nielize ni nami unayemlaumu kwa udui was bomu uliowapata?

M: Si ni hawa waarabu tu. Kwani kuna nani mwengine isopokua tu huyo mwaarabu atwaye Usuma mwenye pesa nyingi.

K: Asante sana.
Presently pending before the Court is Defendant United States' Motion to Dismiss Plaintiffs' Amended Complaint for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1), and for failure to state a claim upon which relief can be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiffs, representing a prospective class of over five thousand Kenyan citizens and businesses, bring this action in connection with the August 7, 1998, terrorist bombing of the United States Embassy in Nairobi, Kenya (the "Embassy"). Plaintiffs allege that Defendant's negligence related to the security of the Embassy.
compounded Plaintiffs' injuries and losses suffered as a result of the bombing. Upon review of Defendant's motion to dismiss, memorandum of law and attached exhibits, Plaintiffs' opposition [*13] thereto, Defendant's reply, and the relevant law, the Court shall grant Defendant's motion to dismiss.

[*18] I. BACKGROUND

On August 7, 1998, a terrorist bomb exploded at the rear entrance to the American Embassy in Nairobi, Kenya, killing over two hundred people, injuring thousands more, and damaging Kenyan businesses located near the Embassy. Plaintiffs' Amended Complaint ("Cplt.") at 68. The bombing injured those inside the Embassy compound, and led to the collapse of the adjacent Ufundi Building. Id. P 71. Additional injuries occurred when glass windows shattered at the nearby Co-op Bank Building. Id. It is believed that the bombing was carried out by the al Qaeda terrorist organization, led by Osama bin Laden. Id. P 69.

Plaintiffs complain that the "actions and inactions by the United States of America, principally through the Department of State, created circumstances which permitted the Bombing and subsequently caused and exacerbated the loss and injury sustained by Kenyan victims." Id. at 68. Specifically, Plaintiffs allege in Count One that the Embassy was inherently dangerous and that employees of the Department of State ("DOS") knew or should have [*4] known that a terrorist attack against the Embassy was likely. Cplt. PP 82-94. Despite this knowledge, Plaintiffs argue, DOS employees failed to alert their superiors, the Embassy, and Kenyan citizens that such dangers were imminent. Id. PP 57, 91. Additionally, Plaintiffs assert that DOS employees failed to provide sufficiently trained security personnel to the Embassy and failed to take legal necessary security precautions to prevent such an attack. Id. PP 88-89. Plaintiffs allege further that the United States made security and rescue related decisions based on race and national origin." Cplt. P 92. Plaintiffs also allege that the United States is responsible, based on the doctrine of respondent superior, for the negligence of the independent contractor providing security services at the Embassy. Id. PP 52, 75, 88.

As a result of this alleged failure to provide appropriate security, Plaintiffs claim in Count Two that the Embassy was a public and private nuisance that "deprived neighbors of the use and enjoyment of their adjoining property." Id. P 95-96. In Count Three, Plaintiffs maintain that the United States violated international customary law, the Kenyan Constitution, [*5] and the International Covenant on Civil and Political Rights ("ICCPR") by its alleged security failures. Id. PP 99-106. Plaintiffs, in Count Four, request relief in the form of a constructive trust, to hold any assets or funds seized by the United States from Osama bin Laden and al Qaeda for the "use, benefit, and enjoyment of the plaintiffs and prospective class members." Cplt. P 109. Plaintiffs allege that this Court possesses jurisdiction over the present action pursuant to the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 2671 et seq., which operates as a limited waiver of the United States' sovereign immunity. Cplt. at 68.

Defendant moves to dismiss Plaintiffs' Complaint on the grounds that it is not amenable to suit in this Court based on the foreign country exception, 28 U.S.C. §2680(k), and discretionary function exception, 28 U.S.C. §2680(a), to the FTCA's waiver of sovereign immunity. Defendant's Memorandum of Law ("Def. Mem.") at 14-17. Defendant contends first that Plaintiffs have failed to demonstrate that any of the alleged negligent conduct complained of occurred within the United States. Id. at 14-17. Second, Defendant argues that any actions that may have taken place within the United States clearly fall within the discretionary exception to the FTCA. Id. at 17-30. Finally, Defendant asserts that Plaintiffs fail to state a claim predicated on international and Kenyan law and fail to state a [*19] claim for a constructive trust. Id. at 2, 37-38.

II. DISCUSSION

A. Legal Standard

In reviewing a motion to dismiss for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6), a court will not grant the motion "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Conley v. Gibson, 355 U.S. 41, 45-46, 2 L. Ed. 2d 80, 78 S. Ct. 99 (1957). Accordingly, at this early stage in the proceedings, the Court assumes the veracity of all factual allegations set forth in Plaintiff's Complaint. See Doe v. United States Dept of Justice, 243 U.S. App. D.C. 354, 753 F.2d 1092, 1102 (D.C. Cir. 1985). Moreover, "the complaint must be 'liberally construed in favor of the plaintiff,' who must be [*7] granted the benefit of all inferences that can be drawn from the facts alleged." Schuler v. United States, 199 U.S. App. D.C. 23, 617 F.2d 605, 608 (D.C. Cir. 1979). Nonetheless, the Court is not bound to accept the legal conclusions of the non-moving party. See Taylor v. FDIC, 328 U.S. App. D.C. 52, 132 F.3d 753, 762 (D.C. Cir. 1997).

Before a federal court may hear a case, it must ascertain whether it has jurisdiction over the underlying

http://web.lexis-nexis.com/universe/document?_m=91643aeeb475bfa6739c50a952627be&... 6/2/2005
subject matter of the action. *Bender v. Williamsport Area School Dist.*, 475 U.S. 534, 541, 89 L. Ed. 2d 501, 106 S. Ct. 1326 (1986) ("Federal courts are not courts of general jurisdiction; they have only the power that is authorized by Article III of the Constitution and the statutes enacted by Congress pursuant thereto.").

Motions to dismiss for lack of jurisdiction over the subject matter of the action are proper under Federal Rule of Civil Procedure 12(b)(1). In the Rule 12(b)(1) context, the plaintiff bears the burden of proving jurisdiction. *McNutt v. General Motors Acceptance Corp.*, 298 U.S. 178, 182-183, 80 L. Ed. 1135, 56 S. Ct. 780 (1936); *Land v. Dollar*, 330 U.S. 731, 735, 91 L. Ed. 1209, 67 S. Ct. 1009 (1947). **[8]** When a defendant brings a challenge to the actual complaint itself, without relying on matters outside the pleadings, the motion to dismiss is a "facial challenge" to a complaint, because a district court is not asked to review documents outside the pleadings. See *Hohn v. United States*, 251 U.S. App. D.C. 145, 782 F.2d 227, 241 (D.C. Cir. 1986), vacated on other grounds, 482 U.S. 64, 96 L. Ed. 2d 51, 107 S. Ct. 2246 (1987) (materials *alique* pleadings can be considered on Rule 12(b)(1) motion); 2 James Wm. Moore et al., *Moore's Federal Practice*, § 12.30(4), at 39 (3rd ed. 2002) ("A facial attack questions the sufficiency of the pleading."). On a motion to dismiss a case that presents such a "facial challenge," a court must accept all of the complaint's well-pleaded factual allegations as true and draw all reasonable inferences from those allegations in the plaintiff's favor. *United Trans. Union v. Gateway Western R. Co.*, 78 F.3d 1208 (7th Cir. 1996) (citing *Rueth v. EPA*, 13 F.3d 227, 229 (7th Cir.1993)).

However, in some instances, a court is required to look beyond the pleadings and to inquire into facts that are pertinent to the determination **[9]** of whether it has subject matter jurisdiction. *Land*, 330 U.S. at 735 n.4. Such a "facial challenge" attacks the existence of subject matter jurisdiction by looking beyond the pleadings and places the burden on the plaintiff to prove that facts exist that establish a court's jurisdiction. See *Federal Election Com. v. National Rifle Assoc.*, 553 F. Supp. 1331, 1343 (D.D.C. 1983) ("A 'facial attack,' however, challenges the existence of subject matter jurisdiction in fact, irrespective of the pleadings, [**12**] such as testimony and affidavits, are considered. Moreover, a 'facial attack' under Rule 12(b)(1) may occur at any stage of the proceedings, and plaintiff bears the burden of proof that jurisdiction does in fact exist."). (internal citations omitted).

In this instance Defendant brings a factual challenge to the existence of subject matter jurisdiction and thus, Plaintiff bears the burden of presenting proof that jurisdiction properly lies with this Court.

B. The Federal Tort Claims Act

Absent an express waiver of sovereign immunity, a plaintiff may not sue the United States in federal court. See *FDIC v. Meyer*, 510 U.S. 471, 474, 127 L. Ed. 2d 308, 114 S. Ct. 996 (1994); see also *United States v. Mitchell*, 463 U.S. 206, 212, 77 L. Ed. 2d 580, 103 S. Ct. 2961 (1983) ("It is axiomatic that the United States may not be sued without its consent and that the existence of consent is a prerequisite for jurisdiction."). The Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b), 2671-80, creates an express limited waiver of the United States' sovereign immunity, rendering the federal government and its agencies liable for certain "tort claims, in the same manner and to the same extent as a private individual under like circumstances." 28 U.S.C. § 2674(a). While the FTCA creates the jurisdictional basis for tort claims brought against the United States, the underlying claims are determined according to local law.

In enacting the FTCA, Congress explicitly preserved the federal government's immunity from suit for claims "based upon an act or omission of an employee of the Government, exercising due care, in the execution, performance or enforcement of his office or duties, whether or not such statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise of performance or failure to exercise or perform a discretionary function **[11]** or duty on the part of a federal agency or an employee of the Government, whether or not the discretion involved be abused." 28 U.S.C. § 2680(a) ("discretionary function exception"). A plaintiff must further demonstrate that the complained of act or omission by the United States does not arise in a foreign country. See 28 U.S.C. § 2680(k) ("foreign country exception"). If a claim falls within one of these FTCA exceptions, the Court does not possess subject matter jurisdiction and must dismiss the action.

C. Defendant's motion to dismiss for lack of subject-matter jurisdiction

Defendant moves to dismiss Counts One and Two of Plaintiffs' Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) based on the discretionary function and the foreign country exceptions to the FTCA. At the outset, the Court must address Plaintiffs' erroneous assertion that Defendant's motion to dismiss Plaintiffs' complaint pursuant to Federal Rule of Procedure 12(b)(1) must be treated as a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiffs' Opposition to Defendant's Motion to Dismiss Complaint ("Pl. Opp'n") at 4-6. Plaintiffs contend that attacks as to jurisdiction pursuant to Rule 12(b)(1) "should be limited to complaints which establish failure to exhaust administrative remedies, or which
establish that the tort upon which the complaint is based falls within one of the explicit exceptions set out in 28 U.S.C. § 2680(h)." n1 Pl. Opp'n at 4. Plaintiffs argue that where, as here, a defendant [*21] moves to dismiss a claim based upon the discretionary function exception or the foreign country exception to the FTCA, courts should apply the "heightened requirements of Rule 12(b)(6)" and treat all factual allegations - including those related to jurisdiction - in the complaint as true. Id.

n1 28 U.S.C. § 2680(h) creates an exception to the waiver of immunity for "any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights."

Plaintiffs' assertion has little merit. As discussed above, when a court is required to look beyond the pleadings to establish its jurisdiction, a plaintiff must through testimony and affidavits, demonstrate that a case is properly before the court. See Land, 330 U.S. at 735. This Court must review the allegations in Plaintiffs' Complaint, and may review facts outside of the pleadings, in order to determine whether jurisdiction exists. In this instance, that means examining facts related to where the alleged negligent actions took place, at home or abroad, and whether Defendant's actions were in fact discretionary in nature. However, "we do so only to determine whether the district court has jurisdiction over those actions, not to prejudge the merits of the case. If the district court has jurisdiction over the suit, the plaintiff must still prove that the government's actions were negligent in order . . . to prevail." Cope v. Scott, 310 U.S. App. D.C. 144, 45 F.3d 445, 448 (D.C. Cir. 1995).

The cases cited by Plaintiffs do not indicate otherwise. Plaintiffs primarily rely on Richardson v. United States, 338 U.S. App. D.C. 265, 193 F.3d 545 (D.C. Cir. 1999), [*14] for the contention that a motion to dismiss based on the discretionary function must satisfy the heightened requirements of Rule 12(b)(6). To the contrary, that case directly found that "no one doubts that [the plaintiff's] original complaint would properly be dismissed for lack of subject matter jurisdiction, because of the discretionary function exception." Richardson, 193 F.3d at 547. The issue in Richardson dealt with whether the district court had erred in denying a pro se plaintiff a chance to amend his complaint in order to state a cognizable claim. Nowhere, does the Richardson court indicate that, in applying the discretionary function exception, a court is unable to dismiss a claim pursuant to Rule 12(b)(1) and in fact, recognized that such dismissal was appropriate as to the plaintiff's original complaint. Id.

Further, Plaintiffs contend at the outset that this Court should not dismiss the action pursuant to Rule 12(b) (1) because Plaintiffs have not had the opportunity to conduct sufficient jurisdictional discovery in this case. Pl. Opp'n at 8. Plaintiffs argue that Defendant has failed to produce certain requested documents that pertain [*15] to how the DOS identifies terrorist threats and how the DOS makes decisions regarding who to notify regarding such threats. Id. Without this information, Plaintiffs argue, "Defendant . . . is precluded from making a factual attack on the threat reaction claims in this case." Id. at 8.

Plaintiffs argument is merely an attempt to re-litigate matters already resolved by this Court and the Magistrate Judge in this case. Plaintiffs were afforded three months of discovery on the jurisdictional question, during which time they had the opportunity to submit interrogatories, depose witnesses, and request documents from the Defendant. See December 17, 2001, Order; Civ. No. 99-3274 (CKK) at 3, Plaintiffs were permitted to take Federal Rule of Civil Procedure 30(b)(6) depositions of United States personnel n2 regarding [*22] "how and where the Department made decisions concerning security, local guards, training, and management of threat information." See October 1, 2001, Order Civ. No. 99-3274 (AK) at 6, Magistrate Judge Alan Kay denied Plaintiffs' requests for additional discovery and resolved all of Plaintiffs' challenges concerning the sufficiency of Defendant's compliance with [*16] discovery requests. See Id. Magistrate Judge Kay subsequently clarified his Order of October 3, explaining that Defendant was not required to "produce responses which address both jurisdictional and factual issues." October 30, 2001, Order Civ. No. 99-3274 (AK) at 2. Consequently, this Court concludes that Plaintiffs have had ample opportunity to obtain information from Defendants concerning the jurisdictional issue and reiterates that "Plaintiffs are not entitled to further jurisdictional discovery." Dec. 17, 2001, Order at 3.

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The Court notes that Plaintiffs also had an opportunity to take five Rule 30(b)(5) depositions on the jurisdictional question in a related action before this Court, dismissed on March 30, 2002, Bicharge v. United States, Civ. Action No. 00-1636 (D.D.C. March 30, 2002).

1. Discretionary Function Exception

The Court will begin its analysis with the discretionary function exception. All of Plaintiffs' claims contained in Counts One and Two, save one, related to the negligence [*17] of the independent contractor, and can be resolved pursuant to this exception. n3

n3 Plaintiffs, in recognition of the foreign country exception, have attempted to demonstrate that the injuries and property damage suffered in Kenya were the result of negligent acts or omissions committed with the United States. See Cplt. pp 40-62. This type of claim is known as a "headquarters" claim. See Beatie v. United States, 244 U.S. App. D.C. 70, 756 F.2d 91 (D.C. Cir. 1984). However, headquarters claims are "recognized by this Circuit . . . in such limited circumstances that in general, unless subject matter jurisdiction can be separately established for those claims truly arising in a foreign country . . . it is seldom worth [plaintiffs'] while to try to make a case live or die on the basis of headquarters claims." MacCaskill v. United States, 834 F. Supp. 14, 17 (D.D.C. 1993), aff'd without opinion 24 F.3d 1464 (D.C. Cir. 1994) (quoting Beatie, 756 F.2d at 97). The Court for the purposes of its discussion of the discretionary function analysis will assume that Plaintiffs have properly alleged a headquarters claim.

Pursuant to the discretionary function exception, the United States retains sovereign immunity for any acts taken by a federal employee that are "based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty." 28 U.S.C. § 2680(a). This exception applies to governmental acts that "involve an element of judgment or choice." United States v. Gaubert, 499 U.S. 315, 323, 113 L. Ed. 2d 335, 111 S. Ct. 1267 (1991) (quoting Berkowitz v. United States, 486 U.S. 531, 100 L. Ed. 2d 531, 108 S. Ct. 1954 (1988)). The purpose of the exception is "to prevent judicial 'second-guessing' of legislative and administrative decisions grounded in social, economic, and political policy through the medium of an action in tort." Gaubert, 499 U.S. at 323 (internal citations omitted). In determining the applicability of the discretionary function exception, the Court undertakes a two part test. First, the Court must determine whether a federal statute, regulation, or policy specifically prescribes a government actor's course of action. Id. at 322. In such a case, no discretion [*19] is employed and the only remaining inquiry for the Court is whether the employee did, or did not, do what was prescribed by the applicable statute, regulation or policy. See Cape v. Scott, 310 U.S. App. D.C. 144, 45 F.3d 445, 448 (D.C. Cir. 1995). Second, if no specific action is prescribed, the act is discretionary, and the court must next determine whether the action was of the type grounded in [*23] social, economic, or political policy. Sloan v. U.S. Dep't of Housing & Urban Dev., 344 U.S. App. D.C. 389, 236 F.3d 756, 761 (D.C. Cir. 2001) (citing Gaubert, 499 U.S. at 323). If an "established governmental policy, as expressed or implied by statute, regulation or agency guidelines, allows a Government agent to exercise discretion, it must be presumed that the agents' acts are grounded in policy when exercising that discretion." Gaubert, 499 U.S. at 324-325. Once it is established that the government actions in question are discretionary in nature and grounded in an appropriate policy, a court lacks subject matter jurisdiction over claims predicated upon that discretionary action (or inaction).

Plaintiffs contend that officials in the United States committed twenty-one [*20] negligent acts that were either non-discretionary or not subject to "policy judgment." Pl. Opp'n at 29-30. All of these allegedly negligent acts can be categorized as either: 1) a failure to provide guidance and advice on improving security at the Embassy, 2) a failure to provide security equipment to the Embassy, 3) a failure to train adequately Embassy personnel and contractors to deal with various security threats, 4) a failure to warn adequately Embassy personnel, and others, of potential terrorist threats, 5) an improper classification of the level of security risk at the Embassy, or 6) falsely leading Embassy personnel to believe that security analyses had been conducted or would be conducted. Id. The Court concludes that each of these alleged actions fall within the discretionary function exception to the FTCA.

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a. Mandatory vs. Discretionary Conduct

None of the actions about which Plaintiffs complain involve a failure to abide by the dictates of a statute, guideline or regulation. Although Plaintiffs repeatedly assert that DOS officials failed to fulfill "non-discretionary" duties, PI. Opp'n 15, 22, Plaintiffs fail to identify any relevant statute, guideline, or regulation that prescribed DOS employees' course of action related to the security at the Embassy. Plaintiffs cite documents that either are not guidelines prescribing a specific course of action, or are guidelines that do not apply to Plaintiffs' specific claims. Plaintiffs' failure to identify a relevant guideline or regulation is not surprising as determinations about what security precautions to adopt at American embassies, and what security information to pass on, and to whom this information should be given, do not involve the mechanical application of set rules, but rather the constant exercise of judgment and discretion.

For instance, the United States Department of State Foreign Affairs Manual, Diplomatic Security ("FAM"), Mem; Exhibit 2, instructs, in the "Physical Security Standards" section, that "project managers and regional security officers (RSO's) should follow all standards to the maximum extent possible." Def. Mem; Exhibit 2, 12 FAM 314.1 (emphasis added). n4 This Manual further instructs that when full implementation of outlined standards is "impossible or inappropriate," foreign service officers should engage in a process of "risk management." [**22] Id., 12 FAM 6 H 511.4. This risk management "process begins with an assessment of the [**24] value of the assets, the degree of a specific type of threat, and the extent of the vulnerabilities... . A decision is then made as to what level of risk can be accepted and which countermeasures should be applied. Such a decision involves a cost-benefit analysis, giving decision makers the ability to weigh varying security risk levels against the cost of specific countermeasures." Id. Thus, as this document clearly illustrates, the process of securing an embassy involves subjective analysis, decisions, and a balancing of benefits; it does not involve the mechanical application of guidelines or rules.

--- Footnotes ---

n4 In Cope, the plaintiff cited a Park Service manual that established road safety standards "applicable only to the extent practicable." 45 F.3d at 450. In response, the Court of Appeals for the District of Columbia Circuit observed that "this caveat means that the standards are applicable only when no competing priorities exist. Such flexibility is the essence of discretion." 45 F.3d at 450 (emphasis added).

--- End Footnotes --- [**23]

In addition, Plaintiffs attempt to demonstrate that certain DOS reports establish that the security measures taken prior to the 1998 attack were "inadequate," and contained "identified deficiencies." PI. Opp'n 20-21. However, Plaintiffs arguments as to the inadequacy or deficiency of the level of security that in hindsight would have been desirable on the day of the bombing is merely an attempt to argue the merits of the case, rather than evidence that Defendant failed to comply with certain mandatory guidelines and regulations. n5 In sum, none of the actions or instances of inaction that form the basis of Plaintiffs' Complaint involve a failure to perform nondiscretionary duties. Therefore, this Court turns to the next step in the Gau bert analysis and must determine whether DOS employees' alleged actions and inactions implicated social, political, or economic policy considerations. Cope, 45 F.3d at 448-49.

--- Footnotes --- [**24]

n5 The Court must also note that Plaintiffs frequently cite to inapplicable or irrelevant guidelines in order to attempt to demonstrate that mandatory duties exist. For instance, Plaintiffs make a weak attempt to suggest the existence of "certification requirements," for bomb detection equipment. PI. Opp'n at 20. Yet the document cited relates to the safety of X-ray devices used by embassy personnel. B. 6085. Similarly, Plaintiffs attempt to suggest that the building's windows did not meet DOS security standards. PI. Opp'n at 21. Yet the standards cited by Plaintiffs pertain only to newly acquired or renovated embassy buildings. B. 7691, 9195. The Embassy in Nairobi was not such a building. B. 3500.

--- End Footnotes --- [**24]

b. Political, Social, and Economic Policy Considerations

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Under the FTCA discretionary function exception, not all discretionary conduct is exempted; only conduct that is "susceptible to policy judgment and involve[s] an exercise of political, social or economic judgment" is exempt. *Cope v. Scott*, 310 U.S. App. D.C. 144, 45 F.3d 445 (D.C. Cir. 1995) (internal citations omitted).

Decision-making based on policy considerations has been contrasted with "determinations involving the "application of objective scientific standards;" the latter are not protected by sovereign immunity even when they involve the exercise of discretion. *Sloan*, 236 F.3d at 765. However, when "balancing factors" is an integral part of the decision-making process, and particularly when this involves considerations such as how to "allocate funds among significant project demands," and how to weigh inconvenience against the "risk of safety hazards," decisions are susceptible to policy judgment. *Cope*, 45 F.3d at 451; see also *United States v. S.A. Empresa de Viacao Aerea Rio Grandense ("Varig Airlines"),* 467 U.S. 797, 820, 81 L. Ed. 2d 660, 104 S. Ct. 2755 (1984) ("[f]inding that decisions that require the government to ""establish priorities for the accomplishments of its policy objectives by balancing the objectives sought . . . against such practical considerations as staffing and funding," implicate the discretionary function exception.

Moreover, "it is the nature of the conduct, rather than the status of the actor," that governs whether the conduct is based on policy considerations. *Varig* (finding that decisions that require the government to ""establish priorities for the accomplishing of its policy objectives by balancing the objectives sought . . . against such practical considerations as staffing and funding," implicate the discretionary function exception).

The conduct at issue in this case and the decisions regarding what action to take related to security could be ""susceptible to policy analysis"" and thus the discretionary function exception is applicable. Plaintiffs attempt to argue that decisions regarding whether or not to warn Embassy employees and Kenyan citizens about a possible terrorist threat and decisions regarding "how best to secure the Embassy's premises" that involved political, social or economic policy considerations. *Pl. Opp'n at 37-41.* Plaintiffs argue that Defendant's actions related to the alleged security failures at the Embassy ""could not evoke social wisdom . . . political practicality . . . or economic expediency . . . Rather, that conduct implicates negligence . . . due care . . . and reasonableness, and falls outside the confines of discretionary functions."* *Pl. Opp'n at 40,* (quoting Declaration of J. Jerome Bullock) (omissions in original). However, Plaintiffs fail to counter Defendant's specific arguments that the decisions made by DOS and its employees in relation to how best to secure the Nairobi Embassy implicated specific policy concerns.

Decisions regarding how much safety equipment should be provided to a particular embassy, how much training should be given to guards and embassy employees, and the amount of security-related guidance that should be provided necessarily entail balancing competing demands for funds and resources. Each individual embassy's need for security must be balanced against the need perceived at other embassies, and the need for security must be balanced against the need for alternative projects that could consume scarce resources. Moreover, each of Defendant's decisions regarding security involved balancing potential inconvenience to State Department employees against the perceived security gains that would result from a safety measure.

Decisions regarding when and how to warn people of potential terrorist threats similarly involve a balancing of policy considerations. DOS employees must balance the cost and inconvenience that a false warning might cause against the risk that any given threat will materialize. Where such a warning might influence the actions of officials of foreign governments -- as a warning about threats to a United States embassy likely would -- American officials must also consider the effect that a warning, or the failure to give one, might have on that foreign government and American relations with it. Classification of the level of risk facing an embassy involves choices about what types of threats the United States considers most worrisome. It also involves determining how much risk, and what types of risk, should be required before an embassy is eligible for certain security measures. As risk classification makes a statement about conditions in the country where the embassy is located, it could also influence United States relations with that country, and therefore be influenced by the footing on which the United States seeks to maintain those relations.

[*26] It is exactly because such political, economic and social policy considerations must be balanced that Congress granted the discretionary authority to the Secretary of State to "develop and implement . . . policies and programs, including funding levels and standards, to provide for the security of the United States Government operations of a diplomatic nature and foreign government operations of the diplomatic nature in the United States." 22 U.S.C. § 4801 (1990) (Omnibus Diplomatic Security and Antiterrorism Act). As the Act
allows the Secretary to exercise discretion "it must be presumed [**29] that the [Secretary's] acts are grounded in policy when exercising that discretion." Gaubert, 499 U.S. at 324-325. The decisions made by Defendant regarding the security of the Embassy and warnings of possible threats are clearly discretionary in nature and grounded in policy and therefore, do not fall within the FTCA's waiver of sovereign immunity.

2. Foreign Country Exception

The FTCA also prohibits suits against the United States for acts or omissions arising in a territory subject to the sovereignty of another nation. 28 U.S.C. § 2680(k); United States v. Spelear, 338 U.S. 217, 219, 94 L. Ed. 3, 70 S. Ct. 10 (1949). Congress exempted actions arising in foreign countries from the FTCA because "it was unwilling to subject the United States to liabilities depending upon the laws of a foreign power." Spelear, 338 U.S. at 221. As noted above, while jurisdiction is determined by the FTCA, the underlying tort claims are decided based on the local law where the act or omission occurred.

The United States argues that the acts Plaintiffs complain of occurred, for all practical purposes, in Kenya, and are therefore [**30] not actionable -- even if negligent -- due to the foreign country exception to the FTCA's waiver of immunity. Def. Mem. at 14-15. With one exception, which the Court addresses below, this Court need not address the question of whether Plaintiffs are complaining of acts that took place in Kenya, or acts that took place in the United States because, as discussed in Part II.C.1 above, the discretionary function exception renders the United States immune from liability for such alleged acts or omissions. However, the Court discusses below Plaintiffs' allegations regarding Defendant's liability for the acts and training of local guards as such claims are not resolved by application of the discretionary function exception.

Plaintiffs allege that the United States is responsible under the doctrine of respondeat superior for the negligence of local guards employed by a private contractor, United Internal Investigative Services ("UIIS"), retained to provide Embassy security. Cplt. PP 52, 75, 88. Plaintiffs contend that the local guards were not properly trained to respond to the situation that arose on August 8, 1998, and that Defendant is responsible for this failure to train and the [**31] negligent acts of the local guards. Id. UIIS contracted with the Embassy in Nairobi agreeing to provide local guard services for the Embassy. Def. Mem at 12, Exhibit 3 (UIIS Contract). UIIS' responsibilities under the contract included providing "basic training, n6 firearms qualifications, and annual recertification training" for the local guards. Def. Mem, Exhibit 3 at 7498. UIIS also hired managers responsible for security force training and provided security training for Embassy employees and the local guards. Id. at 7551. UIIS provided this training, [**27] and supervised the local guards in Nairobi, Kenya.

n6 Basic training included training in terrorism and criminality, training in mission emergency plans, and training in access control. Def. Mem., Exhibit 3 at 7498-99.

The Court is precluded from entertaining Plaintiffs' claims based on the actions of UIIS and the local guards it supervised for two reasons. First, the United States is immune from such claims of negligence pursuant to the foreign country [**32] exception. It is clear that "torts occurring on American embassies . . . which are located in foreign countries are barred by the foreign country exception." Beatie 756 F.2d at 97. Thus, actions taken by local guards on the day of the terrorist bombing clearly arose in a foreign nation and cannot be the subject of a claim brought under the FTCA. Second, the training, or lack thereof, that Plaintiffs complain of, also took place in Kenya, and not in the United States. Plaintiffs fail to demonstrate activities occurring within the United States that act as a basis for claims based on the failure to provide proper training to the local guards.

Moreover, the FTCA waiver of immunity does not cover tortious acts or omissions committed by independent contractors or their employees. See 28 U.S.C. § 1346 (sovereign immunity is waived only as to acts and omissions of federal employees; independent contractors are not federal employees); United States v. Orteans, 425 U.S. 807, 813, 48 L. Ed. 2d 390, 96 S. Ct. 1971 (1976). The FTCA waives sovereign immunity for tortious actions undertaken by "officers or employees of any federal agency [**33] . . . and persons acting on behalf of a federal agency in an official capacity." 28 U.S.C. § 2671. A federal agency is defined as "the executive departments . . . independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States but does not include any contractor with the
Plaintiffs contend that the United States supervised the day to day operations of UIIS, and thus, under the "control of physical conduct" test, UIIS was not a contractor with the United States, but rather an employee. Pl. Opp'n at 24. The crucial factor in distinguishing between a federal employee and an independent contractor is whether the Federal Government has the power to "control the detailed physical performance of the contractor." Orleans, 425 U.S. at 814-815 (quoting Logue v. United States, 412 U.S. 521, 37 L. Ed. 2d 121, 93 S. Ct. 2215 (1973)). Broad supervisory control, even on a daily basis, does not suffice to demonstrate control over the physical performance of the contractor. Orleans, 425 U.S. at 817 (finding that [**34] the fact that an independent community agency was required to comply with extensive government regulations did not create an employment relationship); see also Gibson v. United States, 567 F.2d 1237 (3d Cir. 1977), cert denied, 436 U.S. 925, 56 L. Ed. 2d 768, 98 S. Ct. 2819 (1978) ("The fact of broad, supervisory control, or even the potential to exercise detailed control, cannot convert a contractor into an agent, nor can it be the basis for imposing vicarious liability on the United States."). The United States Supreme Court explained in Logue v. United States, 412 U.S. 521, 37 L. Ed. 2d 121, 93 S. Ct. 2215 (1973), that guidance from the government or requirements that a contractor comply with government regulations, does not establish the type of control necessary to form an employee - employer relationship under the FTCA. The Court found that an employee - employer relationship did not exist between the United States and a local county jail although the jail was required to comply with Bureau of Prisons' rules and regulations prescribing standards of treatment, and although the [*28] United States reserved the right to inspect the jail. [**35] Logue, 412 U.S. 521, 37 L. Ed. 2d 121, 93 S. Ct. 2215. Similarly, the Orleans Court concluded that although the community action agencies at issue in that case were required to "comply with extensive regulations, which include employment policies and procedures, lobbying limitations, accounting and inspection procedures, expenditure limitations and programmatic limitations and applications procedures," the agencies were not "employees" under the FTCA. Orleans 425 U.S. at 817-18. The Orleans Court noted that to find otherwise would "distort well established concepts of master and servant relationships and extend the meaning of the Federal Tort Claims Act beyond the intent of Congress." Id. at 819.

In this instance, it is clear that the United States, while retaining broad supervisory control over the local guards pursuant to the contract with UIIS, did not maintain control over the detailed physical performance of the contract. DOS regulations clearly state that "day to day activities are to be managed by and supervised by the contractor." Def. Reply Mem. at 18, Exhibit 9, 12 FAM 324.2(a). Plaintiffs assert that [*36] Defendant controlled the activities of the contractor in that the contract required the contractor to submit the names and information for each employee hired in order for the United States to undertake a security check of the potential employee. Pl. Opp'n at 24-25; Def. Mem, Exh. 3 at 7494. Additionally, the government contract set forth certain standards of conduct that the UIIS was required to comply with, including requiring UIIS to "maintain satisfactory standards of employee competency" and to require certain uniforms approved by the United States. Id. Further, UIIS needed to ensure that local guards met the United States' requirements for education, language proficiency and health. Id. The contract also required UIIS to send the local guards it hired to orientation, and to provide certain specific training, including training in which the Embassy Regional Security Officer ("RSO") took part. Id. at 7498. Review of the UIIS contract, Def. Mem, Exh. 3, makes clear that Plaintiffs have not demonstrated that Defendant retained control over the detailed physical performance of the contractor, but rather, that the contract set forth detailed guidelines and regulations that [*37] the contractor was required to conform with as it implemented its hiring, supervision, and training of Embassy local guards. As in Orleans, this type of general supervisory control that requires the contractor to comply with regulations and guidelines issued by the government, does not create the type of employee -- employer relationship envisioned under the FTCA. The government may "fix specific and precise conditions to implement federal objectives" within a contract with an independent contractor. Orleans, 425 U.S. at 815-16 (finding that while the contractor was "responsible to the United States for compliance with the specifications of the contract, or by grant . . . [it was] largely free to select the means of its implementation."). Accordingly, the Court finds that Plaintiffs have not demonstrated that Defendant is liable for the acts of UIIS and the local guards under UIIS' control.

Consequently, the Court lacks jurisdiction to entertain Plaintiffs' claims contained in Count One and Two of Plaintiffs' Complaint and Defendant's motion to dismiss as to these counts must be granted.

D. Defendant's Motion to Dismiss Plaintiffs International Law Claims [**38] for Failure to State a Claim and for Lack of Subject Matter Jurisdiction.

Count III of Plaintiffs' Complaint attempts to state a claim against the United [*29] States for violations of "principles of international law . . . [and] Chapter V of the Constitution of Kenya . . ." Cplt. P 100. Plaintiffs assert that the United States' action and inaction related to the 1998 bombing violate both customary

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international law n7 and the International Covenant on Civil and Political Rights, XXX, 1967 6 I.L.M. 368
Defendant moves to dismiss Count Three for failure to state a claim and for lack of subject matter jurisdiction. Def. Mem. at 18.

n7 Customary international law is defined as "customs and usages among nations of the world" and it is part of
the law of the United States.

1. Kenyan Law and the Kenyan Constitution

Plaintiffs assert that the United States actions "interfered with the Protection [**39] of Fundamental Rights
and Freedoms of the Individual, as set forth in Chapter V of the Constitution of Kenya, at sections 70, 72, 74,
76, 80, 81 and 82(2)." Cplt. P 100. As discussed at length above, the United States is immune from suit in the
federal courts absent an express waiver of sovereign immunity. In this instance, Plaintiffs fail to identify any
express waiver of immunity that would permit such a suit against the United States based on the laws of
Kenya. Indeed, this is not surprising, as any waiver of immunity with respect to suits brought under foreign
law would be inconsistent with the policy scheme embedded in the FTCA; the foreign country exception was
added to the FTCA specifically to prevent plaintiffs from subjecting the United States to suits brought
pursuant to foreign laws. See Speler, 338 U.S. at 221 (noting that Congress exempted actions arising in
foreign countries from the FTCA because "it was unwilling to subject the United States to liabilities depending
upon the laws of a foreign power."). The United States has not waived its immunity with respect to suits
brought under foreign law, thus, this Court lacks subject matter jurisdiction over [**40] Plaintiffs' claims
brought under the Kenyan Constitution or other laws of Kenya.

2. The International Covenant on Civil and Political Rights

Plaintiffs assert that the United States' actions before and after the bombing of the U.S. Embassy in Nairobi
violated articles 3, 6, 7, 9, 10, 17, and 26 of the International Covenant on Civil and Political Rights
("ICCPR"). Cplt. P105. As noted above, in order for the United States to be subject to suit, there must be an
express waiver of sovereign immunity. There is no such waiver related to claims brought pursuant to the
ICCPR. When the Senate ratified the ICCPR it did so with a declaration that articles 1 to 27 were not self-
action by Congress to incorporate it into domestic law and without such action courts may not enforce such a
treaty. See Buell v. Mitchell, 274 F.3d 337, 372 (6th Cir. 2001) (quoting RESTATEMENT (THIRD) OF FOREIGN
RELATIONS LAW § 111 (1987)) ("Courts in the United States are bound to give effect to international law and
to international agreements, except that a 'non-self-executing' agreement [**41] will not be given effect as
law in the absence of necessary authority."). Courts have uniformly held that the ICCPR is not self-executing and
that, therefore, it does not give rise to a private right of action. See, e.g., Igartua De La Rosa v. United
States, 32 F.3d 8, 10 n.1 (1st Cir. 1994) cert. denied, 514 U.S. 1049, [*30] 131 L. Ed. 2d 308, 115 S. Ct.
1426 (1995) ("Articles 1 through 27 of the Covenant were not self-executing, and could not therefore give
rise to privately enforceable rights under United States law."); Ralk v. Lincoln County, 81 F. Supp. 2d 1372,
1380 (S.D. Ga. 2000) (neither legislative nor executive branch intended ICCPR to be self-executing and no
private right of action was created); White v. Paulsen, 997 F. Supp. 1380, 1387 (E.D. Wash. 1998) (ICCPR
not self-executing treaty that gives rise to private cause of action); Reaves v. Warden, 2002 U.S. Dist. LEXIS
15, 2000) (dismissing the plaintiff's claim under the ICCPR because it does not create a private right of
action). [**42] Accordingly, Plaintiffs claim based on the ICCPR must be dismissed for failure to state a
claim and for lack of jurisdiction.

3. Alleged Violations of Customary International Law

Plaintiffs assert that "the United States is required to ensure the following rights which have achieved status
as customary international law: avoidance of cruel, inhuman or degrading treatment or punishment;
avoidance of prolonged arbitrary detention, and avoidance of systematic racial discrimination." Cplt. P 103.
The Restatement (Third) of Foreign Relations Law defines customary international law as the "general and
consistent practice of states followed by them from a sense of legal obligation." 1 RESTATEMENT (THIRD) OF

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FOREIGN RELATIONS LAW § 102(2). Certain customary international laws rise to the level of "jus cogens" meaning they are norms that "are recognized by the international community of states as peremptory [norms], permitting no derogation." Id. at § 102. The Court of Appeals for the District of Columbia Circuit has noted that not every violation of international law, even if committed by the United States, is actionable in a United States court. Committee of United States [**43] Citizens Living in Nicaragua v. Reagan, 273 U.S. App. D.C. 266, 859 F.2d 929, 936 (D.C. Cir. 1988). The Citizens Living in Nicaragua court makes clear that violations of those portions of customary international law that have not achieved jus cogens status are clearly not actionable. Id.

Plaintiffs have not sufficiently alleged a cause of action under customary international law. Foremost, Plaintiffs have failed to indicate what conduct by the United States violated international law. It appears from the Complaint that Plaintiffs' first allegation regarding "cruel, inhuman, or degrading treatment or punishment," Cplt. P 103, refers to the United States' failure to warn Kenyans of a threat whose validity was in doubt, exclusion of Kenyans from areas around the bombing where rescue and cleanup efforts were ongoing, and a failure to provide the same assistance to Kenyans as the United States provided to its own nationals. The suggestion that such actions rise to a violation of international norms against cruel, inhuman, or degrading punishment lacks merit.

Plaintiffs also allege that the United States violated a customary international law norm against "prolonged arbitrary detention." [**44] Id. This accusation clearly refers to the fact that after the bombing, "Kenyans were denied access" to certain areas, "and their movements and actions were restricted by the United States." Cplt. P 77. Assuming arguendo that such action would qualify as "detention," Plaintiffs have still failed to allege that the action was "prolonged," or "arbitrary." Finally, plaintiffs allege that the United States violated customary international law norms against "systematic racial discrimination" in its handling of events in Kenya [*31] before and after the bombing. Id. P 103. However, Plaintiffs fail to allege facts that would demonstrate that the United States' decisions regarding the provision of medical assistance to American nationals but not to Kenyans, rose to the level of systematic discrimination.

In sum, Plaintiffs fail to allege even the basic elements of a violation of the abovementioned international customs. Accordingly, the Court will dismiss Plaintiff's customary international law claims pursuant to Federal Rule of Civil Procedure 12(b)(6).

E. Constructive Trust/Permanent Injunction

Count Four of Plaintiffs' Complaint requests that this Court require the United States [**45] to hold any seized assets and funds of Osama bin Laden and al Qaeda in a constructive trust for the "use, benefit, and enjoyment of the plaintiffs and prospective class members." Cplt. P 109. "A constructive trust is a remedy that a court devises after litigation," United States v. BCCI Holdings, 310 U.S. App. D.C. 268, 46 F.3d 1185, 1190 (D.C. Cir. 1995), "to redress the injustice that would otherwise occur when one person has fraudulently or wrongfully obtained the property of another," United States v. Taylor, 276 U.S. App. D.C. 84, 867 F.2d 700, 703 (D.C. Cir. 1989). As this Court discussed in Mwaani v. United States, Civ. Action No. 99-125 (Nov. 19, 1999), a constructive trust is not an independent cause of action. As this Court finds that dismissal of Counts One, Two and Three are appropriate, there is no basis on which to award injunctive relief or a constructive trust.

Political Question Doctrine

This Court, having concluded that it lacks subject matter jurisdiction over Plaintiffs' claims need not reach the issue of whether the Political Question doctrine bars this Court's review of the claims.

III. CONCLUSION

Based on [**46] the foregoing, the Court finds that Plaintiffs have failed to establish that this Court has subject matter jurisdiction over the claims against the United States alleged in Counts one and two of their complaint. Having failed to do so, the Court concludes that these Counts shall be dismissed with respect to Defendant United States for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1). The Court also finds that Plaintiffs have failed to state a cognizable claim under international law. Therefore, Plaintiffs' Count Three shall be dismissed with respect to Defendant United States pursuant to Federal Rule of Civil Procedure 12(b)(6). Finally, this Court finds that the request for a constructive trust is not an independent cause of action, Count Four must also be dismissed. Accordingly, Defendant's motion to dismiss is granted. An appropriate Order accompanies this Memorandum Opinion.
Dated: July 29, 2002

Colleen Kollar-Kotelly

United States District Judge

ORDER

For the reasons set forth in the accompanying Memorandum Opinion, it is, this 29 of July, 2002, hereby

ORDERED that Defendant the United States of America's [*47] motion to dismiss [# 64] is GRANTED; and it is further

[*32] ORDERED that this case is DISMISSED

SO ORDERED.

COLLEEN KOLLAR-KOTELLY

United States District Judge
MERANIA MURINGU MACHARIA, ET AL., APPELLANTS v. UNITED STATES OF AMERICA, APPELLEE

No. 02-5252

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT


May 13, 2003, Argued
July 11, 2003, Decided


DISPOSITION: Affirmed.

COUNSEL: Philip M. Musolino argued the cause and filed the briefs for appellants.

Michael J. Ryan, Assistant U.S. Attorney, argued the cause for appellee. With him on the brief were Roscoe C. Howard, Jr., U.S. Attorney, and R. Craig Lawrence, Assistant U.S. Attorney. Robin M. Earnest, Assistant U.S. Attorney, entered an appearance.

JUDGES: Before: GINSBURG, Chief Judge, and ROGERS and TAFEL, Circuit Judges. Opinion for the Court filed by Circuit Judge TATEL.

OPINIONBY: TATEL

OPINION: [*63] TATEL, Circuit Judge: Appellants, a prospective class of more than 5,000 Kenyan citizens and businesses injured in the 1998 bombing of the United States Embassy in Nairobi, Kenya, sued the United States under the Federal Tort Claims Act alleging that the government negligently failed to secure the Embassy and to warn of a potential terrorist attack. Following limited jurisdictional discovery, the district court dismissed the complaint, finding that the discretionary function, foreign country, and independent contractor exceptions to the Federal Tort Claims Act's waiver of sovereign immunity bar appellants' claims. We affirm [**2] in all respects.

At approximately 10:30 on the morning of August 7, 1998, an explosives-laden truck dispatched by the al Qaeda terrorist network approached the entrance to the rear parking lot of the United States Embassy in Nairobi, Kenya. An embassy guard, a Kenyan employed by UITS, a security company working under contract with the State Department, refused to open the Embassy gate. Blocked from entering the compound, one of the two terrorists began shooting while the other threw a flash grenade at another guard. Unarmed and unable to notify the Embassy's detachment of United States Marines either by telephone or radio, the guards ran for cover. Although apparently still off-premises, the terrorists detonated their explosives, causing

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massive internal damage to the Embassy, killing 44 Embassy employees and approximately 200 Kenyan citizens, injuring some 4,000 individuals, and causing the collapse of an adjacent building. Approximately nine minutes later, another al Qaeda terrorist detonated an explosives-laden truck some thirty-five feet from the outer wall of the United States Embassy in Dar Es Salaam, Tanzania. That attack killed twelve people and injured eighty-five. [**3]**

Appellants, all Kenyan citizens and businesses injured in the Nairobi bombing, filed suit against the United States in the U.S. District Court for the District of Columbia alleging that government actions and inactions led to the bombing and exacerbated appellants' injuries. Brought under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 2671 et seq., counts I and II of the complaint allege that the United States Embassy was inherently dangerous; that State Department employees knew or should have known about a likely attack on the Embassy and that despite this knowledge they failed to warn their superiors, the Embassy, and Kenyan citizens; that the State Department failed to provide properly trained security personnel to the Embassy and to take necessary security precautions to prevent an attack; and that as a result of these shortcomings, the Embassy had become a private and public nuisance. Counts I and II also seek to hold the United States liable for the negligence of the UIIS guards. Count III alleges that the government's security failures violated customary international law, the Kenyan Constitution, and the International [*64] Covenant on Civil and Political [*4] Rights (ICCPR). Count IV seeks formation of a constructive trust to hold any assets or funds seized by the United States from Osama bin Laden and al Qaeda for the benefit of plaintiffs and prospective class members.

Invoking the discretionary function and foreign country exceptions to the FTCA's limited waiver of sovereign immunity, 28 U.S.C. § 2680(a), (k), the government moved to dismiss. Before ruling on the government's motion, the district court allowed plaintiffs three months of jurisdictional discovery. See Macharia v. United States, No. 99-3274 (D.D.C. March 26, 2001). During discovery, the government objected to plaintiffs' efforts to obtain information from any agency other than the State Department. The government also objected to any discovery on the merits. A magistrate judge sustained both objections, and the district court denied plaintiffs' motion for reconsideration. See Macharia v. United States, No. 99-3274 (D.D.C. Dec. 17, 2001).

Following completion of jurisdictional discovery, the district court dismissed the complaint. Macharia v. United States, 238 F. Supp. 2d 13 (D.D.C. 2002). Rather than "apply the heightened [**5] requirements of [Federal Rule of Civil Procedure] 12(b)(6) and treat all factual allegations -- including those related to jurisdiction -- in the complaint as true," id. at 21 (internal quotation marks omitted), the court treated the government's jurisdictional arguments as a "factual challenge," id. at 20, under Federal Rule of Civil Procedure 12(b)(1), and required plaintiffs to "demonstrate" through testimony and affidavits that the "cases is properly before the court," id. at 21. Observing that plaintiffs "were afforded the maximum opportunity to conduct sufficient jurisdictional discovery in this case," id., with respect to most allegations contained in counts I and II, the court found that "the decisions made by [the United States] regarding the security of the Embassy and warnings of possible threats are clearly discretionary in nature and therefore do not fall within the FTCA's waiver of sovereign [**6] immunity." Id. at 26. The district court dismissed all claims based on the alleged negligence of the UIIS guards under the foreign country and independent contractor exceptions to the FTCA. Id. at 26-28. As to count III, the court held that sovereign immunity bars plaintiffs' Kenyan Constitution and ICCPR claims, and that plaintiffs had failed to allege a claim under customary international law. Id. at 29-31. Having dismissed plaintiffs' substantive claims, the district court dismissed count IV, explaining that "a constructive trust is not an independent cause of action." Id. at 31.


II.

The FTCA authorizes district [*7] courts to hear suits for money damages against the United States "for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government ... if [**5] a private person ... would be liable to the claimant in accordance with the law of the place where the act or omission occurred." 28 U.S.C. § 1346(b)(1). The Act's waiver of sovereign immunity has various exceptions, however. We agree with the district court that those of exceptions -- discretionary function, foreign country, and independent contractor -- bar appellants'
failure to file a trip report, appellants maintain, left the Embassy with inadequate guidance about how to improve security and to prevent al Qaeda's attack.

Even assuming an unwritten practice can satisfy the statute's requirement, appellants have failed to establish that the discretionary function exception is nevertheless inapplicable because the government failed to follow an unwritten federal policy. According to appellants, the Office of Diplomatic Security (DS), the office within the State Department responsible for embassy security, failed to file "trip reports" with the Embassy's Regional Security Officer following visits to the Embassy in March and June 1998, even though "[t]he exception covers only acts that are discretionary in nature, acts that involve an element of judgment or choice," id. at 322 (internal quotation marks omitted), Gaubert's first step requires that we determine whether any "federal statute, regulation, or policy specifically prescribes a course of action for an employee to follow," id. If one does, "the employee has no rightful option but to adhere to the directive." Berkovitz v. United States, 486 U.S. 531, 536, 100 L. Ed. 2d 531, 108 S. Ct. 1954 (1988).

In this case, even after several months of discovery, appellants failed to establish, as Gaubert's first step requires, the existence of a "federal statute, regulation, or policy" that applies to any of the government's allegedly negligent conduct, including the government's alleged failure to secure the Embassy and to warn of a potential attack. This failure is hardly surprising, for as the district court explained, "determinations about what security precautions to adopt at American embassies, and what security information to pass on, and to whom this information should be given, do not involve the mechanical application of set rules, but rather the constant exercise of judgment and discretion." Macharia, 238 F. Supp. 2d at 23. Indeed, the Secretary of State has authority to "develop and implement ... policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic and nature," 22 U.S.C. § 4802(a)(1), and the "Physical Security Standards" section of the State Department's Foreign Affairs Manual instructs "project managers and regional security officers ... to follow all standards to the maximum extent possible," UNITED STATES DEPT OF STATE FOREIGN AFFAIRS MANUAL, 12 FAM 24.1.1. The manual also directs foreign service officers to engage in a process of risk management ... beginning with an assessment of the value of the assets, *[66] the degree of a specific type of threat, and the extent of the vulnerabilities... A decision is then made as to what level of risk can be accepted and which countermeasures should be applied. Such a decision involves a cost-benefit analysis, giving decision makers the ability to weigh varying security risk levels against the cost of specific countermeasures.

Conceding that they "did not rely on any documents" to demonstrate that the discretionary function exception is nevertheless inapplicable because the government failed to follow an unwritten federal policy. According to appellants, the Office of Diplomatic Security (DS), the office within the State Department responsible for embassy security, failed to file "trip reports" with the Embassy's Regional Security Officer following visits to the Embassy in March and June 1998, even though "[a] team trip report would have been a normal practice." * Appellants' Reply Br. at 6 (citing Williams Dep. at 125:19-20). DS's failure to file a trip report, appellants maintain, left the Embassy with inadequate guidance about how to improve security and to prevent al Qaeda's attack.

Even assuming an unwritten practice can satisfy the statute's requirement, appellants have failed to establish that DS had a mandatory obligation to file a trip report. To the contrary, although the record establishes that

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filing trip reports was DS’s "procedure," one witness testified that "reality sometimes intercedes, and you do not have sufficient [*12] time to do something as formal as ... a trip report." Flowers Dep. at 51:15-17. The same witness explained that filing a trip report "would be ideal, but it could have been that the people that were team leaders ... were immediately sent on other trips or to handle other pressing business... If [the diplomatic security agent] was called away before he had a chance to write a trip report, it might be sometime before he gets to it or it could be never if this flood of work doesn’t give him the opportunity to do it." Id. at 49:7-21. The record thus establishes only that filing trip reports was preferred, not that it was required, i.e., not that it amounted to a mandatory policy.

Having failed to identify a relevant "federal statute, regulation, or policy" under Gaubert's first step, appellants contend that the discretionary function exemption is inapplicable under the second step because the government's conduct was the product of simple negligence rather than social, political, or economic considerations. Specifically, appellants cite twenty-one instances of alleged government negligence, from its failure to fix a pin in the drop bar at the Embassy's rear [*13] parking lot to its failure to timely design a training program for vehicle bomb recognition and prevention that led to appellants' injuries. See Appellants' Br. at 25-26. The district court helpfully distilled these allegations into six categories:

1) a failure to provide guidance and advice on improving security at the Embassy, 2) a failure to provide security equipment to the Embassy, 3) a failure to train adequately Embassy personnel and contractors to deal with various security threats, 4) a failure to warn adequately Embassy personnel, and others, of potential terrorist threats, 5) an improper classification of the level of security risk at the Embassy, or 6) falsely leading Embassy personnel to believe that security analyses had been conducted or would be conducted.

Macharia, 238 F. Supp. 2d at 22. The district court concluded that all six categories were barred by the second step of the discretionary function test. Id. As the district court explained, "decisions regarding how much safety equipment should be provided to a particular embassy, how much training should be given to guards and embassy employees, and the amount of security-related [*14] guidance that should be provided necessarily entails balancing competing demands for funds and resources." Macharia, 238 F. Supp. 2d at 25: "Each individual embassy's need for security," the district court noted:

must be balanced against the need perceived at other embassies, and the need for security must be balanced against the need for alternative projects that could consume scarce resources. Moreover, each of Defendant's decisions regarding security involved balancing potential inconvenience to State Department employees against the perceived security gains that would result from a safety measure.

Id. We have little to add to the district court’s fine analysis, except to note that, as the government pointed out in its brief, "decisions about foreign embassies, especially their location and structure, require agency officials to account for policy objectives, and consult and negotiate with the host country-actions that, by their very nature, affect foreign relations." Appellee's Br. at 27.

Appellants insist that "nothing in the record supports the notion that anyone at DS 'decided to: make inaccurate statements, fail to keep a promise, fail [*15] to send a report, fail to send a report on time, overlook a broken pin or outdated drop bar, or fail to correct misapprehensions." Appellants' Br. at 30. Put another way, appellants maintain that Gaubert's second step requires evidence that decision makers actually considered social, economic, or policy considerations. But we rejected just this argument in Cope v. Scott, 310 U.S. App. D.C. 144, 45 F.3d 445, 449 (D.C. Cir. 1995) (citation omitted): "What matters is not what the decisionmaker was thinking, but whether the type of decision being challenged is grounded in social, economic, or political policy. Evidence of the actual decision may be helpful in understanding whether the 'nature' of the decision implicated policy judgments, but the applicability of the exemption does not turn on whether the challenged decision involved such judgments."

Appellants' challenges to the district court's discovery orders require little discussion. They argue that the

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district court improperly applied a factual attack standard under Federal Rule of Civil Procedure 12(b)(1), which requires plaintiffs to demonstrate through affidavits and other testimony that the court has jurisdiction. [*16] Instead of a facial attack standard under Federal Rule of Civil Procedure 12(b)(6), where the court accepts the plaintiffs' allegations as true. See Gould Elecs., Inc. v. United States, 220 F.3d 169, 178 (3d Cir. 2000). According to appellants, the district court's choice of a factual attack standard was error, since the court allowed discovery only regarding physical security and denied appellants a chance to conduct discovery on "threat response." Appellants' Br. at 18. In support of this allegation, appellants point out that the deponents offered by the government declined to answer any questions on the threat issue, but appellants ignore the fact that those deponents were not asked to testify on that issue. Moreover, as the government observes, "appellants refute their own argument by citing documents on threat information that appellee produced in discovery, to support their claim of failure to disseminate threat information." Appellee's Br. at 42.

The district court thus properly employed a factual attack standard under Federal Rule of Civil Procedure 12(b)(1).

Nor do we detect any abuse of discretion in the district court's other discovery orders. The State [*17] Department's statutory responsibility for embassy security obviated the need for discovery in other departments and agencies. See 22 U.S.C. § 4802. Likewise, discovery on the merits would have been entirely irrelevant to the jurisdictional issue raised by the government's motion to dismiss. See Ignatiev v. United States, 345 U.S. App. D.C. 85, 238 F.3d 464, 467 (D.C. Cir. 2001) (remanding dismissal of FTCA claim for jurisdictional discovery).

Foreign Country and Independent Contractor Exceptions

Our conclusion regarding the discretionary function exception leaves only appellants' allegations of negligence by Embassy guards. According to appellants, the Kenyans UIIS hired as Embassy guards lacked adequate training and equipment, and negligently failed to identify and stop the terrorists from detonating the bomb. We agree with the district court that the independent contractor and foreign country exceptions bar these claims.

The FTCA's waiver of sovereign immunity applies only to tortious acts undertaken by "officers or employees of any federal agency... and persons acting on behalf of a federal agency in an official capacity." 28 U.S.C § 2671. [*18] The Act defines "federal agency" as "the executive departments[,]... independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States, but does not include any contractor with the United States." Id. The Supreme Court has interpreted this language, referred to as the "independent contractor exception," to mean that a contractor's negligence may only be imputed to the United States if the contractor's "day-to-day operations are supervised by the Federal Government." United States v. Orleans, 425 U.S. 807, 815, 48 L. Ed. 2d 396, 96 S. Ct. 1971 (1976). "A critical element in distinguishing an agency from a contractor," the Court explained, "is the power of the Federal Government 'to control the detailed physical performance of the contractor.'" Id. at 814 (quoting Logue v. United States, 412 U.S. 521, 528, 37 L. Ed. 2d 124, 93 S. Ct. 2215 (1973)).

Appellants contend that DS designed the Embassy's contracts for employing local guards, handled all payments to UIIS, and regularly provided advice regarding the contracts. See Appellants' Br. at 33. They also [*19] contend that the contract required UIIS to provide the State Department with the names of the local guards it employed, to submit the names of all personnel to the Department for approval, to ensure that guards wear uniforms approved by the Department, and to conduct inventories as directed by the Department. Id. Far from demonstrating day-to-day State Department supervision of the contractor, however, these allegations establish only that "the contract set forth detailed guidelines and regulations that the contractor was required to conform with as it implemented its hiring, supervision and training of Embassy local guards." Macharia, 238 F. Supp. 2d at 28. As the Supreme Court held in Orleans, the government may "fix specific and precise conditions to implement federal objectives" without becoming liable for an independent [*69] contractor's negligence. Orleans, 425 U.S. at 816.

To be sure, appellants presented evidence that supervision of the UIIS contract amounted to a "full time job for one [Assistant Regional Security Officer]." Appellants' Br. at 34. Although this may well constitute the sort of day-to-day supervision falling outside the [*20] independent contractor exception, Assistant Regional Security Officers are located overseas -- in this case, in Nairobi -- and the FTCA's sovereign immunity waiver does not extend to acts or omissions arising in territory subject to the sovereign authority of another nation. See 22 U.S.C. § 2680(k); see also United States v. Speier, 338 U.S. 217, 221, 94 L. Ed. 3d, 70 S. Ct. 10 (1949) (purpose of foreign country exception is to avoid having another country's law define the scope of the federal government's tort liability). Moreover, to the extent that appellants allege negligent supervision of local guards by State Department employees located in the United States, those allegations are, for the

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reasons given above, barred by the discretionary function exception. See supra pp. 6-10.

III.

Having considered appellants' remaining arguments and finding no basis for questioning the district court's disposition, we affirm in all respects.

So ordered.

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DATE: May 16, 2001

TO: Ondieki Kennedy
Anthropology
M/S 5003

FROM: Dr. Fred Preston, Chair
UNLV Social/Behavioral Sciences Institutional Review Board

RE: Status of Human Subject Protocol Entitled:
"Socio-Cultural & Political Responses to Terrorism in the 1998 US Embassy Bombings in Kenya & Tanzania"
(Reviewed by Dr. Michael Stitt, UNLV Social/Behavioral Sciences IRB)

OPRS# 101s0501-033

This memorandum is official notification that the protocol for the project referenced above has been reviewed by the Office for the Protection of Research Subjects and has been determined as having met the criteria for exemption from full review by the UNLV Social/Behavioral Sciences Institutional Review Board. In compliance with this determination of exemption from full review, this protocol is approved for a period of one year from the date of this notification and work on the project may proceed.

Should the use of human subjects described in this protocol continue beyond a year from the date of this notification, it will be necessary to request an extension. Should you require any change(s) to the protocol, it will be necessary to request such change through the Office for the Protection of Research Subjects in writing.

If you have any questions or require assistance, please contact the Office for the Protection of Research Subjects at 895-2794.

cc: OPRS File
May 16, 2002

To Whom It May Concern:

This is to request permission to conduct field research and particularly interview willing Kenyan victims/survivors and government officials on the social effects of transnational nongovernmental terrorism in regards to the US embassy bombings in Nairobi and Dar es Salaam in August 7th 1998. This study is intended to meet my doctoral dissertation requirement in the department of Anthropology and Ethnic Studies in the University of Nevada Las Vegas. The purpose of this study is to understand how the victims/survivors cope with the tragedy in the aftermath of the bomb and how the two affected countries—Kenya and Tanzania respond to transnational terrorism to prevent future terror attacks against innocent civilians. Your cooperation and assistance in this study is highly appreciated.

Yours Sincerely

Kennedy G. Ondieki
4423 El Campana Way
Las Vegas, Nevada 89121
(702) 898-9637
Description of Study

1. In this study, I intend to use a snowballing and participant observation approach to ascertain that both male and female bomb survivors are equally selected to participate in this investigation. I do not intend to pay participants because I am financing the bulk of the costs for this research.

2. The aim of this study is to understand how African bomb survivors think about terrorism and how they are coping with the tragedy in the aftermath of the US embassy bombings. I believe that the most useful method that will help me understand the survivors’ responses is ethnography. This is because the ethnographic method allows me an informal strategy to interview and record the survivors’ reactions without sounding as if I am interrogating them. Again, this method will allow survivors an opportunity to tell me in their own words what is important about the bomb tragedy. I intend to pose general statements that I believe will be significant in understanding terrorism from the perspective of the survivors. For instance, I will ask survivors to tell me what happened on August 7th 1998 in regards to the US embassy bombing and how they are coping with the tragedy.

3. Since this study intends to use the ethnographic method, I will pose informal questions that will not put respondents at risk. I will let the survivors share with me freely what they think is important in dealing with the tragedy.

4. The results from this study may be used to make recommendations to the government agencies that directly deal with terrorism prevention and disaster relief. I believe that if the survivors’ responses are incorporated into an overall prevention of terrorism program, the government agencies will be better prepared to deal with future terrorist activities and be in a better position to assist bomb survivors to cope with the tragedy.

5. Since this study deals primarily with the often neglected sector of human cruelty—the survivors, I believe that through this study, the research will give bomb survivors a voice to express their trials and tribulations in coping with terrorism.

6. I will interview those bomb survivors who will be willing to participate and have no expectation of being rewarded with cash monies except on occasion a cup of tea or nyama choma (roasted goat meat) as sign of courtesy. Therefore, during my study, I do not intend to incur any extra costs beyond those required by common sense and courtesy.

7. From time to time, I will remind the participants (survivors) that if they want to remain anonymous their wishes will be honored. I will also remind them that the information I obtain from them will be stored at an undisclosed location preferably in the United States for at least three years after the completion of my research.

Department of Anthropology
Ethnic Studies
4505 Maryland Parkway • Box 455003 • Las Vegas, Nevada 89154-5003
(702) 895-3590 • FAX (702) 895-4923
Informed Consent

I am Kennedy G. Ondieki, a doctoral student at the University of Nevada Las Vegas in the Department of Anthropology and Ethnic Studies. I am conducting an ethnographic study on the social consequences of terrorism in regards to the US embassy bombings in East Africa in 1998. I am interested in understanding what you think about terrorism and how you are coping with the tragedy in the aftermath of the bomb.

If you wish to participate you are highly welcome. But it is important to understand that you will not be paid for time or information that you will be providing. This is because I am a student collecting data towards the writing and completion of my doctoral degree. This interview is informal and thus I will be asking you very general questions in regard to what you think about the bombing, how you are coping with the tragedy, and what you think should be done to prevent future terrorist activities in this country.

Your responses to these questions depends what you wish to share with me on this subject. It is also important to know that the information that you will provide will not be used against you in any way, shape, or form to put you or your family members in danger. I remind you that participation in this study is voluntary and so you are free to withdraw from this study at any time without penalty or ill-feeling. I assure you that your confidentiality and anonymity and other wishes that you may have including not being taped will be honored. I also assure that all the information obtained from you will be stored in a safe place and more specifically it will be archived in the department of Anthropology and Ethnic Studies in the University of Nevada Las Vegas for at least three years after the completion of this research.

For further questions about this research, please feel free to contact:

1. University of Nevada Las Vegas Office for the Protection of Research Subjects, 702-895-2794
2. Dr. Tony Miranda—Chair of Anthropology and Ethnic Studies, 702-895-3590
3. Dr. Gary Palmer—Dissertation Chair, Anthropology and Ethnic Studies, 702-895-3307

Yours Sincerely,

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