

This is a cautionary tale. My wife and I took our granddaughters to see the Dr. Seuss fairy tale "The Lorax" a couple months ago. It is a story with a powerful environmental message, and at one point the Lorax asks his young protagonist which way a tree falls. He then answers his own question by saying, "A tree falls whichever way it is leaning. Be careful of which way you lean." So let's talk about which way we are leaning now.

Our forebears gave us some wonderful gifts that they earned through their blood, sweat, and tears--democracy, a sense of justice and fair play, our work ethic, and a fine balance between freedom and security, among many others. We have an obligation to cherish those gifts and preserve them for our progeny. We owe that to both the generations that came before and to those that will come after us.

I believe the greatest of these gifts is our sublime sense of justice. America's greatest asset isn't democracy, great as it is. Our greatest asset is justice. Let me quote Daniel Webster on this. He said, "Justice, Sir, is the greatest interest of man on earth. It is the ligament which holds civilized beings and civilized nations together." This is my theme. In the next 20 minutes or so I will try to convince you of Daniel Webster's wisdom.

People will endure all kinds of adversity if they believe they are being treated fairly, justly. But they will never be happy, no matter how comfortable their lives, if they believe they are being treated unjustly. Whether they perceive the tax system to be fair is more important than what the rates are. (Penn: If an exam is hard but fair, everyone is satisfied. If it is easy, but unfair, everyone is disgruntled.)

I want to use the so-called "War on Terror" as the vehicle to amplify on the point.

Having said that, let me set the stage by saying that I very much object to the phrase "War on Terror." Even though it is not used as often as it once was—the Obama Administration has made a conscious decision to avoid it—it still has meaning and, I believe, is partly the reason we are in the difficult situation we find ourselves in today. A vector has at least two points. The phrase and the concept of "War on Terror" is the starting point for where we are now and where we are headed...or which way we are leaning in the Lorax's terms.

Naively, I wasn't initially opposed to the phrase "War on Terror." In fact, I embraced it. I thought it served to focus our consciousness, galvanize our resolve, and rally our resources to respond to the attack on us on 9/11.

Here we are, located in a place of learning. We all acknowledge that words matter, but they can be tricky little devils. Both the word "war" and the word "terror" present problems. (I admit that "on" is pretty innocuous.) We have heard considerable discussion of the word "terror" in this context. "Terror" is one of those words like "Hitler" or "cancer" that incites an immediate visceral and negative

reaction; but terror is a tactic, like carpet bombing or a naval blockade, not an enemy that can be vanquished.

More importantly, the word “war,” is a small word but has a big meaning, and it also is used inappropriately in this context. War is a national enterprise that trumps all else. Everything is subordinated to war. We trivialize the word and exaggerate the struggle when we mislabel this as a war. When we finally leave Afghanistan, will the war on terror finally be over? No, terror will still be a threat, and sometimes a reality, that we will have to confront, but not as a war.

The problem is that we all know now that we aren’t really at war on terror. Words have meaning and this phrase has headed on an errant vector in a number of different ways. For example, courts consider cases differently if you are at war. They understandably, justifiably, and appropriately tend to defer more often and more completely to the Commander in Chief, the Pentagon, and the war fighters. They willingly second guess private citizens, but are loath to second guess the generals.

Other examples include the prison at Gitmo, which is a product of the war footing along with military commissions and an interrogation policy that included torture. When we say we are at war, but we aren’t, we deceive ourselves. We do things we shouldn’t do, and don’t do things we should do. Words matter.

So let’s agree to use another phrase. I’d offer up “struggle against terrorists.” That’s less dramatic, but seems to more accurately describe the real state of affairs while not diminishing the importance of the effort.

Now, let me be clear about one more thing. I really don’t want to diminish the importance of this struggle, but it is not existential. The Revolutionary War was existential. The Civil War was existential, as was World War II. I’d submit that the Cold War was existential. Korea was not, Vietnam wasn’t, and the struggle against terrorists isn’t either. There were 650K casualties in the Civil War when the U.S. population was 31 million. That is approximately 2% of the population. There were 1 million casualties in WWII when our population was 133 million. Approximately a .7% casualty rate. In this effort, the casualty rate is .0001%. The differentials in ratios are much starker if you consider only killed, not killed and wounded.

Great Britain, the Confederacy, Germany and Japan, and the Soviet Union could have defeated us. The terrorists can’t. They don’t have the necessary resources, command structure, communications, strategic lift, or number of dedicated participants. Their only weapon is terror itself. They don’t even have a unified cause that can be articulated.

We want to deter terrorists, but the continued existence of America doesn’t depend on it. The idea that the terrorists are some sort of super human foe requiring us to

do all sorts of things we didn't even do during World War II plays into the terrorist's agenda, not ours.

There is another very important aspect that is completely unique about this struggle, unlike any of the real wars we have fought over the centuries. For the first time, the enemy doesn't want to struggle to end anytime soon. Great Britain in the Revolutionary War, the North and South, the Axis and Imperial powers, they all wanted to win, but they also wanted their respective wars to end. I believe the terrorists want this to go on virtually forever. They know they can't "win" in any meaningful way. They can't bring us to our knees. We will never surrender. For them, the means is the end. The struggle itself is the goal. Losing for them is quitting. They don't want to lose.

On the other hand, let me be equally clear about something else. This is a struggle we are highly unlikely to "win" ourselves in the traditional, historic meaning of that word. We will endure. But as long as there is some nut out there with a trunk load of fertilizer who is willing to commit suicide for some misguided cause, perhaps only for the notoriety, we will struggle against terrorism. It will ebb and flow. We can take measures to reduce it and protect ourselves but we can't end it...and we certainly can't end it militarily. This isn't a struggle that can be won with bombs, bullets, and body bags. I think it is important for us to understand that and deal with it realistically. We can reduce the threat and make ourselves safer, but eliminate it...no, not in our lifetimes.

So, where are we then? We can't defeat the enemy, but we can reduce his effectiveness. The enemy can't defeat us, but they want the fight to go on indefinitely.

What is a realistic outcome? We need to analyze what's going on in a very clearheaded way and deal with realities, not just wishful thinking.

First of all, whatever this is, whether a war, a struggle, a fight, a battle, or simply an effort, it won't be the last. Plato said, "Only the dead have seen their last war." We need to conduct ourselves in such a way as to maintain our honor and to be able to fight the next war in the future. We need to preserve those gifts from our forebears.

Most importantly, in this regard, we must remember who we are and who we have always strived to be as a people and a nation. Thomas Paine said, "The cause of America is in great measure the cause of all mankind." Even the renowned socio-political commentator Bono said, "America is more than just a country, it is an idea. An idea that is supposed to be contagious."

This struggle is asymmetric. The strategy in an asymmetric fight is to pit your strength against the enemy's weakness. Fortunately, that should work well for us. Our great strength as a nation is not our nonpareil military strength, great as it is; it

isn't our natural resources, although we are blessed with them in abundance; it is not the essentially island nature of our land mass. Our great strength is now, as it always has been, who we are as a people. What we value and hold dear. It is how we treat each other, our fellow human beings. It is justice, democracy, support for the rule of law and human rights. That's what makes us strong in the long run, not nuclear weapons, 12 carrier battle groups, or lethal drones.

So if we can't win anytime soon, how might we lose the struggle against terrorists? Although the enemy can't defeat us, we can defeat ourselves. We can defeat ourselves by changing who we are. That's what the enemy wants. That's victory for them. When we engage in torture, when we indefinitely imprison men who have not been prosecuted for anything, when we decline to use our tried and true federal courts in favor of made up, ad hoc military commissions, when we spy on American citizens, when we authorize the military to enforce the laws in the United States, when we justify assassinating American citizens...these and others activities change who we are and make us appear more fearful and less honorable.

Here's a classic example...the Attorney General told the world that we would prosecute KSM at a federal court in Manhattan. Then, succumbing to overwhelming political pressure created by fear, he changed his mind and decided to prosecute at a military commission in Guantanamo. Fear of the terrorists changed us. I can just imagine al Qaeda operatives congratulating themselves on another battlefield victory.

I was privileged to have had a quiet dinner with George McGovern recently. Channeling FDR, he said the greatest threat to America and democracy right now is fear.

If KSM were prosecuted in the federal courthouse in Manhattan, that place would be the safest, most secure location on the face of the earth...but we blinked. We were afraid. We can't continue to do that lest we will become the laughing stock of the terrorist world. That will embolden them and thereby endanger us. It is like a feral dog that attacks because it smells fear and vulnerability. We need to demonstrate courage, not just lethality.

Each of these capitulations is a battlefield victory more significant than any IED or fertilizer bomb in the trunk of a car. Is it any wonder that the terrorists want this to go on forever? Torture described as "enhanced interrogations," indefinite detentions in a faraway place, military personnel enforcing domestic law, extraordinary extradition, special military courts. These don't demonstrate courage; they are the product of fear. We risk eventually starting to look and act like a country we would have once called an outlaw state. That's how we could lose this struggle. Succumbing to fear and a desire for retribution. This is a battle of attrition for the terrorists who day by day wear us down. They want the days to go on forever.

These sorts of changes weaken us and endanger our welfare. For example, in the modern world we must fight using coalition forces. Our natural allies are already balking at fighting alongside us. They often decline to turn over suspects to our custody because of our interrogation techniques and capital punishment. In WWII, Germans surrendered to Allied forces on the western front, but continued to fight the Russians in the east because they knew they would be treated well by us, but not by them. We want them to come to the realization the fight is futile because we won't change our values. Only then might they give up, knowing we won't mistreat them.

The horror of Abu Graib continues to be a recruiting poster for the enemy. So are civilian casualties caused by attacks by drones directed out of Langley.

To quote Paine again, "He that would make his own liberty secure, must guard even his enemy from oppression; for if he violates this duty, he will create a precedent that will reach to himself." This is a cautionary tale. Which way are we leaning?

We must do two things to end this struggle and significantly reduce terrorism. One is to remain true to our values, our legacy. The other is to help make the lives of the people who would be terrorists better than they are now so they, too, have something to lose, something to live for. So long as dying is better than living for them, terror will continue. Not changing who we are we can start immediately. Improving the lives of those who would harm us will take a long time and cannot be accomplished effectively by the military.

We have the greatest fighting force on earth, but its mission is to fight and win this nation's wars. To break things and to kill people. It does that very well, but it is less good at peacekeeping and much less good at nation building. To the extent it is asked to do those things, it detracts from the primary mission. The military can provide the time and space necessary for real solutions to take hold. Social, political, cultural, religious, economic solutions. But the military is not the solution itself. The military is a hammer, and if that is the only tool in the box, every problem will be a nail. In this struggle, the military should be held in reserve. The real soldiers fighting on the front lines should be Doctors Without Borders, the Peace Corps, the International Criminal Court, the World Bank, the U.N., AID, and other international agencies and human rights groups like Human Rights First and Habitat for Humanity that can actually improve the living conditions in those countries that harbor terrorists. They will be the ones that ultimately defeat the enemy and bring us victory. Blowing up houses and killing people isn't a victory in the struggle against terror; rebuilding houses and bringing people back to health is. Improving education is. Improving the lives and opportunities for women and girls is.

This will be a long struggle with lots of pitfalls. We must take the long view and eschew quick solutions. There will be one step back for every two steps forward

and we will continue to face terrorism in the process. It will require courage, fortitude, endurance and patience. Through the years, Americans have amply demonstrated the first three of those attributes. Patience hasn't always been our strong suit. I said earlier that in an asymmetric battle the strategy is to pit strength against weakness. The terrorists only real strength, advantage, is that they think in terms of centuries, not just years or even decades. We tend to think in terms of election cycles. We should eliminate that advantage.

To return to my first point, when we call this a "war on terror" we are defining the struggle in the enemies' terms. Terror is their turf. If we were to call it a "Battle of Ideals" we would be fighting it on our battlefield. We would be on the offensive, rather than just playing defense. Words matter. A battle of ideals is a fight we would win. We can lose a war on terror because the enemy is more terrible than we could ever be, and they welcome death.

Let me close by reminding you of these thoughts. America's greatest export isn't democracy, as wonderful as it is. Our greatest export is justice. Not every nation wants democracy or is ready for it. Everyone craves justice. We say we value the rule of law and human rights. Well, it isn't a rule of law unless it applies at all times, in all places. It isn't a human right unless it applies to all humans. We must model that behavior to be strong. Exceptions, even temporary ones, make us weak.

The Lorax was right. We need to be careful of which way we lean. This is a cautionary tale.

Thank you so much for your patience and kind attention. I would be glad to try to respond to your questions or listen to your comments.