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Willful Blindness: A Memoir of the Jihad

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For anyone who has followed, however peripherally, the disposition of those who have come to be called "detainees" of the wars in Iraq and Afghanistan, Andrew McCarthy’s *Willful Blindness* is a mandatory read. McCarthy was the prosecuting U.S. attorney in the case of the “Blind Sheikh,” Omar Abdel Rahman, for the 1993 bombing of the World Trade Center. The book chronicles McCarthy’s prosecutorial clean sweep in that case, in which ten defendants were convicted and the remaining two pleaded guilty. McCarthy details with great insight and clarity the conspiracy to bomb the World Trade Center and the tortuous road of the prosecutorial effort after the attack —tortuous because the available law enforcement and prosecutorial tools were either antiquated or inadequate to cope with the enormity and complexity of the perpetrators’ efforts.

The United States has been grappling for years with how to treat and process those who have been captured and held during the wars in Afghanistan and Iraq. Protocols of neither intelligence, justice, nor the treatment of prisoners have proved adequate to deal sensibly and reliably with a diffuse yet tight-knit group of adversaries.

The book begins with the chapter “Imagine the Liability!” referring to a concern of the FBI that an informant placed in the inner circle of the conspirators might materially contribute to the success of the operation. Indeed, the informant in this case worked his way into the conspiracy only because of his bomb-making skills. His FBI handlers envisioned a very difficult legal battle if, despite the warning provided by their informant, the plot nevertheless succeeded. As a result, the informant was extracted and hidden before the actual target or timing of the effort had been discovered. Through the efforts of their informant, the FBI knew that something was afoot, but they did not know precisely when or where, having exfiltrated their undercover source before he could gain access to that critical information.

Although this work reads much like a novel, it offers clear examples of how laws and procedures established for a very different context can have severe and unanticipated side effects. As a single example of many mentioned in the book, the process of discovery during the preparation for trial can cause to be divulged important information that should be protected. As is routine in such matters, in the course of the pretrial workup a list of unindicted coconspirators is developed. On such a list, in 1994, was the name Osama Bin Laden. Appropriately, under U.S. law, the list was made available to defense attorneys for the accused; it was subsequently leaked to Bin Laden, who was in Kenya at the time. As McCarthy writes, “Think, though, how valuable [the fact] that [he was on the list] would be for bin Laden to know. If you are he, you say: ‘Maybe the government has an informant in my inner circle. Maybe I should use a different phone. Maybe I should stop having meetings in my usual places because they might be bugged.’”
Finally, this book is helpful for connecting the dots after the fact, for reconsidering how such adversaries think and plan. For example, McCarthy points to statements made three weeks prior to the actual attack of the USS Cole in October 2000 by Sheikh Omar’s son, and also to the writings of Nidal Ayyad, one of those convicted in 1995 of the first attack on the World Trade Center: “We promise you that next time it will be very precise and the World Trade Center will continue to be one of our targets.”

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The far left and the far right have something in common, especially when their enemies hold the White House. They each tend to think that the president can get away with anything, because he controls the media and the media controls the public, especially when it comes to issues of war. Professor Steven Casey of the London School of Economics actually knows something about this topic, usually the realm of strong opinions based on strong prejudice. In 2000 Casey wrote perhaps the most perceptive study ever published on presidential policy and public opinion during World War II. His Cautious Crusade: Franklin D. Roosevelt, American Public Opinion, and the War against Nazi Germany (2001) demonstrated that FDR late in the war could not lead the public to change its opinion that the Nazi Party, not the German people, was the primary culprit of German aggression. The president did not make this distinction, but the country focused blame on Hitler and his inner circle, whom the Allies would remove from power. They would not sanction the plan of Secretary of the Treasury Henry Morgenthau to dismantle German industry or to smash the German nation into a bunch of separate principalities. Why punish the people for the sins of their deposed government?

Casey takes on President Harry S. Truman under different, later circumstances. Truman wanted to “de-escalate,” so to speak, public opinion lest it lead to World War III versus China and the Soviet Union. The president, in this effort, refused to call the Korean conflict a “war,” as opposed to “a police action,” his fateful phrase first uttered at a press conference on 29 June 1950. This signal to the American people did not work out as the White House planned, as Korea quickly turned out to be a war by everyone’s definition—except that of executive branch officials, who inadvertently freed the administration’s opponents from pressure to mute their criticism, which is what the minority usually does during a war lest it flirt with disloyalty. “The administration’s subdued public posture,” says Casey, “often afforded the Republican opposition the perfect opportunity to take the offensive.” Indeed, the public seemed mystified about government policy, as one State Department official pointed out: “Those who approved our resistance to the communist invasion in Korea now find the present situation completely confusing and baffling.”

A student of the Korean War can now understand why the administration had such difficulty containing Douglas