

**THE EFFECTS OF THE MADRID TERRORIST AT-  
TACKS ON U.S.-EUROPEAN COOPERATION IN  
THE WAR ON TERRORISM**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON EUROPEAN AFFAIRS  
OF THE  
COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE  
ONE HUNDRED EIGHTH CONGRESS  
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ATTACKS ON U.S.-EUROPEAN COOPERATION  
IN THE WAR ON TERRORISM**

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**WEDNESDAY, MARCH 31, 2004**

U.S. SENATE,  
SUBCOMMITTEE ON EUROPEAN AFFAIRS,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:30 p.m., in room SD-419, Dirksen Senate Office Building, Hon. George Allen (chairman of the subcommittee), presiding.

Present: Senators Allen, Biden, and Dodd.

Senator ALLEN. Good afternoon to everyone. Welcome. I call this hearing of the European Affairs Subcommittee of the Foreign Relations Committee to order.

Today, we are going to examine the terrorist attacks in Madrid, Spain, and what effect that will have on hopeful continued cooperation between the United States and Europeans in the war on terrorism.

I'm going to state at the outset that Ambassador Black, has a limited amount of time to testify, share his observations and insight and answer questions. So, I'll forego my opening remarks until we hear from the Ambassador, and I will ask my colleagues to do the same.

Senator Biden, I understand, is on the way.

For those of you on the second panel, thank you for being here. You'll hear committee members' opening statements prior to your testimony.

**STATEMENT OF HON. J. COFER BLACK, COORDINATOR, OFFICE OF THE COORDINATOR FOR COUNTERTERRORISM, U.S. DEPARTMENT OF STATE**

Mr. BLACK. Thank you, Mr. Chairman and members of the committee for this timely opportunity to appear before you today to discuss European cooperation with the United States in the Global War on Terrorism.

Cooperation with Europe is very much on my mind, as I have just left our semi-annual bilateral counterterrorism meeting with Russia to attend this hearing. The fact that we meet regularly with the Russians to exchange views on terrorism issues shows just how far we've come in expanding our counterterrorism cooperation.

Before beginning my testimony, I would like to express my own deep sympathy for the people of Spain who suffered the massive at-

tack in Madrid 2 weeks ago as well as the people of Uzbekistan who were attacked this week. Our hearts go out to them and the brutal attacks only strengthen our resolve to try to deter future attacks and see the culprits for this one be caught and punished.

There is cultural and historical reasons. Not all Europeans use the term "war" to refer to our common confrontation with global terrorism. However, I believe the people of Europe are united in their abhorrence of terrorism. This revulsion has only been strengthened by the horror of the train bombs in Madrid and the suicide bombers in a crowded market in Tashkent.

Well before the Madrid outrages which killed more people than any single terrorist attack in Europe since Lockerbie, many European countries have been targets of international or domestic terrorism. Sadly, Europeans well know the price terrorism exacts.

Senator ALLEN. Ambassador Black, let me interrupt. If you could get the microphone closer to you or maybe more in the middle, I think we'll be able to hear you a little better.

Mr. BLACK. I'll try that.

Senator ALLEN. That's better.

Mr. BLACK. Mr. Chairman, as shown by the widening Spanish-led investigation that is taking place with the cooperation of Morocco and several European countries, neither the U.S. nor Europe can fight the war against terrorism alone.

Europeans have been reliable partners, both bilaterally and in multilateral organizations. Cooperation has been forthcoming and rapid response to immediate threats the norm. France and Britain and our neighbor Mexico, for example, acted immediately and vigorously to address our concerns about heightened and specific threats to aviation over the Christmas holiday period. We greatly appreciate this cooperation.

Successes in the campaign against terrorism have, to a large degree, been the result of the unprecedented level of cooperation and mutual support among the United States and our partners around the world. The contributions of European countries in sharing vital information, arresting members of terrorist cells, interdicting terrorist fighting logistics, and assisting in the rebuilding of Afghanistan have been and continue to be vital elements in the war on terrorism.

European nations are active participants in a variety of multilateral organizations that have made contributions to counterterrorist efforts, including the G8, the Financial Action Task Force or FATF, the Organization for Security and Cooperation in Europe, OSCE, and the International Civil Aviation Organization, ICAO.

The United States has worked through all of these organizations to establish and implement counterterrorism best practices, build weak-but-willing states' counterterrorism capabilities, and institutionalized the war against terrorism globally.

OSCE members have committed themselves to become parties to the 12 U.N. terrorism conventions and protocols, to prevent terrorist groups from operating on their territory and to prevent and suppress the financing of terrorist organizations.

I'd like to speak a little bit, Mr. Chairman, about European Union cooperation. The EU has been a solid partner in sustaining the global coalition against terrorism. Following 9/11, the European

Council adopted an action plan to identify such areas as police and judicial cooperation, humanitarian assistance, transportation security, and economic and finance policy to help fight terrorism.

The EU and U.S. signed extradition and mutual legal assistance treaties at the June 2003 summit that will expand law enforcement and judicial cooperation.

The Madrid bombings have provided additional impetus for action. In an 18-page declaration on counterterrorism on March 25, EU heads of state agreed, among other things, to reinforce operational cooperation, improve the effectiveness of border information systems, and to increase the technical assistance to Third World countries.

We applaud the designation of a new EU Counterterrorism Coordinator and a new sense of urgency stemming from the Madrid attacks and will help speed EU implementation of actions outlined in the EU summit declaration.

The capabilities of our Western European partners are excellent. European intelligence and security forces are well aware of the threat posed by Islamic extremism and generally do an effective job of monitoring extremists. They have successfully forestalled numerous incipient mass casualty attacks since 9/11.

However, significant deficiencies remain. Some European states have demonstrated a troubling inability to prosecute successfully or hold many of the terrorists brought before their courts. The nature of the problem varies from country to country, as do the legal systems, traditions and relevant legislation.

Some countries have legal impediments to taking firm judicial action stemming from asylum laws. Some have inadequate counterterrorism legislation. Some have extremely high standards of evidence that afford loopholes and limit the ability of authorities to hold suspects. Many do not have in camera proceedings, making use of intelligence-based information nearly impossible. Ease of travel among Schengen countries and strict protections of privacy can also complicate counterterrorism efforts.

Differing perspectives on the dividing line between legitimate political and charitable activity and support for terrorist groups similarly clouds the picture. For example, the EU as a whole has been reluctant to take steps to block the assets of charities linked to Hamas and Hizballah, even though these groups repeatedly engage in terrorist attacks and the "charitable" activities help draw recruits.

Even laying aside the contentious issue of the death penalty, European sentences in general are often significantly less stringent than those in the United States and provisions for mandatory remission of sentences frequently more generous.

We want to work with our European partners to identify areas where there is work to be done and ways in which we can collaborate more effectively. Let me briefly address some of them.

All of us, including the United States, need to improve coordination between our law enforcement and intelligence agencies. There have been significant advances since September 11, 2001, but we can still do more.

We all need to improve our ability to track terrorism financing. Most countries in Europe have good laws against terrorism financ-

ing, but some of the financial transfers slip past regulators in the formal economy. Some transactions move through informal, largely illegal, channels.

All of us need to continue to improve the control of our borders, both with respect to movement of persons in and out, and movement of potentially dangerous items, especially those possibly related to weapons of mass destruction.

We also must remedy deficiencies in the legal, financial, and enforcement tools. European countries need to fulfill their commitments to ratify and implement all of the U.N. counterterrorism conventions and protocols.

States must ensure the criminalization of material and logistical support for terrorism, and in some cases terrorism itself, impose strict punishments on convicted terrorists, and lower obstacles to the use of intelligence in law enforcement. Laws against document fraud need to be strengthened across the board. All countries need to have a national ability to freeze administratively terrorist assets.

Legal or technical impediments to closer cooperation among countries on intelligence and information exchanges must be removed. The EU and its member states need to re-examine fundamentally the ways in which strict privacy laws can impede the sharing of information for law enforcement purposes.

EU member states need to accelerate efforts to complete bilateral agreements with the United States to implement the U.S.-EU extradition and mutual legal assistance agreements.

I'd like to speak a little bit about wider cooperation. At the same time, we need to continue to look for ways to develop cooperative U.S.-European counterterrorism programs to assist less-capable countries. Many countries need assistance in developing their capabilities to counter terrorism and strengthen their legal framework. There is more than enough work for us all.

Senator BIDEN. Excuse me. I beg your pardon. Clarification.

Mr. BLACK. Yes.

Senator BIDEN. Are you talking about countries within the EU?

Mr. BLACK. Outside the EU.

Senator BIDEN. Outside the EU but within Europe?

Mr. BLACK. No. Outside of Europe.

Senator BIDEN. OK. Thank you.

Mr. BLACK. As you know very well, Senator, the United States has a pretty robust program of working bilaterally with countries that have the will to resist terrorism but not the capability. We also work regionally, such as in this hemisphere, through the OAS, and we have been working productively, I think, and need to work closely with the Europeans so they get out and participate and help states that can use their assistance.

Addressing the factors that reduce counterterrorism effectiveness in Europe will be a long process. Varying legal, cultural and historical traditions and practices will complicate and slow the process. However, there is no doubt the Europeans are increasingly aware of both the threat and the deficiencies that limit their abilities to address it.

To win the global war on terrorism, we must continue to work closely with our European partners to address those concerns and



to build on our many successes. We will need to shore up support from public opinion by more clearly articulating our policies and underscoring that terrorism is a global threat to citizens of all countries. Reducing your profile in confronting terrorism does not reduce your risk from terrorism.

The United States and Europe share a long history of cooperation against common enemies. Together, we won the wars against fascism and communism and together we will win this war.

At this point, I think I should stop and I'd be pleased to take your questions.

[The prepared statement of Ambassador Black follows:]

PREPARED STATEMENT OF AMBASSADOR J. COFER BLACK

Thank you Mr. Chairman and members of the Committee for this timely opportunity to appear before you today to discuss European cooperation with the United States in the Global War on Terrorism. Cooperation with Europe is very much on my mind, as I have just left our semi-annual bilateral counterterrorism meeting with Russia to attend this hearing. The fact that we meet regularly with the Russians to exchange views on terrorism issues shows how far we have come in expanding our counterterrorism cooperation.

Before beginning my testimony, I would like to express my own deep sympathy for the people of Spain who suffered the massive terrorist attack in Madrid two weeks ago. Our hearts go out to them and the brutal attack only strengthens our resolve to try to deter future attacks and see the culprits for this one be caught and punished.

For various cultural and historical reasons, not all Europeans use the term "war" to refer to our common confrontation with global terrorism. However, I believe the people of Europe are united in their abhorrence of terrorism. This revulsion that has only been strengthened by the horror of the train bombs in Madrid and of the suicide bombers in a crowded market in Tashkent. Well before the Madrid outrages, which killed more people than any single terrorist attack since Lockerbie, many European countries had been targets of international or domestic terrorism. Sadly, Europeans well know the price terrorism exacts.

Mr. Chairman, as shown by the widening Spanish-led investigation that is taking place with the cooperation of Morocco and several European countries, neither the U.S. nor Europe can fight the war against terrorism alone. Europeans have been reliable partners, both bilaterally and in multilateral organizations. Cooperation has been forthcoming, and rapid response to immediate threats the norm. France and Britain—and our neighbor Mexico—for example, acted immediately and vigorously to address our concerns about heightened and specific threats to aviation over the Christmas holiday period. We greatly appreciate this cooperation.

Successes in the campaign against terrorism have, to a large degree, been a result of the unprecedented level of cooperation and mutual support among the U.S. and our partners around the world. The contributions of European countries in sharing vital information, arresting members of terrorist cells, interdicting terrorist financing and logistics, and assisting in rebuilding Afghanistan have been and continue to be, vital elements in the war on terrorism.

European nations are active participants in a variety of multilateral organizations that have made contributions in counterterrorist efforts, including the G-8, the Financial Action Task Force (FATF), the Organization for Security and Cooperation in Europe (OSCE), and the International Civil Aviation Organization (ICAO). The U.S. has worked through all of these organizations to establish and implement counterterrorism (CT) best practices, build weak-but-willing states' CT capabilities, and institutionalize the war against terrorism globally. OSCE members have committed themselves to become parties to the 12 UN terrorism conventions and protocols; to prevent terrorist groups from operating on their territory; and to prevent and suppress the financing of terrorist organizations.

EU COOPERATION

The EU has been a solid partner in sustaining the global coalition against terrorism. Following 9/11, the European Council adopted an Action Plan to identify areas, such as police and judicial cooperation, humanitarian assistance, transportation security and economic and finance policy, to help fight terrorism. The EU and

U.S. signed Extradition and Mutual Legal Assistance Treaties at the June 2003 Summit that will expand law enforcement and judicial cooperation.

The Madrid bombings have provided additional impetus for action. In an 18-page declaration on counter terrorism on March 25, EU heads of state agreed, among other things, to reinforce operational cooperation, improve the effectiveness of border information systems, and bolster technical assistance to Third countries. We applaud the designation of a new EU Counterterrorism Coordinator and a new sense of urgency stemming from the Madrid attacks will help speed EU implementation of actions outlined in the EU Summit declaration.

The capabilities of our Western European partners are excellent. European intelligence and security forces are well aware of the threat posed by Islamist extremism and generally do an effective job of monitoring extremists. They have successfully forestalled numerous incipient mass casualty attacks since 9-11.

However, significant deficiencies remain. Some European states have demonstrated a troubling inability to prosecute successfully or hold many of the terrorists brought before their courts. The nature of the problem varies from country to country, as do legal systems, traditions and relevant legislation.

Some countries have legal impediments to taking firm judicial action stemming from asylum laws; some have inadequate CT legislation; some have extremely high standards of evidence that afford loopholes and limit the ability of authorities to hold suspects; many do not have in camera proceedings, making use of intelligence-based information nearly impossible. Ease of travel among Schengen countries, varying immigration laws, and strict protections of privacy can also complicate CT efforts.

Differing perspectives on the dividing line between legitimate political or charitable activity and support for terrorist groups similarly clouds the picture. For example, the EU as a whole has been reluctant to take steps to block the assets of charities linked to Hamas and Hizballah, even though these groups repeatedly engage in deadly terrorist attacks and the "charitable" activities help draw recruits. Even laying aside the contentious issue of the death penalty, European sentences in general are often significantly less stringent than those in the U.S., and provisions for mandatory remission of sentences frequently more generous.

We want to work with our European partners to identify areas where there is work to be done and ways in which we can collaborate more effectively. Let me briefly address some of them:

All of us, including the United States, need to improve coordination between our law enforcement and intelligence agencies. There have been significant advances since September 11, 2001, but we can still do better.

We all need to improve our ability to track terrorism financing. Most countries in Europe have good laws against terrorism financing, but some of the financial transfers slip past regulators in the formal economy. Some transactions move through informal, largely illegal, channels.

All of us need to continue to improve the control of our borders, both with respect to movement of persons in and out, and movement of potentially dangerous items, especially those possibly related to weapons of mass destruction.

We also must remedy deficiencies in legal, financial and enforcement tools:

- European countries need to fulfill their commitments to ratify and implement *all* the UN CT conventions and protocols.
- States must insure the criminalization of material and logistical support for terrorism (and in some cases, terrorism itself); impose strict punishments on convicted terrorists; and lower barriers to use of intelligence in law enforcement. Laws against document fraud need to be strengthened across the board.
- All countries need to have a national ability to freeze administratively terrorist assets.
- Legal or technical impediments to closer cooperation among countries on intelligence and information exchanges must be removed. The EU and its member states need to re-examine fundamentally the ways in which strict privacy laws can impede the sharing of information for law enforcement purposes.
- EU member states need to accelerate efforts to complete bilateral agreements with the U.S. to implement the U.S.-EU Extradition and Mutual Legal Assistance Agreements.

#### WIDER COOPERATION

At the same time, we need to continue to look for ways to develop cooperative U.S.-European CT programs to assist less-capable countries. Many countries need

assistance in developing their capabilities to counter terrorism and strengthen their legal framework. There is more than enough work for all of us.

Addressing the factors that reduce CT effectiveness in Europe will be a long-term process. Differing legal, cultural and historical traditions and practices will complicate and slow progress. However, there is no doubt that the Europeans are increasingly aware of both the threat and the deficiencies that limit their abilities to address it.

To win the global war on terrorism, we must continue to work closely with our European partners to address these concerns and to build on our many successes. We will need to shore up support from public opinion by more clearly articulating our policies and underscoring that terrorism is a global threat to citizens of all countries. Reducing your profile in confronting terrorism does not reduce your risk from terrorism.

The U.S. and Europe share a long history of cooperation against common enemies. Together, we won the wars against fascism and communism and together we will win this war.

At this point I would be pleased to take any questions. Thank you.

Senator ALLEN. Thank you, Ambassador Black, for your testimony and insight.

I think after 9/11 and after 3/11, all of us learned a great deal of how we need to adapt and I think all of us know that we need to improve.

I thank you for your comprehensive statement and assessment.

Let me follow on some of the details from your statement, and one of the reasons for this hearing and why it's timely is we just had the Madrid attacks. There's a concern about what are the implications, and have you seen any perceptible change in cooperation from Europe since the attacks in Madrid, and how would you respond to the argument or the assertions or insinuations made in parts of Europe that the attacks on Madrid prove that persuasion and diplomacy are preferable to military engagement when combating terrorism?

Mr. BLACK. I think at this point, Senator, it's too soon to be able to speak definitively on the subject. I think we can make some sort of tentative judgments.

Initial signs are that these attacks have spurred sort of an increase in a sense of urgency. We have to accept that our European partners on the other side of the ocean viewed with horror the catastrophic attack of 9/11 against the United States. They were very supportive. A coalition was formed.

I think to a certain extent, it was seen to be somewhat remote and that their plans and policies and procedures were adequate for them in their geographical location and in their time. I think this tragedy has underscored the concept, of course, that no one is immune. I think Europeans are coming to terms with this. They have particular national orientations, but it has had some positive results.

Security measures have been tightened. I think cooperation within the EU, within the European countries, has increased. Cooperation certainly with the United States has increased. European Union has identified and named a Counterterrorism Coordinator. They realize that cooperation is the key to success. Transparency is required, and the Europeans have a lot of work to do in this area, as do we all, but I think it's an appreciation that they need to devote additional time and resources.

The European populations generally have felt a sense of outrage and they are coming, I think, closer to our position, at least appre-

ciating the horror of this, and I think it's our obligation from our position of having gone through such a catastrophic experience to help them in this quest to reach the right conclusion, and in fact, before this hearing began, Senator, you and I briefly discussed this.

I think there's a general inclination to think that counterterrorism issues can be managed and perhaps managed successfully. The President of the United States, George Bush, has declared this as a global war on terrorism and he's exactly right.

In a war, management is a part of success, but you have to identify the enemy. You have to engage them. You have to prevent them through various means from hurting innocent men, women and children, and I think the Europeans are on the conveyor belt of generally reaching this impression. When they will reach where we are, I just can't say.

Senator ALLEN. Thank you. One of the other troubling aspects of this terrorist attack in Madrid was the timing. It was right before an election, and therefore there's the impression, and there certainly is a connection, and I'm not going to say how clear it is, but a connection that they're trying to affect the outcome of the election and, of course, all the political scientists feel that it did have an effect on the election.

Now, how is our administration countering the perception that al-Qaeda can influence elections? How can we make a better case for our policy to prevent electorates in various countries from associating cooperation with the United States with terrorist attacks?

I know that's a very tough question, but it's one that you hear a great deal about.

Mr. BLACK. You're absolutely right. I think, in response to that question, I'm mindful of the statement made by Mr. Armitage, the No. 2 man at the State Department, Deputy Secretary, when asked this question.

It was his view that the election in Spain was basically revolving around the issue, the perception of management, political management of this issue by the Aznar administration and certainly was not a repudiation of the threat of terrorism as it is represented to the Spanish people.

Our interaction with the Spanish is intensive. Our diplomacy is solid. It's on a very good base. We are strong colleagues in the war on terrorism, and their support has been excellent. After the elections, the Spanish have underscored to us their full acceptance that terrorism is an issue of great significance to them. They plan to engage it more closely, unilaterally as well as with their European partners, and will work with us on this.

I do believe that as the days and weeks unfold and we have a little bit of time to get past the memorial service—in fact, the Secretary of State just returned the other day from Madrid—in memory of the loss of life, I think that it is likely that Europeans and their procedures will be enhanced. They will be more formidable in the global war on terrorism, and they will be benefited by it and so will we.

Diplomatically, the United States will continue an unrelenting drumbeat that the President of the United States says there really are no sidelines. We're all in this wherever we are and the solution of victory comes simply from pulling together and doing our best.

Senator ALLEN. Thank you, Ambassador. Given your limited amount of time, I'm suggesting 7-minute rounds for questions. So, I have a little less than 2 minutes.

Let me ask you this. In your testimony, you mentioned European countries need to fulfill their commitments to ratify and implement all the U.N. counterterrorism conventions and protocols and you went through some of the different matters on lower barriers to use of intelligence and law enforcement.

No. 1. Are those the specifics as you enunciated in your statement, and second, if so or if not, rather than us—the United States loves our sovereignty and we don't particularly like others telling us what we ought to pass around here.

Is it desirable on the part of the European countries, European Union to commit themselves in ratifying and implementing these counterterrorism conventions, laws, protocols, and so forth, so therefore it's likely that it will happen?

I don't think that most free countries—it's just the way we are as independent free people—don't like others telling them what they have to have, but if they find it desirable, they're more likely to actually adopt them.

So, what is their desirability and therefore the likelihood of them implementing these counterterrorism measures?

Mr. BLACK. There are 12 that are being advanced by the United Nations. Certainly in principle, there is agreement, and what we're looking at is each nation—

Senator ALLEN. There's agreement—

Mr. BLACK. In principle, there is agreement to the 12 protocols on counterterrorism.

When it comes to a national issue, there are some that require considerable deliberation and review within their own national systems and our role has been to provide information and encouragement to sign all 12. We believe it provides a basis, an international basis, from which we can take counterterrorism action. It includes many things.

As an example, you know, the banning of plastic weapons, handguns made out of plastic and things like that. Some countries may have some unique and exotic issue with it and that's a problem. The role of the United States has been to encourage acceptance of this, to have each nation approve all 12, so that we have a common fundamental base from which we can cooperate and increase our collective effectiveness.

Senator ALLEN. Thank you, Mr. Ambassador.

Mr. BLACK. Yes, sir.

Senator ALLEN. Senator Biden.

Senator BIDEN. Thank you, Mr. Chairman. I want to compliment you on holding this hearing, notwithstanding the fact that other things are going on. I think this is one of the most important hearings we could have before the full committee or subcommittee at this moment, and I want to thank you for being willing to and for the witnesses you have assembled. Obviously, the Ambassador is a consequential person in this administration and in counterterrorism, but the witnesses you have to follow are all first rate, and I want to compliment you.

Senator ALLEN. Thank you for suggesting two of those outstanding witnesses.

Senator BIDEN. But really and truly, these are some very serious people and it's a serious time, as you know better than I do.

Mr. Ambassador, in the interest of the time we have, and I know you have a very busy schedule, I'm going to focus on Europe vis-à-vis Europe and Europe vis-à-vis the United States, not Europe and what ancillary responsibilities we think they should have outside of Europe. OK?

Mr. BLACK. Yes.

Senator BIDEN. They are not able to be clearly distinguished, I'm not suggesting that, but I want to focus on being as basic as I can to try to get a sense here.

Now, let me start off by also acknowledging that we're in a situation where, as you well know, there are other issues that are impacting upon our, not ability, but the atmosphere in which we're discussing specific counterterrorist activities that we'd like to see individual European nations undertake.

We are pushing, as you pointed out, and the protocols, the 12 you have referred to, I think they make sense. They feel very much, and I think they were wrong in not cooperating more, but they feel very much that we stiffed them on a new national criminal court and so we tend to be, as we always do, every administration, we tend to be multilateral and bilateral when we need it and unilaterally when we want it.

So, you're entering this in a very highly charged atmosphere that doesn't relate to what happened in Madrid initially. A lot of other things have come to bear. I know you know that better than anyone, but I just want to state that at the outset.

Having said that, since Madrid, have Europeans reached out for any advice or assistance from us relative to counterterrorist tactics, activities, or protocols? Has there been any direct contact? Has the Minister of the Interior of anywhere from Italy to Belgium called and said, look, what are you guys doing about A, B, C, or D?

Mr. BLACK. Let me respond that first, as always, it's an honor to be before you, Senator. Your questions, as always, are right to the point.

The relationship between law enforcement and security services between the United States and all of the European countries is very good. They do the business of counterterrorism day in and day out and we don't really hear much about it or see much about it, but across the board, it has been good, and I think the quality of that is improving regularly.

You see evidence of this in the newspapers, such as the arrest in the United Kingdom of eight suspected terrorists, and what we usually don't see with things like this is—what we do not see is things associated with this arrest. It has a ripple effect. It goes not only throughout Europe, it can reach as far as this hemisphere, and there's intense cooperation of these kinds of issues.

I think immediately in the wake of the Madrid attack, there's been excellent working level cooperation in all of the action elements. At the senior levels, there's contact, but the Europeans are really coming to terms with the tragedy of this, and they realize there's some improvements they can make in their own house.

I never, Senator, hear from a European counterpart who tells me that everything is fine and improvement is needed on this side of the Atlantic. In fact, this is my own personal and professional view, but in some key areas in counterterrorism, you know, the Europeans have something to learn from us.

I think they realize that with this type of attack, it spurs them on. They need to have far better integration within Europe of their legal systems, the exchange of information, the same types of issues that you address every day here in the United States on counterterrorism. They're having to do it in an EU-wide context, and they have a considerable way to go.

Senator BIDEN. Yes, they do, and individually, they have hell of a lot more experience than we do on terror. I mean, they've forgotten more about it than most of us are going to learn. The Brits and the IRA, the Spanish, you know, the list goes on, and I think one of the fundamental things is our rhetoric, the mutual rhetoric gets in the way of some of this.

I find at the operational level, there's a lot more coordination and respect among our professionals and theirs in cooperating and respecting one another than there is at the political level. I mean, us included, Congress, everybody. There is this sense that—and they do view it because it's been their history as more of a law enforcement effort than we do, and then the President talks about it and there's always this sort of not from you, the counterterrorism expert, but there's these throwaway lines that come out of the Congress and the administration that this is not a law enforcement issue.

Well, like hell it's not a law enforcement issue. The guy that's going to catch Bin Laden or his counterpart in Europe, about to put a bomb on the side of a train that can be detonated by remote control, is not going to be a Special Forces guy with night vision goggles.

Mr. BLACK. Right.

Senator BIDEN. It's going to be some cop with a dog. It's a law enforcement issue, so I hope we stop this garbage about somehow law enforcement is a bad thing and we're the tough guys. We're sending the Marines. The Marines aren't going to be anywhere near when someone tries to blow up Amtrak, if God forbid that happens. It's going to be a cop, a plain old law enforcement cop, and so one of the things that I'm concerned about here is that—and my time is going to be up in 11 seconds, but I'd like you to, for the record, and it can be classified or not, depending on how you wish to do it, but you laid out very clearly in your statement the places where additional work is needed vis-à-vis U.S.-European relations.

You said some countries have legal impediments and then you list them, asylum laws, inadequate counterterrorist legislation, extremely high standards of evidence, in camera proceedings, immigration laws, privacy as relates to assets and transfers and bank accounts, length of sentence.

I hope you drop the last one. I don't care whether or not they pick up Bin Laden's chief lieutenant in Bonn, Germany, and give him only 5 years. We'll get the son of a gun when he gets out of

jail. So, I wouldn't—let's not get inundated—respectful suggestion. Let's not get—

Mr. BLACK. I accept it, Senator. I accept everything you say.

Senator BIDEN. Let's not get in this argument that can only anger both sides. Your sentences are not as long as ours. I mean, you know, and in terms of in camera proceedings, I'm the guy that wrote the law, literally. I wrote the gray mail statute, took me 2 years to do that, literally, myself, and guess who I got most of the opposition from? Most of the opposition for the law came from my conservative friends here in the U.S. Congress when I wrote that law in the late 1970s with a guy named Mark Gittenstein.

And with regard to the privacy and the privacy of assets, we should—before we get too lecturing, we're not, you're not, we should understand that our banking system and our powerful interests in this country did not like when I wrote the drug legislation requiring that there be an accounting for everything \$10,000 or over. Oh, no, my God. You're interfering with the free enterprise system.

So, I know you and I have great respect for you.

Mr. BLACK. Thank you.

Senator BIDEN. I'm counting on you to keep this thing out of the polemics, but what I'd like to ask is for the record, if you would be prepared to list for us—and if it needs to be classified, that's fine by me, the countries and the specific references you're making, like the standard of proof that's "too high."

For example, there are asylum laws. You know, every time I sat with Mubarak, Mubarak would say to me, "Joe, the problem is the British know exactly who's sitting in their coffee houses." So, everybody thinks we're talking about the French when we talk about that.

Mr. BLACK. Yes.

Senator BIDEN. It ain't the French. They just lock them up because their sense of what we would call civil rights is not nearly as acute as ours.

Mr. BLACK. Yes.

Senator BIDEN. The Brits have been the problem, our best friends, our best friends, and so I think it's important we get the facts out here so some of my stupid friends who are commenting here on this stuff stop turning this into a—make it difficult to sort of overcome the attacks we make on people. Now, it's if you look French, there must in fact be something wrong with you. And that's one of the reasons I want to know—if you're willing—who and what laws you're talking about in each of these areas rather than generically stated.

Mr. BLACK. Absolutely, Senator. If I may, I'd like to give you a classified response so I could be more fulsome that way.

Senator BIDEN. With the chairman's permission, I think that would be very helpful. My time has expired by 3 minutes and 21 seconds. So I thank you.

Mr. BLACK. Thank you.

Senator ALLEN. That's OK. Thank you, Senator Biden. Your questions were good ones. I was trying to be more diplomatic in going through some of those that other countries don't.

Senator BIDEN. I'm a Democrat. So, you know.



Senator ALLEN. Senator Biden, your strong leadership in these areas is valuable to us. I would ask you to submit some questions in writing and it may be that other members of the committee or subcommittee will as well.

I do want to get from you your sense and maybe it is best that it is not made public because it might harm somebody's sensibilities. There is a sense that appeasement or cutting back on the perseverance and the strength and unified resolve against terrorism insofar as some of countries in Europe, and it may not even be the countries. It may be isolated people making comments that look like appeasement somehow is a viable policy. So, if you could share with us that information, as to whether or not there's any currency in Europe to that sort of approach.

Also, in looking at the European Union's counterintelligence efforts and there are many different countries with different burdens of proof, different standards and so forth, one thing we have in this country are uniform crime reporting forums, so to speak, but we recognize even in this country what we need to do after 9/11 is to make sure the FBI, Defense, Intelligence, Immigrations, Customs, consulates, state and local law enforcement, everyone was sharing information, trying to use technology to analyze the volumes of information, so you connect the dots, so to speak.

This probably ought to also be classified as this gentleman, I believe you pronounced his name, de Vries.

Mr. BLACK. Gijs de Vries.

Senator ALLEN. Gijs de Vries, whether or not you believe that he'll be able to help streamline that intelligence information, so that when something happens in France, they can share it with somebody in the Netherlands, or something happens in Spain, they can share that information with someone in Belgium, and have that sort of information sharing which is vital in this country amongst all our different agencies, is vital in Europe, and then, of course, have it mesh with us as well.

So, if you could, when you get a chance, to do that, I'd appreciate it.

Mr. BLACK. I'd be happy to do it, Senator.

Senator BIDEN. Mr. Chairman, could I ask a question?

Senator ALLEN. You may.

Senator BIDEN. I hope that you will at some point make it clear what I think is the truth and if it's not, then say so, that I have not met with one European leader or one person involved in counterterrorism who hasn't in fact gained more resolve in dealing with terror in their respective countries since Madrid.

I've not seen a single scintilla of evidence of any of your counterparts anywhere in Europe saying, God, we better get out of the business of being with the United States. We don't want to be targets.

Have you seen anything like that?

Mr. BLACK. You're absolutely right, Senator. In general, people in my line of work see the abyss. They know what the threat is and that's what we do for a living. One of the challenges is to communicate this through time, but the way you phrased the question, since Madrid, I think everyone in Europe associated with counterterrorism, whether they're practitioners or politicians, cer-

tainly have been more attuned to this threat and certainly realize that they're in a fight now.

Senator BIDEN. Thank you.

Mr. BLACK. Yes, sir.

Senator ALLEN. Good question, Senator Biden.

Ambassador Black, thank you for your testimony. I think that with our next witnesses, which gets into a political science question that really on what's the reaction of people in Europe, we'll be able to explore that further.

Ambassador Black, again, thank you for your testimony. Thank you for your great leadership and your advancement of the cause of freedom, working with our friends across the Atlantic and throughout the world.

Mr. BLACK. Thank you very much, Senator Allen and Senator Biden. It's been an honor.

Senator ALLEN. Thank you. If we can have the second panel to come forward.

#### OPENING STATEMENT OF SENATOR GEORGE ALLEN

I thank our second panel for being here. As I stated at the outset of this subcommittee hearing, we will have opening statements at this time. At the conclusion of my opening statement, Senator Biden will speak, then I'll introduce our panelists. I understand that one is on the way. All three of you and Mr. Dobbins, when he gets here, are outstanding witnesses who we look forward to listening to, learning from and discussing these issues.

Clearly, Spain and the world since 9/11 and more recently, of course, 3/11, are aware of how difficult executing the global war on terrorism will be, that we're going to have to persevere.

It is confirmed as far as we're concerned here, and I think any objective observer, that this murdering of hundreds of innocent Spaniards cannot derail the 84-member coalition that in 2001, after September 11, declared war on the scourge of terrorism and then backed that declaration with action in Afghanistan and elsewhere in the world.

It is important to note, as Ambassador Black did, Spain continues to mourn the loss of their hundreds of citizens. Clearly, those of us in America know such grief and will continue to help our ally overcome this terrible tragedy and bring those who are responsible to justice.

The Spanish people, after this terrorist attack, exercised their rights in a vibrant democracy. They have spoken. They have called for change. There are all sorts of political scientists who have said, well, this is the reason for the result, but we must respect their right to disagree with us. They may not agree with us on 100 percent of the issues, but it is good to hear from Ambassador Black that Spain is and will remain a strong ally of the United States.

I am confident and believe that we'll find common ground with the incoming Spanish President, Jose Luis Rodriguez Zapatero, and will continue to work together to try to prevent attacks like those that have been inflicted on our respective countries.

The political aftermath of the Madrid attack does raise concerns about U.S. policy and the overall strength and will of the coalition in their commitment to stamp out terrorism and it's good to hear

from Ambassador Black and it will be good to hear from our second panel, on this because the seeming cause and effect between the attacks at the train station and the dramatic change in public opinion could be a cause for alarm for nations around the world.

If an attack timed right before an election can yield policies that are somehow beneficial to al-Qaeda, then the world could be facing future attacks as a method to threaten or blackmail or weaken the government's policies against terrorism by the terrorists trying to influence the outcome of an election.

Moreover, if people in free countries get the view that support for the war against terrorism as a likely reason for the attacks in Madrid, political leaders around the world could find themselves under great pressure. It may be that those who can see the abyss, like Ambassador Black or others in counterintelligence, can see the reality and communicate it to the presidents or prime ministers. But there is also public opinion and the people who are the owners of the government in free countries.

If they see that this is somehow a concern for their own security, that we're fighting a war on terrorism, but that actually is going to be harmful to them, then I believe the terrorist attacks might be encouraged by that sort of a reaction. So it's absolutely essential that the people in free countries understand the risk because we cannot allow terrorist attacks to provide terrorists with victories or appeasement policies.

Terrorists are not rational. They are not people who care about reason. They don't like democracy. They're intolerant of people who have different points of view. They are religious bigots in many respects as well as all the other aspects of them that we need to be strong and unified in combating.

The question of whether it will lead to other countries pulling out from Iraq or distancing themselves from the United States and its policies, makes it vital that our U.S. leaders maintain open lines of communication with our allies.

We must assure them that the United States is committed to eradicating global terrorism wherever it may reside or wherever it's given haven. The idea again of reasoning with terrorists without force or with appeasement in my view is naive and I believe it's dangerous.

The enemy clearly seeks to inflict the maximum amount of harm on innocent civilian lives in its attacks. It is an enemy that cannot be reasoned with. Al-Qaeda and its affiliated groups believe that the will of the United States and the will of our allies will be worn down if faced with attacks like those in Madrid.

In my view, to be successful against this enemy, we have to persevere. We must work closely with our coalition partners, sharing intelligence and then acting on that intelligence. Many of the recent victories against terrorist groups can be directly attributed to the sharing of information between governments. Many times, it's our military, but many other times, it is law enforcement, as Senator Biden was talking about. That's where you're going to get that information sharing and hopefully a more coordinated effort in Europe, and as far as Mr. de Vries, the new Counterterrorism Coordinator for the European Union, he's going to try to cut through, all this red tape bureaucracy and make sure that European countries'

various intelligence agencies are communicating potential terrorist threats.

Such streamlining is what is necessary to efficiently execute this war on terrorism and we should certainly applaud his decision and pledge to work closely with Mr. de Vries.

However, if we don't recognize the potential outcomes of the Madrid attacks, our best sources of intelligence could decide that it is no longer in their interests to work with the United States and fall away from our coalition. That simply cannot happen. We cannot embolden the terrorists.

It's not in the interests of the European countries or any freedom-loving countries to not make sure this is a multifaceted effort, and in fact, it's not just Europe. Of course, the focus here is Europe and the United States, but it has to do with the Philippines. It has to do with Indonesia, Pakistan, India, every country of the world, and so while some may question us on Iraq, that is just one battlefield of this global war on terrorism.

It is my hope that our U.S. Ambassadors, our embassies, our leaders, our consulates around the globe are engaging in an aggressive campaign to allay the fears or concerns of our allies about Iraq or, more importantly, the broader war against terrorism, and so we need to make our case strongly and we have to make that case respectfully. The global war on terrorism could be much longer and a much more difficult endeavor if we do not make that case in a strong, persuasive way, but also in one of cooperation and respect for the rights and sovereignty of other nations who are absolutely crucial to our victory.

So, I thank our witnesses for appearing before the subcommittee this afternoon and look forward to your testimony. I will introduce you, but before that, I'd like to turn it over to Senator Biden for any opening remarks that he would like to make.

OPENING STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.

Senator BIDEN. Thank you very much, Mr. Chairman, and I want to thank this panel. It's a serious panel, and I'm anxious to hear what they have to say, but I would like to suggest at the outset that after September 11, I feared that it was only, as many of you did, only a matter of time before Europe would suffer the same kind of murderous violence that we experienced in New York and Washington and from the same source, from the same source.

Europeans have their own images of violence and death and their own date which will come to define us as governments and as people. Spain had grappled with homegrown terrorism of the serious kind with ETA just as the United Kingdom has at the hands of the IRA, the Red Brigades in Italy, the Baader Meinhof Gang in Germany, the list goes on. They understand what the consequences of terror are, but I think that they believed—I'm going to say something that's going to be very controversial.

I think there's two flaws among the ruling elite in both our countries now. The flaw I think that exists in this country is we believe that the way to deal with international terrorism is to decapitate essentially the heads of state in states that are empathetic or sympathetic to terror, whether they're directly working with terrorist organizations, and they believe that that will have a more imme-

diate profound impact on these terror networks than going directly after the networks, not that they don't want to go directly after the networks as well.

In Europe, where I've spent the last 30 years of my 32-year career dealing with this as either chairman or ranking member of this committee, I think they really believe that the reason we were a target on 9/11 was our policies.

I think they believe because they in individual countries had policies different relative to the Palestinians, different relative to nations in the Middle East, that somehow they weren't likely to be the target of the same international terrorist network that has morphed now. I think that's a fundamental flaw.

As Mr. Kagan, I suspect, knows better than anyone because he's probably, like maybe all of you have done what I have done, I think I've read every major tome literally, not facetiously, I'm being serious, written in the last 12 to 15 years that talks about what is happening internally within Islam.

As a matter of fact, I became so aware of my lack of substantive knowledge about 1.2 billion people in the world who practice Islam, that I hired a Ph.D. anthropologist from Harvard University whose expertise was Islam to come and work for me several years before 9/11 just to educate me, and if you read and you understand that there's essentially—and I'm vastly oversimplifying—a 16th century struggle going on within Islam that occurred in Europe with Christendom, you begin to get a sense of what this is about. You begin to get a sense of the fundamentalists in the Islamic world, of whom Bin Laden is one, believe that it is literally, Christian phrase, sacrilege to have a state in existence that is separate from the religious body.

That is not an Islamic view in the minds of the way he as a Sunni and Wahabi reads it. This is not about policy. This goes deeper. It goes much deeper.

With all due respect, we could settle the situation in the Middle East if the Lord Almighty came down and said boom, there's peace between the Arabs and the Israelis. Does anyone think Bin Laden goes away? Does anybody think they leave? The pool from which they can fish for their terrorists to work with them, that dries up some, but my point is that I think that's the dilemma from my perspective that has existed with regard to Europe's attitude toward international terrorist organizations until now.

I don't think it was appeasement in the sense that they thought that if they stayed a distance from us they would not be touched by this.

The second point I want to make is that the newest form of terrorism that they're now encountering, different than IRA, the Red Brigade, the Baader Meinhof Gang, et cetera, is on a different scale. It's existential. It's not political. With al-Qaeda, we come face to face with an enemy whose goal is nothing less, as the chairman said, than to kill as many people as possible and in doing so bring an end to a way of life in the West that we have worked so hard to achieve and which they want to make sure does not infect their region of the world.

This, in their view, is literally an assault on Islam. They truly believe that, these terrorist organizations of the Bin Laden ilk. So,

we look to Europe that, like the United States, is bound to change in the coming months as it grapples with such a diffuse and pernicious new threat that I think they've been unwilling to directly look in the eye up to now.

It seems to me that there are three distinct lessons that we should draw from the Spanish election that was held a few days after the Madrid attack.

First, some people may have voted against the conservatives because they believe Aznar's alliance with the United States made them a target. I don't doubt that there's some Spaniards who believe that and that's why they voted the way they did. That's a very human reaction, but it's also, I think, a very misguided one.

There is no appeasing al-Qaeda and its allies. Every liberal democracy is a target for the reason I've stated earlier, and they're going to remain a target, including Spain and Spain's citizens. Europe more broadly should not fool itself into complacency by thinking that it can opt out of terrorism by distancing itself from Washington, i.e., our policies. Terrorism is not a selective threat, and I believe that's the lesson most Europeans are absorbing right now.

Second, it's also true that an overwhelming majority of Spaniards opposed the war in Iraq long before March 11 as did the vast majority of the European population which is another thing that we, Democrats and Republicans, suffer from.

We think if we get the political elites to support our position that somehow we've done the deal. We've paid virtually no attention to the public diplomacy of trying to influence the populations of the countries of France, Germany, Spain, et cetera.

So, I think that well before the election, Mr. Zapatero campaigned—I don't think, I know he campaigned on a platform that he'd remove Spanish troops from Iraq absent a new U.N. mandate. This is not a Munich sellout in my view to terrorists, as some alarmists have claimed. Rather, I think it's a lesson for the United States that in a community of democracies, it's not enough to convince another country's leaders. You've got to go beyond that.

Unfortunately, in the run-up to the war in Iraq, we did a fairly bad job of convincing not only leaders but populations, and after the war, in the first flush of success, instead of bringing the Atlantic Alliance back together again, we continued to show an overwhelming disdain for our allies who we believed were against us.

Third and finally, it appears to me that many people voted against the conservatives in Spain because they believe the government manipulated the information. I think that's the single big reason—I'm unaware of any exit polls—just my guess as a plain old politician. As Emerson says, society's like a wave, the wave moves on but the particles remain the same.

They ain't made a new brand of politician in a long, long time in Western Europe or here, and my instincts as a politician tell me that the perception of manipulation of the information for political benefit in the upcoming election, meaning several days later, probably played a larger part in the reaction than the Spanish people had in any of the above, but I don't know that, but it clearly played some part, and it's becoming—it's very clear that it's important to level with your people.

One of the positive things that came out of September 11, and I trust will further hasten after March 11, is a sharper recognition that we have to cooperate in what is bound to be a long and very diffuse war against a very diffuse enemy and despite our differences on Iraq, we enjoy a broad consensus on the need to share information, facilitate cross-border investigation, apprehend terrorists who are planning to attack, and I think the election of Mr. de Vries is a recognition of the need to try to figure out how to do that, although it's going to be a whole lot harder.

You think we have trouble here. We couldn't even get, as you'll remember, Mr. Chairman, when—actually, just before you got elected, I introduced legislation almost the same as the Patriot Act when a bunch of whacko Minutemen and White Supremacists were viewed as having been responsible for 9/11 and all our right-wing colleagues said no, no, no, no, we can't do that. That is unfair, privacy, freedom, militias, and we finally got it right. It took 9/11 to get it right.

But guess what? We're not talking about taking on the militia men in Montana here. We're talking about taking on another country's view about how to deal with this and they haven't even figured out how to get a commerce clause for Europe yet fully. So, de Vries has a real problem, but it seems to me it's a recognition that they know they've got to do something more than they're doing now.

Let me conclude by asking unanimous consent, Mr. Chairman, that the remainder of my statement be put in the record and say that I think that we got a lot of work cut out for us, and I hope we do what has been suggested. I'm going to ruin his reputation by acknowledging what Mr. Kagan suggested immediately after 3/11 in an op-ed piece in the Washington Post, and that is, we need Europe and Europe needs us. We need each other badly, whether we know it or not, and it's about time we get about putting aside the things that marginally we disagree on and focus on what we agree on.

People wondered how Jesse Helms and Joe Biden got along so well, which we did and became friends, with fundamentally different views of how to deal with foreign affairs when he was chairman and I was chairman of this committee. It's a simple reason.

I went into Jesse's office and said, 'esse, I'm not Clayborn Pell. I'm now in charge for the Democrats of this committee. We have a choice. We can play this flat or we can play it round. You want to fight all the time, I'm your guy. I'm your guy. But if we can agree on what we agree on and focus on that first and then move to the things we have disagreement, we can do something. And to the shock of everyone, Jesse Helms led the fight to fund the United Nations. Jesse Helms. Jesse Helms. Because we decided to focus on what we agreed on and the consensus that grew from that was us getting back in good stead in the U.N.

I think that's what we've got to do in Europe, and I hope we take your advice, Mr. Kagan. I'm not quite sure how we get from here to there, but I know one thing, if we don't, we got a real serious security problem.

I thank you for listening, Mr. Chairman, and I thank you for your indulgence, and I look forward to hearing the witnesses.

[The prepared statement of Senator Biden follows:]

PREPARED STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.

Mr. Chairman, thank you for holding this important hearing. It is appropriate that we are meeting today to discuss the March 11 terrorist attacks in Madrid, and the implications that this terrible day will have for our transatlantic relationship.

After September 11, I feared that it was only a matter of time before Europe would suffer the same kind of murderous violence that we experienced in New York and in Washington. Now, Europeans have their own images of violence and death and their own date—which will come to define us as governments and as people.

Spain has grappled with homegrown terrorism from ETA, just as the United Kingdom has suffered at the hands of the IRA, Italy from its Red Brigades, and Germany from the Baader-Meinhof Gang.

But this newest form of terrorism is of an entirely different scale. It is not just political, it is existential. With al-Qaida we come to face-to-face with an enemy whose goal is nothing less than to kill as many people as possible, and in so doing, bring an end to the way of life we in the West have worked so hard to achieve.

So we look to a Europe that, like the United States, is bound to change in the coming months as it grapples with such a diffuse and pernicious new threat.

It seems to me that there are three distinct lessons to draw from the Spanish elections held a few days after the Madrid terror attacks.

First, some people voted against the Conservatives because they believed Prime Minister Aznar's alliance with the U.S. in Iraq made Spain a terror target.

That's a very human reaction, but also a very misguided one. There is no appeasing al-Qaida and its allies. Every liberal democracy is a target, and will remain a target, including Spain and its citizens. Europeans more broadly should not fool themselves into complacency by thinking they can "opt out" of terrorism, by distancing themselves from Washington. Terrorism is not a selective threat. I pray that's a lesson Europe does not learn the hard way.

But second, it is also true that the overwhelming majority of Spaniards opposed the war in Iraq long before March 11, 2004. And well before the elections, Mr. Zapatero had campaigned on a platform promising to remove Spanish troops from Iraq, absent a new UN mandate.

So this is not a "Munich" sell-out to terrorists, as some alarmists have claimed. Rather, it's a lesson for the United States that, in a community of democracies, it is not enough to convince another country's leaders of the policy we want to pursue—we also have to convince its people.

Unfortunately, in the run up to Iraq, we did a bad job convincing others that attacking Iraq was an urgent necessity.

And after the war, in the first flush of success, instead of bringing the Atlantic community back together again, we continued to show disdain for our democratic allies who had disagreed with us.

Third and finally, it appears that many people voted against the Conservatives because they believed the government manipulated information to point the finger at ETA, not al-Qaida. There's a lesson here for all liberal democracies, including the United States. Governments have to level with their own people, especially on matters of war and peace.

Unfortunately, as is becoming clearer and clearer, the Bush administration failed to level with the American people before the Iraq war in terms of the time, troops and treasure securing the peace would require . . . in terms of Iraq's alleged complicity in the events of 9/11 and ties to al-Qaada . . . and in terms of the threat posed by Iraq's WMD.

One of the positive things that came out of September 11, and I trust will be further hastened after March 11, is the sharper recognition that we must cooperate in what is bound to be a long and difficult struggle against a determined but diffuse enemy.

Despite our differences on Iraq, we enjoy a broad consensus on the need to share information, to facilitate cross-border investigations and to apprehend terrorists who are planning to attack our people.

But much more needs to be done within Europe and between Europe and the United States.

I applaud the European Union's efforts in Brussels last week to address the common threat to its security from terrorism. Their appointment of Mr. de Vries as the European Union's coordinator for counter-terrorism, is a positive step forward.

Mr. De Vries will have his work cut out for him. First of all, he will need to guide the EU into really getting serious about dealing with terrorism, for example by



walking the thin line between protecting personal data and carrying out legitimate counter-terrorism investigations.

Moreover, he will have to overcome bureaucratic obstacles. After September 11 the EU agreed to a number of measures to share information about terrorist threats. Its record on implementing those agreements is spotty.

Mr. de Vries will need to move the EU into new levels of law enforcement cooperation that undercuts the jealously guarded national fiefdoms of EU member states.

Each of our democracies faces a classic dilemma. We enshrine individual rights to due process, fair and speedy trials, and privacy—but these very rights are exploited by those who are prepared to use any means to undermine our democracies. Striking the right balance is not easy, but the emergency situation we are in makes “business as usual” simply untenable. The first responsibility of a state is the safety of its citizens.

I am convinced that the struggle against an existential enemy that uses terror as a tool and will use weapons of mass destruction if it acquires them must involve the closest possible cooperation with the largest number of countries.

This cooperation will be first and foremost with our allies, but also with the Islamic world.

Despite all of our current differences, Europeans and Americans still look to each other before they look to anyone else when it comes to combating our many common problems. On both sides of the Atlantic, we must rethink our approach, and renew our commitment to one another.

The Bush administration must abandon its reflexive unilateralism and its disdain for genuine dialog, for working with allies and for international institutions.

Similarly, the European Union has to make a greater commitment to enforcing the rules of the international community, not making excuses for those who violate them.

Much has been made of the fundamentally different way that the U.S. and European governments supposedly view the challenge of terrorism. Washington sees it as a “war,” while Europeans view it essentially as a criminal matter.

If, in fact, we are in a “war,” it is fair to ask why the Bush administration has not demanded real sacrifice from the American people. Why, for the first time in our history, have we combined waging war with instituting a massive tax cut? Why, if we are in a “war,” is Homeland Defense so grossly under-funded? These are domestic issues, but ones with profound international significance.

What remains clear after September 11 and March 11 alike is that the only credible course forward is to work together, the EU and the United States, to secure and rebuild Iraq and Afghanistan . . . to help resolve the Israeli-Palestinian conflict . . . to prevent the world’s most lethal weapons from getting into the most dangerous hands . . . and to address the root causes of the poverty, isolation, and repression in which many of the peoples of the Greater Middle East are mired.

I look forward to hearing from our witnesses this afternoon.

Senator ALLEN. Thank you, Senator Biden. Your entire statement will be made part of the record. You said how al-Qaeda and Osama, their view is that there should not be really a separation of church and state, that the state ought to be advocating—

Senator BIDEN. One and the same.

Senator ALLEN [continuing]. Religious views. Most appropriately, if you look into history, on this date in 1492, beyond Magellan, the rulers in Spain on this date made a royal edict saying to Jewish people in Spain that they had to convert to Christianity, and if they did not—

Senator BIDEN. Even worse, they said Catholicism. I’m a Catholic.

Senator ALLEN. OK. I was trying to be diplomatic. Thank you, Joe. Working together.

Senator BIDEN. Called the Inquisition.

Senator ALLEN. Jews who did not want to give up their religious beliefs or their culture went to North Africa, the Netherlands, and ultimately the Americas.

In 1502, that same sort of royal edict that was used against the Jews on this date in 1492 was enunciated against the Moors or the Spanish Muslims. So, not that I think Osama bin Laden or any of these maniacs are listening or care about the accuracy of history, the implications of that sort of intolerance is exactly what happened to Muslims and to Jewish people, and is why in this country one of our first freedoms is the freedom of religion, of individual conscience. One of the reasons that we separated from the monarchy in Britain was for that first freedom of individual rights and that is freedom of religion and one's rights not enhanced nor diminished on account of one's religious beliefs.

So, with that little history lesson, let us go on to our second panel, and this is an outstanding panel.

First, Robert Kagan. Mr. Kagan serves as a senior associate at the Carnegie Endowment for International Peace and is a member of the Council on Foreign Relations. Previously, he worked in the Department of State from 1985 to 1988 as a Deputy for Policy for the Bureau of Interamerican Affairs and as principal speech-writer to the Secretary of State. He also was the foreign policy advisor to Congressman Jack Kemp in 1983.

Robin Niblett is the executive vice president with the Center for Strategic and International Studies. He's also a senior fellow with the Center's Europe Program where he specializes in the U.S.-European security and economic relations area and in the ongoing process of European political and economic integration. He is the author or contributor to a number of books and reports, including the "Atlantic Alliance Transformed" and "From Shadows to Substance: An Action Plan for Transatlantic Defense Cooperation."

Philip Gordon is a senior fellow and director of the Brookings Institution's Center on the United States and Europe. He had previously served as Director for European Affairs at the National Security Council, a senior fellow for U.S. Strategic Studies, International Institute for Strategic Studies, and as a professor at Johns Hopkins University School of Advanced International Studies.

And finally, James Dobbins serves as director of the Rand Corporation's International Security and Defense Policy Center. As a diplomat, he has served numerous Presidents in a variety of State Department and White House posts, including Assistant Secretary of State for Europe, Special Assistant to the President for the Western Hemisphere, Special Advisor to the President and Secretary of State for the Balkans, and Ambassador to the European Community.

Thank you, all for being here. So, Mr. Kagan, will you please begin your testimony.

**STATEMENT OF ROBERT KAGAN, SENIOR ASSOCIATE,  
CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE**

Mr. KAGAN. Thank you, Mr. Chairman, and let me also thank you for holding this hearing. I happen to think that this U.S.-European crisis in the aftermath of the bombings in Madrid is a matter of some urgency, and I don't get the sense really looking at Washington as a whole that everyone understands what a matter of urgency it is. I'm happy to see that this committee does, and I appreciate both your efforts in this regard.

My concern is that March 11, rather than leading Europeans and Americans to speak in one voice against the common threat that we all feel, has actually had arguably the opposite effect. The United States has gone on along its course without any particular deviation in policy or rhetoric even and Europe, in my view, has turned more in on itself in this period.

I think, by the way, something that's totally understandable, but in the interests of the transatlantic relationship not a good thing after a crisis like the bombings in Madrid.

I think it is also certainly true, as Ambassador Black says, that at the working level, the counterterrorism efforts and cooperation go on as they have been, and I want to emphasize that there is not necessarily a contradiction between the kind of political deviation that we're having, the political divisions we're having with ongoing cooperation in the counterterrorism efforts.

I also think it is true that Europeans as a whole, since Madrid, understand that they are possible targets and that they have indeed heightened their awareness of the threats that they face.

What I do worry about, however, is that over time, if the divisions between the United States and Europe are not heeled and in fact do grow wider, that eventually, I don't know when exactly this moment will come, there could be a spillover from the sort of grand political disagreement to the working level, and I would only harken back to events of recent years.

Some of us identified a growing gap between the United States and Europe, but nevertheless assumed that when something like the Iraq War came along that France would be with us, but it turned out that this gap had practical consequences when we went to the U.N. Security Council and lost France's vote.

We also have obviously seen the results of the Spanish elections, so that even though there was this great disagreement between the Spanish people and the U.S. Government, we thought we could continue along at the working level, so to speak, but the political system intruded at the working level in a very dramatic fashion.

So, I do think that we shouldn't be complacent about thinking that things will always be working out at the working level even if, at the broadest level, we're facing serious divisions.

Now, one of the things I learned living in Europe for 3 years, as I did recently, is that it's a big mistake that Americans constantly make in thinking about how Europeans will respond to certain events, to basically view Europeans as Americans who speak French a lot better than we do. I think it's really important to understand that the world looks different in Europe than it does in the United States, and that the response that we would anticipate we would make were we in their shoes we can't count on them necessarily making.

Now, I won't bother getting into any great analysis of what the Spanish elections meant, what exactly tipped the scale in that election. I don't think anybody knows. I think it is a fair assumption, however, that the European public reaction to that election was that the Spanish people felt that their government had made a terrible mistake joining in the war against Iraq because that war was a mistake and that the Spanish people were punished by al-Qaeda for engaging with the United States in Iraq.

The fact that Spain has also engaged with the United States in Afghanistan and that al-Qaeda is involved in that, it doesn't matter, you know. If the perception is that Aznar took Spain down this course, that's what's going to stick in the European public imagination, and whatever the electoral results are, I haven't been in Spain recently, but I have friends who have been, and there are murals on the wall that have pictures of Bush, Aznar and Blair and saying they're responsible for the 200 dead in Madrid and that's just a reality.

So, let us not assume that Europeans are all doing a careful rationale calculation that they really understand that this wasn't about Iraq, et cetera, et cetera. I do think that there's a very great chance that they do feel that way.

Second, objectively, we have suffered the loss of Aznar. That is a reality in Europe now. He was a pillar of pro-American feeling and policy in Europe. I think that we were going to suffer the loss of Aznar even if Rajoy had been elected, by the way, because I don't think that Rajoy was going to be quite what Aznar had been, but now we've suffered a complete reversal.

There's no linking that reality, and we have to understand again, there's a European dynamic to all of this that has nothing to do with the war on terrorism per se, but a lot to do with internal politics of Europe, the internal dynamics of Europe, and I think we have to realize that this defeat of Aznar's party and the victory of the Socialists was a great political victory for Jacques Chirac who was seeking to defeat Aznar and his people all along and punish them for their support of the United States, and that the balance in Europe has shifted in a direction that France would have wanted it to shift in, and this has to do with issues concerning the constitution, for instance.

I think we need to understand, again looking at it in the European mind, after the horror of the attack, after the morning of the attack, about the attack, after the determination to strengthen their terrorist activities in response, I would say the first and most prominent European reaction was, oh, good, now we can pass the constitution. That is the dominant reaction, I would say, in the political classes in Europe and possibly even at the public level.

So, we need to understand it would be very unusual behavior on the part of France and on the part of Gerhard Schröder in Germany not to want to take advantage of the enormous victory that they've had to try to steer Europe in the direction that they want to go in.

More generally, I would say that even on the counterterrorism front, that Europe has looked for European solutions to this problem. Yes, they've named a coordinator. I wish him the best of luck coordinating the 25 countries' counterterrorism and intelligence sharing which you can only imagine what they're going to be like, but one thing that they did not do, Europeans did not do, any Europeans as far as I've been able to see, was say this is something that we need to work with the Americans on.

I think Europeans looked internally to a European solution to this problem, and I also think that now we are in a constitutional phase in Europe and that Europe is going to continue to be pre-

occupied by the constitutional issues and is going to be looking inward rather than outward.

The fact is Blair is now isolated, feeling vulnerable within Europe, if not within his own electoral situation and that the trends in Europe therefore do not head in the direction of closer relations with the United States, in my opinion. I'm sure there are those who would like to see that, but I don't. I think the general trend is otherwise.

Let me just conclude by trying to answer the question what can the U.S. do about any of this, and I think that, you know, I'm sure my colleagues are going to talk about the criticisms that should be launched at the Bush administration. I have leveled my own criticisms of the Bush administration, but I don't think anybody should kid themselves that even the best, the most capable diplomacy in America could necessarily solve these problems. I think they are much deeper than one administration, but there are nevertheless things that we can and should be doing.

It seems to me one thing we must be doing, and I'm a little shocked that we haven't done it so far, is to get ourselves into the European conversation. I'm rather amazed since Madrid how little visibility American officials have had in Europe. It's very good that Secretary Powell went to the funeral. I think that was very important, but I have not seen what I would have thought should have been the parade of senior American officials going to Europe and entering their conversation about how they're going to respond to terrorism. They may not want us there, but it's in our interests that we be there, and we need to remember we're a big country and we're hard to ignore and we can help shape that discussion. I think we have so far failed to do that.

Second, public diplomacy. I think that, again as Senator Biden, both of you have said, it's very important that we address the European peoples and not simply engage at the working level.

I know, if I'm not mistaken, that the public diplomacy budget in the State Department for Europe has been cut, not increased. I don't understand that decision, quite honestly. It's almost as if we're saying we just don't have a prayer, it's not worth the trouble. I think we should be increasing our efforts in Europe.

I understand in particular that exchanges have been cut rather dramatically which I think is a mistake. Europeans need to see more Americans, whether they agree with them or disagree with them. We need to be part of their conversations.

Let me also say in this regard that I believe that there are important roles for Members of Congress and Senators. Europe needs to hear bipartisan voices expressing the views of Americans generally in Europe. I think it would be good if Europeans saw more congressional leaders on a more regular basis, especially since Madrid.

And then, finally, let me just say that there is nothing that we can do that is more important in terms of giving ourselves any prospect of improving relations with Europe than succeeding in Iraq. The more Iraq appears to be failing, difficult, dangerous, out of control, the more difficult it will be for us to try to knit things up with our European partners.

There is something about success succeeding, and I think we need to make sure in the interests of transatlantic relations, not to mention in the interests of the Iraqi people, that we do a good job in Iraq and continue to do so.

So, thank you very much.

Senator ALLEN. Thank you, Mr. Kagan, for your insight, and now we'll hear from Dr. Niblett.

**STATEMENT OF DR. ROBIN NIBLETT, EXECUTIVE VICE PRESIDENT, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES**

Dr. NIBLETT. Thank you very much, and let me echo Bob Kagan's words of thanks to you, Mr. Chairman, to Senator Biden, for holding this hearing at such an important time.

I want to condense my written comments down to three questions.

Senator ALLEN. Dr. Niblett, and for all of our witnesses, if you would want to summarize your comments, we have your written statements which will be made a part of the hearing record.

Dr. NIBLETT. Thank you very much, Mr. Chairman.

First of all, let me say that I believe the elections in Madrid do bear quick inspection and I'll do that in a second. Second, obviously, I want to look at the transatlantic implications of the attacks, and third, following the same pattern as my predecessor, look at the next steps that we could take.

Let me just talk about the insights we can glean from the election in Madrid first. In my mind, there's no doubt the terrorist attacks swung the election. At the same time, there's no doubt in my mind that this was not an act of appeasement. Comments have been made already about the long and bloody battle the Spanish have been engaged with against the Basque terrorist group ETA, and I believe that the Spanish will fight just as vehemently and implacably against al-Qaeda in the future.

Nonetheless, there was a second reason why matters turned as sharply as they did, and I think we've touched on this point already. In essence, Spanish people, as Europeans, look at the war on terror in a totally different way. There is maybe not a majority view, but certainly a strong view in the United States that the war in Iraq corresponded with the war on terror. To a certain extent, the two are synonymous.

I think that the view in Europe right now is that one was a distraction from the other, that Europe is less safe as a result of the war in Iraq, and the Spanish people, as others might do if they're given the opportunity, would choose to punish those who supported the United States in this action, and I'll explain a little bit more about that in a minute.

Turning to transatlantic relations and the impact on intra-European relations of the attacks in Madrid, I think that the most profound impacts have been at the intra-European level. First of all, we have lost the "New Europe." The idea of a pool of countries that the United States could draw upon in order to pursue its foreign policy priorities has gone. Somewhat uniquely, the United Kingdom and Spain formed the core of the "New Europe," much as France and Germany formed the core of the "Old Europe."

With Zapatero now turning his direction toward a more traditional Spanish foreign policy of balancing transatlantic relations with Europe, the “New Europe” in essence has gone, but I do not believe we’re going to see a domino effect of other leaders. Each country has its own peculiar concerns and being against the war in Iraq is not something that necessarily helps you electorally, as the French Government discovered last weekend.

However, the room for maneuver for these governments that supported the United States in its war on terror and that specifically came to that standard on Iraq are clearly circumscribed, and I would draw the committee’s attention to the Global Attitudes Project that just came out that has some very interesting conclusions on popular attitudes on the amount of confidence one can apply to the United States in the war on terror and where even the United Kingdom, 41 percent now do not trust U.S. motives. Also on the desire for Europe to have a more independent foreign policy, where you would expect and you sure get French support, this majority exceeds 56 percent of United Kingdom respondents also making the same point. This is somewhat worrying.

Second, on the impact of transatlantic relations, I don’t want to go into all the points, but we have relaunched European construction at a time when it seemed lost, when the expansion to 25 seemed to put Europe into the doldrums. There is at least initiative and movement which has emerged again, streamlined decision-making, perhaps a new EU Council President.

I was struck most, though, from the recent EU summit on March 26 by the passing of a solidarity declaration. Let me just quote a couple of words from this because I think they’re interesting. The EU members state that they will “mobilize all of the instruments at their disposal, including military resources” to prevent a terrorist attack. There’s semblance here to the NATO Article V passing, and this really carries an echo that Europeans will want to follow through on.

Personally, I believe that greater European integration may be a plus looking forward to the transatlantic relationship. So, I do not see this as a negative, and I would also, as my third point here, want to draw attention to the fact that I think for the first time since the end of the cold war, Europe and the United States are converging around the sense of a common threat. This is no mean feat. This should not be ignored.

The European security strategy document that came out last December pointed to the threats of international terrorism, weapons of mass destruction proliferation, state failure, organized crime, as the central threats to European security.

Now, this matched, as many people have commented, exactly the U.S. national security strategy. There were some claims that perhaps this was mimicking or just trying to ingratiate themselves with the United States. I think after March 11, we cannot assume that conclusion anymore.

More importantly, Europeans are conscious of the dangers. They are close to the Middle East. They have a very large Muslim population. They have porous borders. They have uncoordinated national law enforcement agencies. Although intelligence agencies have penetrated their local terrorist groups, ETA, IRA, they have

not a clue about many of these larger Muslim groups, as Spain proved so painfully. And they know well, I think, that just because Spain was a target, it doesn't mean that countries that did not support the United States in Iraq won't also be targets. Everyone supported the war against al-Qaeda in Afghanistan and France's passing of the banning of veils in public schools is something that is already drawing the attention of Muslim groups.

My fourth point on transatlantic relationships is that even though we are coming together on a common sense of the threat, I am obviously concerned, as is everyone, that we don't have the same idea of the response, whether tactically or strategically. We could do a whole hearing, I would imagine, on that issue.

Let me just point out two points specifically on the war on terror. At heart, Europeans start from the premise that in the war against terrorism, the effectiveness of military action is limited. It can be effective. It is important, but it will not see you through to the end.

A lot of the frustration with the U.S. decision to go to Iraq was because, although they were with the United States in Afghanistan, they were looking for consolidation in the second phase that wasn't more fighting to follow through on it.

Second, central to European thinking, I think, in the war on terror, Europeans do see the war against terrorism as a battle for legitimacy, not a battle for victory, and Americans perhaps sometimes start from the view that they have a sense of what is right and wrong, therefore what they do must be legitimate. The Europeans are very cynical about government. They're especially cynical about governments acting internationally, and they look for the coverage of international law in that case and hence a very different European attitude potentially to the war on terror as well.

Let me wrap up by the following steps we could take. Clearly, we must avoid what happened in Madrid and the reactions that might follow driving a deeper wedge on what is already a strained transatlantic relationship and giving the terrorists a second victory.

First step. I would completely endorse the views of my predecessor who spoke just now. We cannot afford to lose Iraq. We're in there together. Europeans have as much, if not more, to lose. They're right next to what could become a second conflict zone in the Middle East. They have large Muslim populations, over 12 million. They heavily depend on gulf energy imports.

I do not believe that Spanish withdrawal on June 30 is foreordained. It's a very tight timeline to do, to be able to act on it, but every effort must be made with the transition of political authority to try to help. To have the Spanish keep their troops there would have huge symbolic value and would also open the potential for other countries perhaps to join the coalition going forward.

I would mention Afghanistan, where I think that war must not be forgotten, and the fact that NATO is operating there so clearly is something of huge importance from a transatlantic perspective.

One should always mention the Middle East. Again, I don't want to go into this too far, but the fact is that the United States and Europe must work together on a joint Middle East strategy. Either side cannot do it by themselves and that's an area of central importance.



What I want to do as my final point and perhaps most important one, is pick up on some comments that Senator Biden made earlier. Practical steps between the United States and Europe going forward to prevent, deter, and be able to recover from terrorism could be as important a central mission for the transatlantic relationship going forward. This is a matter of domestic policies, legal procedures, technological standards in some cases, and organizational agreement.

The EU has done well to be focused on March 26, and on the declaration on combating terrorism. It struck me how little had been achieved in the 2 years since September 11 and how much remains to be done, but working with the United States and preventing the transatlantic space from being one that Al-Qaeda can operate in is surely a worthy and important mission.

I would point to the upcoming EU and NATO summits and certainly hope that the governments on both sides will look to standing institutional arrangements that might bring together officials from home affairs, justice, law enforcement, intelligence and emergency response and see if we can develop a complementary approach to the war on terror.

I would note that precisely one of the obstacles to U.S.-European cooperation that has been pointed out in the last 2 or 3 years, the disparity in military spending between the United States and Europe, need not be an obstacle to transatlantic cooperation in the war on terror. It is not military force that will in every case be most important, but organizational coordination, political will, and bureaucratic flexibility.

In conclusion, I think the attacks in Madrid have crystallized the dangerous new post-cold war security environment we've entered. The United States and Europe definitely face a common enemy and we may have entered the war on terror through different gateways, the United States through September 11, Europe through decade long national terrorist struggles, but after March 11, we clearly face a common enemy and we need to develop common responses.

Thank you very much.

[The prepared statement of Dr. Niblett follows:]

#### PREPARED STATEMENT OF DR. ROBIN NIBLETT

##### INTRODUCTION

Chairman Allen, members of the committee, thank you for convening this hearing at yet another critical juncture in the history of transatlantic relations. Thank you also for giving me the opportunity to share with you my thoughts on how the terrorist attacks in Madrid might affect relations between the United States and Europe and transatlantic cooperation in the war against international terrorism.

Let me say at the outset that the terrorist attacks of March 11, 2004 in Madrid have had a profound effect on the political landscape in Europe. Their secondary, inevitable effect will be on transatlantic relations. However, the ways that the attacks will affect transatlantic relations and also transatlantic cooperation in the fight against international terrorism are not pre-determined. While a deepening of the transatlantic rift that broke open a year ago in the lead-up to the war in Iraq is a possible outcome, it is not a necessary one.

First, I will touch on the way that the Spanish reaction to the attacks exposes a serious challenge to the United States in terms of European support for the war on terror. I will then turn to the impact that the attacks have already had on intra-European relations and their potential implications for the transatlantic relationship. Next, I will assess whether the European reaction to the attacks (and the U.S. reaction to the European reaction) will drive the wedge deeper between the two

sides of the Atlantic. There is no doubt that the U.S.-European alliance already faces a number of long-standing structural tensions. Different strategic approaches to combating international terrorism have deepened these tensions. However, the arrival of Islamic extremist terrorism on the European continent may in fact provide the impetus for the U.S. and European governments to start building a more coordinated approach to this critical aspect of their common security concerns.

#### SPANISH REACTIONS AND EUROPEAN CONCLUSIONS

It is hard to dispute the fact that the terrorist attacks on March 11, 2004 swung the Spanish general election in favor of the Socialist Party, led by Jose Luis Rodriguez Zapatero. Collectively, some three and a half million voters either abandoned the ruling party or added their vote to the Socialists compared to the previous election, contradicting the poll numbers that stood at the start of that fateful week.

Numerous American commentators and some senior legislators immediately accused Spanish voters of appeasing the terrorists by throwing out a leader—Prime Minister Jose Maria Aznar—who had stood shoulder to shoulder with the Bush administration in its strategy to fight global terrorism. Others—and I include myself in this group—argued that this was a simplistic interpretation of the events in Spain between March 11-13. While some voters may indeed have wanted to punish Prime Minister Aznar for putting Spaniards directly in the terrorists' cross-hairs, many more chose to punish him for the government's apparent determination to pin the blame for the attacks on the Basque separatist group ETA, even when the evidence of the group's guilt was, at best, inconclusive and, at worst, lacking.

The Spanish instinct when faced with terrorism is not to appease. One should not forget that successive Spanish governments, socialist and conservative, have been fighting ETA terrorists implacably for nearly three decades, at a cost of some 850 lives over this period. The Spanish people are united in this fight, and Prime Minister Aznar's hard line on ETA had been one of the important elements of his electoral support ahead of the election.

But there was a second reason why the electorate turned so swiftly against Prime Minister Aznar's party after March 11, and this reason carries wider implications for the transatlantic relationship and the war against terror in the months ahead. The impression that the ruling government misled the public by blaming ETA also reminded Spaniards that the decision to go to war against Iraq was based on the apparently false premise that Saddam Hussein represented an immediate danger because of his possession of weapons of mass destruction (WMD). Throughout Europe, the failure to find WMD in Iraq has severely undermined public confidence in the motives that drove the United States to go to war. And it has weakened the position of European leaders who chose to back the U.S. administration against the wishes of their public opinion.

Furthermore, the fact that the terrorist attacks in Madrid took place after the overthrow of Saddam Hussein has made not only Spaniards, but also other Europeans feel that they have now been placed on the terrorists' target list as a direct consequence of participating in a war that should not have been fought. The overwhelming conclusion for most Europeans, therefore, is that the terrorist threat to them has widened and deepened as a result of the invasion of Iraq. They now feel less rather than more safe and they hold the United States and governments that supported the war responsible.

#### A CHANGED EUROPE

The impact of the conservatives' defeat in Spain has been most profound for intra-European relations. It has swung the pendulum of power back to the continental members of the European Union, who had been derided as representing "Old Europe."

In his second term as Spain's Prime Minister, Jose Maria Aznar had become increasingly frustrated with the desire of the French and German governments to re-establish themselves as the drivers of the process of European integration. After two decades of dramatic economic modernization and emergence as one of the drivers of the EU's Mediterranean and transatlantic agendas, Aznar felt that Spain deserved a place in the core of EU decision-making.

As someone who had personally escaped a terrorist attempt by ETA on his life shortly before first becoming Prime Minister, he also supported instinctively President Bush's uncompromising stance in the war on terrorism. And, like Tony Blair, he saw a close relationship with the United States as a route to increased influence within the EU hierarchy. The debate over the merits of attacking Iraq gave Spain the opportunity to place itself firmly in the camp of the so-called "New Europe" that

rejected the latent anti-Americanism and deference to Franco-German leadership of the “Old Europe.”

Whereas the United Kingdom sought to repair during the latter half of 2003 the diplomatic damage that the Iraq debate had caused to its relations with France and Germany, Spain stepped directly into a second confrontation on the EU stage. This concerned the proposal contained within the EU constitutional convention that Spain cede some of the voting weight within EU decision-making bodies that it had secured a year earlier at the Nice summit. In December 2003, Spain and Poland refused to compromise and the long-awaited agreement on a first EU constitution fell apart. The EU was plunged into confusion.

Within two weeks of the Madrid bombings, the specter of gradual intra-European disintegration that the summit’s failure had raised has receded. At the EU summit in Brussels on March 26, 2004, following statements from Jose Luis Zapatero that Spain would reclaim its position as a committed member of the European Union, EU leaders proudly announced their expectation that the new constitution could be signed by the summer. Once again, an unexpected crisis has served as a catalyst for a further spurt of European integration.

Important among the EU constitution’s proposals are a streamlining of EU decision-making better to accommodate the ten new members that will join the EU this May and the creation of a new EU Foreign Policy head combining the responsibilities of Javier Solana and External Affairs Commissioner Chris Patten. More important, perhaps, is a re-gained sense within the European Union of common mission and purpose following the terrorist attacks in Spain. This sense of bonding around the tragedy of Madrid was reflected in the summit’s decision to approve a “Declaration on Solidarity Against Terrorism” that calls upon each EU member state “to mobilize all of the instruments at their disposal, including military resources” to prevent a terrorist threat against another, and to protect and assist it in the event of such an attack.

#### IMPACT ON TRANSATLANTIC RELATIONS

The impact of these events on transatlantic relations and cooperation in the war on terrorism are still hard to discern. One clear consequence is the disappearance for the time being of the “New Europe” as a distinct collection of countries sharing an unquestioning commitment to support the United States in the pursuit of its foreign policy and security priorities. “New Europe” still exists within the European Union, and tensions between new and old EU members will persist on internal issues, such as access to agriculture subsidies and EU financial assistance. However, the United States can no longer count on a “New Europe” pool of countries from which to try to recruit European participants into coalitions of the willing to tackle global crises or pursue its vision of the war against international terrorism.

It is not simply the fact that Aznar’s defeat has removed one of the central members of the “New Europe.” Nor is it the case that leaders such as Tony Blair, Silvio Berlusconi, or Aleksander Kwasniewski do not still share a deep sense of the importance of retaining transatlantic solidarity in the face of the new threats of terrorism and weapons of mass destruction. However, in each of these countries, the leader’s political room for maneuver has been severely circumscribed. Most important has been the way that, despite the rapid military victory in Iraq, European public support for the decision to go to war and for U.S. leadership in general has now dropped off again precipitously, influenced not just by the failure to find WMD, but also to demonstrate rapid progress in Iraq’s political and economic reconstruction. Al Qaeda’s apparent ability to operate successfully in Western Europe, despite the huge investment of resources in Iraq, will harden this view.

The March 16, 2004 report from the Pew Global Attitudes Project paints this picture clearly, comparing polling figures prior to the war, immediately after the war, and last month. Perhaps most striking in terms of this committee’s interests are two trends. First, a fall in European public confidence in the sincerity of U.S. motives for pursuing the war on international terrorism. In France and Germany, two thirds of respondents now believe the motives are not sincere, and even in Britain 41% do not trust U.S. motives. Second, is the growing number of Europeans who believe they should chart a more independent foreign policy from the United States. As expected, French respondents favored a more independent European role by a margin of 75% to 21%. More surprisingly, German and British respondents also favored a more independent European role by margins of 63% to 36% and by 56% to 40% respectively.

So, in the aftermath of what appears to be the first major Al Qaeda terrorist attack in the European Union, a swing toward a more united Europe, and a deepening skepticism in Europe of U.S. motives and leadership in the war on global terrorism,

what are the prospects for transatlantic relations in the coming year? Are relations destined to get worse, with unpredictable consequences for cooperation on the war on terror, or will the tentative efforts to overcome these differences, which had been visible earlier this year, take root?

#### COMMON THREAT, BUT DIFFERENT RESPONSES

Before trying to answer these questions, there are two further issues to consider. The first is the apparent coming together of U.S. and European perceptions of the nature of the threat that they face. And the second is the continuing dichotomy between U.S. and European strategic approaches to deal with this threat.

On the first of these points, it is remarkable to note how closely the new European Security Strategy (ESS), that EU leaders developed last year and approved in December 2003, resembles the administration's 2002 National Security Strategy in terms of conceptualizing the changed nature of the threat to national security. The European paper specifically highlights international terrorism, WMD proliferation, "state failure," and organized crime as the central security concerns for Europe in the future. It also highlights, as has the U.S. administration, that "the most frightening scenario is the one in which terrorist groups acquire weapons of mass destruction." The paper concludes that the threats to Europe of the 21st century are "dynamic" and bear little resemblance to the 20th century European preoccupation with invasion.

It would be easy to surmise that the language contained in the ESS represents an effort to mimic the United States linguistically, but without true political conviction. The attacks of 3/11 in Madrid will surely lay this view to rest. Europeans are well aware that their geographic proximity to the Middle East, large Muslim populations, porous borders, and uncoordinated national law enforcement agencies make it possible for Islamic extremist groups to operate in their midst with relative ease. Although intelligence agencies have penetrated national terrorist groups such as ETA and the IRA, the activities of loosely knit Islamic extremist groups pose new and unfamiliar challenges. Spain is a case in point.

Nor is this threat perceived as being limited to the countries that have supported the United States in Iraq. Most EU members have been active and willing participants in the U.S.-led war against the Taliban and Al Qaeda in Afghanistan. Furthermore, European nations offer other sources of ire to Islamic extremist groups—the French government's decision to ban wearing of the veil in public schools being just the latest example.

Following the attacks of 3/11, European nations find themselves explicitly, not just theoretically in the new security environment that U.S. leaders entered two and half years earlier. But agreeing on the threat does not mean that there is transatlantic agreement on the best way to confront it. As closely as Europeans might agree with U.S. perceptions of the nature of the threat, they tend to differ in their prescriptions.

At heart, Europeans start from the premise that, in a war against terrorism, the effectiveness of military power is always limited and often counterproductive. Terrorism reflects a failure of sovereign governments and is a manifestation of societal, cultural, and religious fault lines. It is rarely, if ever, a battle of good versus evil or freedom versus tyranny. Whatever the merits of soft power (diplomacy, financial and other assistance) versus hard power (military suasion) in dealing with interstate rivalries, all European governments perceive instinctively as well as from hard-earned experience that military actions alone cannot defeat terrorism. From the European perspective, the satisfaction and achievements of military action against terrorists are always short-lived unless governments simultaneously work to starve the roots of the terrorist cause. This explains the majority of European leaders' deep frustration with the U.S. decision to follow up the war against Afghanistan immediately with a war to overthrow Saddam Hussein.

Central also to European thinking is the belief that a war against terrorism is a battle for legitimacy and not just for victory. Americans start from the view that their actions flow from a sense of what is right and wrong and that they are, therefore, intrinsically legitimate. Europeans are more cynical. Government action requires the legitimacy of international law and multilateral rules. In the international arena, such legitimacy can flow only from the United Nations, as imperfect an organization as it might be. Hence, also, Europe's general preference for an explicitly multilateral framework within which to pursue national actions to combat international terrorism.

Overcoming such fundamental differences in strategic outlook will be difficult, however much Europeans and Americans perceive a common threat to their security from international terrorism. Nevertheless, governments on both sides of the Atlan-

tic must make a supreme effort not to allow the attacks of 3/11 to hand the terrorists a second victory by leading to a further fracturing of the transatlantic partnership. The stakes could not be greater. The United States, Europe, and key allies have built together a transatlantic community of democratic values, economic interests, prosperity, and individual freedoms that are spreading to the rest of the world. This growing community of modern, open, interconnected societies is especially vulnerable, however, to determined terrorist attack.

#### ONE STEP AT A TIME

Mr. Chairman, following the attacks in Madrid, U.S. and European officials face a series of difficult near-term decisions if they are to confront the threat of international terrorism together and not allow the war against terror to become a source of division rather than common action. Each decision must be tackled individually, one step at a time.

First, neither the United States nor Europe can afford to lose Iraq. The risks to European countries, which are on the door step of the Middle East, have growing domestic Muslim populations, and are heavily dependent on Gulf energy imports, are as great as they are for the United States. Spanish withdrawal of all its 1,300 troops stationed in Iraq is not foreordained. Prime Minister Zapatero has repeatedly stated his intention to remove Spanish troops on June 30, providing that there is no new UN mandate that would authorize their presence. His harsh language on this issue is driven in part by the need to demonstrate to people at home and abroad that his views on Iraq are driven by conviction and not by fear of terrorism. With the hand-over of political sovereignty to Iraqis on July 1, every effort must be made in coming months to find a solution at the UN that meets Spain's requirement, but does not compromise the operational effectiveness of coalition forces. A decision by the Spanish government to keep some or all of its troops in Iraq would be of huge symbolic value and would deliver a serious blow to the terrorists who carried out the outrages in Madrid.

Second, U.S., European forces, and their coalition partners must continue to secure Afghanistan's transition away from lawlessness and economic despair. NATO support for the gradual expansion of the role of Provincial Reconstruction Teams outside Kabul will be central to this process and to the credibility of the U.S. and European intention not only to defeat Al Qaeda and the Taliban militarily, but also to prevent their return.

Third, as many other commentators have noted, the United States and Europe must show a united front in their plans for long-term political and economic reform across North Africa and the Middle East. For such an initiative to be both credible and sustainable in the region, however, U.S. and European governments must be insistently and actively engaged in helping the Israeli and Palestinian peoples find a way out of their cycle of violence and toward a viable settlement.

Each of these steps will take time to bear fruit. In the interim, the United States and Europe can take more direct steps to confront the threat of international terrorism by closely integrating the domestic policies, procedures, technological standards, and organizations that they are putting in place to combat international terrorism in the wake of recent attacks and threats. In this context, the summit of EU heads of state on March 26 represented an important milestone in European commitment to coordinating their anti-terrorism initiatives. However, the summit declaration also highlighted how slowly EU governments are implementing the steps that they had identified two years earlier in the wake of the 9/11 attacks. The need for parallel transatlantic coordination could serve as a useful catalyst for European efforts, while making the transatlantic space a less attractive one for terrorist operatives.

U.S. and European leaders were hugely successful in building an integrated military structure to confront the danger of Soviet military aggression during the cold war. At their upcoming EU and NATO summits this summer, U.S. and European leaders should consider creating new standing institutional arrangements that would bring together officials covering the fields of home affairs, justice, law enforcement, intelligence, and emergency response. These groups are key components in the war on international terror. Only once they start working together effectively will it be possible to roll back the threat of international terrorism.

It is worth noting that the growing transatlantic gap in military capabilities and spending that has so often been cited as a structural impediment to future transatlantic security cooperation need not be a central obstacle to transatlantic cooperation in the war on terrorism. Organizational coordination, political will, and bureaucratic flexibility will be as important as financial resources in this war, where the

deliberately low-tech approach of the terrorists often bypasses the sophisticated defense systems we have put in place.

#### CONCLUSION

The attacks in Madrid heralded a new phase in the emerging post-cold war security environment. For their part, Europeans suddenly find themselves, once again, on the front-line of a non-traditional war. This is not a cold war of titanic, super-power proportions, as they experienced from 1948-1990. Nor is it a traditional war that threatens territorial conquest and identifiable enemies. In this new struggle the United States and Europe once again face a common enemy. But, as during the cold war, we see alternative and sometimes competing potential strategies to confront the threat.

Admittedly, Americans and Europeans entered the war against terrorism through different gateways—the United States through the exceptional events of September 11, 2001 and Europeans through decade-long struggles against domestic terrorist groups. After the events of March 11, 2004, however, we can no longer say that we confront different threats. The threat is common and urgent, and we urgently need to build common responses.

Senator ALLEN. Thank you so much, Dr. Niblett, for your insight and suggestions. Now we'll hear from Dr. Philip Gordon.

#### **STATEMENT OF DR. PHILIP H. GORDON, SENIOR FELLOW AND DIRECTOR, CENTER ON THE UNITED STATES AND EUROPE, THE BROOKINGS INSTITUTION**

Dr. GORDON. Thank you, Mr. Chairman. Let me thank you and Senator Biden for holding this hearing and for your own thoughtful opening statements.

I submitted a written statement and thus I'd like to just follow your suggestion to summarize some remarks, focusing particularly on what I think we need to do.

I think these hearings are particularly important and timely because of the risk of misunderstanding about what happened in Madrid on March 14 and what that means for the war on terrorism and cooperation with Europeans. I think there's a risk of people reaching the conclusion that the Spanish people have turned to appeasement because of the result of the election, which is a charge we've heard often in this country over the past week or so. It is a misplaced conclusion and possibly counterproductive, and to echo what some others have said, I think that if we end up depicting it that way and reaching that wrong conclusion and the wrong policies from that, we can end up actually deepening the split between the United States and Europe which is precisely what the terrorists wanted.

It is understandable why a lot of Americans reached that conclusion. With the anger and disappointment of many Americans about the result in Spain, one can understand it was a setback from our point of view, particularly, I think, from the administration's point of view.

Losing a key ally in Europe in Prime Minister Aznar, having a new Prime Minister come along and explicitly distance himself from the President and say he's going to pull troops out of Iraq, undermining the sense of coalition, I think it could also be read, rightly or wrongly, as the notion that political leaders in Europe pay a price for close association with the United States. Worst of all, on top of all of that, it gives the message to terrorists that whether it's true or not that the Spanish people wanted to appease, there's a real risk that the terrorists will read it that way, which would

only encourage them to undertake other such attacks in places like Rome or Warsaw or London, in other countries where leaders have been close to us.

So, one understands clearly why a lot of people read it that way, but I think you have to look more closely at the election to understand really what happened. As Bob said, we don't know for sure what happened, but just a couple of points.

One is, I agree with Robin Niblett. It's hard to avoid the conclusion that the terrorist attacks influenced the outcome. The Socialists were behind by at least 4 points in the last polls before the election and then the only intervening factor in the meantime are the terrorist attacks and then there's a switch of up to 10 points in terms of the final vote, so clearly that had an effect.

But the things I think that need to be kept in mind when thinking about that are two essential ones. First, as Senator Biden pointed out and others have said, Iraq was no doubt a part of the turnaround in the vote. A lot of people said to the press, "I was mad at Aznar for not supporting Iraq and that's why I voted." The mechanism, by the way, seemed to be more in terms of voter turnout, which went up by 20 percent vis-à-vis the previous election than flip-flops from supporters of the Popular Party to the other.

So Iraq was a factor. But I think an equally important factor, and people said this as well, was the anger at the government for the way that they handled the attacks and what was really a premature and categorical conclusion that it was ETA, the Basque separatists, that was responsible. They stuck to that conclusion and they did everything they could to persuade the press and the international community and the United Nations Security Council that that was the case before the evidence was in. That really did lead to a backlash.

Again, we don't have the exit polls, but we have opinion polls saying that 67 percent of the Spanish people believe that the government manipulated information during the crisis, which led to, anger and a backlash against the government. So, that's one important factor. It wasn't only the policies of the government that they were turning away from. It was the feeling that they were misled.

Second, again as has been pointed out but this is important, the Spanish never accepted the notion that Iraq was part of the war on terrorism and therefore it's a little bit difficult to conclude that, even to the degree that Iraq influenced their vote, that they were walking away from the war on terrorism. They said all along that they didn't accept that Iraq was a part of the war on terrorism.

There were other hearings in Washington last week that raised this issue in an important way and there's a real debate going on. The administration says that Iraq is the central front in the war on terrorism. Critics say that attacking Iraq undermined the war on terrorism. Frankly, I don't know what the answer to that question is. We probably won't know for a long time, and it will depend obviously on how Iraq comes out.

There's a serious debate to be had, but what is certain is that the Spanish and the Europeans in general never accepted that it was the same thing, and therefore I don't think we should allow ourselves to then say that they're walking away from the war on

terrorism because they said again that they didn't support the invasion of Iraq which they hadn't supported in the first place.

Obviously, even if you understand all of these factors that influenced the election and you conclude, as I have, that it wasn't appeasement of terrorism, it was still a setback, as I said at the beginning, for the United States and a setback for our desire to sustain international support in Iraq which, as we have said on this panel, is particularly important.

What policy then flows from this? Let me throw out a couple of ideas in conclusion on what this means, if we understand the election that way.

First, I think we should be very careful to avoid denouncing the Spanish people as appeasers and characterizing the Socialist election as a victory for al-Qaeda. The Spanish have now lost more than 1,000 lives to terrorism in the past couple of decades. They know what it is. They've actually stood up to it very steadfastly.

It's true that the new government doesn't support U.S. policy in Iraq, but it does continue to cooperate, as we heard earlier, with the United States on terrorism in Afghanistan. Remember, the new government came in distancing itself from Iraq, but it is also said that it is not only the rhetoric that it's going to fight the war on terrorism but they're going to double their commitment to Afghanistan which, by the way, was also cited by the alleged terrorists in the attack. So, they are saying quite clearly they're still with us on at least that part of the war on terrorism.

Second, I think that the Bush administration should immediately reach out to this new Spanish Government and try to work with it. Bob Kagan used the phrase "get into the conversation." Absolutely. We need to get into the conversation. I even think that the President should consider himself a trip to Madrid. He made one early in his tenure, and he should make one now.

You remember how upset a lot of Americans were when we felt that Europeans didn't fully appreciate what happened here on our soil. It just seemed like they were so far away and they understood that it was tragic, but they didn't feel it like we did and that created a lot of resentment here.

We should avoid making the same mistake. If you go to Madrid or you talk to people who have been there, it's different when it's in a place that you're familiar with, and we need to let them know. Absolutely. It was important that Secretary Powell went to the funerals and the ceremonies, but we need to do more than that.

It's essential that the Spanish know that we know that they were as shocked and affected by their 3/11 as we were by our 9/11 when their simple morning rush hour commute was blown up in their faces.

Third, I think we need to, as part of this connection with the new Spanish Government, look seriously at what type of U.N. role in Iraq might make it possible for them to stay. I mean, what got the news is that the new Prime Minister came in and said I want to get out of Iraq and I would only stay if the U.N. takes control and if the occupiers give up political control. That's pretty harsh, but there does seem to be some flexibility, potential flexibility in the Spanish position, and we should absolutely explore it.



I wouldn't rule out the possibility that a U.N. mandate for a force in Iraq and transfer of sovereignty to a new government would be enough to give the Spanish Prime Minister the political cover he would need in order to stay in Iraq, and I think that would be important. I think the Spanish know and they should know, and other Europeans are starting to reach the conclusion, that a failure in Iraq would be as much a failure for their interests as for us.

We should also, in the context of the same discussion with this government and our European allies, look into a NATO role, which I think also could perhaps help the Spanish stay, and here, I'm a little bit more optimistic about the overall picture than Bob Kagan in the sense that I think the European governments are looking at this and after June 30, if we do transfer sovereignty to a new government in Iraq and the U.N. plays more of a role in organizing elections, that not only Spain but even France and Germany will start thinking about doing more in Iraq than they have at present and that could be debt relief, it could be training Iraqi security officials, it could be reconstruction aid, and it could be support for a NATO role, and these are all things I think we need to do in order to get them on board because I think having them on board is essential.

Just two brief final suggestions. One is, we've already brought it up, the question of U.S.-European counterterrorism cooperation, specifically, and encouragement of European internal borders has been effective.

Ironically, terrorists actually circulate more freely within Europe than the people trying to catch them in terms of exchange of information, and we should be able to deal with this. We have enough trouble coordinating our own agencies on this issue. They have to coordinate all their agencies among now, as of next week, 25 different countries with people who speak different languages, both literally and figuratively.

So, it's really hard, but it's also really essential, and we can play a role at a minimum in trying to empower the new organizations that they have set up and are setting up. We have so much to offer in this regard. Instead of only relying on our national channels, I think we should do what we can do to try to empower their EU level channels. We know it's going to be hard, but we've got to get them to do it. Someone has to bash heads together and maybe our voice will not always be listened to in this debate, but it's so important and we have a lot to offer, I think we should lead them in that direction.

Last, I would just say that I agree with Bob Kagan about the public diplomacy aside, this is also about hearts and minds and persuading people to be on our side and to cut the budget for that and sort of lead the conversation as if, well, we know what we want to do and if you don't agree, that's just too bad for you guys, we're going to go about it the American way is really undermining our own project. We should actually be doing more and not less.

Finally, I think that the upcoming summits, we all know G8, U.S.-EU, and NATO, provide a real opportunity to begin this dialog and to pursue some of the specific things that I mentioned earlier.

Thank you very much.

[The prepared statement of Dr. Gordon follows:]

## PREPARED STATEMENT OF DR. PHILIP H. GORDON

Mr. Chairman, Senator Biden, Members of the Committee, thank you for the opportunity to address the critical issue of U.S.-European anti-terrorism cooperation in the wake of the Madrid terrorist attacks and the Spanish elections. I believe this discussion is all the more timely and important because of the significant potential for misunderstanding of what happened in the March 14 election and what it means for U.S.-European cooperation in the war on terrorism and in Iraq. In particular, I believe that the conclusion that the Spanish people have abandoned the war on terrorism and opted instead for appeasement—a charge heard from a number of American commentators over the past two weeks—is both misplaced and counter-productive. The wrong policy reactions in both Washington and Madrid could end up giving the terrorists the result they wanted by undermining transatlantic cooperation not only in the war on terrorism but across a range of important issues.

The anger and disappointment of many Americans, and in particular supporters of the Bush administration, is understandable. With the defeat of Prime Minister José Maria Aznar's Popular Party, the administration has seen a close, reliable ally in a key European country being replaced by an inexperienced Socialist who is skeptical of recent U.S. policies and who has been highly critical of President Bush. New Prime Minister José Luis Rodríguez Zapatero's pledge to withdraw Spanish troops from Iraq unless the UN takes over, moreover, is a setback to the effort to build and maintain an international coalition in Iraq. Spain has been one of America's most steadfast allies in Iraq and one of the top foreign troop contributors with 1,300 troops. Its departure could encourage other allies to leave, increasing military burdens on the United States and undermining the mission's legitimacy. Zapatero's election could also be seen as bad news for the United States in that it suggests that leaders who back American policies without the support of their electorate—as Aznar did on Iraq—risk paying the price for those policies at the ballot box. Finally, and by far most seriously, it is hard to avoid the conclusion that the outcome of the Spanish election will only encourage the terrorists to strike again, perhaps once again in the capital city of a country that has steadfastly supported the United States on Iraq. Regardless of whether or not Spanish voters were in fact distancing themselves from the war on terrorism, there is a good chance that the terrorists who planted the bombs just three days before the election will conclude that they were, and that is very bad news. It is thus not surprising that some Americans have accused Spanish voters of having given in to terrorism with their vote.

A closer look at what happened in Spain on March 14, however, reveals a more complicated situation. There can be little doubt that the March 11 attacks influenced the outcome of the election. According to the polls published on March 7, the last day polls could be published under Spanish law, the Socialists trailed Aznar's Popular Party by four percentage points (42%-38%). While the gap between the two parties was narrowing, it seems highly unlikely that the Socialists would have managed to win a 44%-38% victory just a week later had it not been for the attacks. With emotions riding high, voter turnout rose to 77% of Spain's 35 million eligible voters (compared with just 55% in the elections four years ago), and most of the new voters, including 2 million first-time voters, appear to have voted for the Socialists.

Opposition to the Iraq war, many of these voters made clear, played a role in this swing vote. But another key reason for the last-minute turnaround was not voters' desire to distance themselves from Aznar's policies but rather their anger at the government's handling of the terrorist attacks. The government's premature, categorical conclusion that Basque separatists were behind the atrocities, and its stubborn refusal to back away from that conclusion even as information came in suggesting likely al Qaeda involvement, left the government looking manipulative and disingenuous in the eyes of Spanish voters. No less than 67% of the Spanish people, according to an opinion poll published late last week, believe that the government manipulated information during the crisis.

The Aznar government appears to have concluded that an ETA attack would be politically helpful by highlighting its tough approach on Basque terrorism, whereas an al Qaeda attack might hurt the government by underlining its unpopular role in Iraq and its relationship with the United States. Thus, within hours of the attacks, Interior Minister Angel Acebes had declared that "the government has no doubt that ETA was responsible for the attacks." Later that afternoon, Foreign Minister Ma Palacio sent a telegram to Spanish ambassadors confirming this statement and encouraging them to "use every occasion to confirm the authorship of ETA" and Spain began lobbying the UN Security Council for a resolution explicitly blaming ETA for the attacks. That evening, Aznar twice called major Spanish newspapers to insist that ETA was responsible for the attacks and was even denouncing speculation that al Qaeda might be involved as "an attempt by malicious people to distort

information.” In the first hours after the attack it was perhaps reasonable to suspect ETA, given knowledge of that group’s previous plans to place bombs on Spanish trains. But the attempts to rule out other options—even though the attacks bore many hallmarks of an al Qaeda operation and even after a van was found with a tape recording of verses from the Koran in Arabic and bomb-making materials—was seen as an attempt to deceive Spanish voters for political reasons.

Had Aznar right away characterized the mass killing in Madrid as an attack on democracy itself, perhaps not as many voters would have allowed themselves to hand the terrorists the political change they apparently wanted. Instead, the government appeared to try to use the attacks to strengthen its political hand, and outraged voters made it pay a price. The government, after all, already had a reputation for political “spin” after its handling of other high-profile events in Spain, including the oil spill from the tanker *Prestige* off the Spanish coast in 2002, an airplane crash that killed 62 Spanish soldiers returning from Afghanistan in 2003, and the issue of weapons of mass destruction in Iraq. Whether or not the government really did seek to influence the vote through its handling of the attacks is less important than the strong perception that it did. The government appears to have paid more of a price for misleading the public than for its policy on Iraq.

Finally, and most important, even to the degree that the vote against Aznar’s Popular Party was a vote against the Iraq war, it was not, in Spanish eyes, a vote against the war on terrorism. The fact is that while the Bush administration has defined Iraq as the central front in the war on terrorism, the Spanish—and most Europeans—never accepted that argument. More than 80% of the Spanish people were against the war in Iraq and many people believed that the invasion could actually be more a spur to Islamic terrorism than a strike against it. As other hearings in Washington last week demonstrated, there is a serious debate to be had about the link between the Iraq war and the war on terrorism, and at this point any honest assessment must acknowledge that it is too soon to know for certain. But even to the degree that the Spanish vote on March 14 was a vote against the invasion of Iraq, it cannot be said that it was a vote against the war on terrorism, since the vast majority of the Spanish never equated the two. Incoming Prime Minister Zapatero’s pledge to make fighting terrorism his top priority and his decision to double the Spanish contingent in Afghanistan underscore the distinction that he and most of the Spanish make about the two issues. Even a brief glance at the implacable stand that Spanish governments, including Socialist governments, have historically taken against ETA in particular and terrorism in general should convince us that appeasement is not their natural inclination.

Understanding these factors does not change the fact that the terrorist attacks in Madrid and the outcome of the Spanish elections were setbacks for the United States, particularly in its desire to sustain international support in Iraq. But it should help us avoid misinterpreting the electoral outcome, and therefore to avoid making policies based on false assumptions. In particular, several general policy guidelines would appear to result from the analysis of the Spanish election presented here:

- The United States should avoid denouncing the Spanish people as “appeasers” and characterizing the Socialists’ election as a “victory” for al Qaeda. Spain has lost over 1,000 lives to terrorism over the past 30 years and has stood up to it steadfastly. The new government does not support U.S. policy in Iraq, but it continues to cooperate well with the United States on judicial and intelligence matters, is willing to enhance police and anti-terrorist cooperation within Europe, and it is committed to playing an important role in Afghanistan. American disappointment with the result of the election and some of the new government’s policies and statements is understandable, but overreaction could backfire and produce the very split in the global anti-terrorist coalition that the terrorists apparently sought.
- The Bush administration should immediately reach out to the new Spanish government to make clear that the United States still considers Spain a vital and loyal ally whose cooperation it needs in our common interest. In doing so, President Bush should himself consider a trip to Madrid to pay tribute to the victims of terrorism in the same way that countless foreign leaders have visited “ground zero” in New York. Americans rightly felt that Europeans did not fully appreciate the shock of such massive terror attacks on our soil. We must not make the same mistake; it is important that Europeans understand that we appreciate how painful their losses were when our common enemies killed so many of their citizens during a morning rush-hour commute. The Spanish should not be left to believe that the United States only stood by them when they had a conservative and compliant government. One of the clearest messages for the

United States in the Spanish election is that it does not suffice to win the support of governments alone; in democracies the United States needs to win the hearts and minds of the people as well.

- The administration should explore the type of UN role in Iraq that would be necessary for the new government to maintain Spanish troops in Iraq. Zapatero has said that Spanish troops would only stay if the UN “takes control” and the “occupiers give up political control” but there may be some potential flexibility in the Spanish position. It is not impossible that a new UN mandate for the security force, along with a key UN role in making arrangements for the Iraqi constitution and organizing elections, could give Zapatero the political cover he would need to remain part of the Iraq coalition. The Spanish should know, and be reminded, that however they felt about the war in the first place, a Western failure there would be catastrophic for Europeans and Americans alike. Thus the United States should do what it reasonably can to make it possible for Spain to stay in Iraq, not only because we need their 1,300 troops, but because broader European support and legitimacy will be a crucial factor in our prospect for success. If our efforts to persuade the Spanish to remain part of the coalition should fail, a possible alternative might be to get them to adopt a force-protection mission for an eventual UN presence in Iraq. That would not be as good as a full security role, but it would be a useful mission that Spanish politics might permit.
- The United States should also encourage NATO to play a greater role in providing security in Iraq, which could also make it easier for the Spanish to remain involved. Indeed, if the United States effectively transfers sovereignty to a new Iraqi government on June 30, and if that government asks NATO and the UN to get involved, it is possible that not only Spain but even potentially France and Germany could begin to play a greater role in Iraq. The latter two governments have already suggested that under these conditions they would consider extending more Iraqi debt relief, enhanced training of Iraqi gendarmes and security forces, reconstruction aid, and, in the case of France, possibly even troops at some point. These opportunities should be explored, because just as transatlantic cooperation only worked in the Balkans when the NATO allies had troops on the ground, we will only really put our divisions with the Europeans behind us once we are all working together in Iraq.
- The United States should not only encourage but take active steps to promote counter-terrorist cooperation within Europe. Ironically, despite major transatlantic differences over issues like Iraq, transatlantic cooperation on terrorism has been reasonably good, indeed better than cooperation among Europeans themselves. Internal European borders have effectively been eliminated, but there has been little integration of law enforcement or intelligence capabilities. As a result, it is easier for terrorists to operate and circulate across European borders than it is for the police, intelligence officers or prosecutors who are trying to stop them. While we struggle to improve coordination between the FBI, the CIA, and Homeland Security, Europeans are attempting to coordinate 15 (soon 25) different domestic and foreign intelligence services—who often speak different languages (both literally and figuratively).  
 Although intra-European coordination is essentially an internal European issue, the United States does have both a stake in its outcome and a role to play in improving it. U.S. intelligence-gathering services, for example, are so advanced that they effectively empower their partners in Europe simply by working with them. The United States should use this leverage to encourage greater cooperation and coordination at the European level by taking seriously and working with the nascent EU-level organizations that have been established, including Europol, Eurojust and the newly appointed (post-Madrid) Counter-Terrorism Coordinator Gijs de Vries. Because these new organizations lack capacity, the temptation is to ignore them in favor of traditional national channels, which currently offer more effective partnerships. While bilateral cooperation must continue, however, we must also recognize a long-term interest in getting Europeans to use their EU-level capacities and coordinate better among themselves. As both 9/11 and 3/11 showed, the terrorists are adept at using different European locations to make their preparations and to hide from authorities. Without better intra-European cooperation, we are fighting them with one hand tied behind our backs.
- Finally, the United States should take advantage of a series of upcoming opportunities with the Europeans—the G-8, NATO, and U.S.-EU summits and the D-Day anniversary—to reestablish a sense of common purpose in the war on terrorism and beyond. Whatever our legitimate differences over Iraq, the fact is

that the Madrid attacks underscore that we are all vulnerable to the same threat, and that neither Europeans nor Americans will be safe until that threat is defeated. In particular, the upcoming summits should be used to begin the long-term process of fostering the sort of political change and economic development in the Middle East without which the problem of Islamic terrorism will never go away.

Senator ALLEN. Thank you very much, Dr. Gordon, for your comments and insights. Now we'll hear from Mr. Dobbins.

**STATEMENT OF HON. JAMES DOBBINS, DIRECTOR, INTERNATIONAL SECURITY AND DEFENSE POLICY CENTER, RAND CORPORATION**

Mr. DOBBINS. Mr. Chairman, thank you very much for inviting me and my apologies for arriving somewhat late.

Clearly, the recent attacks in Spain have exacerbated transatlantic differences over Iraq and the war on terrorism, but before expanding on those differences, it's worth emphasizing where we agree.

There are no apparent differences between the United States and Europe over the nature of the terrorist threat or the need for closer cooperation. There are no apparent differences between the United States and Europe over the need to help construct a democratic, prosperous and peaceful Iraq nor do there appear to be any differences about how to do so from here on out.

Where there is a disagreement, a fairly fundamental disagreement is over the role of war in the war on terrorism and specifically over the role of the war in Iraq in the war on terrorism.

As Senator Biden pointed out, the attacks in Madrid didn't change any Spanish minds about the wisdom of the attack on Iraq. They did raise the prominence of the issue and the priority of the issue in the minds of the Spanish voters as they went to the polls.

But most Spaniards and indeed most Europeans had by then been persuaded that the invasion of Iraq had contributed negatively to the war on terror by exposing American and allied military and civil personnel to terrorist attacks by radicalizing public opinion throughout the Muslim world, by increasing recruitment to extremist organizations and by diverting resources from other tasks, including the stabilization of Afghanistan.

Following the recent attacks in Spain, some Europeans may now believe that their support for the intervention or their government's support for the intervention in Iraq has also increased the likelihood of terrorist attacks in their home countries.

If some European governments and most European people differ with the United States over the wisdom of invading Iraq, there are no discernible differences about where to go from here as regards Iraq. Whatever its original predilections, the U.S. administration seems in recent months to have embraced the approach to Iraqi reconstruction once advocated by its harshest European and indeed domestic critics.

The United States is now seeking to expand the U.N. and NATO roles in post-occupation Iraq and to return sovereign power to an Iraqi government as soon as one can be formed. Indeed, the U.S. administration seems to envisage exactly the role for the United

Nations in post-occupation Iraq that the new Spanish Government says it requires to keep Spanish troops there.

Future limits on the multilateralization of the Iraq mission seem much more likely to result from U.N. and European reluctance to become more heavily involved than from any residual unilateralist impulses within the U.S. administration.

There are, as noted, important differences between the United States and Europe over the role of war in the war on terrorism. Most Europeans see counterterrorism as primarily a law enforcement, judicial, intelligence, diplomatic and financial activity with only a limited role for conventional military force. They believe most terrorists live in and operate out of essentially uninvadable states.

They're not convinced that terrorist organizations, like al-Qaeda, rely on state support. They do not believe that Saddam's regime was actively supporting terrorist activity in either Europe or the United States. They do not feel that Saddam Hussein was likely to supply WMD to terrorist organizations, even had he had any such weapons to supply. They supported the invasion of Afghanistan but not of Iraq.

The 9/11 attacks have increased European concerns over WMD proliferation and the prospect of such weapons falling into terrorist hands. Europeans are not willing to sanction unilateral preemption, however, at least not in the absence of an eminent threat. Europeans are open to the concept of multilateral preemption; that is to say, common action, including common military action against eminent threats.

Many Europeans, I believe, could also be brought to accept the need for unilateral preemptive action, but only in cases where the threat proved in fact to have been eminent. Grave and growing danger is simply not enough for the Europeans. The threat is going to have to be eminent to secure their active cooperation.

Transatlantic differences over Iraq are, as noted, more retrospective than prospective at the moment. Now, the dynamics of the American Presidential campaign make it difficult for the time being to put these differences behind us on a transatlantic basis.

At least for the next 6 months, the U.S. administration is going to feel the need to proclaim pretty much on a daily basis that its original decision to intervene in Iraq was a good idea. This will lead many Europeans to periodically restate their view that it was not. At this stage, however, this argument is predominantly a domestic one, albeit with a transatlantic echo.

After November, whichever candidate is elected to the American Presidency, transatlantic recriminations over past differences are likely to further recede while the focus turns to next steps, in particular what next steps, what to do about Iraq from that point forward.

As long as American forces remain heavily tied down in Iraq, the transatlantic debate over preemption as a doctrine with applicability to future cases will remain somewhat academic. Such differences are unlikely to curtail counterterrorism cooperation in the law enforcement, judicial, intelligence, diplomatic, and financial areas.

Nevertheless, failure to agree on the role of war and the war on terror will complicate the ability to forge a common U.S.-European strategy. Certainly, it will remain impossible to base common action between the United States and Europe upon a doctrine of unilateral preemption. Continued enunciation of such a doctrine will make it more difficult to marshal European support and secure European participation in those instances where military action becomes the last best option.

Whatever preemption's virtues and the guide to action, it is probably an option that best remains unenunciated until such action becomes an unavoidable necessity. In sum, preemption is a valid option but a poor doctrine.

[The prepared statement of Mr. Dobbins follows:]

PREPARED STATEMENT OF HON. JAMES DOBBINS<sup>1</sup>

The recent terror attacks in Spain have exacerbated transatlantic differences over Iraq and the war on terror.

Before expanding on those differences, however, it is worth emphasizing the areas of continued agreement.

There are no apparent differences between the U.S. and Europe over the nature of the terrorist threat or the need for closer cooperation, including transatlantic cooperation to counter it.

There are no apparent differences between the U.S. and Europe over the need to help construct a democratic, prosperous and peaceful Iraq, nor do there appear to be any differences about how to do so from this time forward.

There are transatlantic differences over the role of Iraq in the war on terror, and over the role of war in the war on terror. The recent terrorist attacks in Spain do not seem to have changed European opinions on these issues so much as raised their prominence.

Some European governments and most European people believed, even prior to the Spanish attacks, that the invasion of Iraq has contributed negatively to the war on terror by exposing American and allied military and civil personnel to terrorist attack, by radicalizing public opinion throughout much of the Moslem world, by increasing recruitment to extremist organizations and by diverting resources from other tasks, including the stabilization of Afghanistan. Following the recent attacks in Spain, some Europeans may now believe that the intervention in Iraq has also increased the likelihood of terrorist attacks in European states that supported that action.

Striking at states that support terrorism has been integral to the Bush Administration's post 9/11 strategy. Saddam's may not have been the most complicit of such regime, but it was the most vulnerable. American action in Iraq, following so closely on its invasion of Afghanistan, does seem to have given pause to other states, such as Syria, Iran or Libya, which have shown a predilection toward terrorist methods in the past. Recent Iranian and Libyan concessions regarding their respective nuclear programs give substance to this linkage and support to the American Administration's claim that preemptive action in Iraq could have a deterrent effect elsewhere.

This deterrent effect may be undermined, however, by the difficulties the United States has encountered in reconstructing both Iraq and Afghanistan and the failure to establish a secure environment in either place. In the short term, U.S. forces are so heavily committed to these efforts as to make major new commitments elsewhere unlikely. In the long term regime change as a response to state supported terrorism will remain a credible strategy only if the United States demonstrates the capacity not just to take down odious regimes, but to build up better ones in their place if some European governments and most European people differ with the U.S. Admin-

<sup>1</sup>The opinions and conclusions expressed in this testimony are the author's alone and should not be interpreted as representing those of RAND or any of the sponsors of its research. This product is part of the RAND Corporation testimony series. RAND testimonies record testimony presented by RAND associates to federal, state, or local legislative committees; government-appointed commissions and panels; and private review and oversight bodies. The RAND Corporation is a nonprofit research organization providing objective analysis and effective solutions that address the challenges facing the public and private sectors around the world. RAND's publications do not necessarily reflect the opinions of its research clients and sponsors.

istration over the wisdom of invading Iraq, there are no discernible differences about where to go from here. Whatever its original predilections, the U.S. Administration seems, in recent months, to have largely embraced the approach to Iraqi reconstruction advocated by its harshest European critics. Thus the U.S. is thus now seeking to expand the UN and NATO roles in post-occupation Iraq, and to return sovereign power to an Iraqi government as quickly as one can be formed. Indeed the U.S. Administration appears to envisage exactly the role for the United Nations in post-occupation Iraq that the new Spanish government says it requires to keep Spanish troops there. Future limits on the multilateralization of Iraq's reconstruction seem more likely to result from UN and European reluctance to become more heavily involved than residual unilateralist impulses on the part of the U.S. Administration.

There are, as noted, important differences between the U.S. and Europe over the role of war in the war on terrorism. Most Europeans see counter-terrorism as a primarily law enforcement, judicial, intelligence, diplomatic and financial activity, with only a limited role for conventional military force. They believe most terrorists live in and operate out of essentially uninvadeable states. They are unconvinced that terrorist organizations like al-Qaeda rely on state support. They do not believe that Saddam's regime was actively supporting terrorist activity against Europe or the United States. They do not feel that Saddam Hussein was likely to supply WMD to terrorist organizations, even had he any such weapons to supply. They supported the invasion of Afghanistan, but not Iraq.

The 9/11 attacks have increased European concerns over WMD proliferation, and the prospect for diversion into terrorist hands. Europeans are not willing to sanction unilateral preemption, however, at least not in the absence of an immanent threat. Europeans are open to the concept of multilateral preemption, that is to say common action, including common military action against immanent threats. Many Europeans could also be brought to accept the need for unilateral preemptive action, but only in cases where the threat proved, in fact, to have been immanent.

Transatlantic differences over Iraq are, as noted, more retrospective than prospective. The dynamics of the American Presidential campaign make it difficult, however, to put these past differences behind us. At least for the next 6 months the U.S. Administration is going to feel the need to proclaim, pretty much on a daily basis, that its original decision to intervene in Iraq was a good idea. This will lead many Europeans to periodically restate their view that it was not. At this stage, however, this retrospective argument is predominantly a domestic one, albeit with a transatlantic echo. After November, whichever candidate is elected to the American Presidency, transatlantic recriminations are likely to further fade, while the focus turns to future steps.

As long as American forces remain heavily tied down in Iraq, the transatlantic debate over preemption as a doctrine with applicability to future cases will remain somewhat academic. Such differences are unlikely to curtail counter-terrorism cooperation in the law enforcement, judicial, intelligence, diplomatic and financial arenas. Nevertheless, failure to agree upon the role of war in the war on terror will complicate the ability to forge a common U.S.-European strategy. Certainly it will remain impossible to base common action between the United States and Europe upon a doctrine of unilateral preemption. Continued enunciation of such a doctrine will make it more difficult to marshal European support and secure European participation in those instances where military action becomes the last best option. Whatever preemptions virtues as a guide to action, it is probably an option that best remains unenunciated until such action becomes an unavoidable necessity.

Senator ALLEN. Thank you, Mr. Dobbins, and I thank all our witnesses, and now we're joined, also, by Senator Dodd of Connecticut.

I listened closely to all your testimony, all your wisdom, your advice, your insight, why the election turned out the way it did in Spain, it's just a question of whether or not the people of the various European countries agree.

I think that leaders, intelligence people, law enforcement, defense, all may agree, but the question is the people. The one strain through all of this, and I was taking notes from Mr. Kagan, Dr. Niblett, Dr. Gordon, Mr. Dobbins, is that while the European people were not convinced that hitting Saddam, even though Iraq was a terrorist state, state sponsor of terrorism, paying families to send



children into Israel for bombing, somehow they don't consider that part of the war on terrorism.

It probably doesn't do us much good to just argue endlessly over that whole issue one way or the other, just suffice it to say they don't agree with us.

The one thing, though, from each and every one of you, one of the key points is we have to be successful in Iraq. Dr. Niblett talked about we must win in Iraq. The same with Dr. Gordon, as you went through all that it's not appeasement, it may be looked upon that way, but it's not, and it's very important to adduce that testimony from you all here because appeasement won't work, and it's good to hear that they do not care, that the Europeans, the Spanish don't even care to appease.

Indeed, Mr. Dobbins, you also said we must win in Iraq. The question is the method, the method of how we're going to succeed in Iraq, and it is good to hear that regardless of how we got into Iraq, whether they agreed with this tactic, this strategy, this method, if this should have been a battlefield the fact is we must win. When you argue the military action, though, everyone did agree with military action in Afghanistan, and it is the model. Even when I've talked to the French ministers or ambassadors, they looked at the Afghanistan effort as the model.

Now, what's going to happen, on July 1 of this year in Iraq. One way or the other, something's going to have to happen on July 1. Maybe nothing happens, but there's consequences for nothing happening as well.

Now, the question is, how do we involve the United Nations or to a greater extent and easier transition would be to NATO. The seven countries coming in from the Balkans to Bulgaria obviously already are contributing in Iraq, and I was there on the White House lawn and each one of them, the President listed their different efforts, whether they were Lithuanians or whether they were from Slovenia or whether they were from Romania and that elicited applause.

The point is, if we could transition this to NATO, it would seem to be the easiest and maybe the most effectual transition in assistance in Iraq.

Now, how do you see us respecting the sovereignty clearly of each of the European countries, however joined together in NATO, all recognizing that not only is it important to be successful in Afghanistan but also Iraq?

How would you all say how the United States definitely sticks with our principles, respecting the differences of opinion of our European friends and allies, how do you see us transitioning that into a desire and an understanding that we can't quit, we can't run from Iraq, but we all need to pitch in with NATO in assessing whatever governing council there may be in Iraq after July 1?

Mr. Kagan, I'll start with you.

Mr. KAGAN. Well, I totally agree with your goal, Mr. Chairman. I have to say, however, I think it's almost inconceivable that you could have NATO coming in in that timeframe because I think the prior necessity for many of the countries in NATO and not just Spain but certainly Spain would be a U.N. mandate.

For better or worse, you've got to cross the U.N. threshold before you can get to the NATO threshold, and so I would say that in the near term, over the next 2 months, the focus is going to have to be on finding a new U.N. mandate that is acceptable, in the first instance, to France. I mean, Spain doesn't have anything to say about how the U.N. mandate is negotiated.

The assumption is that Spain would slipstream, but one could hope that if it's good enough for France, then the Spaniards, who have now decided that they are France's best friends, would come in behind them, but I'm not optimistic, quite honestly, that we can work out a deal in the new post-Madrid environment with France that might have been a little bit easier to work out in the pre-Madrid environment.

Senator ALLEN. Dr. Niblett.

Dr. NIBLETT. The summits obviously will be too late in the sense that we have to have agreement by the summits rather than at the summits, but it is a worthy goal to shoot for that.

I would note the editorial in the Wall Street Journal yesterday by Miguel Angel Moratinos, who's designated as being the new Foreign Minister, who talked about Spain not deploying as an occupying force in Iraq and I thought that phraseology was interesting because, clearly, if it is possible and the timing here is very difficult, but if it is possible for the new Iraqi sovereign government to request a military force there, then it starts to provide some of the cover that the Spanish are clearly looking for. The Spanish are participating in peacekeeping operations in the Balkans and Afghanistan which has been noted. Forty percent of the people polled, in one of the polls that was conducted recently in Spain would envisage Spanish troops in Iraq under a U.N. mandate.

So, clearly, there is some potential here hopefully going forward.

Senator ALLEN. Thank you. Dr. Gordon.

Dr. GORDON. Three very brief points. I completely agree with you, that there's no point in redebating Iraq with the Europeans. There's so many variables now that point in a positive direction and a negative direction, that it's wasting our time to redebate that. The thing to do is look forward.

Second point. We have a real political problem with the Europeans and European leaders, is that a lot of supporters of the Iraq war said from the start it doesn't really matter if they agree or if they're on board because we'll do it, we'll make it work, and they'll come crawling back because they won't have a choice afterwards.

The problem is they know that and the last thing they want to do as politicians is fuel that American point of view and just confirm our belief that if we just do things, they'll eventually come crawling back, and it's very difficult for them politically.

I mean, you know, your politicians think about that. They're supposed to go to their people and say we were against this, it was a bad idea, but the Americans did it anyway, so we better go and bail them out, which leads to the third point, which is, what we have to do to make it politically possible for them to do.

I think we're already moving in that direction. The transfer of sovereignty will be key because it's a lot easier for them politically to do something at the request of a new sovereign Iraqi government, however appointed, than it is because the United States asks

them. That will help and it's a strong reason, I think, to go ahead with that, even though we may not be ready in terms of the right sort of government in place.

Second, the United Nations, it has to have more of a U.N. and less of a U.S. face on it, to the extent possible. Now, we've decided to skip a U.N. phase and go straight from occupation to an Iraqi government, but I'm not sure that there's not still an important role for an empowered U.N. official in that country, rather than just an empowered American ambassador, and I think that would make it easier for the Europeans, if the U.N. Security Council gives a mandate to the security force and empowers a senior U.N. official so that again the potential allies feel like they're doing this for the U.N. and the international community rather than just us.

NATO, as I said in my testimony, I think that's very important to pursue. I think we'll eventually get there and that, too, could help the Europeans and the Spanish play a role and that will be key. If you remember the Balkans, we disputed this vigorously in the early 1990s and we were really at loggerheads, but once we had a NATO force go in and we were all on the ground and that NATO gave them both political cover and a political voice, we put the differences behind us, and I think that's what we need to do in this case as well.

Senator ALLEN. Thank you. Mr. Dobbins.

Mr. DOBBINS. Well, I'll just speak as a cynic. It's not really a choice between the U.N. or NATO. The U.N.'s value-added is on the political side, NATO's value-added is on the military side.

Senator ALLEN. On the security side, right.

Mr. DOBBINS. Right. On the security side, and there are roles for both, and as Robert has suggested, it's probably sequential; that is, you need to define a clear U.N. role in order to persuade skeptical NATO countries to expand NATO's role.

I do think that this is going to have to occur in an incremental fashion. It's not plausible that NATO would take over the entire military operation in Iraq in the near future. What is feasible, I think, is some time in the late summer or early fall for NATO to take over a piece of the action, either a sector or a function and to perform that function or that sector as a NATO alliance, and this can be seen as a precursor perhaps to a broader multinational organization as a whole operation at some future date, but we'll have to take this one step at a time.

Senator ALLEN. Thank you very much. My time's expired. Thank you for your comments and your insight, and now I'd like to turn it over to Senator Biden for his questions.

Senator BIDEN. Thank you very much. For those who are listening and the cameras are here, I wish the American public knew how well-respected the four of you are and how different you have been in your views on many other subjects up to now and how much agreement there is here as relates to Europe. I think it's really an important point. I really do. I really do.

But let me posit what I would suggest as a possible solution or approach and then ask you guys to comment on it, if you would.

First of all, I am positive that NATO's ready to come in and ready to come in now. There are plans already drafted as to exactly what functions NATO could take over now and what sectors they

could take over now. General Jones is already ahead of the curve in case he's asked that. There has already been a request for NATO to participate in Iraq.

In my almost 2-hour conversation with Chirac, he said he would immediately support NATO playing a role, No. 1, and No. 2, if there was a United Nations, a real U.N. resolution dealing with political authority in transition, that he would be prepared to send French troops into Iraq, and I remember when I wrote an article 5 months ago saying that we should get NATO in and have a high commissioner, everyone said, well, my God, Joe, that's not a bad idea, but God Almighty, the Europeans will never do it.

The Europeans have more at stake in the failure of NATO than we do. More short-term. Fourteen percent of France's population is Arab. Germans are schizophrenic about population flows. What will happen if there's a civil war in Iraq with the Turks and the Kurds and what that means for them in Germany.

We have to get straight. We have to get straight, that there's this overwhelming tug of war in Europe between wanting us to fail because they told us what was going to happen and we didn't listen and realizing—you know what it reminds me of? It reminds me of Chris Dodd and I voting to bail out Chase Manhattan Bank which we did in Latin America. They're greedy SOBs. They took these high-risk efforts to make a lot of money. If it had been a mom and pop store that invested down there, we'd let them go under. We couldn't let Chase Manhattan go under. We had to save them. They were too big to fail, too big to fail.

The Europeans understand that. They understand that clearly. Now, I know you guys are experts, but I've spent as much time in Europe talking to these guys as you have combined. I'm telling you, they're ready. They're absolutely positively ready, but they will not go, as Mr. Kagan says, before there's an antecedent resolution and that's the real kicker here.

What everybody knows, in my opinion, and this is to get you to come and take me on on this if you disagree, what everybody knows is that we don't have a handle on this. When I speak to European leaders, everyone from Javier Solana to the new President of the EU to the heads of state in all the major countries, they all say basically the same thing.

There used to be an old bad joke. I played baseball in high school and was a haphazard guy in college. I had a coach who used to say remember that joke about George who played center field, first three innings, six errors. Coach calls him out, goes nuts, says, you're out of here, and he turns around and says Phil, you're in the center field, and Phil runs out to center field, first pitch, routine fly ball to Phil, hits his glove, he drops it, error. Coach goes nuts, calls Phil in, Phil comes running across the third base line to the coach. He says, what the devil is the matter with you, Phil? And Phil looks at the coach and says, coach, George screwed up center field so badly, no one can play it.

It's a joke, but they think we have screwed up Iraq so badly, beyond their populations being opposed, they think we've screwed it up so badly that they don't want to play it, and they realize they have to play, they have to play, and so it seems to me the key here is getting what some in this administration are pushing hard for,

a serious resolution to the United Nations, having someone of the caliber of Brahimi coming in like Kouchner did in Bosnia early on, because who's going to be the referee from July 1 to January 1 when an election is held?

But mark my words. When Chalabi cuts a deal, cuts a deal with Mr. al-Sistani about a change in the constitution that limits the participation of women, for example, or the role of the Sharia, who's the one that's going to demarche that organization like we did the loya jirga in Afghanistan as they trampled through their constitution? Is it going to be, as Tony Blinken on my staff says, we're going to go from Clark Kent to Superman? With Clark Kent, at least there's some help we get in the CPA now because we have guys like Jeremy Greenstock and others who you know and is an incredibly well-respected diplomat.

Now we're going to go to a super Ambassador of the United States. Is he going to want to go and say, by the way, guys, go back in a tent and work this one out? Everybody knows this is going to happen. There's going to be an implosion, an absolute implosion when we pull out politically, and so what I don't get is why we don't get.

When I spoke to Chirac, I said—he said, “You need not go to the whole Security Council. The PERM-5 is sufficient.” These guys are ready. They know they have to be ready. What is it? What is the impediment we have to turning this over? We don't lose face. We're leaving anyway. How do we lose face if we negotiate it right now as we speak what the follow-on entity will be to the CPA, other than a 3,000-person embassy, which, as you know, Jim, we're talking about, 1,000 Americans, 2,000 nationals, largest embassy in the world going to take over in Baghdad?

So, my point is three things. One, it seems to me President Bush should engage right now, engage in Europe now. No. 2, engage in public diplomacy. By the way, as Democrats, some of our liberal Democratic friends voted against my effort to increase—I wanted to keep Radio Free Europe. They wanted to get rid of it. They wanted to get rid of the European radios, for example. It's not just Republicans.

A U.N. high commissioner or some version of it. They don't like the high commissioner, come up with some entity where there's real political muscle; that is, a U.N. answerable to the Security Council. NATO will come in then. You'll not get more, Jim, than 20,000 NATO forces. You don't have enough to put in now, but I tell you the functions, border security, Northern Iraq, free up the Marines that we have, move in to take over the logistics and all the efforts of the polls in the southern flat. Spain will stay. Spain will stay under that circumstance. I'd bet my career on it. Spain will stay in that circumstance.

Joint task forces with our European friends know how to work out what we should be doing we're trying to do here with the bureaucratic entities all getting in a plane, deadhead to Europe, sitting down, FBI, DEA, CIA, Justice, working out the international terrorist piece, and last, a larger attitude about large agreements on proliferation, on proliferation, literal treaties which this administration excuses the notion of treaties, other than a bilateral agreement.

What is wrong with—and there may be a long wrong with it. Just because I feel strongly about it doesn't make it right. Tell me what is wrong with that prescription, other than the politics of it, because I think each of you are right, and by the way, Phil, I should hold up your book. I've sold more of Kagan's books for him than you can imagine. I bought over 60 of them to give away.

Mr. KAGAN. Thank you.

Senator BIDEN. I want you to know, Bob, this is even good. I've endorsed this one. You know what I mean?

Dr. GORDON. Senator, could you read the title?

Senator BIDEN. Which probably means you will sell fewer books. Really, it's first rate. It's first rate. But for Dr. Niblett on, why is it—what is the core problem? Is not the core problem this notion that is emerging even in the United States and some of us believed before we went, how can we say the Europeans aren't prepared to help and fight terror when there was not a peep about sending forces now and before to Afghanistan, Afghanistan, and we wanted to expand international security force and Secretary Powell tried and the Europeans were prepared to contribute and Secretary Rumsfeld said no, no.

How can we say these guys aren't willing to fight terror when in fact the only guys getting shot at and going after people in Tora Bora are Frenchmen? There's a French flag and an American flag. They fly in the far most outpost in Afghanistan. These are bad guys, the French. They're tough. They're the ones going into the hills with our Marines and Special Forces shooting people. No one else is going out looking for people.

So, how can we say these guys aren't ready to fight, aren't ready to be there if they're still there in Afghanistan, willing to put more troops in Afghanistan? We're now expanding the international security force and not understand what a lot of us understand, this notion we should stop talking about. If we don't fight them in Baghdad, we're going to fight them in Boston. Malarkey.

If the Lord Almighty came down and stood right there in that middle section between us and said, I guarantee you there'll not be one single additional terrorist attack against the United States of America for the next decade, does anybody think we've solved anything in Iraq?

Senator ALLEN. You all are experts, but I think that's outside of your expertise.

Senator BIDEN. It's above my pay grade. Excuse my frustration.

Mr. KAGAN. I'll just stipulate on some of them.

As far as the Europeans are concerned, look, I think that there will ultimately be a willingness to go. I don't disagree with you. I didn't spend 2 hours talking to Jacques Chirac, so you'd know better than I do.

My sense, though, is that, as you said, they don't have a lot to contribute, and I think honestly 20,000 is optimistic because they really are stretched. They're doing a lot, as you say. They're doing a lot. I also noticed recently, very recently in fact, that the Germany Foreign Minister has been saying he doesn't think it's a good idea for NATO to go into Iraq, and I think that the people who would have to count votes today count votes in the NATO councils without a U.N. mandate, they're not going to get NATO.

Senator BIDEN. Absolutely. I agree with you fully. We need a U.N. mandate first.

Mr. KAGAN. Right. Now, as to the terms of the U.N. mandate, I don't honestly see why we can't come to an agreement with France on what the next U.N. mandate should look like. I don't want you to bet your—I think it's very important that you stay in the Senate. So, I don't want you to bet your whole career on whether the Spaniards come in after that, because I think that this guy has made a promise to voters who elected him on the basis of that promise, and I'm not as optimistic as my colleagues seem to be that he's going to be able to turn around in a couple of months and decide to reverse himself.

Senator BIDEN. Bob, didn't he say that he was out, unless, unless the U.N. was in?

Mr. KAGAN. That's right. But the question is, when he talks—I mean, I was talking to a French colleague of ours, a friend of ours, and I was saying, so, what is it exactly that the Spaniards need in a U.N. mandate, and no one knows what the answer to that question is, and the best—by the way, the Spaniards themselves probably don't know what the answer to that question is right now because they just got here. They've been running a campaign for a long time.

Senator ALLEN. Anybody else?

Dr. NIBLETT. Let me just quickly on the Spanish thing. It's worth noting, I think, the new Spanish rotation came about, I think it was last week. It was a very tense handover because they had to go out in essence through a transition period.

It's interesting that the new rotation has headed out and that at least that's taken place, and I think it's worth noting, obviously the Socialists who campaigned against NATO back in 1982 were then the government that turned out to be good allies.

However, the timeline is very, very tight and that obviously is what's working against it. I think the intent is possible. The timeline is what's going to make it difficult.

Senator Biden, I agree, the role for NATO in Iraq should be sought. It may even be inevitable. I think there's probably majority support for it. The thing about NATO is not everyone has to go, just everyone has to sign up. I think there are two concerns. One on the U.S. side is, is the security situation ready? Now, if it's a small force that's doing targeted issues, then maybe that's OK.

Then you get to the Joschka Fischer concern. The Joschka Fischer concern, I think, is your point. They cannot afford to have NATO fail in Iraq and they cannot afford to have NATO be seen to be involved in an action that's going to hell and that is—

Senator BIDEN. He's worried it's going to fail in Afghanistan. That's his stated worry.

Dr. NIBLETT. So, on both those areas, they want to see a NATO operation that is successful and it's taken a lot to get NATO out of area politically in many of these countries. It's doing, at least from the political and a public opinion standpoint, a great job, but that could turn very quickly. No one in Europe wants to see NATO fail.

Dr. GORDON. Just one word on Spain and then a word on Senator Biden's big point.

Bob, just to clarify. I just want to be clear. I didn't necessarily express optimism that the Spanish would stay. I think you're right. If you think about it, the political incentive for this leader is to do what he said he was going to do, and it's going to be hard to get him to stay. What I said and believe is that we have an incentive in trying to get him to do that and there's a bit of wiggle room that we might as well explore, but no one can deny that it's just easier for him to do what made him popular in the first place.

On the broader point, I find myself in a funny position. Usually Bob is the one who's pessimistic about getting Europeans involved and I try to make a case like Senator Biden does that we can, but since, Senator, you invited more disagreement, let me just try to say what I think the obstacles are, even though I completely agree with the overall thrust of what you said. I'll be very brief.

It's too big to fail, but the problem is they know that we know that and the President has already made clear when we needed \$87 billion more, he asked for \$87 billion and he got it. So, even though they know that this can't fail, there will be a political temptation for them to take advantage of the fact that we're going to be there. If we need more troops, we'll have to come up with the troops because, as important as it is for them, it's even more important for us and the administration.

Second, the political obstacles that we've already talked about. For those leaders to look like they're caving and doing what we want them to do is just hard and they like to get elected and it's very popular to stand up to us on what at least the Spanish leader characterized as a disaster.

Third are the military constraints that Bob and you talked about. The Germans are, even if they wanted, everyone's overextended, but they are particularly—they have more than 10,000 troops abroad. The Brits are overextended. Ironically, as I think we all agree, it's the French. If someone can come up with the division or 15,000 troops, it's probably the French, and I think it's worth exploring, but there's not a lot of wiggle room there.

Fourth is the questions of rules of engagement and command structure. I mean, the NATO role, one of the biggest obstacles to that and one of our reluctance is that do you put the North Atlantic Council in charge, and if so, in charge of what?

I think this is a solvable problem if, in advance, you very explicitly say what the rules of engagement are, so that they know, but you can understand a bit of reluctance here about saying that all of the now-expanding members of the North Atlantic Council could intervene and direct people to do something, and, of course, on command structure, NATO and General Jones is one structure, but that's not the structure that happens to be in charge of security in Iraq. So, that's yet another obstacle to the NATO thing.

All of that, because you invited the reasons that this is hard, but overall, what it leads to, I think, is still the conclusion that you reached. It is possible to get more allied support and NATO role, but we have to pay a price for it, and I don't even think the price is that big. A slight political price in terms of control, political control of what's going on in Iraq, in order for allied support is clearly worth paying, we haven't exactly shown that will—



Senator BIDEN. That will throw us in the briar patch. You know what I mean? Iraq ain't no prize and we keep acting like it's a prize.

Dr. GORDON. Keep acting like it's a prize and acting like if only you just leave it to us, we'll be able to set it up politically and everything will work just fine. I don't think we've demonstrated that, and I think the risk of allowing a few other voices in that debate is frankly small compared to the payoff that you outlined.

Mr. DOBBINS. Senator, I want to start by making an appeal for equal time on both endorsements, and I'll bring one of mine along next time.

Senator BIDEN. I've said so many nice things about you over the years, you've been badly damaged.

Mr. DOBBINS. I'm more optimistic than Bob is about the prospects of getting NATO involved and Europe more involved, although perhaps not to the point that you've reached, and I'm not sure that the reason we haven't tabled the new Security Council resolution is a debate in the administration. It's possible there is one, but I think there is an issue of sequencing here.

We can't table the resolution until we've got an Iraqi government. It doesn't have to be in office. It has to be in office. In other words, the whole point of the resolution will be to welcome and authorize the transfer of power to an Iraqi government. You can't do that until there's something there or people of the Security Council are going to say, well, this is fine, but let's wait a couple of weeks, let's see if Brahimi succeeds. You may not have a June 30 transfer, in which case this resolution is premature.

So, my guess is, while there may be some debate over the nature of the resolution, the administration at the moment just doesn't want to put itself in a demander position by admitting it needs a resolution but it knows it needs a resolution and it will table the resolution. It recognizes it's then going to have to negotiate the terms with France and other countries.

But it needs to have gotten over this next hurdle which is getting al-Sistani and Chalabi and others to agree on how this government is to be formed. That's my guess.

Senator BIDEN. Thank you all.

Senator ALLEN. Thank you all so much. Now, I'd like to recognize the Senator from Connecticut, Senator Dodd.

The morning of that terrible tragedy on March 11, Senator Dodd and I worked together on a resolution expressing the condolences, the concerns of Americans for the people of Spain, and I remember as we were trying to get all the evidence, and I was saying, well, let's not put some of these things in here.

Let's not blame anyone until they actually figure out who is at fault. Senator Dodd is a strong colleague and ally in expressing the sentiments of the U.S. Senate and therefore the American people, and he's an esteemed member of this committee with a great deal of experience. Welcome.

Senator DODD. Well, thanks very much, Mr. Chairman. It's been interesting to hear the conversation of the last hour or so, and I obviously know these people and am very impressed with their observations, and I have an opening statement, Mr. Chairman, that I'd asked be included in the record at the appropriate place.

Senator ALLEN. So ordered.

Senator DODD. And in addition to serving on this committee, the full committee, I'm not a member of this subcommittee but the full committee, I chair something called U.S.-Spain Council, along with my colleague from Madrid, Antonio Rodriguez, and in fact every meeting we've had, including the most recent one just a few weeks ago in Miami, the annual meeting in this country, we spent a good deal of time during that discussion on the subject of terrorism.

The Spanish have more than just a passing appreciation of this issue having lived over the past three or four decades with ETA and the terrible hardships that have been visited on Spain as a result of the activities of that Basque separatist organization. So, they bring a very compelling set of understandings about the issue. Very different form of how terrorism is engaged in a sense, not that it makes much difference to people.

Just a couple of things I wanted to share. I think it's important, and I really appreciate the comments that were made by all of you. Too often, I think we have a tendency just to see the dark side of all of these things, and there have been some very compelling moments.

I recall right after 9/11, when we became painfully aware of the hardships of terrorism, there was not an uncommon headline in many European newspapers that identified very directly with who we were. French newspapers, News Americanes, we're all Americans. Spanish papers, the same line being used. Something we hadn't seen out of the European community in years.

I think bringing forth some deeply felt emotions about the relationship between the United States and Europe. Despite these annoyances and differences which dominate the headlines of the news from day to day, there is a deep and fundamental relationship that exists, and we should never lose sight of that.

I think the fact that the international community with Resolution 1373 right away after 9/11, setting up the committee to really go after and look at the issue of terrorism. Just 5 days ago, the U.N. adopted Resolution 1535 which is a very important document. The fact that the European Community has begun to move very aggressively in a number of areas that have been identified.

The two documents, I think particularly those referenced and adopted over the last few months, the European Security Strategy from December of 2003, which lists terrorists among the most serious threats facing the European Union. I'm not sure that was widely reported here in the United States.

The second is the European Council's March 25 Declaration on Combating Terrorism which lays out a specific set of objectives to better equip Europe in the fight against global terror. That was, of course, 2 days after the attack in Madrid. They're very important.

The Declaration also expresses support for the creation of the post Counterterrorism Coordinator of the European Union and already High Representative Solana has named a former Dutch Deputy Interior Minister to fill that role.

So, there have been some major steps, and of course, there are other documents, the treaties, the mutual legal assistance, extradition treaties, and other things that really do evidence the kind of cooperation that exists. Now, there clearly are differences.

What I'd like to raise with you is what I think is needed here. As I look at this, and you and certainly Senator Biden, Senator Allen, spend a lot more time thinking about these things, but what it seems to me—and I'm not suggesting there's necessarily merit to what I'm about to say, but I'm curious as to whether or not you agree that this is one of the problems, the obstacles.

I don't disagree at all with the notion of sequencing. I think there clearly has to be a U.N. resolution before any discussion of NATO commitment. I don't think there necessarily has to be great sequencing, though, over the issue of sovereignty and the issue of U.N. resolution. I think there can be some simultaneity that occurs here. In fact, I think one may reinforce the other. So, rather waiting for other before doing the other, I think, may be unnecessary.

What I think is needed here, in my view, is the issue of the United States and the Bush administration being very bold and doing something, which what I'm inclined to do because I think the impression is within the European Community, not that they don't have to be involved and want to be involved, but there is a suspicion that unilateralism is still very much a part of this game and that we may not be as serious about developing the kind of international cooperation as we're saying.

What I'm suggesting is why wouldn't the administration ask the French and the Spanish, write the resolution yourself? Gotta ask them to do it. What better way to get the Spanish at this juncture, given the timeframes we're dealing with, to begin to move off their point of making contingent their continued involvement in Iraq based on a U.N. involvement. I can't think of any quicker way to take this new Prime Minister and to move him into a position of leadership and responsibility on this issue than asking them to draft the resolution. We certainly want to work with them but let them take the lead on it.

I realize there will be some hesitancy, and I'm not suggesting here that the administration is disingenuous, but I think the impression, my impression is that within Europe, the impression is that we're really trying to get over the next 6 or 8 months past our elections. That's the impression I think exists there, and I think to disabuse the Europeans of that impression, to be bold and say you do it, you're claiming you want to be involved, you think you have to be involved, you write the resolution, and then we'll work with you, but you take the lead on it, you draft it, and let's see if we can't move on that basis.

I'd be curious as to how you might respond to that kind of suggestion as a way of breaking through this. Whether or not you agree that the problem is the impression that we're not really serious about multilateralizing this effort but more as a ruse. Anyone want to comment on that?

Dr. NIBLETT. Senator, if I could just jump in, because I think your point gets to one of the points that Phil Gordon mentioned as well in his comments just now, which is what sort of political cost might European governments face by accepting a change of policy.

European governments will have political cover if it's visible that the United States followed their advice, that it was not the U.S. taking the lead. That's the cover in essence they need. They could turn around to their electorates and say look, the United States

wouldn't have done this if we hadn't put our foot down. That is a tough thing to do potentially, first, in an election year, and second, it may be tough also procedurally, and since the United States does have a very important interest in the rights of the resolution being drafted and one that meets their needs.

But I think from the point of view of the ultimate U.S. objective in Iraq, which is to get as much international support as possible for the long term, for the long term as much as for the near term, that it needs to find a way to let the European governments see that their advice is being followed. That cover is what's needed, then the kind of scenario that Senator Biden painted out could be possible. Thank you.

Senator DODD. Anyone else want to comment on this? First of all, I think the impression is wrong. I just think you're going to have an awful time getting the second and third sequencing events, given the politics of these places and so forth. It's going to be hard for the leadership, no matter what they tell Members of Congress or visiting officials from the Bush administration.

The fact of the matter is they've got to deal with their electorates, and in the absence of their electorates getting a feeling that they're not just following along but they are actually leading on this issue, I think it's going to be damn near impossible for the politics locally in the separate European nations to be able to do much else, and so do you think my impression of how Europe sees this is wrong, tell me that, because obviously if you disagree with that, then the suggestion that we ought to ask them to take the lead on it doesn't have any value.

Mr. Kagan.

Mr. KAGAN. Well, I think, you know, if Chirac and the United States work out a deal on a resolution, the French public will go along. They're not going to feel like Chirac got taken. I don't think Chirac has to worry about—

Senator DODD. What's the problem with asking Chirac to write it?

Mr. KAGAN. Well, I would say, I think we should—it's a bad negotiating strategy. I mean, we do have serious equities involved. It is our force, for one thing, that's going to be involved, and I think that we do have an obligation to the Iraqi people to make sure that whatever the resolution is—now, I'm not saying that we have the totality of wisdom on what's best for the Iraqi people, but I think it—I'm not sure it would be entirely responsible or the right negotiating tactic to say to the French you write the resolution.

Senator DODD. Well, I've said to you that obviously we're going to be able to work with it, but the lead—imagine what that headline would be in Paris tomorrow. Obviously, we're not going to sit there and just say write it, we'll take whatever you say.

Mr. KAGAN. You know, Senator, at this point, I think some good old-fashioned diplomacy would be a step forward from where we are right now. You know, I'd be happy just to see the negotiation. I'd be happy to see a stream of American officials going over to Paris and to other European capitals and begin this.

Frankly, I think that itself would send the signal that you're trying to send. I mean, where we are right now is we've got Americans

who are hanging out in Washington. You have Europeans hanging out in Europe and Brussels, and there's just not this kind of thing.

Senator DODD. I don't disagree with that either, that suggestion. By the way, I'm told Secretary Powell actually had a very good meeting—

Mr. KAGAN. Right.

Senator DODD [continuing]. With the incoming Prime Minister and the Foreign Minister I've known for some time and actually attended the U.S.-Spain Council meetings in Florida with us a few weeks ago, and there's been a good relationship there.

The relationship between Spain and the United States is a very deep and profound one. We shouldn't overread the situation in Iraq. Obviously, there's differences.

I happened to be in Madrid during U.S. Council meetings when the decisions were made about going into Iraq and the demonstrations were huge in Madrid, but it was really a policy debate and division. It would be overreading it to suggest somehow this was anti-American feeling, in my view. Anyway, just as an aside.

Any comment on this?

Dr. GORDON. Just a word. I think your description of the European perception is accurate, but it's also starting to change. I think to be fair, the administration has already come a long way, I think belatedly, but in the direction of giving the impression that it doesn't want total control over this whole political structure to be in the hands of the Pentagon alone and no one can influence it.

The preparation of the transfer of sovereignty, the appointment of Brahimi and the role for the U.N. in organizing elections and exploring with the communities, I think the discussion of and preparation of a possible NATO role and a new U.N. mandate is already movement in the direction that lessens the European perception that we just want to hold on to this for ourselves. So, the perception is there, but the administration, to be fair, I think is starting to deal with it.

In terms of asking them to write the resolution, I said in my opening testimony what we need to do at a minimum is hear what they need. That may be another way of putting it. I'm not sure I would also go as far as to say OK, you write the draft, but immediately go over and say OK, what do you need? You've said or implied that there might be conditions under which you would stay and the French and others have said that there might be conditions under which they would do things, like train forces and support NATO and all that. Well, what are those conditions? If the answer is in the ballpark, if the answer is not something just unacceptable in terms of rules of engagement and chain of command and political authority, then I think we're in business.

But the point is I think we are in business. I think this is what we're doing, and I think there's a good chance it'll work.

Senator DODD. YES.

Mr. DOBBINS. I think President Bush will have at least three occasions over the next few months to persuade the Europeans that he's a born-again multilateralist. It's going to be difficult to do so for the reasons you said and for the reasons you also suggested which is in a Presidential year, it's hard to admit you were wrong and that you're prepared to start over.

So, I think that it may take longer than between now and June to make that a convincing case.

And indeed, a real reconciliation may have to wait till after the elections, and then one will see whether this was a tactical change or a fundamental one, assuming administration victory, but I think a start is being made, and I think the administration is sincere in its desires to expand the multilateral role in this regard.

What's missing, and here I agree with Bob, is the diplomatic campaign to bring that about. Summit meetings aren't enough. Occasional visits by Secretary Powell aren't enough. You need back-room conversations among principal allies, Germany, France, Spain, Poland, the ones who have troops on the ground or whom we would like to have troops on the ground, where we talk privately in some depth at some length about what our true objectives are, what our strategy is, where we're going, how we want to use various international instrumentalities, and once we've got an agreed strategic framework that is the product of intimate, extensive and confidential discussions, then working out one of these resolutions is not a big problem.

But you cannot achieve that through instructed negotiations on the behalf of Ambassadors in New York. All you get then is you get words, but you don't get a strategic consensus.

Senator DODD. I totally agree with that. I think you all at least share that view and I certainly think that's absolutely essential, and there is a sense of estrangement here and we've got to work much, much harder at that if these efforts are going to work.

Well, again, I thank you. Thank you, Mr. Chairman. It's very helpful. I appreciate you allowing me to come and participate in this. It's been very instructive, and again I think I say at the outset here, expressing our collective sympathies and the chairman was very helpful in working on that resolution that the Senate adopted hours after the events in Madrid, and whatever other differences we may have over policy issues and the like, there is a tremendous amount of respect.

Spain has been a great story in the last few years. What has happened in 25 years under the leadership of King Juan Carlos and then the government of Felipe Gonzalez, the government of Aznar and this government may emerge has really been one of the not as well told a story in the European Community.

One of the great, great success stories of the last quarter of a century, and this is a great relationship between our two countries, and it's because we don't talk about it, we always talk about the relationship with Great Britain obviously, with France, with Germany, even Italy to a larger extent, but this U.S.-Spain relationship is a significant one and it requires some work here, but I have no doubt in my mind that it will remain solid and reaching out, and I think you may have made this suggestion, maybe it was Phil, but made the suggestion of the President going, offering to go to meet, inviting the new Prime Minister to come here, whatever may work. Those kinds of gestures are very significant.

I know when President Bush did that with the President-elect of Brazil, President Lula, it was a stunning piece of news that this President would invite a left of center President in Brazil to come

to the United States and invite him to have joint cabinet meetings with Brazil was unheard of.

In moments like this, those kinds of objectives are worth a tremendous amount, really following up with the kinds of things Bob talked about, can really be of help.

So, I thank all of you for your testimony. Thank you, Mr. Chairman.

[The prepared statement of Senator Dodd follows:]

PREPARED STATEMENT OF SENATOR CHRISTOPHER J. DODD

Mr. Chairman, I know that along with many here in the U.S. and around the world, a sense of shock still lingers from the tragedy which struck our friends in Spain only 20 days ago. The images of the bloodshed and immense suffering are still vivid in our memories and will never be forgotten. But at the same time, I believe it is imperative that we look ahead so that we can work together to prevent the loss of more innocent life. This hearing is an opportunity to do just that, and I commend the chairman for holding it today.

The threat of terrorism is not new to the United States. Only three short years ago, on September 11, 2001, we were the victims of another terrorist attack—the deadliest ever to occur on U.S. soil. In response to that horrific crime, we as Americans came together in an unprecedented show of solidarity to fight the threat posed by international terrorist organizations.

This solidarity was echoed by the international community. On September 28, 2001, the U.N. Security Council passed Resolution 1373, which called upon member nations to take certain concrete actions to fight back against the global terrorist threat. It also provided for the creation of a Counter Terrorism Committee as a sub-committee of the Security Council. And while this body has not been as effective as had been hoped, U.N. Security Council Resolution 1535—which was passed 5 days ago—contains important provisions aimed at increasing the effectiveness of this committee. These provisions include the creation of a Counter Terrorism Executive Directorate and the appointment of an Executive Director—who is to be named in the coming weeks by Secretary General Annan.

The European Union has also taken several steps of its own. During the past 3 years, European laws aimed at fighting terrorism and terrorist organizations have been strengthened. Border control mechanisms have improved, and intra-European police and judicial cooperation have increased. Agreements such as the European Arrest Warrant serve as indicators of this progress.

Progress can also be seen in other areas. I would call to the attention of my colleagues two important documents that were drafted by our European allies over the last few months. The first is the European Security Strategy from December 2003, which lists terrorism first among the most serious threats facing the European Union. And the second is the European Council's March 25 Declaration on Combating Terrorism, which lays out a specific set of objectives to better equip Europe in the fight against global terror, as well as time-lines for completion of these objectives. The Declaration also expresses support for the creation of the post of Counter Terrorism Coordinator for the EU. I am pleased that High Representative Solana has already appointed former Dutch Deputy Interior Minister Gijs de Vries to serve in that role.

Certainly, there have been some differences across the transatlantic divide with respect to appropriate methods for battling the terrorist threat. There have also been disagreements as to where anti-terrorism efforts should be focused. But these differences shouldn't be allowed to compromise our unity against global terrorism. Over the past few years, the U.S. and Europe have made some important strides in increasing cooperation on the war on terror. This cooperation must be expanded and strengthened. The treaties on Mutual Legal Assistance (MLA) and extradition, which were signed in June 2003 by the U.S. and E.U., have helped to further this goal.

Having said that, much work remains to be done. The heinous attacks in Madrid are a reminder of this fact. Domestically and globally, the U.S., European Union, and peace-loving nations throughout the world must continue to strengthen their defenses against terrorism. That requires more resources, better organization, closer cooperation, and flexible institutions capable of quickly adapting to emerging threats. It means that we must ensure individual liberties are not jeopardized under the rubric of increased security—that the foundations of democracy are protected.

And it requires that we not only fight terrorist organizations but battle poverty and repression, which remain some of terrorism's root causes.

It also requires that when terrorist attacks do occur that we be as honest and candid about what transpired in the context of such attacks—that we look carefully at what efforts were made to detect and deter those attacks, what additional steps could have been taken, and what steps we intend to take in the future to make it less likely that similar attacks will occur in the future. While this might seem obvious on its face that these measures should be undertaken, the reality is that these things are harder to do than one might think. But it is critical to our shared national security that we find constructive ways to do this without getting into the blame game.

The extent of effective international cooperation—especially the transatlantic relationship between the U.S. and Europe—will be a barometer of our success in the war on terror. We must unite around our fundamental values of freedom and democracy so that together, we can ensure that this world is safe for freedom-loving people everywhere.

I look forward to asking some questions of our expert witnesses.

Senator ALLEN. Thank you, Senator Dodd. I want to conclude by thanking you all. I think that there is some commonality of views here on what needs to be done.

There's been assertions made that Iraq is a prize. I don't think that anyone really believes in this country that Iraq is a prize. The President's motivation in Iraq is a vision of bringing freedom to the Middle East. It won't be easy. There aren't George Masons and Thomas Jeffersons and Benjamin Franklins there, but if we can succeed, as tough as it looks right now, what a model that would be for other countries and people in the Middle East.

Spain is important. They're an ally. They made their decisions. I understand why we want to work with Spain. Each country, though, has their own prerogatives. We can't have our country's freedom or the investments we've made in this war on terrorism determined by one country.

The effects of Madrid are more than just Spain. The question that we're trying to address here in this hearing today is what does that do and what's the psychological impact, what is the reaction, what actions, constructive actions can be taken in Europe?

The one good thing from this that has been unanimously stated, and whether it's from this panel or from Ambassador Black, is the determination of our friends in Europe to fight terrorism. They're not going to back off. They're going to have to work smarter, with greater intelligence, I'm talking about counterintelligence, with us, with each other, within their countries and that's positive.

How we move from here and what happens with our relationship with Spain, the implications therefrom have big impacts on Europe. What the U.S. and Europe's transatlantic relationships are on whether it's the war on terrorism or if it's on an issue, such as Iraq, sends messages to the rest of the world because it's not just the United States and the Europeans together on this, but if the United States and the Europeans who have so many good ties, so many shared principles, philosophies, freedoms, trade, commerce, all of that, if we can't agree, it makes it very hard to get other countries in the rest of the world to agree.

So, what happens there on the Iberian Peninsula really does have a lot of far-reaching impacts, and we're going to work through it, but I think there's that willingness to do so.

Listening to Ambassador Black, I have no doubt that some of the prescriptions or insights that you gentlemen have put forward are



actually going on through back channels. That's where it works up before it gets to the chief principals, and I think that your counsel here today is good for the American people who are listening, who will read about your testimony from this hearing, to recognize the United States respects our allies. We're willing to work with them and our allies are also going to be with us persevering in this war on terrorism.

While we may disagree on some of the tactics, the overall goal is the same, and so I thank each of you. Robert Kagan, Dr. Robin Niblett, Dr. Philip Gordon, and Ambassador James Dobbins. Thank you all so much for your insight, for your commentary, and your good direction for this committee and America.

The hearing is adjourned.

[Whereupon, at 5:13 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

