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COMBATting TERRORISM: SOME POLICY IMPLICATIONS

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PREFACE

The following paper outlines a strategy for combatting terrorism. For the United States, the problem of terrorism lies mainly outside its borders, but we also face the problems of domestic terrorism, and more remotely, the possibility of single incidents of greater magnitude than terrorists have engaged in thus far. The paper was prepared for a State Department conference on "Terrorism in the 1980s," May 21-22, 1981.



A U.S. STRATEGY FOR COMBATTING TERRORISM

The current administration in Washington has officially recognized the problem of terrorism as an issue of paramount importance. These official statements must now be followed by concrete measures.

It is a breathtaking plunge from speeches against terrorism to effective action against it. Governments are almost always at a disadvantage in dealing with terrorism. Terrorists create dramas in which they and their victims are the central figures. Except for the occasional successful commando rescue, governments seldom get to play the roles of heroes. More often, governments are seen as reactive, incompetent, impotent. Intelligence has failed, security has been demonstrably breached, the government is now forced to make concessions to save the lives of hostages or appear callous and indifferent to human life if it does not. It is unable to satisfy the public's appetite for action against terrorists.

Between spectacular incidents, the measures that governments can take against terrorism seem prosaic. If terrorists seize embassies, governments may allocate funds to increase security at diplomatic facilities for the following fiscal year, a logical and useful step, but somehow dissatisfying.

As terrorism affects the United States now, or as terrorism may affect the United States in the future, we face three discrete problems yet related from the standpoint of their policy implications: (1) terrorism directed against American officials and other citizens abroad; (2) a possible campaign or campaigns of terrorism in the United States; and (3) a terrorist event of great magnitude involving a major direct or indirect threat to public safety.

International Terrorism: The Principal Concern

For the United States, at least for now, the problem of terrorism lies mainly outside its borders, and there it is a very serious problem. About a third of all international terrorist incidents in the world involve U.S. citizens or facilities--incidents in which terrorists cross

national borders to carry out their assaults, attack targets connected with foreign states as when they kidnap diplomats, for example, or attack international lines of commerce as in airline hijackings.

Most of the incidents involving Americans have taken place abroad. Terrorists in Latin America and the Middle East frequently have the erroneous perception that the United States has a stranglehold on local governments in their regions, and that they therefore can increase their own leverage by kidnapping U.S. officials. Terrorists perceive American corporations as symbols of a despised economic system and as enormously wealthy, making them lucrative targets. American diplomats and other officials, American business executives, American facilities, thus figure disproportionately high among terrorist targets.

If not directly targeted, American citizens are still often involved. Ubiquitous travelers, Americans are almost always on the passenger list of hijacked airliners, and may become the hijackers' preferred bargaining chips as they seek to coerce other governments to comply with their demands.

Thus frequently involved, but often on the sidelines, unable to directly affect the outcome of a terrorist event, what can the United States do about international terrorism? Our current approach emphasizes the need for better intelligence; heavier security--at our embassies, for example; a declaratory no-concessions policy to discourage terrorists from seizing hostages; effective management of terrorist incidents that do occur; and the creation and use of special antiterrorist military capabilities as a measure of last resort. With the exception of our declared no-concessions policy, which we also encourage other countries to follow, these measures are primarily defensive. Although absolutely necessary, these measures alone do not constitute a coherent strategy against terrorism.

A strategy to combat international terrorism as it affects the United States abroad would include the following elements:

The declaratory no-concessions policy of the U.S. Government, meaning that the United States will offer no ransom nor release prisoners in return for the lives of hostages held by terrorists, does constitute an element of strategy. It is aimed at reducing or eliminating the gains

terrorists might make by seizing hostages. Its principal problem is whether or not it is always realistic. Without straining anyone's imagination, we can easily conjure up plausible scenarios in which any government might find itself compelled to negotiate, and possibly make some concessions.

To heighten the risks for terrorists, the United States is also trying to obtain a number of international agreements that will deny asylum to terrorists. Because our primary concern is international terrorism, our strategy must indeed be aimed at seeking international cooperation. A no-concessions policy will have greater effect if it is universally adopted. International agreements which guarantee that those who commit certain crimes will be promptly prosecuted or extradited increases the risks to the terrorists.

Because terrorists provide us with few opportunities for direct attack on them, our approach can only be indirect. This means identifying, isolating, and, it is to be hoped, ultimately modifying the behavior of those states that support terrorists with training, money, weapons, or asylum, that now passively tolerate them, or that use terrorist tactics abroad. This explains the current emphasis on the links between terrorists and states that support terrorism, and it is in this context in which we must view our expulsion last May 6 of Libyan diplomats from the United States.

In going after countries that aid terrorists or that employ terrorist tactics themselves, we face the problem of having too many targets. The U.S. Government has officially identified four nations that aid terrorism: Libya, Syria, Iraq, and South Yemen. On the basis of public statements by American officials, several more can be added to the list, including Iran, the Soviet Union, and Cuba. If we further include countries reportedly providing financial support to organizations that frequently use terrorist tactics, such as Saudi Arabia and Kuwait, which provide financial support to the Palestinians; and those nations that have provided training for terrorists, such as North Korea; and add those that have provided weapons for terrorists, such as Czechoslovakia and East Germany, we can easily include another six to ten nations. Among those nations providing asylum to terrorists, do we also include France, the

target of complaints by both Spain and Italy that it harbors Basque and Italian terrorists? And if we add those nations whose governments in recent years reportedly have dispatched kidnapping or assassination teams abroad to abduct or kill foreign or domestic foes, still more can be put on the list including Bulgaria, Yugoslavia, Chile, Argentina, Israel, and South Korea. This gives us at least twenty nations, and the figure could easily be doubled. A broader definition of terrorism, for example, to include so-called wars of national liberation and other guerrilla movements, would add yet another dozen or two countries to the list of those who support terrorism. For many reasons, the United States could not easily apply sanctions to all of these mentioned, nor could it persuade others to do so. But to single out some and not others would be to expose the entire effort to the suspicion of being purely politically motivated and hypocritical. Thus to be effective, we must formulate a more restricted definition of a state that aids international terrorism, and carefully marshal evidence to support any U.S. actions against those who we feel should have sanctions imposed on them.

The world will not simply outlaw international terrorism. However, it may be possible to create a corpus of international agreements on terrorism each aimed at a specific terrorist tactic. Many nations consider some violent actions a justifiable form of struggle on the grounds that where the end is "national liberation," violence is justifiable as the means, and not what we regard as terrorism. Nations, however, can agree that certain terrorist tactics are troublesome to all, such as the hijacking of airliners. Virtually all nations have airlines, and many have experienced hijackings. Therefore, despite political differences, there is a great deal of international cooperation in dealing with this problem.

Two other terrorist trends have caused increasing international concern: one is the growing number of attacks on diplomats and on embassies. Nearly a hundred diplomats have been kidnapped or murdered in the last ten years. During the same period, members of known terrorist groups and other armed militants have taken over embassies or consulates in about fifty cases, nearly half of them having occurred in the last two

years. Because all nations have diplomats, there is some international consensus that something needs to be done for their protection. A stringent convention reasserting diplomatic immunity and calling for the isolation of those nations that are negligent in providing security for diplomats (or who, as Iran did, align themselves with groups who seize embassies) should have a good chance of widespread acceptance.

Similarly, there would be some support for an agreement aimed at the increasing use of terrorist tactics by governments against foreign foes or domestic dissidents living abroad--for example, government-based assassination campaigns against political emigres abroad. These are, of course, violations of already existing international law; however, at present the matter is between the offender and the state whose sovereignty has been violated. A new agreement would be aimed at exposing the offender to collective sanctions along the lines of the Bonn Agreement on hijacking which calls for the collective suspension of commercial air traffic to countries that fail to extradite or prosecute hijackers.

To attain such international cooperation, terrorist actions must be narrowly defined--not in broad political terms but rather in terms of specific mutual interest. Therefore, the United States Government must not aggravate the problem of combatting terrorism with definitions that are too sweeping or offer initiatives that appear to serve only American political interests. Measures designed to isolate offenders must be balanced against the need to obtain or maintain the broadest possible international consensus.

We should not be overoptimistic in regard to obtaining and enforcing such international agreements. No measure against terrorism will elicit universal support. At most, we will receive some cooperation from politically like-minded governments in a few specific areas, and even more limited cooperation from those that are not. Even then, international conventions are only paper agreements, difficult to enforce; however, they can lead to more active future cooperation.

We must also keep in mind that the ability of the United States to isolate offenders often may exceed that of other nations. For economic reasons, for domestic political reasons, for reasons of foreign policy,

not all nations may be able or willing to take active measures against violators in every instance.

Combatting international terrorism is certainly not the most important objective of American foreign policy. Therefore, we must weigh the imposing of sanctions against countries that aid terrorists, or the taking of other measures to combat terrorism, and other broader foreign policy goals. The war against terrorism will sometimes have to take a back seat, but this fact need not make American policy in this area vacillating or hypocritical. Although the United States deplors the acts of international terrorism that have been carried out by various Palestinian groups, for example; and although the routine Palestinian use of terrorism does adversely affect American public opinion and thus the attitudes of American officials, a fact which Palestinian leaders should be made to understand, efforts to reduce Palestinian terrorism will not keep the United States from seeking a settlement in the Middle East that adequately addresses the Palestinian issue. The issue of terrorism does not and ought not to determine American foreign policy, even if only negatively. That would give too much power to the terrorists.

#### DOMESTIC TERRORISM

Although certainly not immune to terrorist violence, the United States has not suffered the high levels of domestic terrorism seen in Italy, Spain, or Germany during the 1970s. Domestic terrorism is not a major law enforcement problem in the United States. That amount of violence credited to political motives represents only a tiny fraction of the total crime problem.

Bombings attributable to self-proclaimed left-wing revolutionaries have been declining since 1977. Most of these groups have simply disappeared. With the end of the draft and the American involvement in the Vietnam war--issues that might have given them a constituency--support for these groups simply dried up. The generation of fugitives that went underground to wage guerrilla warfare in America plotted, bombed, and stayed on the run, but they sparked no revolution. A sensitive and resilient political system denied them a potential constituency. They recruited no second generation.

It probably would require a major divisive domestic or foreign policy issue to provoke a significant rise in ideologically motivated terrorism in the U.S. The reinstatement of the draft, increased U.S. military involvement in El Salvador, or some other widely opposed military intervention abroad could give rise to domestic terrorism as it did during the Vietnam War, and more so. However, it is doubtful that we would see anything on the scale of the Red Brigades of Italy-- a sustained campaign of terrorism now into its second decade. Something on the scale of Germany's Baader-Meinhof gang would seem more plausible.

The level of terrorist activity in the United States associated with diverse foreign or ethnic causes has been increasing. Anti-Castro Cuban emigres, active since the mid-1960s, assassinated a Cuban diplomat in New York last year. Pro-Khomeini Iranians in 1980 murdered a former Iranian official in Washington and reportedly have stockpiled arms. Assassins in the employ of the Libyan government allegedly are responsible for a shooting in Colorado. Armenian extremists coordinated their bombings of various targets in this country with confederates in Europe. Taiwanese separatists also have claimed credit for several bombings. Any of these or other groups could create a major incident on U.S. territory--the seizure of an embassy or a political kidnapping, or even worse. As their causes have appeal only to an extremely small constituency, isolated incidents of terrorism seem more plausible than sustained campaigns of violence.

Violence on behalf of Puerto Rican independence has in recent months become more serious. Puerto Rican separatism presently poses perhaps the most serious terrorist threat to the United States. In this case, separatist sentiments could provide the basis for a sustained campaign of terrorism both on the island as well as the mainland.

The direct costs of domestic terrorism measured in casualties and property damage are likely to be small. Fewer than a hundred persons have died in the United States as a result of politically motivated violence during the last ten years compared with 20,000 killed annually as the result of ordinary crime. Still, any perceived increases in domestic terrorism could lead to vastly increased security costs, a

trend we already see in response to growing violent crime. Thus, if domestic terrorism grows, we are also likely to see extreme emotional reactions on the part of a public that is not accustomed to political violence.

The primary responsibility for combatting domestic terrorism lies with local law enforcement and, at the federal level, the Department of Justice, with agencies with security concerns in specific areas (such as the Secret Service, Executive Protective Services, Departments of Energy and Transportation) also involved. That task requires good intelligence but intelligence information about terrorist groups is hard to obtain. Knowing what is going on inside a terrorist group is mainly a matter of human intelligence work, but terrorist groups are typically small and difficult to penetrate. In some cases, the prospects for apprehension prior to an action may be so low as not to justify the costs and risks of the prolonged effort required, or the possible invasions of privacy that may be involved.

Since the mid-1970s, the intelligence community has operated under stringent rules that prohibit domestic intelligence gathering by certain federal agencies, preclude investigations of certain organizations, and prohibit certain investigative techniques. Legislation and directives at the federal level have been matched by rules at the state and local level. These rules were imposed in reaction to revelations of deliberate abuses that occurred during the Vietnam War and to the activities that led to the Watergate investigations. Intended to prevent such abuses from recurring, the new rules have had an adverse impact on police intelligence activities. With some justification, law enforcement officials complain that the new rules are imprecise, sometimes contradictory, and unduly restrictive with civil or criminal prosecution of the investigator the penalty for the wrong interpretation. Declining terrorist violence in the United States in the early seventies, particularly by left-wing groups that were the focus of intelligence efforts during that period, removed any immediate pressure for revision of the rules. However, a review of the rules ought not to await the emergence of a serious terrorist threat. By then it will be too late; intelligence efforts cannot provide instant results. Moreover,

revising intelligence rules in an atmosphere of alarm may lead to a no-holds-barred approach and a possible recurrence of some of the abuses the rules were originally designed to prevent.

Except for possible crisis situations requiring White House attention, such as a major hostage incident for example, presidential involvement is likely to be limited, unless the level of terrorist activity in the United States greatly increases. There is, however, a presidential role in shaping public attitudes. By the amount of attention he gives the problem and through his public remarks on the subject, the president may play a central role in reducing public alarm and preventing overreaction.

#### TERRORIST EVENTS OF GREAT MAGNITUDE

Terrorists create events that are generally of little significance but sometimes of great political consequence. They may issue threats, or kill a handful of people. Seldom do they attain a level of violence that poses a major threat to public safety or national security. It is possible, however, that terrorists or other kinds of criminals will in the future escalate their violence and create events that are of greater magnitude. This is the far end of the violence spectrum that fascinates novelists and legitimately concerns government officials, but that thus far terrorists, fortunately, have not reached. Such events could be of several types:

- 1) A large-scale threat to human life, defined here as something in excess of 100 persons. Of course, an ordinary hijacking often involves at least a theoretical threat to more than a hundred persons on board, but something different is meant here. Although not limited to the use of such horrifying instruments as chemical, biological, or even nuclear weapons, such events could involve their possible use by terrorists.

- 2) The occurrence of a threat of significant damage, disruption, or dislocation, but with little direct threat to public safety. Such an event, however, could indirectly threaten public safety. For example, an act of sabotage leading to a power blackout in a major urban area

could lead to a temporary breakdown of the social fabric, looting and other criminal activity that may threaten public order and safety.

3) A threat causing great public alarm but little direct danger to the public; for example, a widely publicized and convincing nuclear threat which in fact is a hoax.

The United States has had little experience with terrorist events of "great magnitude" except for the approximately fifty nuclear threats against American cities, almost all of which were hoaxes and never publicized, and thus caused no public alarm; and a small but increasing number of what might be called "extraordinary extortion" events. These include several threats to poison water supplies or contaminate food at grocery chains, the 1974 threat to black out the city of Portland, Oregon, and the enormous bomb that destroyed three floors of a casino in Stateline, Nevada. We also have some experience in dealing with crises deriving from natural disasters and from failures of technology, such as the New York blackouts of 1965 and 1977 and the nuclear accident at Three Mile Island.

"Great magnitude" events pose greatly different problems than those involved in combatting ordinary terrorism abroad or at home. The "great magnitude" events are unpredictable but to a degree they can be prepared for. The emphasis in such cases would be on an assessment of the credibility of the threat, rapid deployment of prevention or mitigation measures in threats to public safety or vital facilities, restoration of services, and recovery. (That the no-negotiations, no-concessions policy of our government might change if a major American city were credibly threatened with destruction is obvious and need not be debated.)

Preparations require the development of rapid credibility assessment capabilities to reduce the effects of hoaxes. This work has proceeded quite far with respect to nuclear threats, and recently such assessment work has been initiated in the chemical and biological area. The ability to provide rapid and accurate estimates of the consequences of certain kinds of actions would also be an important part of the preparations.

Any increase in threats of "great magnitude" events will inevitably result in demands for heavier security, particularly at energy and

other key facilities. Fear of terrorism or other criminal actions has already led to increasingly stringent security measures at both government and licensed nuclear facilities. But such things as power lines and gas pipelines are more easily repaired than defended. Still, there are vital components of energy systems not so easily replaced and whose destruction would cripple the system for a lengthy period of time.

Public reactions are a major issue in this domain of terrorism. The public would not merely be the shocked onlooker to televised acts as consequences of terrorism as it is now, but would feel and perhaps be directly threatened. A threatened and alarmed public is likely to demand prompt action to remove the threat at whatever cost, and thereby be an additional burden on the authorities.

Depending on the specific scenario, incidents of terrorist events of this magnitude are likely to quickly ascend beyond the local and state level and involve the federal government. At the federal level, the Department of Justice and the Federal Emergency Management Agency would take the lead in dealing with them. Threats involving consequences of great magnitude, if not promptly assessed to be hoaxes, are also likely to demand presidential attention and decisions. Even more so than in the case of ordinary domestic terrorism, the president will play a major role in shaping attitudes and reducing alarm.

This discussion shows that the fight against terrorism, either individual acts or sustained campaigns, requires what is most difficult to attain and sustain: energetic and imaginative efforts of preparation in times of "lull" when there is no crisis, and when everything else seems to command priority of the government's efforts and funding. A prerequisite to the development of effective measures is a comprehensive strategy to deal with the various forms of terrorism as it is likely to affect the United States.

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