



**STRATEGY  
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**THE UNITED STATES' COUNTER-TERRORISM STRATEGY  
FOR THE 21<sup>ST</sup> CENTURY AND ITS CORNERSTONE FOR  
CONSEQUENCE MANAGEMENT – NATIONAL GUARD  
WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS**

**BY**

**LIEUTENANT COLONEL DONALD P. WALKER  
United States Army National Guard**

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USAWC STRATEGY RESEARCH PROJECT

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LIEUTENANT COLONEL DONALD P. WALKER  
United States Army National Guard

COLONEL PETER D. MENK  
Project Advisor

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U.S. Army War College  
CARLISLE BARRACKS, PENNSYLVANIA 17013

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## ABSTRACT

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Terrorists armed with weapons of mass destruction (WMD) pose a growing threat to the United States and its vital interests (citizens, critical infrastructure, and territory). In response to this threat, President Clinton issued Presidential Decision Directives (PDDs) 39, 62, and 63, which restate the country's longstanding counter-terrorism (CT) policy and outline the administration's strategy (objectives, concepts, and resources) for dealing with it. In support of the administration's policy, Congress has passed laws and increased funding for counter-terrorism programs. One such legislative measure, the Nunn-Lugar-Domenici Act of 1996, identified specific measures certain government departments or agencies needed to take to prepare the nation for the consequences of a WMD event. As a key part of its efforts, the Department of Defense (DoD) created National Guard WMD Civil Support (CS) Teams, the "cornerstone" of DoD's consequence management strategy. The purpose of this research project was to analyze the United States' CT/ WMD strategy for the twenty-first century to determine if it was adequate to meet the future domestic security needs of our nation. It was also to assess how well DoD's National Guard WMD Civil Support Teams have been implemented into that strategy. These purposes have been accomplished by identifying the WMD terrorist threats, and assessing how effectively government concepts and resources have been applied towards meeting the national objectives of reducing our country's vulnerabilities to these threats, preventing and deterring them, responding to them, and managing the consequences of their attacks. Conclusions have been drawn based on the analysis. In addition, recommendations have been made to assist federal, state, and local authorities as they prepare now for an uncertain future.



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THE UNITED STATES' COUNTER-TERRORISM STRATEGY FOR THE 21<sup>st</sup> CENTURY AND ITS CORNERSTONE  
FOR CONSEQUENCE MANAGEMENT – NATIONAL GUARD WEAPONS OF MASS DESTRUCTION CIVIL  
SUPPORT TEAMS

*By the pricking of my thumbs, Something wicked this way comes....*

*William Shakespeare*<sup>1</sup>

Dark figurative clouds are floating over the United States and the rest of the world. Like clouds gathering before a storm, the dangers associated with these clouds have been growing steadily since the collapse of the former Soviet Union in the early 1990s. Unlike physical clouds, these clouds are not discernible with the human eye. Still, they have all the enigmatic characteristics of physical clouds. They are capable of forming anywhere and at anytime to unleash their terrible fury upon any country and its citizens quickly, selectively and with all the vengeance of a tornado, typhoon or hurricane. President Bill Clinton has referred to these clouds as "the greatest potential threat to global stability and security".<sup>2</sup> What are they? They are the growing threat of terrorism and its use of weapons of mass destruction. Unlike the terrorists of the past, the new terrorists are not only "not averse" to employing weapons of mass destruction (WMD) – they seek it.

In response to this growing threat, the President has issued Presidential Decision Directives 39, 62, and 63 outlining the government's counter-terrorism strategy. Congress has also responded by passing legislation and increasing funding such as the Nunn-Lugar-Domenici Act of 1996 which designated the Department of Defense (DoD) as the nation's lead agency to address the country's domestic preparedness for consequence management of terrorist use of weapons of mass destruction.<sup>3</sup> In keeping with its responsibilities, the DoD has conducted studies and developed plans to respond to the increased threat WMD poses to the United States. One of the initiatives implemented by the DoD early-on to respond to this threat was the creation of National Guard WMD Civil Support (CS) teams, as they are now known. Of these teams, Secretary of Defense Cohen has said:

"This new initiative will be the cornerstone of our strategy for preparing America's defense against possible use of weapons of mass destruction."<sup>4</sup>

Webster's dictionary defines cornerstone as the "basic, essential, or most important part".<sup>5</sup> Are Secretary Cohen's remarks justified? Certainly no other DoD assets are better positioned for providing the foundation from which to build a successful strategy for consequence management than the National Guard and its assets, which are located in local communities across the United States.

## **PURPOSE**

The purpose of this strategic analysis of the United States' counter-terrorism and weapons of mass destruction strategy is to examine its adequacy in providing for the future domestic security of our nation. It is also to assess how well DoD's National Guard Civil Support Teams are being implemented into that strategy and to determine if they are capable, as Secretary Cohen suggests, of being the nation's cornerstone for consequence management in the event of a terrorist attack with WMD.

To accomplish this purpose, it is necessary to clearly describe the threat terrorism and weapons of mass destruction pose to the United States. Only then will it be possible to ascertain whether the U.S. government's strategy, as documented in its current Presidential Decision Directives, the National Security Strategy, and other applicable government documents, is sufficient to counter this growing threat. If it is determined more needs to be done, appropriate recommendations will be made to assist federal, state, and local authorities as they prepare now for an uncertain future.

## **WEAPONS OF MASS DESTRUCTION (WMD)**

The Nunn-Lugar-Domenici (NLD) act of 1996 defines a weapon of mass destruction as:

"Any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of – (A) toxic or poisonous chemicals or their precursors; (B) a disease organism; or (C) radiation or radioactivity."<sup>6</sup>

That there is disagreement within the government about the precise definition of a weapon of mass destruction was noted by the Advisory Panel to Assess Domestic Response Capabilities for Terrorism in its first report to Congress.<sup>7</sup> In fact, not only did they notice a disagreement throughout the U.S. government on what constituted a WMD, they found there was not even an agreed upon definition for terrorism.<sup>8</sup> To avoid the ambiguity of the term WMD, the panel chose, instead, to use chemical, biological, radiological, and nuclear (CBRN) weapons.

A more pragmatic definition for WMD and the one used in this analysis was presented by Dr. Gavin Cameron in his paper, *WMD Terrorism in the United States: The Threat and Possible Countermeasures*. Dr. Cameron's definition is simply this: "those weapons capable of causing mass casualties".<sup>9</sup> This definition is more useful because, like the NLD definition, it includes the obvious use of non-conventional weapons such as the detonation of a nuclear weapon or the employment of chemical or biological agents that result in hundreds or thousands of casualties. Unlike the NLD definition, however, it does not exclude the use of more

conventional but similarly dangerous means such as the use of large amounts of explosives. In addition, it does not require differentiating between the two in order to determine if consequence management resources should be used.

## **THE WMD TERRORIST THREAT**

Although experts agree the most-likely terrorist threat in the near-term will continue to be that of the traditional "constrained terrorist", who seeks to gain publicity and public support through limited acts of violence, statistics show the number of "more violent" terrorist acts continue to rise.<sup>10</sup> They are also indicators of the terrorist's growing appetite for violence, their acquisition and use of increasingly lethal weaponry, and their growing support base (non-state actors, states-of-concern, transnational members). Key trends pertaining to terrorism and weapons of mass destruction during the last decade include:

- An increase in the number of non-state actors identified as terrorist/WMD threats.<sup>11</sup>
- A decrease in the overall number of terrorist attacks, but an increase in the number of fatalities per terrorist attacks.<sup>12</sup>
- An increase in the number of religion or cult-related terrorist acts. (In 1995, these type of terrorist acts accounted for twenty-five percent of the total but accounted for fifty-eight percent of the casualties.)<sup>13</sup>
- The increased use of more modern and lethal technologies to cause casualties to include the use of WMD. (Factors contributing to the increased use include state sponsorship, greater resources, improvements in terrorist weaponry, and smaller components with lighter weight.)<sup>14</sup>
- A decline in the number of bombing incidents compared to other types of international terrorism. (In the 70's, bombings accounted for 53% of the attacks. In 1995, the figure was 23% and in 1996, it was 28.4%.)<sup>15</sup>
- Increased uses of tactics that cause direct harm to people. (Armed attacks accounted for 44% of the acts in 1995, and 28.8% of the attacks in 1996 compared with an average of 19% throughout the 1980s.)<sup>16</sup>
- An increased willingness of terrorists to operate outside their operational areas to carry out their attacks. (Most terrorism was initially confined to Europe and the Middle East but is now spilling over into Asia, Latin America, Africa, and Northern America.)<sup>17</sup>
- An increase in the availability of information on conducting terrorism from bookstores, mail-order publishers, and over the internet.<sup>18</sup>

- The continued use of “guns for hire” terrorists as instruments of foreign policy for states-of-concern. (The Abu Nidal Organization is an example of a “guns for hire” terrorist organization and has been used by Syria, Iraq, and Libya.)<sup>19</sup>

The seriousness and complexity of the “more violent” terrorist threat was brought forcefully to the U.S. government’s attention by three attacks that occurred during the early to mid 1990’s. These were:

- The Islamic Fundamentalists bombing of the New York City’s World Trade Center in 1993.
- The Aum Shrinrikyo cult’s sarin nerve agent attack on Tokyo’s subway system in 1995.
- The bombing of the Alfred P. Murrah Federal Building in Oklahoma City in 1995.

Each of these attacks is representative of and highlights different aspects of what has become a less predictable and higher risk threat. Each will be discussed in greater detail in the sections that follow to provide more insight into this growing threat.

#### ISLAMIC EXTREMISTS

*We are not fighting so that the enemy recognizes us and offers us something. We are fighting to wipe out the enemy... what is demanded is not even negotiated surrender, but the enemy’s total annihilation.*

- Hussein Mussavi<sup>20</sup>

The bombing of the New York City’s World Trade Center in 1993 is representative of “religious” and “states of concern” sponsored terrorism. It is indicative of the increased willingness and capacity of terrorists to operate outside their normal operational areas and also illustrates their increasing desire to inflict mass casualties with more lethal means. The bombing was conducted by a terrorist group known to the U.S. government as the “Jihad Organization”.<sup>21</sup> The members shared common frustrations and anger with the U.S. government over its continued support of Israel and Mubarak’s secular government in Egypt.<sup>22</sup> The diverse nature of the group is shown by its membership which included Ramzi Yousef (Pakistani), Mahmud Abouhalima (Egyptian), Mohammad Salameh (Palestinian), Abdul Rahman Yasin (Iraqi), Nidal Ayyad ( Naturalized U.S. citizen of Palestinian heritage ), Siddiq Ali (Sudanese), and Eyyad Ismail (Palestinian).<sup>23</sup>

The operational leader for the bombing was Ramzi Yousef. As a former freedom fighter with the Mujahideens during the Soviet occupation of Afghanistan from 1980 – 89, he was trained ostensibly by the CIA on the manufacturing of potent explosives.<sup>24</sup> During his service he

also developed ties with a well-known terrorist, Osama bin Laden.<sup>25</sup> In 1989 Yousef returned to his place of birth, Kuwait, where he allegedly worked with the Iraqis during their six-month occupation.<sup>26</sup> His working relationship with the Iraqis forms the basis for speculation that Yousef and Abdul Yasin were actually terrorists operating under the direction of Saddam Hussein.<sup>27</sup> It is also indicative of some of the complexity associated with terrorist acts. Was this an attack sponsored by Iraq (a state-of-concern) in retaliation for Desert Storm and sanctions imposed on it by the United States, another case of free-lanced Islamic terrorism sponsored by Osama Bin Laden, or both?

In any case, all participants were Islamic extremists who believed in using lethal means to bring society in line with their interpretation of Islamic scripture, the Quran.<sup>28</sup> Their use of violence defined them as members of a small group within the Islamic faith who believe political violence is required to achieve their faith's objectives -- the conversion of the world to Islam and the destruction of its enemies.<sup>29</sup>

The attack on the World Trade Center on February 26, 1993 resulted in the deaths of six people, injuries to at least a thousand others, and material damage in excess of \$550 million.<sup>30</sup> Had the attack worked as planned the number of casualties would have been much greater because the real intent was to topple one of the 110-story twin towers onto the other.<sup>31</sup> Based on the evidence, the judge at their trial also believed the group intended to release into the damaged tower a toxic cloud of sodium cyanide that would have killed any of the survivors of the initial blast. As a result, tens of thousands of people would have been killed or injured.<sup>32</sup>

What should concern Americans about these asymmetric terrorist attacks is that they are being sponsored more and more by states-of-concern or non-state "religious" zealots because of their inability to take on the U.S. directly.<sup>33</sup> As a result, asymmetric terrorist attacks against Americans are likely to continue well into the future. One such religious zealot, Osama bin Laden, is especially worrisome because of his open declaration of war on the United States.<sup>34</sup> His terrorist organization, al Qaeda (Islamic Salvation Foundation), consists of a loosely knit group of Muslim followers estimated to consist of from 3,000 to 5,000 persons. Osama bin Laden and his followers have claimed responsibility for the bombings of U.S. facilities in Riyadh, Saudi Arabia (November 1995) and the Khobar Towers in Dharan, Saudi Arabia (June 1996).<sup>35</sup> His group is also suspected of killing 18 American peacekeeping troops in Somalia, involvement in the 1993 World Trade Center bombing, and plots to assassinate U.S. President Bill Clinton, Egyptian President Hosni Mubarak, and Pope John Paul II.<sup>36</sup> CIA and FBI intelligence information also indicates his network was responsible for the August 7, 1998 bombings of American embassies in Kenya and Tanzania that left 258 dead and more than 5,000 wounded.<sup>37</sup>

As President Clinton's National Coordinator for Infrastructure Protection and Counterterrorism, Richard Clarke, has observed,

"It's not enough to be in a cat-and-mouse game, warning about his (bin Laden's) plots. If we keep that up, we will someday fail. We need to seriously think about doing more. Our goal should be to so erode his network of organizations that they no longer pose a serious threat."<sup>38</sup>

#### AUM SHINRIKYO (SUPREME TRUTH) CULT

*... the law in an emergency is to kill one's opponent in a single blow, for instance the way research was conducted on soman and sarin during World War II.*<sup>39</sup>

- Shoko Asahara

The Aum Shinrikyo cult's attack on Tokyo's subway system demonstrated to the world non-state terrorist groups were capable of employing non-conventional weapons of mass destruction. The attack occurred on March 20, 1995, when Aum members released the nerve agent, sarin, into a crowded Tokyo subway.<sup>40</sup> Twelve people died and 5000 were injured as a result of the attack.<sup>41</sup> Had the chemical agent been dispersed by more effective means, the number of deaths and casualties would have been in the tens of thousands.<sup>42</sup>

The creator and leader of the Aum Shinrikyo cult was Chizuo Matsumoto aka "Shoko Asahara".<sup>43</sup> He taught his cult the world would come to an end in 1997, and that the corrupt Japanese society would be replaced by the society of Aum, the only group that would survive Armageddon.<sup>44</sup> Many of his followers believed that they would help usher in Armageddon and take part in the conquering of Japan. This explains, in part, why the cult actively recruited professionals having expertise in physics, chemistry, biology, the military and law enforcement.<sup>45</sup> It also explains why members were willing and capable of assisting their leader in producing biological and chemical weapons, and seeking to develop or purchase nuclear weapons. What is especially disconcerting about the Aum Shinrikyo cult is the fact that prior to this attack, they did not appear on any law enforcement agencies' list of terrorist threats.<sup>46</sup>

Transnational in nature, the Aum cult had an estimated 40,000 to 60,000 members worldwide with its membership in Russia being nearly three times larger than that in Japan.<sup>47</sup> From Congressional hearings, it is clear the Aum sought to exploit its connections in Russia by using some of its over \$1 billion in assets to obtain advanced technology and weapons available for sale in Russia following the cold war.<sup>48</sup> Examples of technology and weaponry sought by the Aum included nuclear warheads, nuclear technology, proton rockets for launching satellites, an Mi-17 helicopter with spray kit (actually purchased), an MI-26 helicopter, new and used Russian tanks, fighter aircraft, a gas laser weapon, remotely piloted vehicles (RPVs) with spray kits, and

industrial machinery with which to manufacture a variant of the Russian AK-74.<sup>49</sup> Besides Russia, the Aum had also begun to establish its presence in Australia, the United States, Germany, Taiwan, Sri Lanka and the former Yugoslavia.<sup>50</sup> In Australia they allegedly tested the nerve agent, sarin, on sheep.<sup>51</sup> In the US they actively sought information and equipment needed to pursue their WMD program.<sup>52</sup>

There is also considerable evidence that the Aum planned to bring their non-conventional WMD terrorism to America. For example, the cult's official news publication, *Vairayana Saca*, often contained anti-American rhetoric.<sup>53</sup> In addition, Asahara blamed the U.S. for spreading the materialism and internationalism he felt were causing Japan's social and economic problems.<sup>54</sup> Beginning as early as 1993, Asahara claimed the U.S. was planning an attack on Japan that would precede Armageddon.<sup>55</sup> His public statements on April 27, 1994 at his Tokyo headquarters indicate he believed the cult was already the victim of gas attacks by Japanese and U.S. military aircraft.<sup>56</sup>

"With the poison gas attacks that have continued since 1988, we are sprayed by helicopters and other aircraft wherever we go... The use of poison gases such as sarin were clearly indicated. The hour of my death has been foretold. The gas phenomenon has already happened. Perhaps the nuclear bomb will come next."<sup>57</sup>

Japanese government officials informed US officials investigating the cult of their concerns that the cult may have decided to speed up the date of their predicted war between Japan and the United States to November 1995.<sup>58</sup> Indicators that this may have been the case include:

- The cult's news magazine had predicted in early 1995 President Clinton would be a one-term President because he would either be assassinated or not re-elected.<sup>59</sup>
- November coincided with President Clinton's scheduled visit to Osaka, Japan for the annual Asia-Pacific Economic Cooperation (APEC) meeting.<sup>60</sup>
- Japanese Public Television is alleged to have reported in mid-June 1995 that the cult's chief physician, Ikuo Hayashi, admitted the cult was planning to mail packages of sarin to unnamed locations in the United States in November.<sup>61</sup>
- The cult's Intelligence Ministry Chief, Mr. Inoue, was alleged to have written in his diaries about cult plans to carry out indiscriminate terrorism in major cities in America to include New York City.<sup>62</sup>

It is conceivable that the Metropolitan Police's planned raid of the Aum facilities on March 20, 1995 may have interfered with these plans.<sup>63</sup> When the cult learned of the Police's planned raid

from informants, the Aum may have chosen to go ahead with the only attack it was prepared for at the time -- its sarin attacks on the Tokyo subway.

Bruce Hoffman of the Center for the Study of Terrorism and Political Violence at St. Andrews University in Scotland accurately summed up the threat posed by organizations like the Aum Shinrikyo when he wrote,

"We've definitely crossed a threshold. This is the cutting edge of high-tech terrorism for the year 2000 and beyond. It's the nightmare scenario that people have quietly talked about for years coming true." <sup>64</sup>

## DOMESTIC TERRORISTS

*Evil visited us yesterday, and we don't know why.*

*Ron Taylor* <sup>65</sup>

The bombing of the Alfred P. Murrah Federal Building occurred in Oklahoma City on April 19, 1995. It killed 169 people and injured hundreds more. <sup>66</sup> The bombing was planned and engineered by two Americans, Timothy McVeigh and Terry Nichols. <sup>67</sup> McVeigh and Nichols both belonged to the Michigan militia, a 12,000 strong paramilitary survivalist organization. <sup>68</sup> They believed the Clinton administration had a master plan to seize all firearms held by American citizens. <sup>69</sup> As evidence that the government was planning to outlaw and seize their weapons, both cited the actions of federal law enforcement officials at Waco and Ruby Ridge. <sup>70</sup> Phillip Heymann, in his book, *Terrorism and America: A Common Sense Strategy for a Democratic Society*, addressed the relevancy of Waco and Ruby Ridge to the bombing.

"Changing the basic rules of law enforcement, even to combat terrorism, also evokes substantial fears in democratic nations. One source of such fears is obvious. Few want to change the fundamental relationship of the citizens to the state in a democracy. This is particularly true in the United States where fears of government enforcement have increased dramatically after the Waco and Ruby Ridge sieges.

The second fear is a pragmatic concern. In other democracies, harsh counter-terrorism measures have sometimes dramatically backfired, resulting in increased violence, additional recruitment to the terrorist cause, and reduced willingness to assist the government." <sup>71</sup>

Although some Americans believe government law enforcement personnel overstepped their authority in the use of deadly force during both the Ruby Ridge and Waco sieges, acts of retaliation against the U.S. government using deadly force is rarely accepted as a legitimate response in the U.S. culture. Nevertheless, it is clear the sieges and subsequent cover-up efforts instilled fears that drove at least two of America's more violent-prone citizens to action.

The threat represented by the Oklahoma City bombing is that of the American militia and other organized hate groups currently existing within the United States. <sup>72</sup> Paramilitary groups,

as some militias are called, focus on building survival, guerrilla, and sedition skills.<sup>73</sup> Many have been successful in attracting people like McVeigh to their cause by forcefully opposing gun control and by creating government conspiracy theories related to it.<sup>74</sup> That it worked with McVeigh is reflected in a statement made by Michael Fortier at McVeigh's trial.

"We both believed that the United Nations was actively trying to form a one-world government, disarm the American public, take away our weapons."<sup>75</sup>

There are estimated to be 800 militias in the United States similar to the Michigan Militia.<sup>76</sup> Although they claim to have more than 5 million members, the numbers are more realistically believed to be around 50,000.<sup>77</sup> There are basically two types of militias – the "talking" and the "marching".<sup>78</sup> The talking consists of about 40,000 members. They have been organized primarily to oppose anti-gun legislation.<sup>79</sup> The marching militias, however, consist of about 10,000 members who actively believe violence and sedition are necessary to protect their rights and interests.<sup>80</sup> Members of the marching militias have planned at least three different terrorist attacks since the Oklahoma City bombing.<sup>81</sup> Twelve members of the Viper militia in Arizona plotted for two years to blow up seven federal office buildings in Phoenix. When they were arrested by federal authorities, they had gathered 1,900 pounds of fertilizer (4,800 pounds were used in the Oklahoma City bombing).<sup>82</sup> Another incident involved three members of the Militia-at-Large in Georgia. They were arrested for planning to assassinate senior level government officials.<sup>83</sup> The third incident occurred in November 1995 when seven members of the West Virginia Mountaineer Militia were charged with planning to blow up the FBI's computer center in West Virginia.<sup>84</sup>

Although there are many similarities between the Islamic and domestic terrorists, the main difference to law enforcement authorities is the difficulty involved in identifying the American terrorist. Like the elusive Unabomber, Theodore Kaczynski, it is much easier for an intelligent and unknown American terrorist working alone or in a small group to evade authorities than it is for a foreign terrorist who is a member of a group whose activities are being monitored by federal authorities.<sup>85</sup>

#### LIKELIHOOD OF WMD USE

In their First Annual Report to the President and the Congress dated 15 December 1999, the advisory panel to assess domestic response capabilities for terrorism involving weapons of mass destruction made the following conclusions regarding the likelihood of CBRN terrorism.

- “An important lesson for the United States (is) not to discount the continuing use by terrorists of explosives and other conventional weapons. Attention to the “worst-case scenario” of lower probability/ high consequence CBRN terrorism should not be at the expense of higher-probability/lower-consequence incidents, such as the conventional terrorist bombings that rocked Moscow, or deliberate, more terrorist, discrete attacks involving smaller amounts of chemical, biological, or radioactive materials.”<sup>86</sup>
- “The point is that creating truly mass-casualty weapons – capable of killing in tens of thousands, much less in the thousands – requires advanced university training in appropriate scientific and technical disciplines, significant financial resources, obtainable but nonetheless sophisticated equipment and facilities, the ability to carry out rigorous testing to ensure a weapon’s effectiveness, and the development and employment of effective means of dissemination. Developing a nuclear weapon requires even greater skills, financial resources, and infrastructure. In these respects, accordingly, the resources and capabilities required to annihilate large numbers of people – i.e., to achieve a genuinely mass-casualty chemical and biological weapon or nuclear/radiological device – appear, at least for now, to be beyond the reach not only of the vast majority of existent terrorist organizations but also of many established nation-states. Moreover, significant personal risks are run by those who would be involved in the acquisition, development, production, testing, and handling of any such lethal weapon or agent.”<sup>87</sup>

These findings, however, are not a cause for celebration. As demonstrated by the World Trade Center and Oklahoma City bombings, foreign and domestic terrorists already have the conventional capability of inflicting mass casualties upon the United States. In addition, the findings do not state with complete certainty that all terrorist organizations are incapable of employing a genuinely mass-casualty CBRN weapon. As mentioned previously, states-of-concern are continuing to support terrorists in their war against the United States. It is entirely possible that bin Laden’s terrorist group operating in collusion with a state-of-concern could employ chemical or biological agents effectively within anywhere from a few months to several years. Other means for obtaining WMD weapons also exist. Consider the following excerpt from Jane’s Intelligence Review.

“Bin Laden has not only attacked US interests and threatened the USA and its citizens, he has raised the prospect of even more destructive future attacks with nuclear, chemical or biological weapons of mass destruction. Dale Watson, head of the FBI’s foreign terrorism division, told an interviewer in late February that terrorists are actively pursuing WMD. Osama bin Laden certainly must have been one of the terrorists Watson had in mind. In fact, in a February 1999 interview, bin Laden said of his possible acquisition of WMD: ‘If I seek to acquire these weapons I am carrying out a duty.’ In February 1999, CIA director George Tenet told the Senate Armed Services Committee: ‘There is not the slightest doubt that Osama bin Laden, his worldwide allies and his sympathizers are planning further attacks against us.’ Tenet also expressed worry about the ‘serious prospect’ that bin Laden could get access to chemical and biological weapons.”<sup>88</sup>

In addition, the Aum Shinrikyo cult, relatively unknown until its attack on the Tokyo subway, could be representative of other cults or criminal elements presently unknown to law enforcement authorities. What is the likelihood of terrorist use of WMD? Recent attacks like those upon the U.S.S. Cole indicate terrorists will continue to use large amounts of conventional explosives to inflict mass casualties upon their enemies. When and to what degree terrorists will employ non-conventional weapons of mass destruction in the future is uncertain. What is certain is that they are actively seeking them and intend to use them. As many leading terrorist authorities have noted, "it is not a question of if, but when"<sup>89</sup> the destructive forces of WMD will be unleashed more commonly and more effectively upon the United States and the rest of the world.

## **US COUNTER- TERRORISM / WMD POLICY AND STRATEGY**

Presidential Decision Directive(PDD)-39, signed by President Clinton in June 1995, restates the country's longstanding policy on counter-terrorism:

"It is the policy of the United States to deter, defeat, and respond vigorously to all terrorist attacks on our territory and against our citizens, or facilities, whether they occur domestically, in international waters or airspace or on foreign territory. The United States considers all such terrorism as a potential threat to national security as well as a criminal act and will apply all appropriate means to combat it. In doing so, the U.S. shall pursue vigorously efforts to deter and preempt, apprehend and prosecute, or assist other governments to prosecute individuals who perpetrate or plan to perpetrate such attacks."<sup>90</sup>

The significance of PDD-39 is its recognition of an imbalance between the three legs upon which National Security Strategy (NSS) stands -- objectives, concepts, and resources.<sup>91</sup> The imbalance occurred as a direct result of an increase in relative power of another player. In this case, terrorists armed with the increasingly lethal capabilities of WMD. When the President recognized the objectives leg had lengthened, he responded with PDD-39 and applied concepts and resources to meet the national objective of protecting its vital interests (citizens, territory, critical infrastructure).<sup>92</sup> The question this review asks is -- was his response enough?

The strategy in PDD-39 is designed to protect our vital national interests through the use of four main elements:

- *Reducing our vulnerabilities.*
- *Preventing and deterring terrorist acts before they occur.*
- *Responding to terrorist acts that do occur through crisis management and apprehending and punishing terrorists.*

- *Managing the consequences of terrorist acts to include the restoration of capabilities to protect public health and safety, essential government services, and emergency relief.*<sup>93</sup>

These concepts work in concert with those contained within the NSS of shaping the international security environment, responding to threats and crises, and preparing for an uncertain future.<sup>94</sup> Hence, if the NSS for defending the United States against the threat of terrorism and its use of WMD is likened to building a home, the four corners of the home would be – reducing our vulnerabilities, preventing and deterring terrorist acts, responding to terrorist acts, and managing their consequences.

PDD-39 assigns responsibility for the accomplishment of these objectives to different departments and agencies within the executive branch.<sup>95</sup> It further divides the federal government's response to the threat of WMD terrorism into two broad areas – crisis and consequence management. Whereas crisis management focuses on measures taken to prevent or resolve a criminal act of terrorism, consequence management focuses on all the actions that must be taken to minimize the effects of an WMD attack after it occurs. This includes casualty treatment and evacuation, search and rescue operations, hazard identification and containment, as well as many other measures. To address crisis management, PDD-39 designated the Department of Justice (DOJ) as the lead agency. The DOJ further delegated this authority to the FBI.<sup>96</sup> The FBI, therefore, has primary responsibility at the crime scene for crisis management but is assisted by state and local authorities. For consequence management, however, the laws of the United States assign primary authority to the States. As a result, although the Federal Emergency Management Agency (FEMA) was designated by PDD-39 as the lead agency for federal consequence management, it actually assists state and local authorities in the consequence management effort.<sup>97</sup>

#### NUNN-LUGAR-DOMENICI ACT OF 1996

PDD-39 and the increasingly lethal terrorist acts being committed in the United States stimulated Congressional debate over domestic preparedness and resulted in the passage of the Nunn-Lugar-Domenici (NLD) Defense Against Weapons of Mass Destruction Act of 1996. The act designated the Department of Defense (DoD) as the lead agency to improve domestic preparedness for responding to and managing the consequences of a WMD attack.<sup>98</sup> The reason DoD was selected was to leverage its existing WMD expertise. The act provides funding to train and equip emergency response personnel in the United States and provides funding for U.S. customs to keep smuggled weapons and materials from crossing into the United States.<sup>99</sup>

It also supports the Nunn-Lugar cooperative threat reduction program with the Former Soviet Union (FSU), and established a national coordinator in the National Security Council (NSC) to develop a comprehensive counter-proliferation strategy.<sup>100</sup>

## GENERAL ACCOUNTING OFFICE (GAO) REPORTS

To keep track of progress being made in the United States CT/WMD efforts and to ensure government funding was being effectively utilized to prepare the nation for the CT/WMD threat, Congress directed the General Accounting Office (GAO) to conduct numerous studies and investigations concerning US efforts to combat terrorism beginning in 1996. The reports have helped keep Congress apprised of the progress being made in regards to America's continuing preparations to counter the threat of terrorism and its use of WMD. They have also contained many worthwhile recommendations that have contributed to moving the work forward. Some of the key observations and recommendations made by the GAO in its reports include the following:

- "Federal agencies' individual efforts to enhance consequence management of possible incidents involving WMD terrorism are not guided by an overarching strategy for achieving a defined end state. Local officials in most of the cities we visited raised the issue that the many WMD training, equipment, and consequence management programs are evidence of a fragmented and possibly wasteful federal approach to combating terrorism."<sup>101</sup>
- "Nunn-Lugar-Domenici (NLD) legislation does not require that threat and risk assessments be performed either to select the cities that will receive assistance or subsequently to determine selected cities' needs for training and equipment to deal with WMD terrorism incidents. According to information we obtained from DoD; the intelligence community, including the FBI; and data on 11 of the first 27 cities to receive NLD training and assistance, the federal government and the cities have not performed formal, city-specific threat and risk assessments using valid threat data to define requirements and focus program investments... The FBI is in the best position to take the lead in facilitating city-specific threat and risk assessments."<sup>102</sup>
- "Over the last few years, the FBI's preventive and investigative efforts resulted in, among other things, the discovery and prevention of plots to bomb the Holland and Lincoln tunnels and the George Washington Bridge in New York, and a federal building and the subway system in New York City."<sup>103</sup>
- "We examined the technical ease or difficulty for terrorists to acquire, process, improvise and disseminate certain chemical and biological agents that might cause at least 1,000 casualties (physical injuries or deaths)... terrorists do not need sophisticated knowledge or dissemination methods to use toxic industrial chemicals such as chlorine. In contrast,

terrorists would need a relatively high degree of sophistication to successfully cause mass casualties with some other chemicals.<sup>104</sup>

- “ The FBI, as lead federal agency for domestic crisis response, drafted “Guidelines for Mobilization, Deployment, and Employment of U.S. Government Agencies in Response to a Domestic Terrorist Threat or Incidence in Accordance With Presidential Decision Directive 39” (also known as the Domestic Guidelines) and the “United States Government Interagency Domestic Terrorism Concept of Operations Plan” (also known as the CONPLAN)... FEMA, the lead federal agency for domestic consequence management, coordinated and completed an interagency annex to the Federal Response Plan that discusses how the federal government would assist state and local authorities in managing the consequences of a terrorist attack in the United States. (Over three years after President Clinton signed PDD-39) Proposed interagency Domestic Guidelines have not been completed, nor coordinated with all federal agencies with domestic counterterrorism roles.”<sup>105</sup>
- “DoD needs to clarify its internal command and control structure for domestic operations. Although not a lead federal agency, DoD could have a major supporting role in any federal response to terrorist incidents in the United States, particularly those involving WMD.”<sup>106</sup>
- “ We recommend that the National Coordinator for Security, Infrastructure Protection, and Counter-Terrorism, in consultation with the Attorney General, the Director, FEMA, and the Secretary of Defense, reassess the need for the RAID (WMD CST) teams in light of the numerous local, state, and federal organizations that can provide similar functions and submit the results of the reassessment to Congress.”<sup>107</sup>

These reports and others elicited criticism from Congress that government efforts to counter the threat of terrorism and WMD were proceeding too slowly. In response, on 22 May 1998, President Clinton signed two Presidential Decision Directives related to combating terrorism (PDD-62) and critical infrastructure protection (PDD-63).<sup>108</sup>

#### PRESIDENTIAL DECISION DIRECTIVES (PDDs) 62 AND 63

PDD-62 was issued to provide the government with a more systematic approach for countering the terrorist threat of the twenty-first century.<sup>109</sup> Known as the ‘combating terrorism’ directive, it emphasized the growing threat non-conventional terrorism poses to the United States. To provide better coordination, it created the Office of the National Coordinator for Security, Infrastructure Protection, and Counter-terrorism.<sup>110</sup> It also reasserted the responsibilities of many of the federal agencies involved in the counter-terrorism effort and clarified their areas of involvement.<sup>111</sup>

PDD-63, on the other hand, was issued to assure the security of the nation’s increasingly vulnerable infrastructure.<sup>112</sup> Critical infrastructure requiring protection included transportation, energy, economic, telecommunications and government services.<sup>113</sup> It directed federal agencies

to take immediate action by conducting risk assessments and developing plans to reduce vulnerabilities to attack.<sup>114</sup> It also created new positions and offices to coordinate and oversee the effort. Positions created included a National Coordinator (NC), the National Infrastructure Protection Center (NIPC), the Information and Sharing Analysis Centers (ISACs), a National Infrastructure Assurance Council (NIAC), and the Critical Infrastructure Assurance Office (CIAO).<sup>115</sup> One of the more innovative directives, it required the government to provide infrastructure protection against both physical and cyber threats.<sup>116</sup>

## **NATIONAL DOMESTIC COUNTER-TERRORISM / WMD ASSESSMENT**

Since President Clinton's signing of PDD-39 in June 1995, the administration's policies and strategy have had limited success in moving the country forward in preparation for the increasingly lethal threat of terrorism and WMD.

Given the nature of the threat, achieving the national objectives of protecting U.S. citizens, territory, and critical infrastructure would be difficult even with the best planning. The U.S. is a very open culture with an estimated population of over 275 million.<sup>117</sup> Geographically it covers a large area (9,629,091km<sup>2</sup>) and has borders extending over 32,000 kilometers.<sup>118</sup> In addition, national security economic policies of promoting an open trading system make achieving preparedness even more difficult (i.e. liberalization of global trade has resulted in NAFTA's looser border controls along the U.S. – Mexican border and has turned it into a major drug-trafficking corridor.)<sup>119</sup> All these factors combine to make it more accessible and therefore, more susceptible to the terrorist and WMD attack. Under these conditions, how much protection is enough and can the nation afford it?

Despite President Clinton's efforts to better organize and reinvigorate the administration's counter-terrorism and weapons of mass destruction program by issuing PDDs-62 and 63, his administration continued to come under harsh criticism for its management of the CT/WMD effort. For example, a commission led by former CIA director, J. Deutch, noted in 1999, "Almost a year after President Clinton's highly advertised 'declaration of war' on terrorist use of weapons of mass destruction, the government's response remains disorganized, weakly led and bereft of a broad counter-WMD technology initiative."<sup>120</sup>

Joseph Cirincione of the Carnegie Endowments also added,

"... everyone agrees [this] is the number one threat to the national security. The [commission's] report is telling the Administration, 'You've got to get serious about this, you've got to reorganize, you've got to start putting your resources where your threat assessments are.'" <sup>121</sup>

What concepts and means has the Clinton administration employed to protect the nation from terrorist use of WMD? The administration's achievements will be assessed within its strategy of reducing vulnerabilities, preventing and deterring terrorist acts, responding to terrorist acts, and managing the consequences.

## REDUCING VULNERABILITIES

### Political Instruments.

PDD's 39, 62, 63. The President has signed three different PDDs directed at countering the threat terrorism and their use of WMD pose to the United States. The PDDs have been successful, if for no other reason, than for recognizing the growing threat exists and for outlining a basic strategy requiring the use of more of the nation's means for defending its citizens, infrastructure and territory. In addition, they have stimulated congressional debate and resulted in significant federal funding for counter-terrorism and weapons of mass destruction programs. The main problem with the efforts to date has been a lack of coordination among the many agencies involved. No single person or even agency oversees the effort. As a result, the program has many critics like James Lee Witt, the outgoing chief of FEMA, who has stated that he's concerned the current effort is too fragmented and "You've got too many agencies doing the same thing".<sup>122</sup> The Gilmore Commission which includes the General Accounting Office and a panel chaired by Virginia Governor Jim Gilmore has also criticized the planning efforts, saying that the agencies overlap and that the effort is uncoordinated.<sup>123</sup> In December 2000 the commission recommended the government create a new office for combating terrorism that can coordinate efforts by many agencies.<sup>124</sup> In addition, in its first report issued in December 1999, it also concluded, "the country's seeming inability to develop and implement a clear, comprehensive, and truly integrated national domestic preparedness strategy means that we may still remain fundamentally incapable of responding to a serious terrorist attack."<sup>125</sup>

Funding for CT/WMD Programs. Considerable success has been achieved in funding CT/WMD efforts. In 1996 the Defense Against Weapons of Mass Destruction Act, also known as the Nunn, Lugar, and Domenici domestic preparedness program, was passed and provided an initial budget for 1997 of \$30.5 million dollars.<sup>126</sup> The funding was provided to enhance federal, state, and local emergency response capabilities in dealing with a domestic terrorist incident involving weapons of mass destruction.<sup>127</sup> The Omnibus Consolidated Appropriations Act of

1997 was also passed and provided substantial funding for multiple federal agencies to combat terrorism in response to the President's request.<sup>128</sup> According to the Office of Management and Budget, funding to combat terrorism has increased from about \$6.5 billion in fiscal year 1998 to almost \$10 billion for fiscal year 2000.<sup>129</sup> Although funding has been increasing steadily, the efforts to date are still viewed by many as only a beginning in combating this complex threat. Many more issues need to be addressed through a government-wide strategy involving new concepts, ideas, and programs.<sup>130</sup> For example, even though the CT/WMD program is considered by many to be higher priority than the ballistic missile defense (BMD) program, taxpayers have spent roughly ten times more on BMD.<sup>131</sup>

#### Technological Instruments.

Use of Technology. Little progress has been made using technology to detect and protect against the threat of CT/WMD. According to a commission led by CIA director John Deutch, "The Pentagon can detect no more than a handful of thousands of potential biological and chemical threats. Only an 'interim' biological detection system is available to U.S. military forces in the field, despite the fact that development of such detectors has been a priority since the gulf war ended during the Bush Administration in early 1991."<sup>132</sup>

### PREVENTING AND DETERRING TERRORIST ACTS

#### Political Instruments.

Laws in support of CT/WMD policy. To successfully prevent and deter terrorism requires balancing the powers given to law enforcement authorities against each citizen's civil rights. As an expert in counter-terrorism, Philip Heymann, has noted:

"From the point of view of our government – of any democratic government – there are always two objectives: to save the lives of citizens and, at the same time, not to lose credibility or independence or stability. The task is harder than it seems. The government must act in a context of intense domestic political pressure to "do something"; must avoid directing anger against any sizable segment of the population, a step that in the long run creates instability and encourages support for violent opposition; and must deal with the fears that its responses are sure to create among any people wise enough to know that government is most dangerous when it claims to be fighting dangerous enemies."<sup>133</sup>

In support of the counter-terrorism effort, many laws have been passed to deter terrorist acts. These include the Antiterrorism and Effective Death Penalty Act of 1996 that strengthened penalties pertaining to terrorism and established restrictions on the transfer and use of nuclear, biological, and chemical weapons.<sup>134</sup> Other Presidential terrorist legislation passed in 1996 has

made it easier for investigators to obtain credit card information and other financial records for the purpose of investigating terrorism.<sup>135</sup>

Under new anti-terrorism laws, immigrants seeking asylum can be turned away if federal immigration agents are not convinced their reasons for seeking asylum are legitimate or if they believe the immigrants may have ties to terrorism.<sup>136</sup> Immigrants who have already been admitted into the United States are also learning the new laws do not afford them the same rights of free speech as that afforded American citizens.<sup>137</sup> For example, several Arab immigrants have been deported because they exhibited such strong pro-Palestinian sentiments, they were viewed as a significant security risk.<sup>138</sup> These laws and other actions, however, have resulted in growing criticism from Arab groups within the U.S. who feel they are the victims of unfair stereotypes.<sup>139</sup> Nevertheless, the laws have been more effective at preventing known terrorists from immigrating into the United States. The new laws clearly would have prevented two of the terrorists involved in the bombing of the World Trade Center, Ramzi Yousef and Shaikh Omar Abdel-Rahman, from entering the country. Both slipped into this country under earlier and less vigilant immigration laws.<sup>140</sup>

#### Informational Instruments.

Collection of Intelligence. The collection of intelligence information is the most important way to prevent terrorist acts primarily because it is proactive.<sup>141</sup> The administration has been successful in preventing several major terrorist acts through its use. As an example, the FBI discovered a conspiracy to blow up the Holland Tunnel between New York and New Jersey in 1993, and prevented it by substituting harmless powders or inoperable detonators.<sup>142</sup> Recent laws have provided the FBI with an improved ability to gather evidence using wiretaps, especially when the subjects of an investigation use cellular phones to several phone numbers to avoid wiretaps. These laws are proving to be an effective means of gathering counter-terrorism information. They are also meeting increased resistance from civil liberty groups who are opposed to the measures.<sup>143</sup>

Law enforcement efforts to gain access to encrypted computer transmissions, however, has not been as successful. Opposing their efforts are civil libertarians who are unconvinced the FBI and other agencies need it.<sup>144</sup> FBI director, Louis Freeh, however, strongly disagrees. He has testified to Congress that the encryption is being used by "terrorists, both at home and abroad, to protect their operations from being discovered and to thwart the efforts of law enforcement to detect, prevent, and investigate" illegal activities.<sup>145</sup> Presently, It is uncertain if Mr. Freeh's and other law enforcement officials' efforts to gain access will be successful.

Although sharing of intelligence information between government agencies has been a problem in the past, the situation is improving. To enhance the process, over forty federal agencies, bureaus, and offices have joined an Interagency Intelligence Committee on Terrorism.<sup>146</sup> The members share information on terrorist groups and nations of concern. Liaisons from the many different government organizations are also being sent to work in other counter-terrorism centers such as the CIA Counter-terrorist Center, where information can be shared on a daily basis.<sup>147</sup> These efforts have already reaped benefits, not only in increased sharing of information, but in increased cooperation between the FBI and CIA. One such cooperative effort was the thwarting by FBI and CIA counter-terrorism experts of a suspected bin Laden bombing plot that targeted from hundreds to thousands of Americans for injury and death during the year 2000 celebrations.<sup>148</sup> Other efforts include CIA, FBI, DoD and NSC plans for the coordinated use of virtually all the nation's security intelligence capabilities. Called Counter-Intelligence 21, the executive order promulgating it could be issued soon.<sup>149</sup>

Finally, the emphasis the Clinton administration has placed on the collection of intelligence information is evident by the large increase in the number of FBI intelligence officers. From 1992 to 2000, the number has increased from 224 to 1025 with a similar but classified increase in the number of field agents.<sup>150</sup>

#### Intelligence Instruments.

CIA Operations. Another way the U.S. has sought to prevent and deter terrorist attacks is by striking directly at the terrorist organization through covert actions. The CIA is able to execute operations in other countries in ways that mask the U.S. government's involvement.<sup>151</sup> Recent legislation in Congress shows it supports such operations. Congress has urged the President to "use all necessary means, including covert action and military force, to disrupt, dismantle, and destroy international infrastructure used by international terrorists, including overseas terrorist training facilities and safe havens."<sup>152</sup>

#### Military Instruments.

Military. The military can also be used to disrupt terrorist attacks. In fact, U.S. Special Operations Forces have a mission to:

"preclude, preempt, and resolve terrorist actions throughout the entire threat spectrum, including antiterrorism (defensive measures taken to reduce vulnerability to terrorist acts) and counterterrorism (offensive measures taken to prevent, deter, and respond to terrorism), and resolve terrorist incidents when directed by the NCA or the appropriate unified commander or requested by the Services or other government agencies."<sup>153</sup>

Due to the sensitivity of these types of measures, it is not clear how aggressively the Clinton Administration has pursued using the CIA and Special Operation Forces to deter terrorism.

## RESPONDING TO TERRORIST ACTS

### Economic Instruments.

Sanctions. Sanctions have been imposed by the administration to deter state sponsorship of terrorism by Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria.<sup>154</sup> The Department of the Treasury's Office of Foreign Assets Control enforces these sanctions and embargoes against those states that sponsor terrorism, terrorist organizations, and their supporters.<sup>155</sup> More than \$3 billion have been blocked as a result of these programs.<sup>156</sup> However, the effectiveness of such sanctions remain questionable. As noted in a high-level intelligence community paper:

"No state sponsor of international terrorism against which the US has enacted an embargo or sanctions has renounced it[s] role of sponsorship or denounced terrorism as a tool of its foreign policy. Nor has any state once placed on the state sponsors list ever been removed."<sup>157</sup>

The difficulty involved in using political and economic sanctions is also evident in the following:

"The problem with political counterterrorism, however, is that it takes a long time to implement and the results are never certain. The Taliban in Afghanistan, for instance, continue to host Osama bin Laden (who was indicted by the United States in November 1998 for the bombings of the two embassies in East Africa) despite international sanctions, a unanimously adopted United Nations Security Council Resolution demanding he stand trial, and a threat from the United States that the Taliban will be held responsible for any terrorist acts undertaken while Bin Laden is under their protection."<sup>158</sup>

### Economic and Informational Instruments.

Rewards and Informants. To punish supporters of terrorism, the administration through its justice department, has offered rewards for their capture. As an example, the CIA has successfully used publicity through posters, newspaper ads, and matchbooks to apprehend a terrorist who killed two CIA agents outside their headquarters in Virginia.<sup>159</sup> For their help, the informants received a \$2 million reward from the State Department's Counterterrorism Rewards Program.<sup>160</sup> Another example was the World Trade Center bombing fugitive, Ramzi Yousef, who was captured after an informant, motivated by a \$2 million reward, walked into the American embassy in Pakistan and provided the information that led to Yousef's arrest.<sup>161</sup> In hopes of the program's continued success, the DOJ has also offered a \$5 million reward for the capture of Osama bin Laden.<sup>162</sup> These types of measures have clearly been successful at punishing terrorists for their acts. How effective they have been at deterring future terrorist acts is unclear, especially among the religiously motivated suicide terrorists. Since the first well-known suicide

bombing on October 23, 1983 of U.S. peacekeeping forces barracks in Beirut, Lebanon, and the more recent bombing of the U.S.S. Cole, the inherent strength of suicide terrorism has always been the difficulty involved in deterring irrational practitioners.<sup>163</sup> Thus, among this group of religious zealots, it is unlikely arrests and convictions will have any measurable effect. Among those less motivated, the deterrence effect could be significant. Irregardless, since 1991, well over \$5 million has been paid out in over 20 cases for information leading to the arrest of terrorists.<sup>164</sup>

#### Military Instruments.

Cruise Missile, Air and Tactical Nuclear Attacks. Military force has been used to respond to terrorist attacks. Although most instances have been in response to terrorist acts committed outside the U.S., it is clear the U.S. will use its military capabilities to retaliate when its vital interests have been threatened. Examples include U.S. cruise missile strikes against Iraq following its attempted assassination of former President George Bush during his visit to Kuwait,<sup>165</sup> and the launching of more than 79 cruise missiles against alleged terrorist targets in Afghanistan and Sudan in retaliation for Osama bin Laden's bombings of American embassies in Kenya and Tanzania that left 258 people dead and more than 5,000 wounded.<sup>166</sup> In addition, the government has not ruled out the use of tactical nuclear weapons against terrorists and their facilities if circumstances warrant their use. In a Joint Chief of Staff publication entitled Doctrine for Joint Theater Nuclear Operations, military leaders stipulated that tactical or sub-strategic nuclear weapons could be used against non-state actors.<sup>167</sup>

There are problems, however, with military retaliation. States-of-concern do their best to conceal their involvement in terrorist activity so they can avoid retaliation from the attacked state and condemnation from the international community as a whole. In their effort to conceal their culpability, they may also create false leads to place the blame elsewhere.<sup>168</sup> Assuming investigations actually identify the guilty state-of-concern or non-state actor; will the retaliation achieve the desired effect of deterring future terrorism? Although it may in many cases, in some cases it may have the opposite effect. For example, the director of the Center for the Study of Terrorism and Political Violence has reported, after a brief lull in terrorism following the 1986 bombing of Libya for its part in the bombing of Pan Am Flight 103, Libya not only resumed but actually increased its international terrorist activities.<sup>169</sup>

## MANAGING THE CONSEQUENCES OF TERRORIST ACTS

### Military Instruments.

The Department of Defense. NLD legislation designated DoD as the lead agency for domestic preparedness in 1996.<sup>170</sup> The legislation directed DoD to undertake two primary tasks. The first task was to implement WMD training for Federal, State, and local government agency civilians. The second was to develop and maintain at least one domestic rapid response team made up of members of the Armed Forces and DoD employees to assist Federal, State, and local officials in the detection, neutralization, containment, dismantling and disposal of WMD containing chemical, biological or related materials.<sup>171</sup> During its tenure as the lead agency from 1996 to October 2000, the DoD planned and began executing a curriculum for training the emergency response personnel in the nation's 120 largest cities on how to respond to WMD events. The training, however, was criticized for focusing more on understanding the importance of terrorism emergency response training rather than the methods.<sup>172</sup> It has also been criticized for ignoring the national and state response structures already in place.<sup>173</sup> DoD and other federal agencies also conducted several hundred exercises to improve the preparedness of federal, state, and local leaders in responding to terrorist operations. The exercises were viewed as helpful in identifying strengths and weaknesses as well as familiarizing participants with other department and agency missions.<sup>174</sup>

DoD also undertook other initiatives during this time period. It developed the concept of WMD Civil Support (CS) Teams "to assist State and local authorities in assessing the situation surrounding a WMD emergency, advising these authorities regarding appropriate actions, and facilitating requests for assistance to expedite the arrival of additional state and military assets."<sup>175</sup> In 1999, it also directed United States Joint Forces Command (USJFCOM) to start planning for a standing Joint Task Force (JTF) called JTF Civil Support that would provide command and control of all the military support provided to civil authorities following a domestic WMD.<sup>176</sup>

At least one of the initiatives has not been marketed or coordinated well with other federal, state or local agencies. A GAO report states that the FBI and FEMA do not see a role for the WMD-CS teams in the federal effort. Instead, they see the Guard providing its traditional assistance in emergencies.<sup>177</sup> According to the report, WMD-CS teams have not been integrated into the Federal Response Plan, and would not be notified through the National Response System of a WMD event.<sup>178</sup> All local, state and federal officials were also concerned about the time it would take the teams to deploy to an event. The Army plan is to get the teams

there within four hours of notice. Most officials felt the teams would not be beneficial to them unless they arrived within the first one to two hours of an incident.<sup>179</sup> After that it was believed the local and state HAZMAT teams could accomplish the basic detection and identification requirements.<sup>180</sup> There were also concerns about the Army's ability to retain and sustain members of the WMD-CS teams because of problems the Army is currently facing in recruiting and retention.<sup>181</sup> FBI officials were also worried the WMD-CS teams would actually disrupt the good relationships that exist between local, state and federal responders by arriving on the scene and attempting to give advice to the incident commander who was already receiving information from local and state HAZMAT teams.<sup>182</sup>

Some states like Pennsylvania that already have WMD-CS teams are excited about them and plan to integrate them into their state's weapons of mass destruction plans and hazardous materials emergencies.<sup>183</sup> Other local officials see them as beneficial to jurisdictions with lesser HAZMAT capabilities.<sup>184</sup> Despite recommendations by the GAO that the need for the National Guard WMD-CS teams be reassessed,<sup>185</sup> Army officials still see the teams as a critical part of the local and state response effort. The Assistant Secretary of Defense for Reserve Affairs has also indicated the Army would go ahead with plans to field seventeen additional WMD Civil Support teams during FY2000.<sup>186</sup>

Besides these difficulties, the Army has also had trouble getting the National Guard leadership to buy into the WMD-CS team's mission. As recently as a Senior Leader's WMD Conference conducted at the National Interagency Civil-Military Institute (NICMI) in April 2000, Adjutant Generals and other leaders from across the nation still expressed doubts about assuming responsibility for this and other consequence management tasks. Concerns focused on adequate resources and preparation time. Presently DoD is still unable to fund at least one WMD-CS team per state or territory. In addition, the force structure in most states and territories is not optimized for nor trained to respond to a WMD incident. A senior DoD official's remarks during the conference did nothing to allay fears. She openly admitted DoD was not sure how the National Guard WMD CS teams should be organized to respond effectively to a WMD incident. As a result, most of the Guard leadership left the conference unconvinced the National Guard could succeed in accomplishing the consequence management mission without significant changes in the current program.

State and Local Instruments.

State and Local Capabilities. The primary responsibility for consequence management of a WMD event rests with the local and state authorities, in that order. If the Governor of the state

determines the disaster is beyond the ability of the state, he or she can request federal support.<sup>187</sup> Support would be provided through coordination with FEMA, which has the primary federal responsibility for providing consequence management to the states.<sup>188</sup> A bottom-up review of the United States' preparedness for weapons of mass destruction incidents completed by SAIC in February 1999 concluded the following:

With few exceptions, the United States is not prepared today to adequately respond to a C(chemical) / B(biological) WMD attack. Although members of the emergency response community throughout our Nation are working diligently to be prepared for a C/B WMD incident, the lack of resources, equipment, and training significantly limit their readiness. There is a widespread lack of understanding of the threat and of the capabilities needed to prepare for and cope with WMD incidents nationwide. This is especially true for biological incidents.<sup>189</sup>

The study identified numerous gaps (capabilities non-existent) and shortfalls (capabilities inadequate) in the nation's domestic preparedness program. It identified seventy-nine non-redundant WMD roles that required filling if the nation were to have a viable domestic preparedness program. Of these seventy-nine, forty-seven were viewed as appropriate roles for an important state domestic preparedness asset -- the National Guard.<sup>190</sup> As noted in the study,

"This dual Federal/State status has stimulated Congress to direct a major review of National Guard roles and missions against the requirements of a WMD response. Guard units are in essence a community-based military force. As such they could provide a special bridge among Federal agencies, State government, and Local emergency services that they are directed to support in time of crisis... Guard units are often called upon to assist in response to natural disasters and other large-scale emergencies. In their State role, Guard units will be the first military response element available to support local and State agencies in response to a WMD incident. When in a State status, the National Guard is not subject to the restrictions of the Posse Comitatus Act (18 USC 1385) which prohibits Federal military units from performing law enforcement duties."<sup>191</sup>

The other roles were viewed as important but more appropriate for other organizations. The roles the guard could assume included assisting state and local emergency planners, disseminating threat information reports, interagency coordination, assisting in mass casualty evacuation operations, augmenting law enforcement, augmenting physical security, and many others.<sup>192</sup> Another key observation made by the SAIC team included the following:

"Local authorities believe that WMD incident consequences could very likely overwhelm local capabilities. To ease this situation, State and Federal assistance must begin to flow to the localities as quickly as possible."<sup>193</sup>

Under the recommended SAIC plan, a viable domestic preparedness program could be implemented by FY04 if Congress provides adequate funding.

As recognized by the SAIC plan, this could be a propitious time in the development of the nation's domestic preparedness for a WMD event. Preparation has been accelerated with the establishment of new organizations responsible for coordinating the program across the Federal Government. These include the Office of the National Coordinator for Security, Infrastructure Protection and Counterterrorism at the National Security Council and the National Domestic Preparedness Office at the FBI.<sup>194</sup> Memorandums of Agreement are being executed at federal, state and local levels to enhance coordination and execution capabilities. Gaps and shortfalls have also been identified in the program.<sup>195</sup> A well-coordinated, well-led, and adequately resourced program could get the nation to a much better state of preparedness within four to five years.

## CONCLUSIONS

The following conclusions have been made based on this review of the United States' counter-terrorism strategy for the twenty-first century.

The Terrorist Threat and WMD. The threat of terrorist use of WMD, as defined in this study, currently exists to United States' citizens, critical infrastructure, and territory from well-organized and well-funded domestic and international terrorist groups. The most likely WMD to be used routinely in the near-term are the conventional-type --- the type employed in both the World Trade Center and Oklahoma City bombings. However, many of the same terrorist groups involved in these conventional attacks are actively pursuing and may have already obtained or developed non-conventional WMD (i.e. chemical, biological, radiological, nuclear). Presently, it is uncertain when the non-conventional means will be employed more frequently, but the capability exists and has already been demonstrated by the Aum Shinrikyo in Japan. Hence, it is imperative for America to prepare now for this growing threat to its national security.

Domestic Preparedness. The United States, in general, is not adequately prepared today to counter terrorism and its use of WMD. Although the President has developed sound objectives of reducing vulnerabilities, preventing and deterring terrorist acts, responding to terrorist acts, and managing the consequences of terrorist acts, his response has not been enough. More concepts and resources need to be applied in the near-term if the nation is to be prepared to meet this growing threat to America's vital interests. In addition, the resources need to be applied in a more effective manner. The current efforts lack both unified command meaning organized with a "single commander and composed of significant assigned"<sup>196</sup> members from

the various governmental and non-governmental organizations involved, and unified action meaning "the synchronized application of all instruments of national ... power."<sup>197</sup> This is not to say progress has not been made. The results of a bottom-up review by SAIC indicate a well-coordinated, well-led, and adequately funded program could get the nation to a much better state of preparedness within four to five years. This, however, will require strong and effective leadership at the highest levels to direct what is clearly a complex effort and one in which the United States is currently behind in its preparation.

To reduce the United States' vulnerabilities to the WMD threat, Congress increased funding to the governmental departments and agencies involved in the WMD effort. Despite the increases, many gaps and shortfalls still exist within the nation's domestic WMD preparedness program. Part of the reason is Congress has not provided sufficient resources to fund all the concepts required to protect the United States' national interests. Other reasons include the failure of government to effectively and efficiently organize the national efforts needed to bring about critical near-term advances, especially in the areas of medicine, science, and technology.

Failure to make these and other needed advances could have a serious impact upon the United States. Without the development of less intrusive means of detecting chemical and biological agents, radiological devices, and explosives, commerce could be slowed and the United States' hurt economically. The nation's inability to produce effective immunizations and antidotes could also leave its citizenry more susceptible to attack. In addition, in those areas where the citizens of the nation are susceptible to terrorist attack, citizens must be taught what actions they need to take in response to WMD attacks. These and many other efforts need to be coordinated and implemented at the appropriate federal, state, and local level. Most have not been.

Government efforts to prevent and deter terrorist acts have been the most successful, to date, at achieving the CT/WMD program's desired objectives. Laws have been passed that have improved law enforcement agencies' ability to identify, capture, and prosecute terrorists. In addition, improved intelligence collection and better sharing between government agencies have prevented numerous terrorist attacks. As a result, no major terrorist attacks have been successfully carried out in the United States since the Oklahoma City bombing in 1995, although several different attempts have been made. Nevertheless, although prevention has improved, given the nation's long borders, large area, significant and diverse population, and its open-market economic system, it is unlikely government efforts will continue to be completely successful at preventing or deterring every major WMD terrorist attack.

Although government and law enforcement efforts have been successful at deterring and preventing attacks, some actions are not having the intended effect. More Americans are becoming increasingly concerned about government's invasion of privacy, perceived efforts to take away their constitutional rights (i.e. right to bear arms), and unfair treatment as a result of cultural stereotypes. Adding to the anxiety are highly publicized and questionable law enforcement actions such as those taken at Ruby Ridge and Waco. The more frequent use of soldiers in camouflaged fatigues and siege type tactics also has citizens worried about posse comitatus violations. These and other similar issues have not been adequately addressed by the administration, and appear to have contributed to the rising number of terrorist attacks being committed by domestic terrorists.

The Administration's response to terrorism has been successful at punishing the perpetrators of terrorist acts. The use of rewards and informants has resulted in the capture and punishment of many of the terrorists involved in terrorist acts against the United States. Military means and economic sanctions have also been effective at punishing states-of-concern for their support of international terrorism. The effectiveness of these government responses at deterring future terrorist acts, however, is difficult to measure. Economic sanctions have not convinced states-of-concern to renounce and end their support of terrorism. International diplomatic pressure and the application of military force by the United States have not stopped Afghanistan from providing sanctuary to known terrorist, Osama bin Laden. New and innovative methods that more effectively target states-of-concern and non-state actors' strategic center of gravities need to be developed and used.

Finally, the area in which the United States is least prepared is consequence management. Most local responders within the United States do not understand the threat. They also lack the training, equipment, and resources to adequately prepare for and respond to a WMD attack. In addition, the nation's local infrastructure is insufficient to handle the huge increase in casualties, transportation requirements, search and rescue operations, medical services requirements and many other services that will be required as a result of a WMD event. Although DoD has conducted training in many of the nation's largest cities, there are legitimate concerns about whether the training is sufficient and sustainable. Standard equipment with sufficient capabilities to allow personnel to identify and respond to WMD threats is lacking in most cities. Congress, in its wisdom, has recognized the key role the National Guard and Reserve can play in consequence management. However, it is not clear these forces have been properly structured and strategically positioned in such as way as to provide the best support to the nation. The SAIC study provides good recommendation for addressing existing

gaps and shortfalls in the nation's consequence management of WMD events. These and other measures need to be funded and implemented if the nation is to be better prepared to handle the consequences of a WMD event.

National Guard WMD Civil Support Teams. Although Secretary Cohen referred to these teams as the cornerstone of the United States' preparedness for the growing threat of terrorism and weapons of mass destruction, the Department of Defense's efforts to properly organize and field the teams seems to indicate otherwise. There seems to be little sense of urgency as only ten to twenty-seven teams have been fielded and certified to date. In addition, the need for the teams has been poorly marketed to most local, state, and federal agencies. As of May 1999, most local, state, and federal officials saw no need for the teams in their crisis or consequence management plans. The military has also failed to respond to the criticisms being leveled at it by the civil authorities the teams were created to assist. The teams are in danger of becoming irrelevant because of their slow response times and lack of dedicated airlift.<sup>198</sup> Without greater emphasis by the Department of Defense in the future, the teams will not play a vital role in managing the consequences of a WMD act.

## **RECOMMENDATIONS**

The following recommendations are made based upon this review.

Political Instruments .

### More Emphasis on the Counter-Terrorism and Weapons of Mass Destruction Program.

The President and the National Security Council need to give more attention to this high priority program. Greater attention is required to ensure a more solid strategy is developed that will achieve the national objectives of protecting our citizens, territory, and critical infrastructure. This will involve a significant amount of interagency coordination and cooperation to better organize the effort. It will also require assessing the effectiveness of measures currently being employed, and discarding those that are not having the desired effect. New concepts will need to be developed and implemented to shape change. The full capabilities of new technologies also need to be leveraged to ensure the protection and continuation of each citizen's individual liberties. Along with this strategy, an accurate estimate needs to be made of the resources required to implement the program. The Chief Executive must then convince Congress and the people of the importance of the program and the need for it to move forward in a more timely and efficient manner.<sup>199</sup>

One of the most important steps the administration can take at present is to unify the total federal counter-terrorism program (including crisis and consequence management) under a single counter-terrorism organization. The organization should be led by a competent civilian director and manned by a core-staff of experts in terrorism, weapons of mass destruction, the law, logistics, medicine, health services, law enforcement, emergency management, emergency response, technology, and other critical areas. It should also have senior representatives from each of the key federal and state agencies involved in the counter-terrorism effort. These representatives should have a sound understanding of their organization's capabilities and how it could best support this critical effort. In this way, a more unified effort could be achieved and resources applied more efficiently through the synchronization of all the nation's instruments of power.

By directing the nation's efforts through clear policies and directives, allocating sufficient resources to achieve the desired objectives, and building consensus within the uncertain, complex, ambiguous, and potentially volatile environment<sup>200</sup> posed by terrorists and their use of weapons of mass destruction, the President and his staff would contribute immeasurably towards protecting our nation's vital interests while at the same time maintaining the open environment and cherished liberties Americans have come to expect.

Congressional Funding and Laws in Support of CT/WMD Effort. Congress needs to fund the CT/WMD program at many times the present funding level to get the country to an effective state of CT/WMD preparedness in the near future.<sup>201</sup> Funding needs to be at affordable but adequate levels and justified by a clear strategy developed by the President and his National Security Advisors. They also need to be based on risk assessments and studies such as those conducted by the SAIC that identify shortfalls and gaps existing in the present program and outline a detailed and realistic time-phased approach for correcting them.

In addition, new laws that protect our liberties while providing harsh penalties to terrorists need to be investigated. As part of a national debate concerning these and other legal issues, Congress should seriously weigh the consequences of failing to adequately protect the nation's vital interests against possible minor reductions in each citizen's individual liberties. For example, because of the serious consequences involved in failing to prevent a WMD attack, should law enforcement authorities be granted access to encrypted computer transmissions? If so, should and could the use be limited to preventing and punishing those seeking to perpetrate attacks that would result in mass casualties and serious damage to the nation's critical infrastructure?

Congress should also give more attention to how laws are crafted and enforced to ensure they do not target a sizable portion of our society. For instance, recent attempts by the President and Congress to pass gun control laws combined with law enforcement actions at Waco and Ruby Ridge targeted gun owners across the nation and helped create the conditions for the Oklahoma City bombing. The unfair stereotyping of Arabs within the United States as terrorists and the more rigorous searches of Arabs going through customs could have similar repercussions if they are not closely monitored.

#### Diplomatic Instruments.

Diplomacy. United States' diplomats to the United Nations and countries around the world need to be effectively used by the administration to shape world opinion on terrorism and the use of WMD. World standards for acceptable behavior by national leaders could be defined and subscribed to by the United States and all the members of the United Nations. Those operating outside the parameters (i.e. sponsoring terrorism) could be declared to be international criminals, and tried by an international tribunal. Diplomats could also be used to effectively convey the United States' policies concerning terrorism around the globe. Clearly articulated messages such as the United States' willingness to respond unilaterally, if necessary, to state sponsored terrorism and the possible use of tactical nuclear weapons in retaliation for terrorist use of WMD could prove to be useful deterrents.

#### Economic Instruments.

Economic rewards. Economic sanctions have not been effective at getting states-of-concern to renounce terrorism.<sup>202</sup> More innovative means of applying positive economic leverage to influence these states need to be explored and implemented. For example, rewards like those offered for the capture Osama bin Laden and other known terrorists should be continued. Consideration should also be given to placing bounties on the "heads" of states-of-concern who continue to support and provide sanctuary to terrorist leaders and their organizations. Proactive financial rewards should also be offered and well-advertised for information leading to the arrest and conviction of anyone planning to conduct a terrorist attack on the United States or its allies.

#### Informational Instruments.

Continue To Improve Sharing of Information. Sharing of terrorist and other intelligence collection information has been greatly improved between federal agencies, and has had a significant effect on preventing terrorist acts. The sharing of information between federal, state and local officials should also be improved. Recent advances in information technology should be taken

advantage of to expedite the flow of information and cooperation between the different agencies involved in the counter-terrorism effort.<sup>203</sup> Appropriate and standard safeguards, however, should also be implemented to ensure personnel having access to sensitive information are reliable and can be trusted to effectively protect the information and its sources.

#### Technological Instruments.

Revolution in Government Affairs. Because little technological progress has been made since Desert Storm to counter weapons of mass destruction, a new government research agency should be organized to create the conditions for a "revolution in government affairs". The finest scientists in the country should be assembled to develop new technologies in support of the federal government's CT/WMD efforts. Areas supported would include improved intelligence collection capabilities, biological vaccines, chemical antidotes, and rapid detection of WMD (to support open markets). Because early detection is the most effective way of preventing or minimizing the effects of a WMD attack, effective detection means and devices also need to be developed to protect the nation's borders, water supplies, transportation systems (subways), and large office buildings. A large investment is required to lessen the WMD threat to the U.S., and it needs to be done soon if Americans' are to continue to exercise the individual liberties they have today.

#### Intelligence Instruments.

CIA and Special Forces Operations. Covert types of CIA and Special Forces' operations need to be conducted to the maximum extent possible for the reasons articulated earlier by Richard Clarke, President Clinton's National Coordinator for Infrastructure and Counterterrorism. The United States simply cannot afford to remain in a "response mode" to the actions of terrorist groups that have declared war upon it. The objectives of these covert operations should be the dismantling and destruction of the terrorists and their infrastructure.

#### Military Instruments.

DoD. According to a General Accounting Office's report cited earlier, the DoD needed to clarify its own command and control structure for domestic operations. It has accomplished this by establishing a standing Joint Task Force called Joint Task Force Civil Support. To better prepare for these domestic operations, the JTF Civil Support needs to develop plans in coordination with Federal, State, and local officials on how to best provide support to civil authorities based on the many different possible WMD scenarios. Then these plans need to be exercised through participation in the counter-terrorism tabletop and field exercises that are

conducted annually by the different federal agencies to include DoD. DoD also needs to take a close look at the military's force structure, and adjust it so it best supports the counter-terrorism needs of the country. Sufficient National Guard WMD CS teams need to be strategically placed throughout the country, and organized with sufficient airlift assets, operational planning cells, and liaison personnel for them to effectively serve as the advance parties for all of DoD's support to civil authorities. Then within each region of the nation it must be determined what medical, law enforcement, decontamination, transportation, logistics, engineer, and other support would be required to handle the "spike in requirements" caused by a WMD event. Properly organized and strategically positioned Guard, Reserve, and Active forces could then be moved into the area in accordance with some time-phased plan. For DoD, the key to providing successful support will be getting knowledgeable personnel to the incident in a timely manner, those personnel's correct assessment of the situation, and the rapid deployment of all the available federal assets needed to respond to the situation. This will require a significant amount of planning and coordination if an effective plan is to be developed and executed.

WMD Civil Support Teams. National Guard WMD Civil Support teams should be the cornerstone of the nation's consequence management of WMD events, but they have not been effectively organized or integrated into the CT/WMD strategy. The teams are made up of six parts: a command and control section (two soldiers), an operations section (four soldiers), a communications section (two soldiers), a medical section (four soldiers), an administrative/logistics section (two soldiers), and two survey sections (eight soldiers).<sup>204</sup> The entire team consists of seven officers and fourteen enlisted soldiers.<sup>205</sup> Their purpose is "to assist State and local authorities in assessing the situation surrounding a WMD emergency; advising these authorities regarding appropriate actions; and facilitating requests for assistance to expedite the arrival of additional state and military assets."<sup>206</sup> To be of assistance in assessing the situation, most State and local authorities have indicated the teams need to arrive within one to two hours after the event has occurred. To meet the desired response times, the teams would have to be organized with dedicated airlift and would have to be strategically positioned throughout the nation's fifty-four states and territories. This has not been done. The teams would therefore be irrelevant to most local and State authorities from the start of any consequence management effort.

Since timely action is the key to minimizing the casualties and suffering due to a WMD event, delaying the arrival of the WMD teams means the facilitation of requests for additional state and military assets will also be delayed. Providing meaningful support to civil authorities

also entails knowing what their needs are. Without sufficient liaisons placed at key locations within the crisis and consequence management structure, it will be difficult to correctly identify and respond to all the requests that would exist in the most serious of WMD attacks. More thought needs to go into the organization of the National Guard WMD Civil Support teams since they could play a major role in the success of the military's assistance to civil authority. Tabletop and field exercises should be helpful in flushing out how the teams can best be organized.

National Guard and Reserves. First and foremost, the Science Applications International Corporation's recommendations to the National Guard Bureau on WMD should be implemented immediately to fill the gaps and shortfalls they identified as existing within the United States domestic preparedness program. These will help the nation as a whole reach a better state of preparedness for WMD attacks.

It is also recommended the Guard transform itself to better meet the needs of their individual states and local communities. Communities are no longer faced with Indian attacks or the threats of the wild frontier. The Guard needs to be organized to assist in the more likely threats of natural disasters, civil disturbances, peacekeeping operations, and homeland defense. As a result, serious consideration should be given to increasing the number of National Guard units that have skills that complement existing state law enforcement and emergency response capabilities. Examples of military units that would prove more beneficial to states would include military police, medical, engineer, transportation, and signal companies. For example, by strategically positioning military police units within each state, rapid and more effective assistance could be provided to local and state law enforcement authorities when unusual spikes occur in law enforcement needs (i.e. prison riots, civil disturbances). Because posse comitatus does not apply to non-federalized guardsmen, civilian concerns about using the military for law enforcement could be significantly reduced by making National Guard soldiers more distinguishable from their active duty counterparts. For example, all National Guard personnel could wear modified law enforcement uniforms when called upon to assist the local or state police. These new uniforms would also serve to strengthen the concept of transformation. The key to the successful transformation of the Guard in each state would be the Governor's vision, sufficient funding, and the selection of the most synergistic force structure to best meet the needs of each individual state and the nation.

## State and Local Instruments.

State and Local. State and local officials need to work with federal officials in developing plans that will best meet the needs of their individual states while also supporting the needs of the nation. This includes identifying the appropriate type of Guard units that can be fielded and maintained within their states. It also means incorporating National Guard and other state assets effectively into their crisis and consequence management plans. State political leaders should also work to ensure their states and the nation receive all the funding needed to successfully prepare for a WMD attack. One way state leaders could do this is by ensuring local responders have all the equipment they need to detect and effectively respond to a WMD event. By placing increased emphasis on WMD preparation, state leaders could have a significant effect on the United States' preparedness for terrorist use of WMD.

In summary, the United States is not prepared today for terrorism and its use of WMD. As shown in this analysis, the capability already exists for terrorists to employ conventional and non-conventional weapons. It is therefore imperative that we prepare now to counter this growing threat. A failure to prepare now means the United States' vital interests – its people, critical infrastructure, and territory – will not be adequately protected against terrorism and its use of WMD. It also means significant individual freedoms could be threatened as the government seeks more stringent ways to counter this growing threat.

WORD COUNT= 14,142

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<sup>107</sup> General Accounting Office, Combating Terrorism – Use of National Guard Response Teams Is Unclear (Washington, D.C.:U.S. General Accounting Office, May 1999), 20.

<sup>108</sup> National Guard Bureau, National Guard Bureau Report to Congress; Enhancing the National Guard's Readiness to Support Emergency Responders in Domestic Chemical and Biological Terrorism Defense (Washington, D.C.: National Guard Bureau, 20 July 1999) available from <<http://www.ngb.dtic.mil/wmd/report/section4main.html>>. ; Internet; accessed 3 January 2001.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

<sup>117</sup> CIA Factbook available from <http://geography.about.com/science/geography/library/cia/blcusa.htm>; Internet;accessed 24 January 2001.

<sup>118</sup> Ibid.

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<sup>120</sup> Paul Mann, "White House Pummeled on Mass Terror Threat," Aviation Week and Space Technology, 26 July 1999, 30.

<sup>121</sup> Ibid.

<sup>122</sup> Bill Adair, "FEMA director: Terrorist act could become turf war," 10 January 2001; available from <http://pqasb.pqarchiver.com/sptimes/main/doc/000000066644664.html>; Internet; accessed 25 January 2001.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Cameron, 175.

<sup>126</sup> General Accounting Office, Combating Terrorism – FBI's Use of Federal Funds for Counterterrorism-Related Activities (FY's 1995-98), 2.

<sup>127</sup> Ibid.

<sup>128</sup> General Accounting Office, Combating Terrorism – Federal Agencies' Efforts To Implement National Policy and Strategy, 45 of 49.

<sup>129</sup> Mark E. Gebicke, Combating Terrorism: Observations on Growth in Federal Programs, Prepared Statement presented to the House Committee on Transportation and Infrastructure Subcommittee on Oversight, Investigations, and Emergency Management, 9 June 1999, p.10 (5953 words) [database on-line]; available from Lexis-Nexis

<sup>130</sup> Sopko, 219

<sup>131</sup> Gideon Rose, "It Could Happen Here; Facing the New Terrorism," Foreign Affairs, (March 1999/April 1999), p.6 (2949 words). [database on-line]; available from Lexus-Nexis.

<sup>132</sup> Mann, 32.

<sup>133</sup> Heymann, xii.

<sup>134</sup> General Accounting Office, Combating Terrorism – Federal Agencies' Efforts To Implement National Policy and Strategy, p. 41 of 49.

<sup>135</sup> Heymann, 139.

<sup>136</sup> Pete Williams, "Fighting Terrorism – within the law", 5 May; available from <http://www.msnbc.com/news/265562.asp>; Internet; accessed 14 September 2000.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

<sup>140</sup> Heymann, xvi-xvii.

<sup>141</sup> Ibid, 156.

<sup>142</sup> Ibid, 85.

<sup>143</sup> Williams, p.3.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid.

<sup>146</sup> General Accounting Office, Combating Terrorism – Federal Agencies’ Efforts To Implement National Policy and Strategy, 16 of 49.

<sup>147</sup> Ibid.

<sup>148</sup> Kitfield, 2859.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid, 2861.

<sup>151</sup> General Accounting Office, Combating Terrorism – Federal Agencies’ Efforts To Implement National Policy and Strategy, p. 17 of 49.

<sup>152</sup> Ibid.

<sup>153</sup> Brian E. Sheridan and Peter J. Schoomaker, United States Special Operations Forces Posture Statement 2000, (Washington, D.C.: U.S. Department of Defense, not dated), 43.

<sup>154</sup> Hoffman, 191.

<sup>155</sup> General Accounting Office, Combating Terrorism – Federal Agencies’ Efforts To Implement National Policy and Strategy, p. 17 of 49.

<sup>156</sup> Ibid.

<sup>157</sup> Hoffman, 191-192.

<sup>158</sup> Ehud Sprinzak, “Rational Fanatics,” Foreign Policy (September/October 2000): 72.

<sup>159</sup> Heymann, 26.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid, 62.

<sup>162</sup> Walsh.

<sup>163</sup> Sprinzak, 72.

<sup>164</sup> General Accounting Office, Combating Terrorism – Federal Agencies' Efforts To Implement National Policy and Strategy, p. 29 of 49.

<sup>165</sup> Heymann, 71.

<sup>166</sup> Smith, 1 of 12.

<sup>167</sup> Bryan Bender, "Terrorists using WMD could face US nuclear attack," Jane's Defence Weekly, 2 Sep 98, abstract.

<sup>168</sup> Heymann, 71.

<sup>169</sup> Hoffman, 74.

<sup>170</sup> General Accounting Office, Combating Terrorism – Federal Agencies' Efforts To Implement National Policy and Strategy, 45 of 49.

<sup>171</sup> Kim Corcoran, Jeff Bohler, and Dave Millet, "Consequence Management: An Increasing Need for Joint Doctrine," A Common Perspective Volume 8 No. 1(April 2000): 8.

<sup>172</sup> Subcommittee on National Security, International Affairs and ...,  Holds Hearing on the Effectiveness and Implementation of the Nunn-Lugar-Domenici Plan to Protect Americans From Terrorism Involving Weapons of Mass Destruction, 2 Oct 1998, p. 9 of 60 (28462 words) [database on-line]; available from Lexis-Nexis.

<sup>173</sup> Ibid.

<sup>174</sup> General Accounting Office, Combating Terrorism – Issues to be Resolved to Improve Counterterrorism Operations, 10.

<sup>175</sup> Kim Corcoran, Jeff Bohler, and Dave Millet, 8.

<sup>176</sup> Ibid.

<sup>177</sup> General Accounting Office, Combating Terrorism – Use of National Guard Response Teams Is Unclear, 2.

<sup>178</sup> Ibid.,8.

<sup>179</sup> Ibid.,18.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid.,16.

<sup>182</sup> Ibid.,27

<sup>183</sup> Ibid.,2.

<sup>184</sup> Ibid., 6.

<sup>185</sup> Ibid.,20.

<sup>186</sup> Capitol Hill Hearing Testimony, Testimony March 08, 2000 Charles L. Cragin Principal Deputy Assistant Secretary of Defense Reserve Affairs Department of Defense House Armed Services Military Personnel Military Personnel Policy, March 9, 2000, p.4 (18454)[database on-line]; available from Lexis-Nexis.

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<sup>188</sup> Ibid.

<sup>189</sup> Science Applications International Corporation, Report to the National Guard Bureau Weapons of Mass Destruction Study, (McClean, VA: Science Applications International Corporation, February 1999); available from [http://www.ngb.dtic.mil/wmd/volume1/3\\_vol1\\_exec\\_summary.html](http://www.ngb.dtic.mil/wmd/volume1/3_vol1_exec_summary.html); Internet; accessed 3 Jan 2001.

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

<sup>194</sup> Ibid.

<sup>195</sup> Ibid.

<sup>196</sup> Joint Chiefs of Staff, Doctrine for Joint Operations, Joint Pub 3-0 (Washington, D.C.; U.S. Joint Chiefs of Staff, 1 February 1995), GL-13.

<sup>197</sup> Ibid.

<sup>198</sup> General Accounting Office, Combating Terrorism – Use of National Guard Response Teams Is Unclear, 19.

<sup>199</sup> Mann, 30.

<sup>200</sup> Roderick R. Magee II, Strategic Leadership Primer, (Carlisle, PA: U.S. Army War College, 1998), 3.

<sup>201</sup> Rose, 6.

<sup>202</sup> Hoffman, 191-192.

<sup>203</sup> Heymann, 156.

<sup>204</sup> Randal E. Thomas, The National Guard Role in Weapons of Mass Destruction Response, Strategy Research Project (Carlisle Barracks: U.S. Army War College, 10 April 2000), 11.

<sup>205</sup> Ibid.

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