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TERRORISM HAS PREOCCUPIED ALL U.S. administrations since the 1970s, when international terrorists began major assaults on American interests. These attacks were directed mostly by Arab groups opposed to American policy toward the Arab-Israeli conflict or were carried out by various radical, Marxist, and revolutionary groups that were challenging American influence and power. Before then, terrorism was not viewed as a significant threat, and occasional terrorist acts against Americans were dealt with on an ad hoc basis. In the 1970s, terrorists began a wave of assassinations, hostage taking, aircraft hijackings, and bombings directed against U.S. interests. Washington began to view international terrorism as a national security problem that required a more forceful, effective response. Today, as the threats of nuclear and major conventional war have waned, there is an even sharper focus on terrorism. U.S. policy-makers and the public rank international terrorism high among global threats to the United States. Domestic terrorism has also become a major concern since the bombing of the Alfred P. Murrah Federal Building in Oklahoma City in 1995.

OVERVIEW

The Rise and Decline of International Terrorism

The American response to terrorism in the 1970s and 1980s was varied, as administrations changed, new policies were tried, and terrorist tactics evolved. There was much debate and turmoil over what to do. Policies were sometimes ad hoc and inconsistent, and international terrorist attacks against American and allied interests continued to increase. Between 1968 and 1986, the number of international terrorist attacks worldwide—that is, those involving the citizens or territory of one or more countries—rose from 140 to 666.¹ During the same period, anti-American attacks increased from 54 to 139.² After 1987, anti-American and international terrorist attacks worldwide began to decline. In 1998, there were 247 international terrorist attacks overall and 111 attacks against American targets.³

Deaths caused by international terrorism are another means of gauging the threat. These numbers have fluctuated widely, from 668 in 1979 to 221 in 1997, but the trend has been downward. There is also a declining trend in the number of Americans killed by international terrorism. Between 1990 and 1999, an average of 9 Americans a year were killed in acts of international terrorism, a relatively small number compared to those killed in other crimes of violence.⁴

There are two geopolitical reasons for this decline in international and anti-American terrorism since 1990. When the Soviet Union collapsed, radical states and revolutionary movements that practiced terrorism lost a major ally. When the Palestine Liberation Organization (PLO) condemned terrorism and joined the Middle East peace process in 1993, the Arab and Islamic states joined in this condemnation, giving increased momentum to a growing international consensus condemning terrorism irrespective of political motives. Another reason for the general decline in anti-American terrorism has been more effective U.S. counterterrorism policies, including greater emphasis on criminal law and law enforcement, a more unified interagency approach to counterterrorism, and more resources than were available earlier.

Defining Terrorism

For many years, ideological and political divisions hobbled international cooperation in the fight against terrorism. The Cold War and



the Arab-Israeli conflict, especially, prevented agreement on the definition of *terrorism*. Today there is less concern about a precise definition, and most states now consider politically motivated violence against noncombatants to be terrorism and treat such acts as crimes.

The laws and international treaties of the United States do not attempt to define terrorism precisely but instead focus on the particular act. For policy purposes, the U.S. State Department defines *terrorism* as “premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.”⁵ Under this definition, noncombatants include U.S. military personnel who at the time of the incident are not armed or not on duty. The United States does not define war crimes or actions by states that violate human rights as acts of terrorism and treats these under separate bodies of law.

The Seven Pillars of U.S. Counterterrorism Policy

Today, there are seven basic pillars of U.S. counterterrorism policy and practice.

1. Terrorism is a crime that should be prosecuted, whatever its motivation, and the rule of law should be strengthened as a principal weapon against it. Accordingly, the United States has strengthened its domestic antiterrorism laws and supports international treaties and conventions that address terrorism in its many forms.
2. The United States does not make concessions to terrorists or strike deals.
3. Detection, deterrence, and prevention of terrorism and apprehension of terrorists require intensive and focused collection and analysis of intelligence and cooperation among intelligence and law enforcement agencies worldwide.
4. Diplomacy is essential to encourage international cooperation against terrorism in the form of common policies, training for countries that require assistance, and practical cooperation in apprehending and bringing to justice terrorist suspects and denying safe haven to them.
5. In order to penalize and isolate states and groups that sponsor terrorism, the United States identifies and condemns them and applies economic sanctions and other prohibitions, including criminalization of terrorist fund-raising.

- 6. Providing physical and technical security measures to protect buildings, aircraft, and other vulnerable installations is essential to discouraging and preventing terrorist attacks.
- 7. Close coordination and effective teamwork among the U.S. agencies, civilian and military, that share responsibility for counterterrorism are critical to deterring terrorism and responding effectively to terrorist attacks.

Concern about the Future

Although international terrorism and anti-American attacks declined in the 1990s, U.S. officials believe that the terrorist threat today is no less dangerous than in the past, and may indeed be growing, for several reasons. There is an apparent trend toward more lethal and massive terrorist attacks. Modern terrorists are increasingly motivated by hatred, revenge, and religious and cult fanaticism. They are less constrained by the rational political calculus that has influenced most terrorists in the past and that limited mass killing. Above all, U.S. officials fear that terrorists with these inclinations, both domestic and international, may acquire and use increasingly available materials of mass destruction—biological, chemical, and radiological—to carry out unprecedented mass-casualty terrorism.

This threat is sometimes exaggerated and sensationalized, but it cannot be minimized. Some analysts also point out that, although international terrorism has declined, domestic terrorism and political violence in places like Algeria, Pakistan, Russia, the Caucasus, and other areas of conflict may be rising, with potential spillover effects against Americans and U.S. interests.

Terrorism and Public Affairs Policy

The United States warns the public about hazards of terrorism abroad through travel advisories and applies a “no double standard” policy that obliges authorities to publicize, in sanitized form, threat information obtained from intelligence sources when the threat cannot be defended against with confidence. In discussing terrorism and issuing warnings, officials must be careful to avoid creating unnecessary anxiety and disruption by exaggerating the threat, since this enhances the influence of terrorists and the fear



they seek to create. Officials must also be sensitive to the reality that the media often exaggerate and sensationalize terrorism by giving it greater coverage than other forms of violence and mayhem that may represent a greater danger to public safety. Also, care is needed in discussing terrorism carried out by groups claiming to act for religious motives, for example, the current phenomenon of terrorism by extremist Islamic elements, to avoid implying any intrinsic association between religion and terrorism.

U.S. GOVERNMENT PERCEPTIONS OF THE TERRORIST THREAT

The Costs of Terrorism

The U.S. government views terrorism not only as a direct threat to American officials, private citizens, military forces, businesspeople, and property but also as a danger to international peace and stability and American foreign policy interests. For decades, terrorism has caused great damage, for example, in deepening the Arab-Israeli and Northern Ireland confrontations and delaying accommodation. It has exacerbated and prolonged conflicts in Kashmir, Sri Lanka, Colombia, and Algeria. It has alienated the United States from states that have sponsored terrorism such as Iran and Libya. And it has sometimes provoked serious military conflict, for example, the civil war between Russia and Chechen militants.

The United States is also concerned about the economic burden of terrorism abroad and at home. Terrorism has periodically disrupted the economies of friendly states like Egypt and discouraged investment and economic development in Colombia, Sri Lanka, and Pakistan. For the United States, the costs of providing physical security against terrorist attacks on government and military installations and personnel and civil aviation, as well as security protection for the private sector, have been enormous.

The Many Faces of Terrorism

It is difficult to measure the threat of terrorism precisely because it is so varied and fluid. Terrorism has traditionally been the weapon of weak individuals, groups, and pariah states that lack

- the conventional political or military means to challenge their adversaries. Lone individuals, political opposition groups, and advocates of diverse causes have used terrorism to oppose repressive regimes and attract attention to their agendas. For example, terrorism has been used by ethnic and revolutionary insurgents and fanatical religious groups and cults to promote their causes.

Threat Assessment and Warning

Within the U.S. government, the director of central intelligence and the agencies that report to him are responsible for assessing the threat of international terrorism. The Federal Bureau of Investigation (FBI) is in charge of assessing the domestic threat. During the 1990s, the United States has devoted large and growing resources to the collection and analysis of intelligence on terrorist threats, both international and domestic.

Because terrorists operate secretly, there is a particular need for clandestine intelligence in order to discover, penetrate, and disrupt terrorist groups and operations. The United States has relied heavily on intelligence for both tactical and strategic warnings of terrorist attacks, and some potential attacks have been detected and disrupted. Also, intelligence gathered abroad is often a necessary supplement to information that the FBI collects for the indictment and prosecution of international terrorists.

Threat assessments, however, should not rely entirely on intelligence for warnings. This lesson was underscored by the bombings of the American embassies in Kenya and Tanzania in August 1998. American officials had previously and mistakenly designated these embassies as “low-threat” posts, since there had been no specific intelligence warning of terrorist threats.⁶ Since then, Washington has revived its threat assessment system to take greater account of the mobility of today’s transnational terrorists, of their practice of seeking out vulnerable targets in areas where they have not previously attacked, and of various environmental factors.⁷

Today analysts focus on various categories of terrorists who have attacked U.S. interests in the past or may do so in the future. These include state sponsors of terrorism; established terrorist organizations; loose networks of transnational terrorists, some of whom are motivated by religious fanaticism; a wide variety of do-



mestic elements that support or threaten terrorist violence; and so-called cyberterrorists, who may attack the U.S. digital infrastructure for terrorist purposes. These categories are discussed in the following pages.

State Sponsors of Terrorism

Beginning in the 1970s various states, usually weak nations in the developing world, began to carry out or sponsor terrorist acts against the United States or other nations. Radical anti-Western ideology or hostility to the United States and Israel usually motivated them. State-sponsored terrorism spread, and in 1979 Congress passed an amendment to the Export Administration Act calling on the secretary of state to annually designate states that consistently support terrorism.⁸ This law and others impose economic and military trade sanctions against such states.⁹ The State Department has designated Libya, Iraq, Iran, Syria, North Korea, and Cuba as “state sponsors of terrorism,” and Sudan was added to the list in 1995. Iraq was removed from the list temporarily in the late 1980s but was redesignated when it resumed terrorist activities.

In recent years, state-sponsored terrorism declined due to the fall of the Soviet Union, which had provided political backing for some of these states, the beginning of the Israeli-Palestinian peace process in the early 1990s, and growing international rejection of terrorism. The U.S. law is flexible enough to allow policymakers some discretion in designating state sponsors of terrorism. It also permits designated states to redeem themselves. But all seven countries remain on the list, although their continuing support for terrorism varies from significant to negligible. Cuba, for example, remains on the list, although it is no longer an active state sponsor of terrorism. Some U.S. analysts believe that because of the growing asymmetry of power between the United States and small, hostile states, such adversaries may turn to terrorism again to redress this imbalance.

Terrorist Organizations

The Department of State also keeps and annually reviews a list of nonstate foreign terrorist organizations designated by the secretary

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of state, as required by the Anti-terrorism and Effective Death Penalty Act of 1996.¹⁰ Under this law, members of and activists in these organizations are denied entry into the United States and are subject to deportation if they are found there. The law also enables the Treasury Department to seize the funds of these organizations in the United States. To date, few funds have been seized, but the law has apparently deterred terrorist fund-raising in the United States. As of the end of 1999, there were fifty-five organizations on this list.¹¹

Terrorism by many of the organizations active in the 1970s and 1980s has declined or ceased. For example, the radical secular Palestinian groups associated with the PLO are now more or less inactive, since the PLO's leader Yasser Arafat has committed the Palestinians to make peace with Israel. The Irish Republican Army (IRA) has accepted the peace process in Northern Ireland. And many, though not all, of the Latin American and European radical leftist groups are now extinct or moribund. Some ethnic insurgent organizations, like the Tamil Tigers in Sri Lanka and, to a declining extent, the Basque Fatherland and Liberty Party (ETA) in Spain, still practice terrorism. The Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) of Colombia are still deeply involved in terrorism.

Radical Islamic Terrorists: Osama bin Laden

As of the year 2000, U.S. analysts viewed terrorist groups—either organized or loosely linked—that claim to act on behalf of Islam as the most dynamic threat in international terrorism. These elements include such established groups as the Gamaat Islamiyya in Egypt; the Harakat ul-Mujahideen in Kashmir, Afghanistan, and Pakistan; and Hamas and the Palestinian Islamic Jihad in the West Bank and Gaza. Even more active among radical Islamic terrorists are militants linked to the Saudi dissident Osama bin Laden. Some of these fought with the Mujahideen guerrillas during the Afghan war against the Soviet Union in the 1980s or have received terrorist training in Afghanistan. Bin Laden is in direct control of several hundred terrorists in Afghanistan and influences and finances a network of militants known as Al Qaeda that extends to many countries. The U.S. Department of Justice has indicted bin Laden and some members of



his Al Qaeda group for the bombings of the U.S. embassies in Nairobi and Dar es Salaam in 1998.

The United States regards bin Laden and his allies as the most pervasive and dangerous of the radical Islamic terrorists. There is some debate about whether bin Laden's leadership in terrorism outside Afghanistan is primarily operational or whether his main role is financial and inspirational. He has issued a *fatwa* (religious-based order) calling for the deaths of American officials and civilians. Some private analysts think that U.S. officials may be exaggerating his operational role in radical Islamic terrorism, which in the past has been inchoate and widely dispersed.¹² Bin Laden is a dangerous terrorist leader, but the phenomenon of extremist Islamic terrorism is a much larger problem, which cannot be attributed to bin Laden alone. He is also a sophisticated publicist and self-promoter who thrives on the aura of fear and power that surrounds him. Excessive and sometimes lurid publicity by the media and the tendency of some officials to encourage this by speculating that he is associated with virtually every terrorist act have tended, inadvertently, to increase his stature and influence in radical Islamic circles.

American officials believe that terrorism by radical Islamists and other religious fanatics is especially dangerous because of their tendency to carry out attacks that inflict very many casualties using massive explosive charges.¹³ They cite, for example, the bombing of the World Trade Center in New York City in 1993, the bombings of U.S. embassies in East Africa in 1998, and the bombing of U.S. Air Force personnel at the Al Khobar barracks in Saudi Arabia in 1995. Unlike traditional, secular terrorists, fanatical religious terrorists lack a rational political calculus for their acts.¹⁴ They preach hatred and dehumanize their victims and are thus inclined to kill more people. In contrast, traditional, secular terrorists have more calculated political agendas. They are usually more interested in attracting attention to their causes than in killing for motives of hatred, revenge, or some messianic religious purpose.

American officials are aware that throughout history fringe groups from many religious faiths have claimed divine sanctions for violent acts. They have sought to make clear that there is no link between terrorism and Islam or any other religion and that those who justify violence on religious grounds are betraying their faith. Nevertheless, the attention given to radical Islamic terrorism has

- caused unease in the Islamic world and the Arab-American and Islamic-American communities.¹⁵

Domestic Terrorism: Christian Extremists

Americans tended to associate terrorism with foreign countries until the bombing of the Murrah federal office building in Oklahoma City by a right-wing extremist American in 1995. In fact, politically motivated violence has been a problem in the United States for generations. Although such violence has not often been described as such, domestic terrorism has included violence against racial or religious groups and revolutionary and anarchist bombings and assassinations. Today, antiabortion killings and attacks by radical environmental groups also qualify as terrorist acts.

Law enforcement officials are most concerned today about antigovernment terrorism by right-wing hate groups and some associated Christian fringe elements, who preach racism, antisemitism, and hatred of the United Nations (UN) and government, especially the federal government. Many of these elements are armed, and Internet chat groups have strengthened their cohesion. Federal guidelines for law enforcement officers protect such groups from surveillance if they have not committed illegal acts and there is no evidence indicating that they are preparing to do so.¹⁶ In addition, the law allows them to own firearms. Nevertheless, within carefully defined limits the FBI and local authorities are now devoting greater resources to monitoring potential domestic terrorists.

Terrorism and Weapons of Mass Destruction

By 1998, the threat of terrorist acts using chemical; biological; and, to a lesser extent, nuclear or radiological weapons of mass destruction (WMD) had become a major concern to the U.S. counterterrorism community. Concern has grown because of the increased availability of technologies for making such weapons, for example, through the Internet. The precedent set by the Japanese Aum Shinrikyo cult in 1995 when it staged a sarin gas attack in a Tokyo subway is another cause of concern. Analysts believe that the new breed of terrorists, including religious fanatics and hate groups, is no longer constrained, as traditional terrorists were, and seek mass



casualties as an end in itself. There is also concern that radical states like Iraq, whose commitment to its biological and chemical warfare programs is tenacious, notwithstanding UN sanctions, may attack the United States or American forces abroad using materials of mass destruction delivered by clandestine terrorists under the direction of a radical state or perhaps via long-range missiles.¹⁷

The perception of a new WMD terrorist threat has been given weight by studies and expert commissions calling this the Achilles' heel of America's defense strategy. The Clinton administration launched various programs for deterring or mitigating the effects of such a devastating attack. Officials acknowledge that the probability of such an attack is low, but they believe it is growing and that the potential consequences are so devastating that more preparation is needed.

The WMD terrorism threat is an especially difficult issue for policymakers because of the virtual impossibility of preparing in a comprehensive way for the huge variety of potential attacks and the many toxic and chemical substances that might be used. Massive resources would be needed for such preparation. And there are inherent difficulties in creating a coordinated program given the U.S. federal system and the thousands of government entities and jurisdictions that would be involved. For this reason, a more selective, "risk management" approach in which limited resources are invested where the risk appears to be greatest is probably needed. There is also a need for more restraint in official commentary about the WMD terrorist threat to avoid creating needless anxiety and provoking costly hoaxes.

Cyberterrorism

In recent years, the U.S. government has become increasingly concerned that terrorists might use computers to attack the digital infrastructure of the federal government, state and local authorities, the armed forces, public utilities, and other facilities using critical digital networks, including those in the private business and financial sectors. This potential threat, dubbed "cyberterrorism," has been widely publicized in the press. President Clinton appointed a Commission on the Protection of Vital Infrastructure to study the vulnerability of infrastructure in general and make recommendations.

- There is little history of efforts by terrorists, international or domestic, to penetrate or disrupt sensitive cybernetworks for political purposes, although some terrorists doubtless possess the knowledge needed to do this. On the other hand, there have been hundreds of attacks on cybernetworks by mischievous hackers and criminals. Thus, the current problem in cyberspace appears to be crime rather than terrorism. It is conceivable that in the future such attacks will be made for political reasons and thus will qualify as terrorist violence. Some imaginative analysts and fiction writers have described scenarios in which cyberattacks cause airplanes to crash, dams to burst, and bridges to open, causing many deaths. There is no evidence to date that terrorists are contemplating such complex crimes, but cyberterrorist attacks are a serious potential threat.

COUNTERTERRORISM LAWS AND LAW ENFORCEMENT

Domestic Law

In searching for the best way to combat terrorism, the United States has relied increasingly on law and law enforcement. The basic principle of American policy today is that no political cause or grievance, even one with some legitimacy, can justify the killing of innocent civilians and that any such act must be considered a crime. Traditionally, most acts of violence committed by terrorists in the United States were subject to prosecution under conventional criminal laws against murder, assault, arson, and kidnapping. But prior to the last twenty years the United States had few legal tools for the investigation and prosecution of terrorist crimes against Americans abroad.

In the absence of such “extraterritorial” jurisdiction, the United States was forced to rely on foreign governments to deal with such acts at a time when terrorism against Americans overseas was growing. Often even friendly governments, because of their sympathy for the terrorists’ political agendas (e.g., the Palestinian cause) or out of fear of reprisals, failed to prosecute terrorists aggressively. Nor could they arrest the terrorists and hand them over to the United States since at that time extraterritorial terrorist acts were not crimes under U.S. law. A case in point was the murder of Leon Klinghoffer, an American, in 1985 aboard the Italian cruise ship



Achille Lauro by a Palestinian radical group led by Abu Abbas. When the *Achille Lauro* docked in Alexandria, Egyptian authorities were unwilling to arrest Abbas. Nor could they hand him over to the United States, which had no jurisdiction in the case. When Egypt allowed him to escape on a commercial flight, U.S. military aircraft in a desperate maneuver forced the plane to land in Italy, hoping that the Italians would arrest him. Like the Egyptians, they chose not to do so, and Abbas was allowed to escape.

The lesson of this episode and other terrorist acts against Americans was that new laws were needed to authorize prosecution in the United States of terrorists acting against Americans abroad when the United States could gain custody of the suspect. As a result, the Congress passed many new statutes and today the United States has a wide variety of antiterrorism laws that confer extraterritorial jurisdiction. In many cases these laws impose tougher penalties for such crimes than for similar acts committed without terrorist motives in the United States.¹⁸

International Law

While domestic American antiterrorism law has expanded, the United States and its allies have also enlarged the reach of international law against terrorism in a growing series of treaties and conventions, a list of which follows. These treaties, now numbering eleven, address specific terrorist acts. They oblige signatories to pass domestic laws criminalizing the terrorist act defined in the treaty and to either prosecute or extradite the suspect to the country of the victim.

- 1963 Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft
- 1970 Hague Convention for the Unlawful Seizure of Aircraft
- 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
- 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons
- 1979 Convention on the Physical Protection of Nuclear Materials
- 1979 Convention against the Taking of Hostages

- 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf
- 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- 1991 Convention for the Marking of Plastic Explosives for the Purposes of Detection
- 1998 Convention for the Suppression of Terrorist Bombings
- 1999 Convention for the Suppression of Financing of Terrorism

The United States has greatly expanded its bilateral extradition treaties with other nations in order to strengthen further antiterrorism cooperation through international law. It has also upgraded old treaties, for example, by eliminating the “political exception” clause found in many old extradition treaties that had enabled terrorists to escape extradition by claiming that their crimes were political. Mutual legal assistance treaties (MLATs) are another device providing for mutual cooperation in the investigation and prosecution of crimes, and the United States has signed many of these in recent years.

Increasing reliance on the rule of law and criminalization of terrorism has greatly strengthened Washington’s ability to investigate and prosecute terrorist crimes against Americans abroad. In recent years, U.S. authorities, with the help of foreign governments and treaty partners, have arrested many terrorist suspects abroad and brought them to the United States for trial and conviction.

By adopting law enforcement and criminalization as the central elements in its counterterrorism policy, the United States has had less reason to resort to unilateral or covert operations that are dangerous or controversial in order to apprehend terrorists abroad. It has seldom acted unilaterally, although some believe that it should do so regularly.

There is a dilemma in the criminalization and law enforcement approach to counterterrorism that Washington has not yet, but may someday, encounter. Terrorist organizations occasionally reform themselves and make peace with their adversaries. The IRA and the PLO are cases in point. If the senior political leaders of the PLO and the IRA had been indicted for the terrorist crimes of their subordinates, it would have been difficult for the United States and Israel, in the case of Yasser Arafat and the PLO, and the United



Kingdom in the case of the IRA leadership, to accept their former adversaries as peace partners. This problem is unlikely to arise in cases in which the political cause or grievance that motivates terrorism has no merit, and there is no reason to expect that it might be addressed in the future through a political or negotiating process.

Counterterrorism Sanctions

Laws and executive orders impose a wide variety of sanctions against states that the United States designates as sponsors of terrorism. These sanctions prohibit trade, military sales, and other economic transactions, and they vary among countries. Some laws contain waiver and licensing provisions for special cases. Most require the United States to oppose loans by international financial institutions to state sponsors.¹⁹

The impact of these sanctions has been mixed. Although they deprive state sponsors of valuable economic ties with the United States, Washington has been unable to persuade its European and Japanese allies to join in sanctions and companies in those countries have profited accordingly. This weakness has sharply reduced the impact of sanctions and harmed U.S. business interests.

In 1996, Congress passed the Iran-Libya Sanctions Act and the Helms-Burton Act concerning Cuba, which require the United States to sanction foreign companies that engage in certain economic relations with these states.²⁰ These laws are counterproductive. Their full implementation would seriously inflame the relations of the United States with its friends without significantly curtailing support for terrorism in the targeted states. Fortunately, the laws contain waiver provisions, which the president has exercised for broader reasons of foreign policy. The policy of widespread unilateral sanctions needs a reappraisal, and the State Department has undertaken this effort. The value of sanctions should be measured by whether they work and impose costs on other interests of the United States that outweigh the benefits for counterterrorism, not the short-term political satisfaction they may bring.

Unilateral U.S. sanctions as a counterterrorism tool have had little international support. In contrast, multilateral UN Security Council sanctions have been quite successful, as shown by the

sanctions against Libya. When all nations join in sanctions, they provide powerful leverage. Libya, which was subject to heavy sanctions for the bombing of Pan Am Flight 103 in Scotland in 1988, finally yielded to these sanctions in 1999 by handing over the two Libyan suspects to prosecutors for trial in a Scottish court sitting in the Netherlands.

Debate over the Assassination of Terrorists

During the administration of President Ronald Reagan, following reports that the Central Intelligence Agency (CIA) had attempted to assassinate Cuban leader Fidel Castro in the 1960s, the president signed an executive order forbidding the use of assassination as a weapon of U.S. foreign policy or counterterrorism. Since then, some critics who advocate tougher counterterrorism measures have urged the repeal of this order, arguing that killing foreign terrorists or officials who are responsible for terrorist acts against American interests is justified for reasons of self-defense and deterrence. These critics have focused on such leaders as Saddam Hussein, Mu'ammarr Qadhafi, Slobodan Milosovic, and Osama bin Laden as especially loathsome and dangerous figures whose elimination, it is argued, would bring about a safer and more stable world. Assassination, they claim, is a simpler and more certain counterterrorism weapon than the costly and uncertain processes of diplomacy, law enforcement, and sanctions.

Opponents of assassination argue that it is contrary to the rule of law, which is now at the center of U.S. counterterrorism policy, and would undermine the edifice of domestic and international criminal law that the United States has worked to promote throughout the world. They point out that assassination cannot substitute for criminal prosecution based on legal evidence, that it is very difficult and dangerous, that it risks collateral casualties or even killing of the wrong person, and that it can provoke retaliatory assassinations or terrorist acts directed against innocent Americans. Assassination practiced by a few states has indeed led to bloody reprisals. Opponents argue, above all, that the United States should not sink to the level of terrorists and engage in murder, however heinous the enemy. The latter arguments are compelling, and there is little chance that the United States will change its anti-assassination policy.

COUNTERTERRORISM DIPLOMACY AND INTERNATIONAL COOPERATION

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United
States

Growing World Consensus against Terrorism

The globalization of terrorism in the last generation and a growing consensus that it should be criminalized have led to increased international cooperation, especially in the last decade. This international cooperation has required intensive diplomacy, multilateral and bilateral, and close and coordinated relationships among foreign ministries and intelligence and law enforcement agencies.

Before the last decade, U.S. efforts to create a common, international approach to terrorism were crippled by two major geopolitical divides, the Cold War and the Arab-Israeli conflict. Efforts to win support for condemnation of terrorist acts committed on behalf of Marxist or anticolonial revolution or the Palestinian struggle against Israel often foundered over these ideological and political fault lines.

Many governments, especially in the developing world, were unwilling to condemn revolutionary or anticolonial terrorism because of sympathy for the political agendas of the terrorists or fear of breaching their commitment to nonalignment. When terrorism issues were raised in multilateral bodies or bilateral discussions by the United States, these governments often excused terrorist acts on the grounds that these were the desperate efforts of oppressed “freedom fighters” whose circumstances had forced them to resort to terrorism. For example, states sympathetic to the Palestinian cause argued that its militants should be viewed as freedom fighters, not terrorists.

As a result of this political and ideological gap, other governments often declined to cooperate with the United States by arresting and prosecuting terrorists. Washington was also unable to persuade the UN General Assembly and other multilateral groups to condemn terrorists because of the perception that “one man’s terrorist is another man’s freedom fighter.”

The fall of the Soviet Union and the renewal of the Arab-Israeli peace process changed this attitude. The end of revolutionary Marxism as a popular cause and the PLO’s stand against terrorism and for peace with Israel enabled governments to deal with terrorism more objectively. A consensus that terrorism is a crime that

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cannot be justified under any circumstances began to grow. Arab and Islamic governments, some of which were under attack from local terrorists who sought to overthrow or destabilize them, also began to view terrorism as a threat to their internal stability and to condemn it forthrightly.

Multilateral Action

There were many signs of this new international consensus. In recent years, after failing for decades to condemn terrorism, the UN General Assembly passed and annually reiterated a strong resolution condemning terrorism and calling on nations to cooperate in opposition to it. In 1995, the Organization of the Islamic Conference did likewise. Other multilateral groups joined this trend, and there were counterterrorism conferences sponsored by the Philippines, Japan, Argentina, and Peru. In 1996, after a series of bus bombings in Israel threatened to abort peace talks between Israel and the Palestinians, American, European, Israeli, Arab, and Palestinian counterterrorism and law enforcement officials met as a working group in Washington, as a sequel to the Sharm-el-Sheikh Summit, to discuss cooperation in the struggle against all forms of terrorism.

The United States and the Group of Seven (G-7), whose terrorism subgroup had met annually before G-7 summits to consider new forms of counterterrorism cooperation, also intensified consultations. Russia was invited to join the group, which now became the Group of Eight (G-8), and Canada and France both sponsored special G-8 conferences on terrorism. The G-8 also continued to take the lead in proposing new international conventions on terrorism, for example, the Convention on Terrorist Bombing, which was approved by the UN General Assembly in 1997, and a draft convention on terrorist fund-raising, which the General Assembly completed in 1999.

Bilateral Cooperation

The United States has also intensified a series of periodic bilateral consultations with European Union states, Japan, Turkey, and Israel and new consultations in the Middle East, South Asia, East Asia, and Latin America. New bilateral counterterrorism ties were also cre-



ated with Muslim and Arab states, the Palestinians, and Russia. These consultations are led by the Department of State's coordinator for counterterrorism and are joined by experts from the intelligence, defense, and law enforcement communities. The FBI and U.S. intelligence agencies also carry out more informal and specialized consultations with counterpart agencies abroad.

Overseas Investigations, Extradition, and Rendition of Suspects

For the United States, application of its broad extraterritorial jurisdiction to investigate and prosecute terrorism against Americans abroad depends on close cooperation with foreign governments. In some cases, the state where the terrorist act occurred may choose to prosecute the crime under its own laws. But in other cases states have been willing to extradite suspects to the United States, pursuant to multilateral or bilateral treaties. In recent years, as a result of close counterterrorism ties forged with foreign governments, thirteen terrorist suspects have been extradited, or in some cases "rendered" (an informal handover of suspects to a foreign government) for prosecution in the United States. These extraditions have included terrorists responsible for the World Trade Center bombing, a conspiracy to blow up American passenger aircraft over the Pacific, attacks on American embassies in Asia and Africa, and various other attacks on U.S. interests.²¹

THE NO CONCESSIONS POLICY

Rationale and Application

The basic goal of U.S. counterterrorism policy is to punish all terrorist acts directed against American interests, thereby deterring further acts and reducing the level of terrorism. A fundamental tenet of this policy is that the United States will not yield to terrorists' threats or attempts to intimidate or extort concessions. The purpose of the "no concessions" policy is to put all potential attackers on notice that using terrorism to extract concessions or ransom is futile, thereby discouraging similar acts in the future.

This policy has been brought to bear in incidents of aircraft

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hijacking, bomb threats, the seizure of embassies, and the holding of Americans hostage for ransom or to extract concessions. This policy does not mean that the United States refuses to “negotiate” with terrorists. Indeed, U.S. officials seek to establish a dialogue with terrorists in threat situations in order to gain the release of hostages, to dissuade the terrorists from acting, or to buy time. If U.S. officials are unable to communicate with terrorists in such situations abroad, they encourage foreign governments to establish a dialogue.

The United States violated the no concessions policy in 1985 when it sold arms to Iran in the expectation that Iran would instruct its protégé, the Hizbullah in Lebanon, to release Americans whom it was holding hostage. The result was a fiasco. Not only did Iran not help to obtain release of the hostages, but the Hizbullah took more hostages, almost certainly under the direction of the Iranians, who were emboldened to raise the ante after seeing that the United States was willing to bargain. There have been other cases in which the United States came close to making concessions in terrorist crises, but for the most part the no concessions policy has been maintained. The policy may have been a factor behind the virtual abandonment by terrorists of the practice of seizing U.S. officials for ransom or political concessions since the early 1980s. In contrast, terrorists have continued to abduct private American citizens, knowing that their families and companies are often willing to pay a ransom.

Tension between Humanitarian Need and Denying Terrorist Gains

The no concessions policy is difficult to apply and is controversial in practice, especially when the lives of hostages are at stake. There is usually a conflict between the humanitarian urge to rescue the victims and the need to avoid encouraging further terrorist acts by making concessions or paying a ransom. The United States encourages all Americans to support this policy, but it is binding only on U.S. government officials in dealing with terrorists. Often when private citizens are taken hostage abroad their employers or families, who are not responsible for public policy, establish contact with terrorists and negotiate ransom settlements. There is no U.S. law forbidding such acts. In countries like Colombia, where



ransom payments are common, kidnapping is frequent and in many cases should be defined as common crime or extortion rather than politically motivated terrorism.

Dealing with the tension between the no concessions policy and immediate humanitarian needs is all the more difficult when terrorists demand concessions by the U.S. government and the family of the potential victim urges the government to bow to the terrorists' demands. As the United States learned during the hostage crises in Iran and Lebanon, reconciling the need for compassion with the need to protect other public interests and adhere to principle is not easy. Some governments, including several that otherwise pursue tough counterterrorism policies, make concessions in order to save lives and thus expose themselves to further acts of terrorism.

THE MILITARY'S ROLE IN COUNTERTERRORISM

Public Support

Military force has always been an element in the U.S. arsenal of counterterrorism tools, together with law enforcement, sanctions, and diplomacy, and the United States maintains highly trained, specialized forces for use in a variety of terrorism crises. But in practice force has seldom been used because of the difficulties and drawbacks in applying it effectively.

On the few occasions when the United States has used force to punish or preempt terrorism, the public response has been very positive. A swift, strong, military reaction has an immense cathartic effect in satisfying the anger and outrage Americans feel about terrorist killings of innocent citizens. Force is regarded as an effective message that the United States will not be intimidated by terrorism and a warning to others that such attacks will be avenged. Compared to the tedious and uncertain alternative of using criminal law in response to terrorist crimes, the military option offers the appearance of swift justice.

Cases in Which the United States Has Used Force

In recent decades, major military force has been used against terrorism only a few times. In 1981, an effort to rescue Americans held

hostage in the U.S. embassy in Teheran with helicopter-borne troops ended in disaster when everything went wrong and a helicopter and troop transport aircraft collided after landing in the Iranian desert.²² This abortive mission revealed the need for better intraservice coordination and training. It led to the creation of the U.S. Special Operations Command, which is responsible today for the military's counterterrorism role and many other difficult, specialized missions.

Following the release of the American hostages in Iran in 1982, President Reagan announced that thereafter the United States would impose "swift and effective retribution" against terrorists. As terrorist attacks multiplied and public concern mounted, National Security Directive 138 was adopted, announcing the policy of using force against terrorists and moving from "defense to offense." Secretary of State George Shultz warned terrorists that they would pay a price for further attacks on the United States and that America was prepared to take "preventive or preemptive actions" against terrorists. In 1986, Washington exercised this new approach after intelligence clearly established that Libyan agents had bombed the La Belle Discotheque in Berlin, killing an American soldier and wounding 220 others. The U.S. Air Force bombed military facilities and other sites in Tripoli, including a dwelling of President Mu'ammarr Qadhafi in Tripoli.

In 1985, the United States used force after the killing of Leon Klinghoffer on the cruise ship *Achille Lauro*. When Egypt allowed the killers, a radical Palestinian faction leader, Abu Abbas, and his gang, to escape Cairo in an Egyptair passenger aircraft after the *Achille Lauro* landed in Alexandria, U.S. fighter planes intercepted the flight and forced it to land in Italy. Although Italy prosecuted Klinghoffer's killer, it chose not to prosecute Abu Abbas and allowed him to leave the country. In 1991, after coalition forces reversed Iraq's invasion of Kuwait, a car bomb, believed to have been planted by Iraqi intelligence officials, was placed at a point on the motorcade route of visiting president George Bush. It was discovered before it detonated, and the United States responded with cruise missile attacks on Iraqi security installations in Baghdad.

The United States also responded with force in August 1998 after terrorist suicide bombers, believed to have been guided by Osama bin Laden, destroyed the American embassies in Nairobi and Dar es



Salaam. The United States responded with simultaneous cruise missile attacks against terrorist training camps associated with bin Laden in Afghanistan and the Al Shifa pharmaceutical plant in Khartoum, Sudan, which Washington believed contained a chemical weapons facility connected to bin Laden.

Disadvantages of Military Force

The infrequent use of American military force in combating terrorism reflects various practical problems inherent in using force effectively. Contrary to popular belief, it is difficult and dangerous, and often impossible, to send U.S. ground forces against terrorists in sovereign states where terrorists have been given or have established a safe haven. Nor is it usually possible for aircraft to accurately target and attack terrorists on the ground. Training camps and other terrorist “infrastructure,” such as Osama bin Laden’s camps in Afghanistan, are usually makeshift, rudimentary operations in rural areas that are easily moved and replaced.

When a state employs its agents or contractors to attack American targets, as Libya and Iraq have done, and the purpose of a military response is to deter and punish the guilty government, targeting is less of a problem than it would be against groups that lack state sponsorship, since military or other sites associated with terrorism are usually available. The U.S. cruise missile attack against Iraq in 1991, launched in response to the plot to assassinate President Bush, apparently accomplished this purpose, judging from the lack of subsequent Iraqi terrorism directed against U.S. targets. However, the U.S. bombing of Libya in 1986 failed to deter Libyan-sponsored terrorism. Indeed, the bombing of Pan Am Flight 103 in December 1988 by terrorists whom the United States and the United Kingdom have identified as Libyan intelligence agents was probably carried out in retaliation against the U.S. raid on Tripoli, which killed several dozen civilians.

The risk of unintended civilian casualties when using military force against state sponsors of terrorism or nonstate terrorists is often high. This factor and the chance that such attacks may provoke further terrorism against American civilian targets, as was apparently the case with the bombing of Flight 103, are major drawbacks to the military option.

Another drawback of the use of force against terrorists is finding a persuasive legal justification. This problem has been cited by European allies of the United States and other critics who claim that unilateral military action is incompatible with the growing trend, which the United States itself has championed, of dealing with terrorism through the rule of law, especially when the target is not a state. A military response to an act of terrorism sponsored by a state can be justified as self-defense. The legal issue becomes more acute when military action is taken against nonstate targets in sovereign foreign countries without the consent of the host government.

When considering the use of force against terrorists—both state and nonstate actors—governments must anticipate that other governments and critics may expect strong evidence of guilt, of the kind that would withstand scrutiny in a court of law, as justification. For retaliatory action, this explanation can present problems since such evidence is often derived from sensitive intelligence sources and methods. For example, the inability of the Clinton administration to present convincing proof that the Al Shifa pharmaceutical plant was linked to Osama bin Laden and was really a disguised chemical weapons plant exposed the U.S. government to the embarrassing criticism that the attack was neither a legal nor a proper response to the terrorist bombings in East Africa.

The United States was able to present a plausible legal case that it was essential to attack the terrorist training camps in Afghanistan. Washington argued that intelligence showed that terrorists associated with Osama bin Laden and these camps were preparing to strike other U.S. targets in the period following the bombings of the U.S. embassies in Nairobi and Dar es Salaam, and that the Taliban government in Afghanistan had refused to close these camps or expel bin Laden. The United States claimed it had therefore acted legally in self-defense, and few faulted this rationale.

A Necessary Option

Fighting terrorism at this stage in history cannot yet be confined entirely to diplomacy and law enforcement. Given the existence of states that operate outside the norms of international law and that



tolerate or support terrorism, the United States needs to keep open the option of using military force, albeit on rare occasions. The fact that the United States has highly trained military assets that at times have been used can serve as a strong deterrent to potential terrorists. In late 1995, terrorists seized the Japanese ambassador's residence in Lima, Peru, and took hostage dozens of foreign diplomats, including seven Americans. The Americans were released within a few days, many weeks before Peruvian Special Forces rescued the others. At the time, a rumor was circulating in Lima that American Delta Force commandos had arrived in town and were preparing to storm the residence. The rumor was false, but it is possible that the terrorists released the Americans because they feared a U.S. attack.

Highly trained U.S. special forces are capable of carrying out many other complex missions that may or may not be associated with terrorist emergencies. They have provided critical support over the years, for example, in emergency evacuation and rescue situations in which official and civilian Americans were in danger. Military assets have also been an integral part of delicate operations involving the apprehension of terrorist suspects abroad by foreign governments in cooperation with the American government and the extradition (or informal "rendition") of the suspects to the United States. In many such cases, U.S. military aircraft are used. The Department of Defense also provides expert training to special forces of other nations in order to improve their ability to deal with terrorism and other complex emergencies and to collaborate, if need be, with U.S. forces.

COUNTERTERRORISM ORGANIZATION AND COORDINATION

The Need for Teamwork

Over the years, the United States has developed, through trial and error, a process of coordinating the assets of many different government agencies to combat terrorism. Prior to the 1990s, disagreements within the government sometimes hobbled counterterrorism efforts and led to confusion about U.S. policy abroad. The system was badly shaken during the Reagan administration when staff members of the National Security Council took secret and unilateral

- action in terrorism matters without informing other agencies, including the Departments of State and Defense. The most dramatic example was the secret deal that provided weapons to Iran in exchange for the release of hostages in Lebanon held by the Hizbullah and the use of funds from these transactions to support the anticommunist “Contra” militia in Nicaragua. The Iran-Contra scandal involved violations of both U.S. law and counterterrorism policy and led to a congressional investigation and the conviction of various U.S. officials.

The lesson learned from this debacle was that dealing effectively with terrorism requires close teamwork among the many agencies whose skills must be integrated in a collective process. There were occasional proposals for the creation of a counterterrorism “czar” in the White House to centralize all counterterrorism policies and operations. But, because the roles of many agencies are required and all agencies have their own personnel and budgets, a highly centralized process seemed neither practical nor desirable. Instead, a process of coordination evolved among cabinet agencies and the White House.

The potential always exists for friction and bureaucratic competition among agencies involved in combating international terrorism, given the high political concern about this issue in the United States and the sensitive foreign policy issues it presents. This places a premium on high-quality, professional personnel and teamwork. In contrast to the situation in former decades, coordination today is quite effective. The targeting of terrorists and terrorist suspects using the combined resources of diplomacy, intelligence, and law enforcement, often with military support, has made possible many operations in which terrorists have been arrested abroad and brought to the United States for trial and conviction.

U.S. Agencies with Counterterrorism Responsibilities

By means of a presidential directive, the Department of Justice (including the FBI, which is an arm of the department) has been designated the “lead agency” for domestic terrorism, that is, for policy and operations concerning terrorism within the United States, including terrorist acts by foreigners within the United States.

The response to acts of international terrorism directed against U.S. citizens and targets abroad requires more complex organization than does the response to similar acts committed in the United



States, since the resources of many agencies are needed and foreign governments are involved. In this realm, the president has designated the State Department as the lead agency. The Office of the Coordinator for Counterterrorism (S/CT) is in charge of overall coordination of policy and operations for international terrorism. The head of S/CT is a presidential appointee with ambassadorial rank who reports directly to the secretary of state. Frequent consultations by S/CT, which often leads an interagency team, are conducted with foreign governments to enhance international cooperation. The office also represents the United States in various multilateral bodies such as the counterterrorism subgroup of the Group of 8.

Within the State Department, S/CT works closely with the Bureau of Diplomatic Security (DS), which is responsible for the protection of American officials abroad. The DS administers the Anti-Terrorism Assistance Program, which trains foreign security personnel in antiterrorism techniques and has trained more than twenty thousand foreign officials from more than one hundred countries.²³ It also runs the department's Terrorism Rewards Program, which offers payments of up to two million dollars for information leading to the arrest and conviction of terrorists.²⁴ The Bureau of Consular Affairs assists American citizens abroad and issues warnings concerning terrorism and other hazards to travelers.

The CIA and other elements of the U.S. intelligence community are responsible for collecting and analyzing information about international terrorism. The Counterterrorism Center at the CIA, which reports to the director of central intelligence, combines counterterrorism personnel from various agencies. It works closely with the Department of State and the FBI. Intelligence officers also maintain liaisons and intelligence-sharing relationships with friendly foreign governments that are critical to combating international terrorism.

The Department of Justice and the FBI also take part in Washington's international counterterrorism apparatus. Their role has grown, as the United States has turned increasingly to law enforcement as its principal weapon against terrorism and has enacted new laws that provide "extraterritorial jurisdiction" for investigation and prosecution of terrorist crimes against American interests abroad. The senior Justice Department official in this process is the assistant secretary for terrorism and violent crime, and the FBI's representative is the head of the International Terrorism Directorate.

- Legal attachés from the FBI serve under ambassadors at a growing number of American embassies. They provide liaison between the FBI in Washington and its foreign law enforcement counterparts. They also work with host government officials to investigate terrorist and other crimes perpetrated against Americans over which the United States has extraterritorial jurisdiction.

The Department of Defense is also a key player. Counterterrorism policy at Defense is the responsibility of the assistant secretary of defense for special operations and low-intensity conflict (OSD/SOLIC). Operational support is handled by a flag rank officer representing the Joint Chiefs of Staff.

Because U.S. civil aviation has been targeted by terrorists, the Federal Aviation Administration (FAA) has been charged with responsibility for aviation security. Together with its parent, the Department of Transportation, it is an important part of the counterterrorism community.

The Department of Energy, which has sophisticated technical resources for dealing with nuclear terrorism, participates in this process. The Department of Treasury and its affiliate, the U.S. Customs Service, also play various roles in counterterrorism law enforcement, for example, administering and enforcing economic and financial sanctions and providing security at ports of entry.

Under the Clinton administration, the National Security Council assumed a larger role in counterterrorism than most previous administrations through the Office of the National Security Advisor for Global Affairs. This official chairs the Counterterrorism Security Group (CSG), which meets frequently to deal with major counterterrorism policy and operational issues. The chairman of the CSG was designated by the president as national coordinator for security, infrastructure protection, and counterterrorism to coordinate, among other things, policy and planning dealing with potential domestic terrorist attacks using materials of mass destruction.

Research and Development of Counterterrorism Technologies

The United States also has an active and increasingly well-funded program for research and development of counterterrorism technologies under the direction of the Technical Support Working



Group (TSWG). This interagency group is chaired by a staff member of the State Department's Office of the Coordinator for Counterterrorism and is staffed and financed largely by the Department of Defense. It has developed dozens of technologies for enhancing counterterrorism communications, surveillance, detection of explosives and weapons, defensive measures, building security, and the identification of chemical, biological, and radiological substances. It also maintains joint research and development programs with several friendly foreign governments.

SECURITY AGAINST TERRORISM

Protection of U.S. Embassies and Diplomats

Security against terrorist attacks has been an important element of U.S. counterterrorism policy, and during the last thirty years government and the private sector have spent billions of dollars on security measures. Nevertheless, investment in secure U.S. embassies abroad has fallen short of the need because of budget constraints and perceived higher priorities.

In the fifteen years that followed World War II, when terrorist attacks against American officials abroad were rare, Washington began a massive program of building new embassies to show its commitments to the world and demonstrate the best in modern American architecture. Many of these buildings were monuments to style, but they were vulnerable to attack. By the late 1960s, terrorists and protestors were targeting U.S. embassies as symbols of American power and prestige, especially in Latin America, Europe, and Vietnam. The Department of State began to realize that it could no longer maintain adequate security without some compromises in the image of openness and accessibility that Americans wished to project in the design and location of their embassies.²⁵

In the 1970s, terrorists struck American embassies and diplomats with growing frequency—in Khartoum in 1973, Athens in 1974, Kuala Lumpur in 1975, Beirut in 1976, and Tehran in 1979. As it became clear that the United States could no longer depend on host governments for protection, the State Department increasingly fortified embassies with retrofitted walls, concrete perimeter ballards, sentry posts, surveillance cameras, vehicle barriers, and other protective

• devices. Searches of vehicles and personnel were increased and mirrors, security lights, and warning and communications devices were installed. Many embassies began to hire and train local guard forces to supplement their American security officers and Marine security detachments, and all embassies were instructed to prepare emergency response and evacuation plans.

But the stark dimensions of the terrorist threat did not become clear until a series of suicide truck bombings in 1983 destroyed the U.S. Marine barracks in Beirut and later the American embassy there, killing hundreds of Americans. As a result, an Advisory Panel on Overseas Security, chaired by retired admiral Bobby Inman, recommended a massive increase in funds for building safer embassies and establishing tough new security standards.²⁶

For a few years, Congress responded with increased funds. But as the Cold War ended and terrorism seemed to abate, memories faded about vulnerability to truck bomb attacks. Congress, preoccupied with budget cutting and domestic concerns, progressively slashed the Department of State's budget for security and embassy construction as part of deep cuts in the foreign affairs budget.

In 1996, a devastating truck bomb killed nineteen U.S. Air Force personnel and wounded more than five hundred others at the Al Khobar barracks in Dhahran, Saudi Arabia, a reminder of U.S. vulnerability. Yet there was no restoration of funding or renewed momentum for the Department of State's security and embassy-building programs. Although Washington should not have been surprised, it was shocked when radical Islamic terrorists associated with the Saudi dissident terrorist Osama bin Laden used suicide truck bombers to destroy the U.S. embassies in Nairobi and Dar es Salaam on August 7, 1998, killing 220 people, and wounding more than 5,000.

The lesson of these bombings was that high standards of physical security are necessary for all U.S. embassies, even in areas like Africa, where such attacks were previously unknown. Today's terrorists are more mobile than in the past and seek out vulnerable targets for surprise attacks worldwide.²⁷

Some have proposed that because of its vulnerability and the expense of building safe embassies the United States should reduce its profile abroad and conduct more diplomacy from Washington. Such a retreat would be a major victory for terrorists. The United States is



quite capable of paying for adequate protection for its officials, and an active overseas presence provides essential “eyes and ears” and the influence needed to protect America’s many interests abroad.

After the embassy bombings in East Africa, accountability review boards chaired by retired admiral William Crowe recommended major increases in funding for diplomatic security and safe embassy buildings.²⁸ Although some new funds were appropriated, the Clinton administration, under pressure from Congress to reduce non-military spending, did not request sufficient funds to meet this need.

Terrorist attacks on American embassies and diplomats are attacks on the United States. The cost of such attacks should be measured not just in lives and property damage but in lost prestige for the United States and victories for terrorists. The failure of successive U.S. administrations and congresses to provide adequate funds for safe embassies is a shortcoming in U.S. counterterrorism policy that needs to be remedied.

Protection of U.S. Military Forces

The Department of Defense gave the highest priority to protecting American armed forces abroad following the Al Khobar barracks attack in 1996, and a similar, less costly attack in 1995 on a U.S. military office in Riyadh. The Pentagon is investing heavily in physical defense, antiterrorist technologies, and training for the rank and file, preaching the message: “Security is everyone’s business.” This investment has been quite effective.

Civil Aviation Security

Because of the wave of terrorist hijackings and other attacks on U.S. civil aviation, beginning in the late 1970s the FAA instituted sweeping security requirements for American airlines and airports. These include, for example, scanners to detect weapons and explosives in luggage and stringent controls on access to some airport areas. The FAA tightened aviation security after the bombing of Pan Am Flight 103 in 1988 by suspected Libyan terrorists, for example, by requiring “baggage matching,” which prevents loading luggage unless its owner also boards the aircraft.

Many other nations’ airlines have been targeted by terrorists,

- and as a result there has been extraordinary international cooperation. The center of this process is the International Civil Aviation Organization (ICAO) in Montreal, a UN body, which formulates worldwide standards. Airlines in countries that do not abide by ICAO standards, or by those of the FAA, which are sometimes stricter than ICAO's, are not permitted to land in the United States. And foreign airports that are not certified by the FAA cannot be used by U.S. airlines. As a result of tougher aviation security measures, terrorist attacks against aviation targets declined sharply in the 1990s.

Security for the Private Sector

Terrorism also poses a major challenge to American businesses and other private organizations that operate abroad. Indeed, attacks against U.S. businesses overseas now exceed attacks on official targets. In response to this threat, a large security consulting industry has emerged in the United States, and American companies spend billions for security at home and abroad. Although terrorism has discouraged trade and investment in some countries, American business has coped well and is more active abroad today than ever before.

The State Department has created an effective mechanism for consultation and information sharing with the business community called the Overseas Security Advisory Council (OSAC). Through the Internet and an electronic bulletin board, information on terrorist threats and defensive measures are shared.²⁹

TERRORISM, THE PUBLIC, AND THE MEDIA

The Need for a Balanced Declaratory Policy

All U.S. administrations have shown strong concern about terrorism because of the threat it poses and because it evokes such strong public concerns and emotions. Political leaders understand, quite rightly, that failure to do so would bring charges of weakness and indifference from the press and political adversaries. Since the end of the Cold War, the speeches and statements of American officials on the subject of national security have given an even higher profile to international terrorism as one of the major "global threats" facing the United States. A tough, resolute policy toward



terrorists that emphasizes a high level of vigilance is therefore an important part of the U.S. public affairs posture.

There is some danger that with their comments on the threat of terrorism and the issuance of warnings political leaders and officials may inadvertently increase public anxiety to levels that exceed the reality of the threat. By exaggerating the threat of terrorism in order to demonstrate the resolve to combat it and show sympathy for its victims, officials can increase the level of fear and disruption, thus giving terrorists an unearned psychological victory.

Media Sensationalism

Public officials must also carefully anticipate the way the media will treat official comments and public warnings. Terrorism is among the most compelling human interest stories, and the media give it very full (and sometimes exaggerated and hyperbolic) coverage. Even officials' modest comments or warnings are sometimes inflated by the media, thus creating an unintended level of fear that may not be warranted by the underlying danger.

Travel Advisories

The Bureau of Consular Affairs of the Department of State issues periodic travel advisories warning citizens of particular or general threats that have come to the attention of U.S. authorities.³⁰ The FAA also issues warnings to air travelers. In both cases, warnings are published only in cases in which the United States believes that threatened attacks cannot be prevented with assurance.

In recent years, travel advisories have been issued with increasing frequency. After the bombing of Flight 103 in 1986, the Department of State was criticized for not making public in advance confidential intelligence that indicated there might be an attack on U.S. civil aviation. The result was the "no double standard policy," which requires the release of sanitized versions of threat intelligence when assured countermeasures are not feasible. In fact, no precise intelligence foreshadowed the Flight 103 bombing, and U.S. officials were among the victims.

As in other public statements about the threat of terrorism, a fine line must be drawn in deciding whether to issue travel advisories in

- order to avoid unnecessary fear and disruption. Terrorists realize that they can frighten thousands or millions of people simply by issuing threats. Indeed, the U.S. intelligence community receives hundreds of threats annually that turn out to be false. This fact places a difficult burden on analysts, who must separate the credible threats from hoaxes perpetrated by malicious pranksters and the false threats of genuine adversaries. Travel advisories also must be precise enough (with respect to the time and location of threats) to offer helpful guidance. Threats that are too general cause anxiety without providing any practical guidance and can cause unnecessary disruption, offense to foreign governments, and economic loss.

Discussing WMD Terrorism

Terrorism that uses materials of mass destruction—nuclear, chemical, and biological—is frequently mentioned by U.S. officials as a looming threat to national security. In addressing the practical and declaratory aspects of this threat, officials must measure the potentially drastic consequences of such attacks against the low probability, based on historical experience, that they will occur. Officials must also be aware of the special concern that the specter of such attacks arouses in the public mind and temper public comments accordingly without neglecting or minimizing the problem.

War against Terrorism?

Officials often declare that the United States is “waging war against terrorism.” While the war metaphor expresses the determination to defeat terrorism, it suggests that all of it will ultimately be defeated, which is unlikely. A more serious problem is that war rhetoric is seen by terrorists and their supporters as giving them the status and prestige they seek as warriors against a powerful, hated adversary. Terrorists are not warriors. They are criminals.

POSTSCRIPT

THE CATASTROPHIC TERRORIST ATTACKS against the United States on September 11, 2001, confirmed the worst fears of American analysts



that the twenty-first century would bring a new epoch of mass-casualty terrorism. These suicide attacks were carried out by radical Islamic terrorists associated with the Al Qaeda international terrorism network led by Osama bin Laden. The terrorists flew commercial airliners into the World Trade Center and the Pentagon, killing approximately three thousand people and inflicting incalculable economic damage. These attacks, unprecedented in the history of terrorism, demonstrated that fanatic, ideologically driven, transnational terrorists have the discipline, organization, and technical skills needed to inflict immense damage on the United States on a scale that experts had not anticipated. September 11 revealed that, notwithstanding major U.S. counterterrorism efforts in recent years, America is more vulnerable to terrorist attacks than anyone had realized. Other terrorist attacks in the United States in the fall of 2001, which involved lethal anthrax spores enclosed in letters sent through the public mails, revealed another serious vulnerability.

In response to the September 11 attacks, President George W. Bush declared that the United States is at war with global terrorists and that this will be the highest priority of U.S. foreign policy until victory is won. Recognizing the need for strong international support, the United States forged an international coalition against terrorism and expanded intelligence and law enforcement cooperation abroad. On the basis of compelling information that the Osama bin Laden group was responsible for September 11, the United States launched military attacks against the militant Islamist Taliban regime in Afghanistan, which had given refuge to bin Laden and his senior Al Qaeda henchmen. The United States took other initiatives to strengthen its counterterrorism capabilities at home and abroad. Some of these depart from past counterterrorism policies and practices. Others reinforce traditional approaches.

It is too early to identify with any certainty the failures of U.S. policy that contributed to the September 11 debacle, but some preliminary conclusions can be drawn. First, aviation security practices, although they had been upgraded in recent years, were inadequate. Analysts knew that Islamic extremists had established a record of suicidal and mass-casualty attacks. However, because aerial hijacking had sharply declined and there had been no previous use of passenger aircraft as suicide bombs, such attacks were not included in threat scenarios. New airport measures for screening

passengers and baggage and onboard security practices have since been adopted. If rigorously implemented, these steps should prevent further mass-casualty attacks of the September 11 variety.

The September 11 attacks also revealed the weakness of American border and visa controls and demonstrated that intelligence sharing among the FBI and other U.S. authorities must be improved, notwithstanding efforts in recent years to correct these problems.

Many commentators claimed that September 11 was the result of a serious failure of American intelligence agencies to anticipate threats and provide warnings. Surely, more can be done to improve intelligence collection and analysis, and the Bush administration is taking steps to meet this need. But it is not realistic to expect that U.S. intelligence can become omniscient about the plans of foreign terrorist groups. These are the most difficult targets to penetrate. One obvious problem that needs attention is inadequate foreign language expertise among the employees of U.S. agencies.

The September 11 and anthrax by mail incidents proved that the United States needs better coordination among agencies to help prevent terrorist attacks and deal with their consequences. The president has appointed a coordinator for homeland security to coordinate the counterterrorism functions of a multiplicity of federal, state, and local agencies and jurisdictions. This is a formidable task. The anthrax attacks proved that improved systems of diagnosis and emergency treatment and medication are needed as well as means for dealing with mass biological attacks. To date, most U.S. experts have assigned a low probability to such attacks, but the apparent ability of terrorists to obtain minute particles of "aerosol" anthrax has increased concerns about this danger.

In the area of law and law enforcement, the Bush administration requested and received legislative authority for various new counterterrorism tools. It also issued a strengthened executive order for monitoring and blocking terrorists' financial assets, although past experience suggests that such measures cannot stop their financing altogether. Other, more controversial initiatives include mass questioning of Muslim and Arab Americans; prolonged, secret detention of aliens; the right to monitor communications between lawyers and terrorist suspect clients; and the creation of military tribunals for trying foreign terrorists in place of the civilian trials that the United States has used in the past. The Bush administration, in re-



sponse to critics who claim that some of the new measures are unnecessary and harmful, believes that such measures are appropriate, given the severity of the terrorist threat. As of the end of 2001, this debate was continuing.

It is not clear yet how the proposed military tribunals will be used. Some friendly foreign governments have announced that they will not extradite terrorist suspects to the United States for trial in military tribunals. This could create an obstacle to U.S. counterterrorism efforts in the future, assuming the United States will continue to rely heavily on prosecution of foreign anti-U.S. terrorists apprehended abroad with help from foreign governments. In any case, the United States has decided to try the first foreign suspect in connection with the September 11 attacks, who was arrested and indicted in the United States, in a civilian court.

The main new emphasis in American counterterrorism policy after September 11 has been a declared preference for greater use of military force to preempt, punish, track down, or apprehend terrorists. President Bush has announced that hereafter the United States will regard any state that harbors terrorists “of global reach” as supporters of terrorism, and other officials have warned that such states might be subject to U.S. military action. Some commentators have suggested that military force, which enjoys strong public support, should become the new paradigm of U.S. counterterrorism policy.

The use of U.S. air and ground forces in Afghanistan to defeat the Taliban regime and help Afghan forces pursue Osama bin Laden has, as of this writing, been quite effective, although bin Laden is still considered at large. But the circumstances are unusual. Afghanistan is a broken state, and the Taliban regime was widely hated. American forces have had Afghan military allies on the ground, and neighboring Pakistan and Uzbekistan have given vital support. There has also been broad international sympathy and support for, as well as participation in, the American military effort.

In the future, there may be similar situations in which terrorists take refuge in foreign countries whose governments decline to hand them over to the United States or where the United States identifies potential terrorist threats. However, in most of these cases it will be more difficult for the United States to use force to apprehend or preempt terrorists against the will of the host government because of

- sovereignty concerns, tactical and logistical problems, problems of legal justification, and lack of regional and international support. It is likely, therefore, that in the future the United States will continue to rely on diplomacy and cooperation among intelligence and law enforcement officials to obtain custody of foreign terrorist suspects and bring them to justice in the United States. The United States will nevertheless maintain effective military counterterrorism assets for overt or covert use when and where the gravity of the crime and the need for self-defense are clear, military action is feasible, and other options are not available. The very presence of this capability can also serve as a deterrent to terrorism.

The September 11 attacks proved again that, in addition to destroying lives and property, terrorism inflicts enormous psychic damage. American officials, for the most part, have acted wisely in rallying public morale. Some officials could be faulted, however, for a series of public warnings of further terrorist attacks, without specifying the time, the place, or how citizens might protect themselves. Such warnings are of dubious value and contribute unnecessarily to fear and economic loss. It should be emphasized, notwithstanding the enormity of the September 11 attacks, that the probability of becoming a victim of terrorism is still quite low.

There is also a danger that official promises to achieve “victory in the war against terrorism” will create exaggerated expectations of total victory. While it is important to mobilize and sustain strong support for more effective counterterrorism efforts, especially against catastrophic attacks like those of September 11, the recurrence of conflict throughout history suggests that even such heightened efforts are unlikely to stop all terrorism, especially against an open society like ours.

Finally, as the U.S. government broadens and strengthens its policies aimed specifically at preventing terrorism and apprehending terrorists, a comprehensive American counterterrorism strategy should include efforts to address and ameliorate the root causes of terrorism.

At the beginning of the twenty-first century, the most prominent terrorist threat comes from within the Muslim states of the Middle East and South Asia where political and economic development lags far behind that of the developed world. Political alienation in autocratic states, poverty, poor education, and unemployment breed



humiliation, hatred, and despair. These conditions create fertile ground for political violence and terrorism. Grievances in troubled societies are exploited by demagogues and religious charlatans like Osama bin Laden and are frequently directed against the United States and the West. The long-festering Israeli-Palestinian conflict is another source of Arab and Muslim anger against the United States and discourages closer counterterrorism cooperation from governments in that region.

It is not yet clear whether the Bush administration will decide, as some are recommending, to create and provide adequate resources for a second track in its counterterrorism policy intended to address the root causes of terrorism through more expansive foreign policies. Such a strategy would use diplomacy, more vigorous intervention in incipient conflicts, economic development assistance, and other tools to help ease the sources of strife. These efforts should aim to affect conditions that generate political violence and terrorism, not just in the Arab and Muslim worlds but in troubled areas elsewhere. A redefinition of American national security that deals with conditions that breed terrorism, in addition to more effective traditional counterterrorism efforts, is necessary if we are to develop a comprehensive strategy to fight terrorism and reduce the risk of more tragedies like that of September 11.