CHAPTER ONE

Introduction

Combating international terrorism is—now, as at times in the past—a major objective of the United States. There is broad support for this effort within different branches of government, across the political spectrum, and among the American public. The commitment to the fight against terrorism, which is often spoken of as a "war," is reflected in the statements of national leaders about the persistence and fortitude that the fight will require. President Bill Clinton stated in 1998 that the United States was in "a long, ongoing struggle between freedom and fanaticism, between the rule of law and terrorism."[1] The president later told the United Nations General Assembly that "terrorism is at the top of the American agenda—and should be at the top of the world agenda."[2] The breadth of the commitment has been reflected in the resources provided to counterterrorism, including two supplemental appropriations for that purpose during the past five years.

Opinion polls have shown the strength of public support for counterterrorism. In the most recent survey by the Chicago Council on Foreign Relations of public opinion regarding foreign affairs, Americans cited international terrorism more often than any other issue as a "critical threat to U.S. vital interests." In the same poll, 79 percent of the public (and 74 percent of a smaller sample of opinion leaders) said that combating international terrorism should be a "very important" goal of the United States.[3]

This consensus for counterterrorism is made possible by the nature and clarity of the counterterrorist mission, which involves the prevention of malicious and sometimes lethal harm against innocent and unsuspecting

people. Saving innocent lives is about as noncontroversial as issues of public policy ever get. There are fewer credible grounds for challenging this counterterrorist objective than for challenging some of the other objectives on behalf of which the United States has mobilized a "war" effort. Although assertions about the magnitude of the terrorist threat are sometimes questioned, the counterterrorist goal of saving innocent lives by reducing terrorist attacks is not. This makes counterterrorism different from, for example, the "war" on illegal drugs—in which thoughtful and serious critics (albeit ones still in the minority) have challenged the goal of interdicting the supply of drugs and have even suggested legalizing much of what is now illegal.

The clear counterterrorist mission and the support it has engendered underlie significant counterterrorist success in the past several years. Partly because Congress has granted increased resources to the relevant departments and agencies to do this job, and largely because dedicated men and women in these departments and agencies share a common perception of, and commitment to, the core of that job—that is, saving lives, especially American lives—lives have been saved. Attention needs to be focused, of course, on failures and remaining shortcomings. There are many possible standards by which to measure success in counterterrorism, and by no means are all the trends in terrorism favorable. But in a business in which the most widely recognized failures are dramatic and traumatic, it is worth remembering some of what has been accomplished.

The frequency of international terrorist incidents worldwide, for example, was cut in half from its level during the mid-1980s to the rate that existed for most of the 1990s. This reduction resulted partly from broader changes in international politics. But enhanced counterterrorist efforts of the Western democracies, led by the United States, unquestionably also played a major role. Increased security cooperation among the democracies was a significant part of that and will continue to pay dividends in fighting international terrorism in the years ahead.

Another measurable success has been the solving with remarkable speed of some of the most egregious terrorist crimes against the United States in the 1990s, including the bombings of the World Trade Center in New York in 1993, the Murrah Building in Oklahoma City in 1995, and the U.S. embassies in Nairobi and Dar es Salaam in 1998. Nearly all of the perpetrators of the first two incidents have been arrested and convicted, and U.S. intelligence was able to establish with certainty within the first few days of the embassy bombings that Usama bin Ladin and his organi-

zation were responsible. These results occurred not only because of simple diligence, brilliant detective work, and good luck but also because of the U.S. investment in enhanced counterterrorist capabilities. The case against bin Ladin, for example, could not have been made with such speed and certainty if U.S. intelligence had not focused special collection and analytical efforts against him during the previous three years.

The crime-solving successes also owe much to excellent interagency cooperation—particularly between law enforcement and intelligence—which rests on a shared vision and commitment to the counterterrorist mission. That cooperation is reflected most visibly in the success during the last few years in tracking down and apprehending fugitive terrorists overseas. FBI Director Louis Freeh stated in September 1998 that in the previous decade thirteen terrorists had been brought from foreign countries to the United States to stand trial.[4]

Finally—and related most directly to the ultimate goal of saving lives—there has been significant success in disrupting terrorist operations and preventing attacks from occurring in the first place. Unfortunately, apart from a few instances such as the FBI's well-known use of an informant to stop a plot to bomb several New York City landmarks in 1993, there can be no public scorecard of this type of accomplishment. One reason is that nearly all such successes that take place overseas (as most of them do) involve intelligence sources or foreign contacts that must remain secret. Another reason is that with most successful counterterrorist operations it is difficult to say exactly how many bombs did not thereby explode and how many people did not consequently become terrorist victims. Much of the most effective disruption occurs early in the terrorist cycle of planning and preparation, before plots against particular targets are even hatched. Although accurate measurement of this type of success is infeasible, many lives—including many American lives—have unquestionably been saved as a result.

This is but a sample of U.S. counterterrorist accomplishments in the past few years. Any attempt at a more comprehensive scorecard would have to consider far more items, ranging from security countermeasures that have deterred attempts to attack U.S. government installations, to diplomatic efforts that have energized foreign officials to act more effectively against international terrorism. Stacked up against the inherently more visible counterterrorist failures, the record of success is remarkable. And the success is possible because all those involved—including law enforcement officers, intelligence officials, senior policymakers, members of

Congress, and the great majority of the American public—although they approach the topic from different perspectives, are in fundamental agreement about the goal of saving people from harm at the hands of terrorists and about the high priority that goal should have.

Beyond this basic goal and the benefit that comes from consensus on it, however, prevailing thinking in the United States about terrorism has certain less beneficial traits. One is a tendency to treat the whole subject of terrorism solely in terms of body counts and to focus not just mainly but exclusively on the number of people (and more specifically, the number of Americans) whom terrorism kills or might kill. Dead, or potentially dead, Americans are obviously the most important aspect of the problem for American policymakers but not the only aspect. Such a narrow perspective overlooks other costs of terrorism (particularly when non-American victims are involved) and other effects of measures taken to counter it. It also encourages one to forget that even the protection of innocent American lives—noble though that cause is—cannot always be an overriding objective but instead must be weighed against other important interests on behalf of which the United States accepts physical risk to its citizens. (The United States orders its military servicemen and women to do certain dangerous things, for example—thereby resulting in the loss of some innocent American lives, even just in training—because this action supports other national security interests.) There are always trade-offs, always other priorities to consider.

The narrow focus on body counts has encouraged a common view that what is really worth worrying about concerning terrorism is whatever could produce very large numbers of deaths. This in turn has led to an often sensational public discussion of seemingly ever-expanding ways in which terrorists could use chemical, biological, radiological, or nuclear (CBRN) terrorism to inflict mass casualties in the United States. This subject, particularly the possible use of biological or chemical substances, has been a hot topic in policy and serious journalism circles as well as in the mass culture. Many plots for movies, novels, and other fiction—a reliable indicator of what has captured the American public's fear or fancy—have involved terrorists using biological or other unconventional means of attack. The fictional world came full circle back to the real world when President Clinton, disturbed by a novel whose plot entails a terrorist attack on New York City with a genetically engineered virus, instructed government experts to evaluate the story's plausibility.[5]

The underlying paradigm—that terrorism is to be measured in numbers of dead Americans, and that counterterrorism is thus largely a matter of preparing for attacks (particularly CBRN attacks) that could cause many such deaths—is shared by people with widely differing appraisals of the terrorist threat and of the priority and resources that should be devoted to countering it. The Clinton administration and probably most commentators on the subject have believed that the danger of mass casualties inflicted through unconventional terrorist methods has grown in recent years, that it is now significant, and that substantial efforts to counter this particular danger are justified. Others have questioned the attention devoted to terrorism in general and have pointed out that fewer Americans die from it than drown in bathtubs (or are struck by lightning, or—choose your favorite comparison). Still others use the same yardsticks to downplay the significance of terrorism as we have known it to date but believe that the most catastrophic conceivable scenarios of CBRN terrorism deserve heightened attention even if the more conventional forms of terrorism do not.

There are real dangers in CBRN terrorism and important issues to consider in any effort to defend against it. But the intense preoccupation with this one contingency (not just CBRN attacks but mass casualty CBRN attacks) has left a host of other important issues in counterterrorism starved for attention by comparison. These include questions related not just to conventional terrorism specifically but to the effectiveness, cost, and consequences of measures taken (or that could be taken) to reduce all forms of terrorism, conventional and unconventional. Overheated rhetoric that has spun out ever more frightening and unusual ways in which terrorists might inflict large numbers of casualties has also elevated the emotional content of discussions of terrorism and as such has not promoted balanced and temperate consideration of what to do about it. Dwelling on the outer limits of potential terrorist destruction is no more helpful in formulating sound counterterrorist policy than discussions of "nuclear winter" and other dire consequences of a nuclear war were helpful in developing sound policies on strategic arms.

Another prevalent pattern of thinking and discussion about counterterrorism is a tendency toward absolute solutions and a rejection of accommodation and finesse. If counterterrorism is conceived as a war, it is a small step to conclude that in this war there is no substitute for victory and thus no room for compromise. The nature of terrorism and of how

American public attention to it has evolved in recent years have made the topic prone to this simplistic pattern of thought. Americans have had little reason to come to terms with the causes or issues associated with the terrorism that has struck closest to their homes and been emblazoned most prominently in their newspapers and their memories. They have had more reason to think of terrorism simply as an evil to be eradicated, rather than a more complex phenomenon with sides that may need to be reckoned with differently.

The only two large terrorist attacks in the United States in the 1990s—the bombings of the World Trade Center and the Murrah Building—encouraged this outlook. The cliché "senseless" that is often applied to terrorist attacks (even ones that were carefully calculated, achieved some of their aims, and therefore made sense from the terrorists' viewpoint) did seem, from the perspective of the American public, to describe these two incidents. For the terrorists, the bombings were well calculated, with carefully chosen targets and identifiable issues (an antigovernment, antilaw enforcement creed for the Oklahoma City bombers; alleged U.S. oppression of Muslims in the Middle East for the World Trade Center group) that provided the rationale for each attack. But for most Americans, it was hard to imagine how the attacks could ever have advanced even the interests on behalf of which the perpetrators claimed to be acting. Moreover, none of the terrorists involved could credibly claim to represent anyone other than themselves. They were correctly viewed not as political or social forces to be reckoned with (although the causes with which they wished to associate themselves involve such forces) but rather as monstrous vermin to be locked up or stamped out.

With many other terrorists and terrorist incidents, however, there *are* larger forces to be reckoned with. A simple, absolute, confrontational approach means the rejection of some policies that, although they might appear to be a less-than-resolute prosecution of the "war" against terrorism, would better serve not only the other U.S. interests involved but also counterterrorism itself. This pattern has been most apparent with U.S. policies toward state sponsors of terrorism, in which unyielding hard lines have sometimes been favored over strategies of engagement that—although they might be better suited to elicit further improvements in behavior from the states involved—are avoided as being soft on terrorism.

Because counterterrorism is so widely accepted as an objective in its own right, it too often is regarded *only* in its own right—as a thing apart, not as something that bumps up against other important U.S. interests

and programs. To the extent that other affected interests and objectives have entered into debates on counterterrorism, they have most often been domestic concerns about how an expansion of the authorities of law enforcement agencies might affect civil liberties.[6] The effects of counterterrorist measures on foreign policy interests get discussed much less frequently. This was demonstrated, for example, during deliberations on the omnibus counterterrorist legislation that became the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA). The sharpest debates were over the domestic law enforcement provisions. Less attention was paid to the foreign provisions of the bill, even though it had diverse effects on such foreign policy matters as relationships with state sponsors, the U.S. posture toward local conflicts involving terrorist groups, and cooperation with allies on regulatory matters.

This portrayal of contemporary thought and discussion on counterterrorism—as narrowly focused, intolerant of nuance, and in general simplistic—is admittedly somewhat of a caricature, presented that way to make the points clear. One can find more sophisticated thinking about terrorism, both inside and outside government. Government officials with responsibility for counterterrorism perforce have to take a more sophisticated approach in implementing policy, because they wrestle every day with complexities and competing priorities. But the broader contours of U.S. counterterrorist policy, like the discourse on terrorism overall, do exhibit some of the traits and tendencies outlined above.

The most recent formal review of U.S. counterterrorist policy—the one undertaken by the National Commission on Terrorism, which issued its report in June 2000—was mostly in the mainstream of American thinking on the subject. The main themes of the commission's report were that terrorism poses an increasing danger to the United States; stepped-up efforts are required to meet this danger; intelligence and law enforcement agencies must use all their authorities to learn of terrorist plans and methods; the United States should "firmly target" states that support terrorists, the "full force and sweep" of law should be applied to terrorist financial and logistical activity; and more should be done to prepare for possible CBRN terrorist attacks.[7] The commission performed a valuable service in underscoring the importance of the subject, and it offered a number of sound recommendations. It left unmentioned, however, most foreign complications and consequences of executing counterterrorist policy—a detailed understanding of which is essential to fully evaluating the policy itself.

The officially expressed tenets of current U.S. counterterrorist policy, which have remained largely unchanged through several administrations, are as follows:

—Make no concessions to terrorists and strike no deals.

—Bring terrorists to justice for their crimes.

—Isolate and apply pressure on states that sponsor terrorism to force them to change their behavior.

—Bolster the counterterrorist capabilities of those countries that work with the United States and require assistance.[8]

The first three of these tenets are very much in the confrontational, fight-don't-finesse stream of American thinking about terrorism. Their thrust is to pressure and prosecute terrorists and not to do anything that could be construed as pandering to them. The longevity of these principles attests to their firm grounding in an American political, moral, and legal tradition that places high value on the rule of law and on the idea that malevolence should be punished, not rewarded. And as principles, they make a lot of sense. But their application, and specifically their application overseas, raises a myriad of questions.

What effect, for example, does observing the "no deal" dictum have on the proclivity of terrorists to conduct terrorism? Given the enormous variety of terrorist groups and objectives, are there some cases in which (even ruling out a direct caving in to terrorist coercion), agreements with terrorists might reduce terrorism, as well as advance other U.S. interests? The principle of bringing terrorists to justice raises similar questions about actual effects on terrorist behavior, as well as questions about the limits of the U.S. criminal justice system as a counterterrorist instrument. What does application of this principle mean when most of what international terrorists do operationally (including some terrorist attacks) is not a U.S. crime, when many of the most senior terrorists are out of reach, when it is difficult to construct prosecution cases against many who are caught, and when foreign governments whose cooperation is essential for catching or prosecuting a terrorist have different views on how a case should be disposed? Additional questions arise from the fact that criminal law is but one of several counterterrorist instruments that the United States has and has used. Should this one instrument take precedence over the others? Are there instances in which the others are more effective, more feasible, or less damaging? Does the application of criminal law conflict with the use of other instruments? The most obvious question about the tenet on state sponsors is whether isolation and pressure really do "force" offending

states to change their behavior. There are many others, including what constitutes a "state sponsor" in the first place, what alternative postures might have at least as great a chance of eliciting improved behavior, what complications are posed by allies having different policies toward state sponsors, and what other U.S. interests are affected when the issue of terrorism sets the limits on a bilateral relationship.

The fourth tenet, on counterterrorist assistance to cooperative countries, is the most broad-minded of the four, in implicitly recognizing that counterterrorism is more than just confrontation, that the threat terrorism poses to non-Americans matters to the United States, and that U.S. counterterrorist efforts rely on foreign help. But this tenet, too, begs a host of more specific questions. How much does a state have to "work with" the United States to be considered a counterterrorist partner? What kinds of counterterrorist assistance do other governments need from the United States, and does it need from them? And what factors affect the willingness, not just the capability, of foreign governments to help the United States in counterterrorism? As with the other tenets, this is but a sample of the many germane (and collectively, very important) questions about counterterrorism applied in an international milieu.

Given such questions, the aspect of counterterrorism that has had the greatest analytic shortfalls—and where additional analysis could most help to make what has been a largely successful counterterrorist policy even better—is the fitting of counterterrorism into the larger context of U.S. foreign policy. Terrorism is primarily a foreign policy issue, as well as a national security issue. Most of the terrorism that has damaged U.S. interests is foreign, as are most of the significant terrorist threats that confront the United States today. (Seventy-eight percent of the Americans who died from terrorism during the past two decades were killed by foreign terrorists.)[9] Most of the issues underlying that terrorism are to be found overseas, as are most of the things that the United States can do to combat terrorism. In fact, almost everything the United States does in counterterrorism, beyond physical security at domestic sites, has significant foreign dimensions, even if such action involves tools or techniques not commonly thought of as foreign policy tools. And most progress in the fight against terrorism ultimately depends on the perspectives and behavior of foreign governments, groups, publics, and individuals. One implication of all this is that U.S. foreign policy overall has significant effects on counterterrorism, and, conversely, that counterterrorist measures significantly affect other U.S. interests overseas. A further implication is the cen-

tral premise of this book: counterterrorist policy must be formulated as an integral part of broader U.S. foreign policy.

The purpose of this book is to explore in detail the ramifications of that statement and the policy complexities, compromises, and pitfalls that it implies. The chapters to follow discuss the means available to the United States to reduce international terrorism, the ways in which the relevant policy tools can be expected to work (or not work), and the impact that counterterrorist policies constructed in Washington tend to have at the real points of application, which are most often overseas. The picture that emerges is in large part one of inherent limits, practical difficulties, unintended side effects, and devils in the details. The book offers no "solution" to international terrorism and no single recommended redirection of counterterrorist policy that promises to greatly ameliorate the problem. The principal substantive conclusion is the more cautionary one that what may seem to be the strongest (that is, the most determined, most hard-hitting, or most inclusive) counterterrorist policies are not always the best ones. Sometimes they are not the best because of damaging effects on other U.S. interests. But often they are not even the best at reducing terrorism. When all of the foreign reactions and repercussions are taken into account, some measures taken in the name of counterterrorism—be they criminal prosecutions, economic sanctions, military strikes, or something else—may, in certain ways and in certain circumstances, be not only ineffective but counterproductive. In this regard the book is an argument that counterterrorism requires more finesse and, if not less fight, then fighting in a carefully calculated and selective way.

The book is intended as a guide to constructing and executing counterterrorist policy. It is not a comprehensive blueprint. Indeed, one of its further themes is the need to adapt counterterrorist policy to many different situations, each of which entails other policy equities and has complexities too numerous to examine in this volume.

Several counterterrorist-related issues are not analyzed in this book, not because they are unimportant but simply because they fall outside the foreign policy–oriented perspective (and most of them have been well treated elsewhere). The book will not examine domestic law enforcement and intelligence-gathering authorities and the related issues of civil liberties. It is also not primarily about physical security and other defensive countermeasures (*anti*terrorist programs, in official parlance), except for some discussion of how those countermeasures relate to broader, more active, efforts to curb terrorism (*counter*terrorist programs, the present

subject). Security countermeasures have been the focus of fact-finding panels (and of programs that the panels' recommendations have spawned) following major incidents such as the bombings of Khubar Towers in 1996 and the embassies in Africa in 1998.[10] The book also does not address consequence management (that is, how to handle the aftermath of a major terrorist incident that has already occurred), which is an issue more of emergency preparedness than of combating terrorism, except for a few observations on how consequence management may relate to issues of counterterrorism itself. Finally, there is no intent to duplicate the work of the small community of scholars who have painted informed and detailed portraits of international terrorism itself.[11] There will be enough said about the size and shape of terrorist threats, however, to provide a basis for appreciating both the importance of the problem and the effectiveness of the policy responses.

Chapter 2 considers what terrorism is and why one should worry about it, as well as identifying the necessary elements of any counterterrorist policy. Chapter 3 places terrorism in the larger context of world politics, with particular attention to why the United States is a prime target and what it can (and, for the most part, cannot) do to be less of a target. Chapter 4 examines the counterterrorist instruments available to the United States and what they are capable of doing, separately and together. Chapter 5 discusses the wide variety of terrorist groups and the corresponding variety of approaches that must be used in dealing with them. Chapter 6 is a comparable discussion of how to deal with states, ranging from sponsors of terrorism to close counterterrorist partners. Handling publics—both foreign ones and the American one—is the subject of Chapter 7. Chapter 8 concludes with a recapitulation of principal lessons and a reflection on the future.