# COMBATTING TERRORISM:

## THE DILEMMAS OF A DECENT NATION

by

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Political terrorism, and how to cope with it, have been major concerns of American policymakers for more than a decade. Washington has watched with growing anxiety as the use of violence for political ends has become ingrained in many societies and has spread widely on the international scene. Indeed, the prominence of state-sponsored terrorism as a weapon of warfare against the United States and other free societies has raised even more starkly some difficult questions for this republic's leaders. What actions should the United States government take, or prepare to take, to protect our society against those who would attack it by violence for political purposes? What should be the role of military or paramilitary force or other defensive actions that might employ violence or manipulation? When should such capabilities be exercised, upon what evidence, and against whom?

Secretary of State Shultz and other Administration officials have made it clear that it is just such questions which require special attention now from leaders and private citizens alike.[1] Not surprisingly, when it became known early in 1984 that the Reagan Administration was searching for more effective means of coping with terrorism, speculation about possible "pre-emptive" or "preventive" measures dominated public discussion. News stories suggested that the President had made a "decision in principle" to use force against terrorists when other efforts fail, and that detailed analysis of action options was underway at lower levels in the Administration.[2] Although the President had made firm and purposeful action against terrorism a highly visible priority soon after taking office,[3] attentive segments of the public have worried openly about the prospect that more active, perhaps violent, countermeasures might now be approved as a matter of national policy.

Some of the most vocal critics doubt that such measures will work. Some think they would be counterproductive, inciting others to respond in kind and thereby raising the incidence of violence in the world. Some argue that the United States itself has been guilty of terrorism (as in the much-publicized covert mining of Nicaraguan ports) and cannot in good conscience resort to tougher anti-terrorist measures. Others have argued, further, that tools of violence and clandestine intrigue (e.g. vigorous intelligence and "quick-reaction" operations) threaten constitutional freedoms and standards of morality, and that our deeply held suspicion of them should prevail here. Many believe strongly that this issue arises at a critical pressure point; how we respond to it will say a great deal about the kind of nation we are and will be. As former Under Secretary of State for Political Affairs Lawrence Eagleburger has observed, the public debate over counter- or anti-terrorist measures could expand to very large proportions in the months and years ahead, as Washington searches for the right balance among contending perspectives.[4]

It seems more than appropriate, then, to step back from the press of events and the arguments that have emerged about them, to review what other nations have tried to do about the terrorist menace, and to assess features of the American scene that will be especially relevant to the US response. It will hardly be possible to develop a panacea here, but I will try to identify some of the main factors that may inhibit American responses to this festering international affliction, and to outline some general orientations on how to proceed.

In a way the problem is self-evident. Although the concept of political terrorism actually has been hard to define, most Americans believe they know it when they see it. Its essential ingredient, as Richard Clutterbuck has pointed out, is the killing, wounding, or threatening of a relatively small number of people in order to intimidate a whole community into acceding to some political aim.[5] It has been used by some governments against their own people. It has been sponsored or supported by some states—perhaps most notably the Soviet Union, Libya, Syria, and North Korea—as a tool of international political struggle, a form of low-intensity conflict. It has been practiced within certain societies by revolutionaries having broad bases of popular support, and it is also a frequent tactic of extremist groups that have no such support and may or may not be particularly concerned about winning it. Studies show that terrorism as a political tool has seldom if ever achieved its objectives, but it is widely predicted that it may well increase globally in the years ahead,[6] and that it could become more lethal and more sophisticated in its methods and weapons.[7] The vulnerability of open societies and the desire of the enemies of those societies to avoid confronting their military power directly make the terrorist tool attractive as a low-cost, surgical weapon of strategic combat—and make it the special enemy of democracy and the special ally of totalitarianism.[8] The dilemmas for leaders of democratic societies run deep, indeed, as they confront unpalatable choices among alternatives for response. They must protect the societies they lead, but their discharge of that public responsibility is circumscribed by central societal values and political dynamics which tend to limit government power, and which it is also their duty to preserve. The debate is still unresolved, as one observer has put it, about whether it is possible to give a civilized response to this most uncivilized act.[9]

## GOALS OF COUNTER-TERRORISM

Nations seeking to defend themselves against politically motivated violence have pursued essentially three interrelated goals. First, in international diplomatic forums and contacts many have sought to proscribe terrorism as a matter of international law, to discredit those who engage in it or support it, and to devise international institutions and procedures facilitating cooperative countermeasures. Second, individual governments have taken a variety of national actions designed to deter or to prevent terrorist attacks. And third, states have also tried to develop their capabilities to limit damage by containing the effects of terrorist incidents once they occur. Measures undertaken in furtherance of any one objective also serve the others, of course.

With regard to the first of these goals, the building of international norms and institutions, approaches have included measures enacted by or sought in the United

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Nations, regional initiatives, bilateral agreements, and national actions taken singly or in concert to raise international consciousness about terrorism and to promote coordinated activity against it. Several of the earliest achievements of the United Nations apply directly to the terrorist problem. These include two 1948 declarations: the Universal Declaration of Human Rights, guaranteeing the right to life, liberty, and security of the person, and condemning cruel, inhuman, or degrading treatment or punishment; and the Declaration on Principles of International Law, which denounced organizing, assisting, or participating in acts of civil strife or terrorist acts in another state. There have also been measures passed in the General Assembly more recently, as in the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents. Conventions on hijacking were also achieved in Tokyo (1936), The Hague (1970), and Montreal (1971). But work in the United Nations has suffered, inevitably, from a central and disabling ambivalence, which was reflected in the 1948 Declaration on Principles of International Law. While enjoining states against support of terrorism, that document also affirmed the right of people to self-determination, and the duty of all states to promote realization of that right. That latter admonition has been taken by many observers, experts, and UN member states to legitimize national liberation struggles—and to justify international support for struggles which, arguably, may have an anti-colonial coloration. From there it has not been a long leap to the "chestnut" that one man's terrorist is another man's freedom fighter, and this has significantly impeded the effort to arrive at international agreement on proscriptive norms.[10]

Regional approaches have had most success among European countries (perhaps because the incidence of international terrorist acts has been highest in those societies[11]). In January 1977, for instance, 17 out of 19 Council of Europe member states signed the Convention on the Suppression of Terrorism, which provided that all states in their domestic law would treat terrorist offenses as common crimes, not as "political offenses" that are commonly excepted from extradition agreements. Ratification by member states was slow, however, and the convention itself permitted states to reserve the right to regard certain offenses as "political." More recently, in November 1980 a resolution passed by the North Atlantic Assembly urged member governments and parliaments to exchange information on terrorist groups. The following month, a meeting of NATO foreign ministers adopted a declaration on terrorism and the US hostages in Iran. It condemned terrorist acts and called for close intergovernmental cooperation to prevent and combat terrorism. NATO has also developed a system for exchanging intelligence about terrorist weapons, personnel, and techniques.

Bilateral cooperative measures have also played a small but appreciable role. The US-Cuban hijacking pact of February 1973 is notable here. In it both governments agreed to return hijacked aircraft, crews, and passengers, as well as hijackers. For another example, French-Spanish consultations resulted in actions by France to limit the utility of French border regions for Spanish Basque terrorists.

States have also undertaken, singly and collectively, extensive international information campaigns to educate publics about the terrorist menace and to build support for both national and international countermeasures. The hope, again, is in firm collective stands to widen the consensus against terrorism and those who support it, and thereby to discredit those who perpetrate it or are associated with it. Though widespread opprobrium may not deter specific acts of terrorism, it might make easier the enactment of proscriptions and the development of defensive capabilities at both national and international levels.

Unfortunately, but perhaps predictably, efforts to create international proscriptive norms and cooperative institutions have not been sufficiently productive to satisfy governments' responsibilities to defend their societies. States have therefore taken a

variety of actions on their own to deter or to prevent terrorism, the second of the three goals noted above. The two ideas, deterrence and prevention, are separated here because they do in fact require different kinds of capabilities. Deterrence, as governments know all too well in other contexts, requires the credible, if not demonstrated, ability to deny an attacker his objectives as well as to impose costs on him disproportionate to any gains that he might realistically contemplate. Deterrence theory posits, then, that no potential aggressor would attack if he perceived and understood the balance of forces clearly. The prospect of failure and punishment would hold hostile forces in check. *Prevention* of terrorist acts, on the other hand, requires something more. It recognizes that many terrorists exalt violence and death per se, and that these people cannot be dissuaded even by the prospect of their own demise; their calculations are not rational in the sense embraced by deterrence theory. Preventive measures therefore seek to prevent consummation of the undeterrable: to detect and neutralize terrorist cells before they launch attacks against specific targets or, failing that, to intercept and frustrate attacks in mid-execution.

States have been concerned about both deterring and preventing terrorist attacks, of course, and a survey of the actions they have taken provides a substantial menu of choice for policymakers. It includes:[12]

- Enhanced surveillance and warning capabilities, via vigorous national intelligence programs and international cooperation in the exchange of information and coordination of operations.
- Upgraded "passive" security precautions at sensitive, vulnerable, or highly visible installations (e.g. embassies and military bases abroad, and government buildings at home), as well as heightened security awareness on the part of officials, businessmen, and travelers abroad.
- Development of operational capabilities (police or military) to react to an incident, contain the violence or damage it generates, capture the perpetrators, and bring them before the criminal justice system (or make them available for extradition to authorities in other countries).
- Enactment of domestic laws (even "emergency measures") and judicial processes under which "due process" leads efficiently and inexorably to the punishment of perpetrators as criminals.
- Declaration of national policies for dealing with terrorism that discourage it by refusing to reward it. There have been a variety of approaches taken in this area, including well-advertised noncapitulation policies (refusals to make concessions to terrorists) and promises of swift and sure imposition of punishment under the criminal law.
- Initiation of extensive international information campaigns to expose terrorist networks and sponsors, to bring international pressures to bear against them, and to build support for cooperative measures on prevention of incidents and apprehension of perpetrators.
- Development of anti-terrorist capabilities to seek out and neutralize specific terrorist groups by preemptive action. Such action need not necessarily involve violence; the determination to invoke diplomatic or economic sanctions against supporting states may be equally appropriate or more so in many cases. The effort may also extend to development of capabilities to retaliate, or to carry out reprisals, to punish terrorists and their sponsors for their deeds.[13] The object here is to be able to impose sanctions on those who commit criminal acts, though they may have fled beyond the reach of the judicial process.

The third goal noted above is that of limiting damage. To minimize and contain the effects of terrorist incidents when they occur, governments have sought to strengthen themselves in four main areas. First, they have instituted or improved top- and mid-level crisis management machinery, with special responsibility to plan and prepare for such incidents and to direct the government's reaction to them. Second, they have also upgraded reaction-force capabilities. Police and military units have been specially trained to contain the

escalation and spread of violence, to rescue hostages, and to clear the way for peaceful resolution of incidents, but also to resist force with such force as may be necessary to bring an incident to a close.

Third, there have been special efforts to improve the operations of the criminal justice system so that a society's judgments upon these antisocial acts can be rendered quickly and efficiently. Some governments have enacted emergency laws to that end, giving unusually unencumbered powers to executive, military, or law enforcement officials so that they can respond more effectively to the terrorist threat, or to terrorist incidents.

Finally, governments have become more aware of the need for improved capabilities to neutralize terrorists peaceably, through experienced negotiators and, especially for protracted international terrorist incidents, by private and public diplomacy that isolates the terrorists and their supporters but that also finds ways to minimize the potential for violence, destruction, and death.

## THE US RESPONSE

The United States has pursued many of the programs just outlined. In the United Nations, the United States has actively supported measures that deal with international terrorism. In private diplomatic contacts, American officials have encouraged other nations to become parties to the conventions that have been developed and to join a consensus under international law to bring terrorists to justice. They have also sought out public forums "to condemn the practice of terror and to make clear to those who facilitate terrorism that violent attacks on innocent persons are beyond the bounds of civilized behavior and must be outlawed."[14]

The United States, like other nations vulnerable to the terrorist threat, has also developed its own defensive strategies and capabilities. For more than a decade the planning and implementing of policy and programs to combat terrorism has been led at the top by an interagency group explicitly tasked to coordinate and direct resources at home and abroad. Although crisis management machinery in the White House may be engaged for particular incidents, the State Department is the lead agency for managing responses to overseas acts of terrorism, and the Justice Department performs that role domestically.[15] Other agencies involved include the Federal Aviation Administration (for aviation-related incidents), the Federal Emergency Management Agency, the Department of State, the CIA, the Department of Defense, and the National Security Council itself.

The declared US policy for dealing with terrorists has been definitely hard-line for several years:

> We have publicly put terrorists on notice that they can expect no concessions from us. We will not pay ransom or release prisoners. We will not bargain for the release of hostages . . . . Governments which engage in or actively support acts of terrorism against us can expect a rapid and certain response. We will use all appropriate resources at our disposal, be they diplomatic, political, economic, or military, to respond to such acts of international intimidation and extortion.[16]

Secretary Shultz's April 1984 statement of the official US perspective added an emphasis on the need for Western nations to consider measures of "active defense," beyond such essentially passive protective steps as upgrading security precautions and revitalizing reaction and crisis-management capabilities. Officials have openly discussed the issues not simply in terms of "reactive" counter-terrorism, but also in terms of "proactive" *anti*-terrorism.[17]

Certain other initiatives have been underway at the operational level for some time. Collecting and disseminating intelligence about terrorist groups—their plans, capabilities, and activities—is a continuing effort, but a most formidable challenge. The security of US diplomatic missions abroad has been tightened, and special training programs have been instituted for government officials. The Department of State has

also worked with the American business community to minimize the effect of terrorism on commercial activities and representatives, as well as individual American travelers, abroad.

Specialized reaction forces have been developed, and their capabilities have been widely publicized.[18] Most major cities have SWAT (special weapons and tactics) teams, and each of the 59 Federal Bureau of Investigation field offices has a SWAT team of five to seven people. The FBI also has a 50-agent Hostage Rescue Team designed to deal with major terrorist incidents.[19] Specially trained US military forces are also available, centered in the "Delta Team" at Fort Bragg. These cannot be employed within US borders unless the President authorizes their use for an emergency that is beyond the capacity of civil law enforcement agencies. But by virtue of their training and readiness, they are prepared for that eventuality as well as for missions abroad.[20]

In 1983 Congress approved a proposal made by the Reagan Administration a year earlier to provide training in the United States for foreign law enforcement officials on combatting terrorism. Other governments have similar programs, and the United States has consulted with them extensively about its own effort. The Reagan Administration has, additionally, proposed special legislation designed to strengthen the ability of the US criminal justice system to deal with terrorists. One bill, for instance, would sharpen certain critical prohibitions, focusing on training or support of terrorist organizations. Under that legislation, a determination by the Secretary of State that a country or group is engaged in acts of terrorism would put US individuals and businesses on notice that if they provide specified training or services to that country or group they would be subject to prosecution.[21] While this is a far cry from the "emergency legislation" enacted by some countries especially afflicted by political violence, it is nonetheless an attempt to facilitate, within the bounds of constitutional principle, the very practical job of bringing terrorists to justice as criminals.

The adequacy of all these measures and proposals is of course uncertain: a society as vulnerable as ours and with interests so far-flung cannot be made impervious to terrorists. The defensive effort is an unending challenge, requiring constant vigilance and a persistent search for better methods. As US policymakers have faced up to this challenge, moreover, they have encountered a number of impediments that limit their choices and obstruct the full employment of available resources.

## LIMITING FACTORS

As academic as this problem may seem, a threshold difficulty has been the profusion of definitions of terrorism—in academic circles, among legal experts, in US official councils, and in diplomatic forums. On the international diplomatic scene there are any number of perspectives on what kinds of activities are "terroristic," and therefore to be proscribed, and what kinds are justifiable, on the other hand, as tools of the politically oppressed. Third World countries in particular have been suspicious of concepts and approaches advanced by the industrialized nations, often understanding them as attempts to reinforce an inequitable status quo both internationally and within societies vital to Western interests. Within the United States there has been a definition of "international terrorism" enacted in one statute, but different formulas can be found in Executive Branch documents, and in any event it is the existing provisions of criminal law (e.g. regarding murder) which ultimately impose US sanctions on terrorists.[22] Needless to say, the criminal laws of other countries are hardly uniform, with the result that prohibitions, punishments, and applicable procedure vary greatly. Scholars, too, have defined the concept of terrorism variously, to their own great consternation.[23]

This definitional problem, and the divergence of political perspectives which produces it, has had important practical consequences. It has impeded the building of international norms and international cooperative practices: to a significant degree, nations must agree on what the problem is before they can agree on remedies. It has also given rise to an unfortunate semantic

pollution in international discourse: charges and countercharges of terrorism are issued indiscriminately as political enemies denounce one another's behavior. The Soviet Union, for instance, invoked the concept of international terrorism in order to criticize the American rescue operation in Grenada.

At the national level, the instructing and training of counter-terrorist forces have been complicated by the lack of a well-recognized concept of what they were to deal with.[24] Additionally, uncertainty about who is a terrorist, and reluctance to trust the judgment of US officials about that, have led some observers to criticize more recent proposals for "pro-active" or preemptive countermeasures which would target terrorist networks.[25] While practical steps to combat terrorism cannot wait for development of a consensus definition either in national or in international forums, such ambiguity about central concepts will inevitably diminish public support for, and ultimately the effectiveness of, actions that Washington policymakers may wish to pursue.

A second factor inhibiting the American response to terrorism, according to many informed observers, is the set of operational constraints imposed on US intelligence agencies during the last decade's debate over alleged abuses. By 1980, as a result of widespread concern about protection of citizens' civil liberties, about conforming US behavior abroad to standards of decency and "fair play," and about reining in an "imperial presidency," restrictive operational rules and formal executive and congressional oversight practices had been instituted, over substantial objections that they were dangerously disabling.[26] Equally damaging, many now believe, were public and official attitudes of distrust toward the intelligence community, which was already profoundly demoralized by the spectacular revelations, accusations, investigations, and prolonged criticism associated with the 1970s debate. The Reagan Administration undertook early to revitalize intelligence and to restore public faith in it, and the terrorist menace figured prominently in the rationale for that program.[27] Informed opinion has been divided on whether sufficient capability has been restored,[28] and it remains a continuing Administration concern. It is now a given, however, that the activists who shaped the earlier debate about intelligence operations will be most attentive to governmental deliberations about the response to terrorism. Their concern for limiting opportunities for abuse of government power will likely operate, in the view of many, at cross-purposes with the need to defend our society against political violence. That confrontation is a classic, familiar one in our politics, and it is almost certain to appear in this arena.[29]

Recent descriptions of the terrorist threat, and prescriptions for countermeasures, have emphasized the foreign dimensions of terrorism in order to highlight the special national security consideration involved, and to distance anti-terrorism programs from the most restrictive rules limiting intrusive domestic law enforcement activity. Defensible as this position may seem to be, American suspicion of such power may not be so easily deflected, even in the terrorist case.

A third factor complicating and constraining US policy choices is the character of the American approach to deterrence in security policy more generally. As a matter of declared policy, we eschew the first use of force, and we take a good deal of pride in the fact that we do not start wars. As Secretary of Defense Weinberger once told Congress, our policy is defensive, not aggressive, in orientation, in effect ceding the first blow to an attacker.[30] This prejudice against the first use of force has been acknowledged, for instance, in the Administration's explanation of the Grenada operation, with the President himself carefully outlining its limited and defensive purposes and its consistency with principles of nonaggression.[31]

American thinking about the use of force tends, then, to be retaliatory (or, in a real sense, "passive") by choice. We know that this entails risks, and we create forces that can survive an attack and retaliate in ways that will frustrate an aggressor's designs and impose costs on him out of proportion to any gains.

It is the inability of this deterrence posture to prevent terrorist attacks that leads some observers to argue for a more activist approach. They argue, as did F. O. Miksche in the context of counterinsurgency warfare, that defending against terrorism cannot be a chivalrous business, because the opponent respects no rules and responds to generosity of spirit only with redoubled and cynical viciousness.[32] Although their prescriptions—better preemptive strike capabilities, for example—flow logically from their concern for prevention, there are many others who still believe that there is something fundamentally un-American about that aggressive approach to the use of force.

A fourth factor limiting the US response to terrorism has to do with the quality of intelligence about terrorist groups. This is a quality problem distinct from that noted earlier, the inhibiting effect of restrictive regulations and controls. This has more to do with the nature of intelligence in general, and with the special difficulties associated with the terrorist target. If we are to take action against such groups, or against their supporters and sponsors, who are they and where are they vulnerable? The answers to these questions become critical as the proposed sanctions grow more severe, and particularly as "pro-active" preventive measures are considered.

Anyone familiar with the business of intelligence understands the problem: at what point do we ever "know" things with enough confidence to take action on that knowledge? That is a judgment highly dependent on the circumstances of each case, and on the potential costs and risks of being wrong. But it is especially difficult in the terrorist case. On the one hand, terrorist cells are extremely hard to identify, let alone to penetrate or even to monitor. Information about them may be sketchy, incomplete, contradictory, or, worse, lost in a mass of data about other threats.[33] Action taken on the basis of such indicators may well be misguided and precipitous. On the other hand, the risks of waiting too long for the last convincing item of data may appear too great to tolerate.

The dilemma is most acute for advocates of activist solutions such as the preemptive use of force. Those prescriptions assume that Americans will trust government officials to make these decisions well, perhaps committing forces or launching other disruptive operations in advance of an attack on US persons, property, or interests. But the American skepticism of government power, and of those who exercise it, may rise again here; it is, after all, a central feature of our political and constitutional system. The natural tendencies of the citizenry will likely be to withhold support from pro-active, self-help options which seem to give expansive and special powers to Washington decision-makers. This does not mean that they cannot be persuaded to support those options. It does mean, however, that those options cut against important instincts, and the job of persuasion may be a large one indeed.

The dynamics of bureaucratic reality may present difficulties, too. It has often been noted that the military services are suspicious of specialized, elite units created for fad missions markedly different from mainstream capabilities.[34] Such units, it is argued, must continually fight for their own existence, and are routinely relegated to the margins in crucial year-to-year resource battles. It has also been observed, with respect to conflict contingencies at the lower end of the violence spectrum, that there is a tendency to believe that preparation for standard, conventional missions will satisfy any need to prepare for lesser, smaller missions.[35] This might explain the attitude that some have noted among the military that terrorism is little more than a marginal security threat, a "pinprick" not requiring significant special effort.[36] Critics have been quick to argue that this mindset is at the bottom of the readiness deficiencies of the counter-terrorist units that have been created.[37] They also fear that as long as that bias exists, the future of these units is never assured, despite high-level pronouncements of concern and commitment.

## IN CONCLUSION

Several of the factors just outlined inhibit the US response to terrorism across the full spectrum of action options. In the

aggregate, moreover, they gain in importance as attention focuses specifically on the more activist proposals for the use of military or paramilitary force in preemptive or retributive roles. Below that threshold, however, there are several avenues that could be pursued productively in an energetic counterterrorism program.

First, although the development of international norms may seem a distant and frustrating prospect, the US and other similarly disposed nations can prepare the way for that effort—and perhaps also dissuade at least some sponsors and supporters of terrorists in the shorter term—by concerted attempts to raise the level of international consciousness and outrage about the human and spiritual toll inflicted by terrorist acts. This would entail the aggressive use of national and international information programs to publicize facts about incidents and their effects, as well as objective presentations of international reaction.

The emphasis in such programs should be on facts, and all concerned should be careful to avoid politicized arguments about what the facts mean. The data associated with terrorist incidents speak loudly, without elaboration. But the message can easily be debased by overblown argumentation about the international politics of terrorism as one nation or group of nations sees them. The line between an information program and politicized propaganda can be a fine one, but it must be respected if the US policy stance is to gain in credibility internationally.

American attempts, for instance, to blend expressions of outrage against specific incidents with generalized condemnation of political adversaries tend to activate suspicions in many countries that the counterterrorism talisman is being invoked mainly for purposes of national advantage in the superpower competition. State sponsorship of terrorism—when the facts clearly show what that sponsorship is—certainly must be exposed. But the appearance of a rush to judgment about that sponsorship will only contribute to the debilitating pollution of semantics in which charges of terrorism or complicity in terrorism are ultimately robbed of all meaning and effect. Put crudely but pointedly, the overriding objective here is to expose terrorists and to widen cooperation against them, not to score debating points or to bash political enemies.

A second general admonition has to do not with words, but with deeds, and it begins to outline the policy dilemma Washington officials face. The United States must certainly refrain from the kind of behavior that it excoriates as terrorism, or "international" terrorism, or "state sponsored" terrorism, or whatever the accepted phrase may be at any time. But the United States government also has a responsibility to defend American citizens, property, and interests both at home and abroad. On the one hand, we know that there are actions that are impermissible by our own standards.[38] On the other hand, we know that there is a clear imperative to combat and if possible reduce the threat of terrorism. Yet even within our own society certain options—say, military raids on suspected support bases abroad—may be seen by some citizens as impermissible and by others as imperative.

The central dilemmas of choice cannot be finessed here, as the policy calculus attempts to determine how far to go in discharging governmental security responsibilities. Much of the public debate has been uninstructive, however, about what to do at the critical decision point where felt imperatives meet felt inhibitions. Some analyses simply do not reach that point, offering up recommendations for improving forces, equipment, or procedures that already exist (e.g. intelligence-gathering operations or quick-reaction forces). Others bypass the point entirely, hurrying beyond it with arguments that we must conduct military strikes or other, covert actions that would forestall attacks, as well as punitive strikes against attackers. In the middle are the leaders who know what the stakes and the choices are, and who must make hard decisions about what to do. They also know that they must prepare to explain the courses they choose to a most attentive citizenry.

While little can simplify the tasks of leadership in this regard, a few general observations seem in order. In the first place, Washington policymakers would do well to

avoid the tendency to discuss "military" countermeasures in isolation from accepted goals of counter-terrorism and widely supported coercive instruments of that policy. Many nations, as we have seen, have for years pursued the goals of proscribing terrorism, deterring or preventing it, and limiting its effects. The rationales supporting those goals are ready-made and widely recognized. Similarly, governments around the globe use and support others' use of coercive policy tools to combat terrorists (economic sanctions, political pressures, and so forth). A comprehensive US anti-terrorism program should publicly embrace such goals and tools, and in doing so it would benefit from the widely accepted rationales that have already moved government responses in the direction of coercive tools. All recognize the need for coercive actions, in light of the special threat. The debate is about degrees of coercion, and the discussion of countermeasures that might involve violence should proceed from that grounding.

The pro-active military and covert countermeasures will likely be controversial, however, no matter what the public rationalization of them may be. Indeed, they are already controversial, as recent media coverage indicates. But the retaliatory actions—"hot pursuit" raids, coordinated with other nations to respond to specific provocations—may be easier to justify than preemptive operations, for several reasons. First, the problem of ambiguous intelligence is minimized: the terrorists have, after all, emerged as murderers and saboteurs, and their identities, activities, and helpers in specific cases may be known or more easily discoverable. Second, there is no problem of a first use of force by the United States that could antagonize deeply felt domestic prejudices. Third, such reprisals would not simply be vengeful; they would really be a natural extension of the theory of deterrence familar to many Americans. They would reinforce deterrence by ensuring that perpetrators pay a price for their crimes. And finally, even in the present state of international law, in which terrorism per se has been addressed only in the broadest terms, there is room for forceful self-help measures on the part of aggrieved nations. Significant limitations apply, but if US actions were brought within the ambit of those limitations,[39] and were also taken in conjunction with allies and friends, they could be seen as fundamentally positive measures that work toward a more civilized world. A multinational police pursuit force is one kind of proposal that has been made along these lines.

The question of preemptive measures is more troublesome on all counts, and it should be most carefully evaluated. The goal, prevention of terrorism, is certainly an appealing one. But the well-entrenched bias against the first use of force may be so strong that the tools of violence in our international arsenal must be set aside. This would disappoint some observers, but it does not at all disable us. It means, mainly, that we must be satisfied with nonviolent, but nonetheless clearly coercive, measures when we are convinced of the need to take anticipatory action.

At home, furthermore, law enforcement and intelligence authorities will continue to be constrained by rules protecting individual liberties, as the effectiveness of our response to terrorism is not the sole value shaping our policy. This will inevitably limit the US capability to take pro-active measures. But this is a circumstance our society lives with constantly and knowingly even in domestic law-and-order matters. American citizens pay a price for valuing freedom, running risks that our major competitors refuse to endure. That is what distinguishes us from them, and it is a distinction that makes a difference. We believe that it is what civilizes our behavior, disciplining our actions by elevating to highest priority the preservation of human dignity. Repressive societies do not have much of a terrorism problem.[40] But they are repressive societies.

In the final analysis, no society that strains to remain free can be made invulnerable. The promise of preemptive or radically pro-active measures is in that sense illusory. There is a point, moreover, where the more defensible retaliatory measures

serve the same purpose as preemptive ones. Terrorists tend to be recidivists, and when we pursue them for known depredations we will certainly impede if not preclude their future activities. Our political leaders would do well to keep this in mind as policy calculations and the inevitable public discussions move forward, and as we try to avoid remedies that are as bad as the disease we wish to contain.

## NOTES

1. "Power and Diplomacy in the 1980's," *Current Policy*, 3 April 1984 (address by Secretary of State Shultz before the Trilateral Commission in Washington, 3 April 1984). See also the views of Director of Central Intelligence William Casey in an interview in *U.S. News and World Report*, 23 April 1984, pp. 27-29.

2. See, for example, David Hoffman and Don Oberdorfer, "Secret Policy on Terrorism Given Airing," *The Washington Post*, 18 April 1984, p. A1; and Robert C. Toth, "Preemptive Anti-Terrorist Raids Allowed," *The Washington Post*, 16 April 1984, p. A19.

3. See, for example, the statement before the Senate Foreign Relations Committee by Richard T. Kennedy, Under Secretary of State for Management, 10 June 1981, "International Terrorism," *Current Policy*, 10 June 1981.

4. Eagleburger's remarks are quoted in Philip Geyelin, "The Nuances of Diplomacy," *The Washington Post*, 7 May 1984, p. A19. For an overview of major perspectives on the problem, compare the guest editorials by Walter Laqueur and Carl T. Rowan in *The Washington Post*, 29 April 1984, p. B8.

5. Richard Clutterbuck, "Terrorism as a Political Tool," *NATO's Fifteen Nations*, 26 (December 1981-January 1982), 49.

6. See, for example, Walter Laqueur, *Terrorism* (Boston and Toronto: Little, Brown, 1977), p. 221; and Bernard K. Johnpoll, "Perspectives on Political Terrorism in the United States," in Yonah Alexander, ed., *International Terrorism: National, Regional, and Global Perspectives* (New York: Praeger, 1976), p. 42.

7. US Department of Defense, Organization of the Joint Chiefs of Staff, *United States Military Posture for FY 1985* (Washington: GPO, 1984) pp. 89-90. See also Robert H. Kupperman, "Terror, the Strategic Tool: Response and Control," in Marvin E. Wolfgang, ed., *International Terrorism, The Annals of the American Academy of Political and Social Science*, 463 (September 1982), 24; and Neil C. Livingstone, "Taming Terrorism: In Search of a New U.S. Policy," *International Security Review*, 7 (Spring 1982), 17.

8. See, for example, Paul Johnson, "The Seven Deadly Sins of Terrorism," *NATO Review*, 28 (October 1980), 28.

9. Robert A. Friedlander, "Coping With Terrorism: What Is To Be Done?" in Yonah Alexander, David Carlton, and Paul Wilkinson, eds., *Terrorism: Theory and Practice* (Boulder, Colo.: Westview Press, 1979), p. 239. See also Lawrence C. Hamilton and James D. Hamilton, "Dynamics of Terrorism," *International Studies Quarterly*, 27 (March 1983), 39, 52; Richard Clutterbuck, *Guerrillas and Terrorists* (Athens, Ohio: Ohio Univ. Press, 1980), pp. 106-16; and John W. Amos II and Russel H. S. Stolfi, "Controlling International Terrorism: Alternatives Palatable and Unpalatable," in Wolfgang, *International Terrorism*, p. 69.

10. Ambassador Robert M. Sayre of the State Department, chairman of the US Government's Interdepartmental Group on Terrorism, criticized the immobility produced by this "oft-roasted chestnut" (his phrase) in a letter to the editor of *The Washington Post*, 9 May 1984, p. A30.

11. From 1973 through 1982, according to US government figures, there were 6473 international terrorist incidents; 36.8 percent of these occurred in Western Europe, compared to 21.6 percent in the Middle East, 19.6 percent in Latin America, and 9.4 percent in North America. US Department of State, Office for Combatting Terrorism, *Patterns of International Terrorism 1982*, September 1983, p. 7.

12. See the survey of various nations' policies and programs in Benjamin Netanyahu, ed., *International Terrorism: Challenge and Response* (New Brunswick and London: Transaction Books, 1981).

13. Major General Schlomo Gazit, Director of Israeli Military Intelligence 1974-79, has reported that the Israeli reprisal capability was an important part of the planning for the rescue operation at Entebbe. In order to deceive watchful observers of all nationalities, a plan was developed to attack targets in Lebanon and hold hostages there to counter the Entebbe hostages. That plan "leaked" and diverted "informed" attention from the real activities aimed at Entebbe. Schlomo Gazit and Michael Handel, "Insurgency, Terrorism, and Intelligence," in Roy Godson, ed., *Intelligence Requirements for the 1980's: Counterintelligence* (Washington: National Strategy Information Center, 1981), pp. 125, 146. The Entebbe operation itself is often praised as the model for anti-terrorist capabilities. See George Will, "Calculating the Public Interest," in Netanyahu, *International Terrorism: Challenge and Response*, pp. 208, 210.

14. Kennedy, "International Terrorism." See also President Reagan's reiteration of the need for international cooperation in "America's Foreign Policy Challenges for the 1980s," *Current Policy*, 6 April 1984.

15. A Cabinet Committee to Combat Terrorism was established in September 1972, but met infrequently thereafter. In the Carter Administration the Special Coordination Committee of the National Security Council had overall supervisory responsibility for combatting terrorism, and a senior-level interagency executive committee dealt on a regular basis with policy and contingency planning issues. Early in the Reagan Administration, Secretary of State Haig instituted an interdepartmental group and gave high priority to review of counter-terrorist policies and programs. See the survey and critique of US actions in N. C. Livingstone, "Taming Terrorism: In Search of a New U.S. Policy"; and James B. Motley, *U.S. Strategy to Counter Domestic Political Terrorism* (Washington: National Defense Univ. Press, 1983), pp. 31-48.

16. Kennedy, "International Terrorism," p. 2. See also the statement of the then-acting Director of the State Department's Office for Combatting Terrorism, Frank H. Perez, "The Impact of International Terrorism," *Department of State Bulletin*, 82 (January 1982), 55.

17. Shultz, "Power and Diplomacy in the 1980's," p. 3. See also the remarks by Principal Deputy Assistant Secretary of Defense Noel Koch, quoted in Robert C. Toth, "Preemptive Anti-Terrorist Raids Allowed."

18. See Perez, "The Impact of International Terrorism," p. 57.

19. For illustrative media coverage of public demonstrations of reaction force capabilities, see Mary Thornton, "FBI Exhibits New Hostage Rescue Team," *The Washington Post*, 10 March 1984, p. A2. See also the comments of FBI officials and others in Thornton, "FBI Probing 19 Terrorist Gangs Alleged in U.S.," *The Washington Post*, 7 May 1984, p. A1. On FBI capabilities generally, see Charles P. Monroe,

"Addressing Terrorism in the United States," in Wolfgang, *International Terrorism*, p. 141; and Motley, *U.S. Strategy to Counter Domestic Political Terrorism*, pp. 43-46.

20. Perez, "The Impact of International Terrorism," p. 57. See also Michael Getler, "Soviets and Terrorist Activity: World of Shadow and Shading," *The Washington Post*, 7 February 1981, p. A10; Motley, *U.S. Strategy to Counter Domestic Political Terrorism*, p. 46; and Monroe, "Addressing Terrorism in the United States," p. 144.

21. This proposal and the overall rationale for the Administration's legislative package (which included such additional measures as rewards for information on terrorists) were outlined in the Sayre letter to *The Washington Post*. See also Howard Kurtz, "Reagan Seeks Anti-terrorist Laws," *The Washington Post*, 27 April 1984, p. A14.

22. The definition of "international terrorism" appears in the 1978 Foreign Intelligence Surveillance Act (50 U.S. Code, sec. 1801[c]). Compare the definitions of terrorism and international terrorism in *Patterns of International Terrorism, 1982*.

23. See, for example, Amos and Stolfi, "Controlling International Terrorism: Alternatives Palatable and Unpalatable," pp. 70-71; and Augustus R. Norton's review of nine major books on terrorism in *Armed Forces and Society*, 7 (Summer 1981), 597.

24. Brent L. Smith and James Fraser, "Countering Terrorism: The Development of an Instructional Model for Appropriate Military Involvement," *Conflict Quarterly*, 3 (Winter 1982), 30.

25. See the editorial view in *The Washington Post*, 9 May 1984, p. A30.

26. The overregulation argument is made in Arnold Beichman and Roy Godson, "Legal Constraints and Incentives," in Godson, *Intelligence Requirements for the 1980's: Counterintelligence*, p. 281; and in Motley, *U.S. Strategy to Counter Domestic Terrorism*, pp. 61-83. See also Mark M. Lowenthal, *U.S. Intelligence: Evolution and Anatomy* (New York: Praeger, 1984)(*The Washington Papers*, #105), pp. 38-45.

27. US Congress, Senate, Select Committee on Intelligence, *Nomination of William J. Casey, Hearing Before the Select Committee on the Nomination of William J. Casey to Be Director of Central Intelligence*, 97th Cong., 1st sess., 1981. President Reagan's Executive Order 12333, "United States Intelligence Activities," (*Federal Register*, 46, no. 235, 8 December 1981, p. 59941), also reflects specific concern about focusing on terrorism.

28. Compare the views of Charles P. Monroe, an FBI professional, in "Addressing Terrorism in the United States," with the testimony of Paul Nugent of the FBI's Terrorism Section in US Congress, House, *Pre-Employment Security Procedures of the Intelligence Agencies, Hearings Before the Subcommittee on Oversight of the Permanent Select Committee on Intelligence*, 96th Cong., 1st sess., 1979, pp. 206-09.

29. See the criticism by President John Quincy Adams, nearly two centuries ago, of those who argued against strengthened military forces because of the fear that that power would be turned inward against political dissidents at home. Quoted in Paul A. Varg, *Foreign Policies of the Founding Fathers* (East Lansing, Mich.: Michigan State Univ. Press, 1963) p. 135.

30. US Department of Defense, *Report of the Secretary of Defense Caspar W. Weinberger to the Congress, February 1, 1983* (Washington: GPO, 1983) p. 33.

31. "America's Foreign Policy Challenges for the 1980's," p. 2.

32. F. O. Miksche, *Secret Forces: The Techniques of Underground Movements* (Westport, Conn.: Greenwood Press, 1950), pp. 159-60. See also Neil C. Livingstone, "Fighting Terrorism and Dirty Little Wars," *Air University Review*, 35 (March-April 1984), 4, 14.

33. An evaluation of the intelligence challenge figured prominently in the report of the Long Commission's inquiry into the October 1983 attack on the US Marine barracks in Beirut. US Department of Defense, *Report of the DOD Commission on Beirut International Airport Terrorist Act, October 23, 1983*, 20 December 1983, pp. 9-10, 57-65.

34. Frank N. Trager and William N. Scully, "Low-Intensity Conflict: The U.S. Response," in Sam C. Sarkesian and William N. Scully, eds., *U.S. Policy and Low-Intensity Conflict: Potentials for Military Struggles in the 1980's* (New Brunswick and London: Transaction Books, 1981), pp. 175-80. See also the remarks of Principal Deputy Assistant Secretary of Defense (International Security Affairs) Noel Koch in *Congressional Record - Senate*, 3 April 1984, p. S 3660.

35. Edward Luttwak calls this the "lesser-included case" syndrome. Edward N. Luttwak, "Notes on Low-Intensity Warfare," *Parameters*, 12 (December 1983), 11.

36. See the views described in Michael Getler, "Soviets and Terrorist Activity: World of Shadow and Shading." See also Howard R. Simpson, "Organizing for Counterterrorism," *Strategic Review*, 10 (Winter 1982), 28, 33.

37. Livingstone, "Fighting Terrorism and Dirty Little Wars," pp. 13-15.

38. At home these standards are defined in the criminal law and the various rules (e.g. those pertaining to intelligence activities) limiting intrusive government operations. Internationally there is more ambiguity, but even there we have announced some unilateral standards. An example is the prohibition of political assassination adopted in the regulations governing the intelligence community, Executive Order 12333, "United States Intelligence Activities."

39. The limitations have to do with, inter alia, ensuring that aggrieved states respond with the minimum force necessary to restore legality of behavior and avoid new offenses. See the discussion in J. L. Brierly, *The Law of Nations*, 6th ed. (New York and Oxford: Oxford Univ. Press, 1963), pp. 397-432.

40. See the study in Lawrence C. Hamilton and James D. Hamilton, "Dynamics of Terrorism," p. 52.