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DEALING WITH TERRORISTS : A BETTER U.S. POLICY IS NEEDED

INTRODUCTION

Despite an apparent decline in the number of terrorist incidents in the United States in 1983, public awareness of and concern over terrorism is probably greater today than at any time since the early 1970s. A series of recent events accounts for this: (1) terrorist attacks on U.S. citizens, diplomats, military personnel, and public institutions--including today's car bomb attack on the U.S. Embassy annex in East Beirut; (2) increasing evidence of international coordination of terrorist activities and official state support for terrorism; and (3) massive precautions against terrorism at such events as the Olympic Games, the New Orleans World's Fair, and the national political conventions.

The Reagan Administration is trying to respond to the perceived or anticipated terrorist threat by instituting new security and counter-terrorist procedures and sponsoring legislation to address law enforcement problems of international terrorism. While critics contend that the terrorist threat is exaggerated and that some of the Administration proposals are unsuitable or ineffective, there can be no doubt that terrorism continues to take lives, cause injuries and damage to property, and destabilize political and social institutions in many parts of the world. The United States, moreover, as one of the world's most open and most powerful societies is highly vulnerable to terrorist violence and an attractive target for terrorists.

It is therefore reasonable for the U.S. government to take the internal and international terrorist threat seriously and to design measures to prevent terrorism and respond to terrorist attacks. While the White House has taken some steps in this direction, a clear and comprehensive policy is still needed. The Administration should move swiftly to formulate such a wide-ranging policy. Among other things, the Administration should propose increased resources for and easing restrictions on the collection of counter-terrorist intelligence and the use of covert action

against international terrorist groups operating outside it but against U.S. targets.

THE TERRORIST THREAT

Americans have been the victims of terrorist attacks from two quarters: internal terrorist groups operating within the U.S. and foreign or international terrorist groups operating outside it but against U.S. targets.

Year	International Terrorist Attacks Against U.S. Targets			Domestic Terrorist Incidents		
	Number of Attacks	U.S. Deaths	U.S. Injuries	Number of Attacks	Deaths	Injuries
1979	236	15	22	52	8	39
1980	272	9	19	29	1	19
1981	257	7	41	42	1	4
1982	401	7	12	51	7	26
1983	393	274*	118*	31	6	4

Sources: U.S. Department of State, FBI.

* The high casualty rates for 1983 are due largely to a single incident, the Beirut bombing of October 23, 1983.

The 31 terrorist incidents in the United States in 1983 consisted of actions claimed by ten different groups, two "individual actions," and five incidents that were unclaimed. The ten known terrorist groups included three that may be described as radical right (Omega Seven, the Jewish Defense League, and the Sheriff's Posse Comitatus), four that were clearly radical left or Marxist in professed ideology (Armed Resistance Unit, United Freedom Front, Ejercito Popular Boricua--Macheteros, and the Ejercito Revolucionario del Pueblo), and three whose ideology is unclear or unknown (the "Revolutionary Fighting Group," the "Republic of Revolutionary," and an Islamic unit known as "Fuqra"). In general, the size and capabilities of the ten domestic groups responsible for terrorist acts in 1983 are not significant.

By no means, however, do these ten groups constitute the entire terrorist threat in the U.S., and indeed some of these groups are capable of much more significant violence than they attempted in 1983. Two of the ten--the Armed Resistance Unit (ARU) and the United Freedom Front (UFF)--are in fact merely noms de guerre for a clandestine terrorist movement that has existed in the United States since the 1960s. It consists of the remnants of the Weather Underground Organization (WUO), the Black Liberation Army (BLA), a Marxist terrorist group known as FALN (Fuerzas Armadas de Liberacion Nacional), and other extremist "New Left" elements. Parts of this underground were directly

involved in the bloody "Brinks robbery" and murders of October 20, 1981 in a series of other armed robberies and murders, and in a bombing campaign in the Washington, D.C. and New York City areas in 1982 through early 1984. This campaign included the bombing of the U.S. Capitol Building on November 7, 1983.

This terrorist underground maintains a nationwide system of above-ground support units, propaganda and political fronts, and safehouses, and there are indications of links to the Middle East, Cuba, and the Marxist states and movements of southern Africa. Although several of its members have been incarcerated in the wake of the Brinks crimes, the underground's principal leaders remain at large. It constitutes probably the single greatest terrorist threat within the U.S.¹

A group responsible for three terrorist incidents, including one death, in the U.S. in 1983 is the Ejercito Popular Boricua (EPB or "Boricua Popular Army" or "Macheteros"), a terrorist group operating in Puerto Rico since 1978. "Boricua" supposedly is an Indian name for Puerto Rico, while "Macheteros" means "machete-wielders." The EPB, along with other Puerto Rican terrorist groups, demands independence for Puerto Rico and espouses a Marxist-Leninist ideology. States the FBI:

This group is one of the most violent pro-independence groups operating in Puerto Rico. This group has claimed responsibility for many terrorist acts including the bombing of nine National Guard planes at Muniz Airport, Isla Vere, Puerto Rico, on January 12, 1981. It has claimed responsibility jointly with other violent groups for terrorist acts including the ambush of a Navy personnel bus in December of 1979, in Sabana Seca, Puerto Rico.²

In the latter incident, two U.S. Navy servicemen were killed and ten wounded in a sniper attack in which a Soviet-designed AK-47 combat rifle was used. Two months before this incident, the EPB, in collaboration with FALN and other Puerto Rican terrorist groups, claimed responsibility for a series of simultaneous bombings in New York, Chicago, and Puerto Rico. These incidents--and many others--illustrate not only the ruthlessness of the Puerto Rican terrorists but also their capability of carrying out nationally coordinated terrorism. Through FALN, the Puerto Rican terrorists appear to have links with the U.S. terrorist underground.

¹ For further information on this movement, see Samuel T. Francis, The Terrorist Underground in the United States (Washington, D.C.: Hale Foundation, 1984).

² United States Department of Justice, Federal Bureau of Investigation, FBI Analysis of Terrorist Incidents in the United States, 1983, p. 19.

Another significant terrorist threat to the U.S. comes from foreign groups resident in the U.S. that attack foreign or American targets. According to Oliver B. Revell, Assistant Director of the FBI, the Bureau is investigating 19 U.S.-based terrorist groups and is cooperating with foreign authorities to monitor 15 to 25 other groups suspected of international terrorism. These include the Red Brigades (Italy), the Baader-Meinhof Gang (West Germany), the Palestine Liberation Organization, and the Popular Front for the Liberation of Palestine (PFLP). In addition, Revell expressed concern about large U.S. communities of Iranians, Libyans and Armenians that might provide an "'infrastructure' to assist a fleeing terrorist."³

Cubans (both pro- and anti-Castro) and other Latin American terrorists have unleashed violent operations in the U.S. According to FBI Director William Webster, two-thirds of the 31 terrorist incidents in the United States in 1983 involved Latin American or Caribbean-related political issues.⁴

The presence in the U.S. of large numbers of disaffected aliens, many from cultures with traditions of political violence, could be of concern. There are large numbers of illegal Latin American immigrants in the U.S., as well as sizable communities of Armenians, Iranians, Libyans, and Palestinians. It is not unreasonable to assume that some of these may be sympathetic to the political goals of some terrorist movements that espouse their national, religious, or ideological beliefs. This minority may provide an audience for terrorist propaganda or a valuable infrastructure for terrorist financial or logistical support. The violent Irish Republican Army, after all, is able to mount propaganda, raise funds and purchase arms because of support from a portion of the Irish-American community, among others.

Americans abroad have been the targets of foreign terrorist groups. The bloodiest such incident, of course, was the murder of 241 American military personnel of the Multinational Force at Beirut Airport on October 23, 1983, in a suicide truck bomb attack reportedly undertaken by a Shiite terrorist group supported by Syria and Iran. Other incidents in recent years have included the murder of U.S. diplomats by foreign terrorists (including the murder of five U.S. ambassadors since 1968),⁵ the bombing of the U.S. embassy in Beirut on April 18, 1983, and

³ The Washington Post, May 7, 1984, p. A9.

⁴ The Washington Post, December 19, 1983, p. A19. The above analysis by no means exhausts the terrorists and terrorist support groups in the United States. For further information, see Information Digest, December 16, 1983, and June 8, 1984:

⁵ The five ambassadors are: John G. Mein (Guatemala, assassinated August 28, 1968); Cleo A. Noel (Sudan, March 2, 1973); Rodger P. Davies (Cyprus, August 19, 1974); Francis E. Meloy (Lebanon, June 16, 1976); and Aldoph Dubs (Afghanistan, February 14, 1979).

various other attacks, kidnappings, and murders. Targets have included businessmen, tourists, missionaries, military leaders, officials, and U.S. military bases. According to Assistant FBI Director Revell, "Internationally, we're the target of more than 40 percent of all terrorist activities."⁶

The conclusion is inescapable: whether internal or international, terrorism continues to be a serious threat to the lives, property, public institutions, and rights of Americans; that terrorism is capable of precipitating international crises and affecting policy decisions at the national level; and an effective response to the terrorist threat is needed on the domestic and international levels.

COUNTER-TERRORIST POLICY OF THE REAGAN ADMINISTRATION

Counter-terrorist (CT) policy is conventionally divided into two components: pro-active measures intended to detect or prevent terrorist activities before they occur, and retroactive measures intended to respond to or minimize the effect of terrorist incidents after they occur.

Pro-active CT measures include: 1) intelligence collection on terrorism and terrorist support groups intended to anticipate violence; 2) defensive measures (such as barriers, metal-detectors, and bodyguards) intended to harden likely terrorist targets; and 3) preemptive strikes or covert action against terrorists. Retroactive measures include: 1) crisis management efforts to contain and control a terrorist incident during its occurrence and to reduce its effects; 2) apprehension of terrorists by law-enforcement authorities; and 3) retaliation against terrorists after a terrorist act--for punitive and deterrent purposes.

Since its first days in office, the Reagan Administration has expressed concern with terrorism. Secretary of State Alexander Haig, in his first press conference on January 28, 1981, made it clear that "International terrorism will take the place of human rights [as] our concern, because it is the ultimate...abuse of human rights." Haig then accused the Soviet Union of supporting terrorism--the first time a U.S. Cabinet-level official had done so. This accusation was repeated by Secretary of State George Shultz at the Jonathan Institute Conference on International Terrorism in Washington, D.C., on June 24, 1984.

Not until after the Beirut bombing in 1983 and after terrorist attacks on U.S. targets that year, however, did the Administration take concrete steps toward constructing a CT policy. This policy generally has concentrated on the international rather

⁶ The Washington Post, May 7, 1984, p. A1.

than the domestic terrorist threat; has emphasized law enforcement and security measures over pro-active intelligence collection; and has tended to dwell on "state support of terrorism" rather than on social, psychological, or ideological factors. While the Administration (especially Secretary Shultz) tends to talk of "preemptive strikes" or "retaliation" and to describe international terrorism as a "form of war," actual policies incorporating these ideas have yet to be announced. Nevertheless, policy outlines can be discerned.

Preemption and Retaliation

On April 3, 1984, President Reagan signed a classified National Security Decision Directive (NSDD 138) that reportedly directs some 26 government agencies to draft plans for CT measures. NSDD 138 triggered some controversy because of its alleged authorization of "preemptive strikes" against terrorist groups or leaders. The meaning of "preemptive strike," however, in light of the standing ban on assassinations contained in Executive Order 12333, is not at all clear. Deputy Assistant Secretary of Defense Noel C. Koch has stated that NSDD 138 "represents a quantum leap in countering terrorism, from the reactive mode to recognition that pro-active steps are needed." Other Administration officials were quoted as saying that future terrorist attacks on the level of the Beirut incident would be met with retaliation.⁴

Public discussion of the provisions of NSDD 138 have tended to dwell excessively on the moral propriety of the use of force. While moral considerations are appropriate, a more serious criticism of preemptive strikes and retaliation concerns their efficacy. Though Secretary Shultz and other Administration leaders have alluded to the use of preemption, it is still unclear to the American public and most congressional leaders--and presumably to terrorists themselves--what circumstances, if any, would prompt preemptive strikes, at what targets they would be directed, and what level of force would be used.

Other questions remain unanswered. What degree of evidence of an impending terrorist attack, for instance, would lead the Administration to initiate a preemptive strike? Would the strike be directed against the specific terrorist cadre alleged to be involved in the attack, against its leaders, against the terrorist group generally, against support infrastructures of the group, or against state sponsors of the terrorists? These and other questions must be answered by the Administration itself, and the answers must be clear to potential terrorists if a policy of preemption is to be an effective deterrent. To date, there is no publicly available or authoritative statement of this policy.

Similar considerations apply to retaliation with force. On January 27, 1981, in welcoming the U.S. hostages back from Tehran, President Reagan stated,

⁴ The Washington Post, April 16, 1984, p. A19; and April 17, 1984, p. A18.

Let terrorists be aware that when the rules of international behavior are violated, our policy will be one of swift and effective retribution. We hear it said that we live in an era of limit to our powers. Well, let it also be understood, there are limits to our patience.

These have turned into empty words. Not one of the international terrorist attacks on Americans since 1981 has triggered U.S. retaliation. Retaliation, of course, is difficult to execute. It is not always possible to identify the terrorist group responsible for an attack, which members were involved, or where they are located. If a terrorist act has had a state sponsor (as the Beirut massacre apparently did), should retaliation be directed against the state instigators rather than the "small fry" of the terrorist group? Moreover, depending on the capabilities and ruthlessness of the terrorists, retaliation can simply initiate a cycle of violence for which the retaliating state is not prepared. A policy of retaliation for every terrorist act, in other words, is not always possible or desirable.

In sum, preemption and retaliation can be effective CT measures, but policymakers and potential terrorists should know when and how they will be used if they are to be effective. If the policymakers do not know this, their policy will be vacillating. If the terrorists do not know it, their violence will not be effectively deterred. The Administration to date has not demonstrated that it has designed such measures carefully, and it certainly has not employed them.

Security and Crisis Management

Since the Beirut incident, a number of Executive Branch departmental and interdepartmental units have been created to assess the terrorist threat and to prevent, control, or respond to terrorist acts. While their effectiveness remains untested, these units do provide an apparatus for serious discussion about terrorism. These mechanisms include: 1) the Joint Special Operations Agency under the Joint Chiefs of Staff, which is to coordinate overt and covert CT operations by the military and intelligence services; 2) a Hostage Rescue Team and a Terrorist Research and Analysis Center under the FBI, to provide quick response to a terrorist act--such as hostage-seizures or sieges--in which rescue teams are needed and to permit ongoing assessment of the terrorist threat; 3) special training by the Federal Emergency Management Agency (FEMA) for emergency terrorist actions; and 4) a three-level structure within the Executive Branch for development and implementation of CT policies and measures.*

* The Washington Times, June 28, 1984, pp. 1A and 10A.

In addition, a massive effort was mobilized for the Los Angeles Summer Olympics at a cost of over \$100 million; 16,000 personnel were involved in security. The publicity given to the CT measures at the Olympics and other public events itself probably tends to deter terrorist acts.

Legislation

A major component of recent Administration policy against terrorism consists of four bills introduced in Congress on May 2, 1984. These are:

S. 2623, the "Aircraft Sabotage Act," which implements the 1972 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. The bill imposes federal penalties for sabotaging civilian aircraft and for endangering civilian aircraft. The Montreal Convention has been ratified by 115 countries, including the U.S. and the USSR.

S. 2624, the "Act for the Prevention and Punishment of the Crime of Hostage-Taking," which implements the International Convention against the Taking of Hostages, a United Nations General Assembly resolution adopted in December 1979, after the U.S. embassy in Iran was seized. The bill provides for U.S. jurisdiction and federal penalties for hostage-taking and extortion of diplomats if the offense was committed in the U.S., if the offender or victim is a U.S. national, or if the offender is present in the U.S.

S. 2625, an act for "Rewards for Information concerning Terrorist Acts," establishes federal rewards up to \$500,000 for persons who provide information leading to the arrest or conviction of individuals who have committed or are conspiring to commit terrorist acts against U.S. persons or property or leading to the prevention, frustration, or favorable resolution of a terrorist act against U.S. persons or property.

S. 2626, the "Act for the Prohibition against the Training or Support of Terrorist Organizations," which makes it a federal offense for a U.S. national, resident alien, or U.S. business to "act in concert with," provide training or support services to, or recruit or solicit for foreign governments, factions, or international terrorist groups if such actions and services specifically are banned by the Secretary of State.

In June hearings on these bills before the Subcommittee on Security and Terrorism of the Senate Committee on the Judiciary, only S. 2626 stirred controversy. There was concern that S. 2626 allows the Secretary of State broad discretion to ban receipt of services or assistance by a foreign group, that undefined phrases such as "act in concert with" might allow for indiscriminate prosecution of U.S. citizens who contribute money to foreign groups, and that the definition of terrorism in the bill (drawn from the Foreign Intelligence Surveillance Act, the only statutory definition of terrorism in the U.S. Code) might include legitimate political or guerrilla movements as well as more sinister groups.

Some conservatives are worried that the language of S. 2626 might allow a Secretary of State to ban assistance to anti-Communist forces such as the Nicaraguan "contras," Afghan freedom fighters, Angola's UNITA, or even Poland's Solidarity, and to prosecute U.S. citizens who "act in concert with" such organizations. Some liberals, on the other hand, expressed the same concern over such organizations as the anti-apartheid movement. There thus appears to be a consensus in the Subcommittee that S. 2626 requires substantial redrafting and clarification.

Intelligence

There is an increasing appreciation within the Administration that intelligence on terrorist activities, groups, and supporters is the most effective means of anticipating and preventing terrorist acts. It also is recognized that there are serious deficiencies in U.S. CT intelligence collection capabilities. In the 1970s, the U.S. intelligence community was seriously harmed by congressional investigations and press "exposés," and by the demoralization of the intelligence services following the cut-backs and dismissals in personnel and the prosecution of senior career intelligence officers such as Richard Helms of the CIA, and Mark Felt and Edward Miller of the FBI. Despite serious efforts by the Reagan Administration and some by Congress, the damage done in the 1970s is still felt today. Reported the Wall Street Journal:

The CIA's failure to warn about bomb attacks against the U.S. Embassy and Marine headquarters in Beirut has many causes, including the loss of agents in Iran and in the Palestine Liberation Organization in the past several years. The U.S., for the moment, is dependent largely on other intelligence services, such as those of Israel, Jordan and Lebanon, which often lack detailed information from inside the terrorist groups.⁹

Nevertheless, the CIA's CT capabilities have been improved by the Reagan Administration. This includes increased funding and personnel, the development of small "strike forces" to respond to terrorist attacks, and a center for evaluating intelligence on terrorism.

The 1976 Levi Guidelines, which severely restricted the ability of the FBI to investigate domestic terrorist groups and their support structures, have been replaced by the Smith Guidelines of 1983. Levi had established a "criminal standard" for domestic security investigations. The FBI was required to have some reason to believe that a group was actually involved in or was about to be involved in criminal activity before it could begin investigating an extremist group. Under these guidelines,

⁹ The Wall Street Journal, January 31, 1984, p. 4.

domestic security investigations declined from 4,868 just prior to the Levi Guidelines to 38 in mid-1982. The FBI terminated investigations of such terrorist groups as the Weather Underground Organization and the Black Liberation Army (BLA).¹⁰

While the Guidelines issued by Attorney General William French Smith in March 1983, relax some restrictions on domestic intelligence, many problems continue. The Smith Guidelines require a "criminal nexus" for investigation. In effect, the FBI may investigate a group if it is part of an ongoing criminal enterprise rather than if it has committed or is about to commit a specific criminal act. Thus, the Smith Guidelines retain a criminal standard, but in looser form. They also relax several Levi restrictions regarding the use of informants and other investigative techniques.¹¹

Other legal impediments to effective CT intelligence collection exist in provisions of the Freedom of Information Act (FOIA) and in the Federal Tort Claims Act. By granting wide public access to federal government information, the FOIA has inhibited recruitment of effective informants in terrorism and organized crime cases. Informants understandably are reluctant to divulge information to federal authorities if they believe their identities could be revealed to their terrorist or organized crime colleagues by a Freedom of Information Act request. On November 2, 1979, Joanne Chesimard, a leader of the Black Liberation Army serving a life term for the murder of a New Jersey state police officer, escaped from prison with the aid of her terrorist comrades. After her escape, Director of the New Jersey State Police Clinton Pagano stated in congressional testimony,

...we examined her cell, we found 327 documents, all of which were FBI reports, all of which were obtained by her through FOIA...[N]ot only is this particular individual, Joanne Chesimard, able to conclude the identification of informers who provided information that made it easy to detect her activities, she went, as I can see, to the very heart of the operations of the Bureau and other enforcement agencies. She learned our techniques, she learned how to anticipate what we would do.¹²

¹⁰ For further discussion of the Levi Guidelines, see Impact of Attorney General's Guidelines for Domestic Security Investigations (The Levi Guidelines), Report of the Chairman of the Subcommittee on Security and Terrorism, Committee on the Judiciary, U.S. Senate, 98th Congress, 1st Session (November 1983).

¹¹ Francis J. McNamara, "Holes in the Administration's Anti-Terrorism Package," Human Events, June 30, 1984, pp. 8-9, critically discusses the Smith Guidelines.

¹² Federal Capabilities in Crisis Management and Terrorism, Oversight Hearings before the Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, House of Representatives, 96th Congress, 1st and 2nd Sessions, April 5, 1979, and May 19, 1980, "Testimony of Col. Pagano," p. 65; for further on the FOIA, see William T. Poole, "To Restore the Balance: Freedom of Information and National Security," Heritage Foundation Backgrounder No. 213, September 23, 1982.

The Federal Tort Claims Act also has deterred effective domestic security investigations by holding individual law-enforcement officers personally liable for alleged violations of constitutional rights committed in the course of authorized investigations. FBI agents, for example, may feel reluctant to open or to pursue vigorously an investigation if they fear a lawsuit brought by the subject of the investigation or by groups such as the American Civil Liberties Union (ACLU). FBI Director Webster told the Subcommittee on Security and Terrorism:

My problem today is not unleashing the FBI, my problem is convincing those in the FBI that they can work up to the level of our authority. Too many people have been sued, too many people have been harassed and their families and life savings tied up in litigation and the threat of prosecution. So that we and others like us run the risk that we will not do our full duty in order to protect our individual selves.¹³

Covert Action

In a speech to the Trilateral Commission earlier this year, Secretary Shultz stated that:

State-sponsored terrorism is really a form of warfare. Motivated by ideology and political hostility, it is a weapon of unconventional war against democratic societies, taking advantage of the openness of these societies...it is increasingly doubtful that a purely passive strategy can even begin to cope with the problem.

Shultz specifically mentioned "Iran, Syria, Libya, and North Korea" as supporters of terrorism. In later remarks before the Jonathan Institute conference, he added the Soviet Union to the list. Said Shultz: "The Soviets use terrorist groups for their own purposes, and their goal is always the same--to weaken liberal democracy and undermine world stability."

While Shultz's remarks on terrorism as a form of war were clear, his suggestions for CT policies were less specific and more conventional. Among the measures he recommended were legislative responses, improved security and defenses, international cooperation, economic sanctions, better intelligence, and "appropriate preventive and preemptive actions." For the most part, these are all passive responses, and none was spelled out clearly.

Yet, while the concept of terrorism as a "form of war" waged covertly by hostile states is accurate, this is a view that has

¹³ FBI Oversight Hearing, hearing before the Subcommittee on Security and Terrorism of the Committee on the Judiciary, United States Senate, 97th Congress, 2d Session, February 4, 1982, p. 19.

significantly different implications from the more conventional view of terrorism as crime. If the terrorist threat is seen as simply criminal, then it is primarily a law enforcement problem that can be met by passive measures carried out by law enforcement agencies. If, however, terrorism is a form of war or "unconventional war," as the Administration views it, then terrorism is a problem of national security; and not only law enforcement but also military and national security measures and agencies should be used against it.

One technique of unconventional warfare that has not been discussed much in terms of CT policy, but which follows logically from a view of terrorism as a form of war: covert action. This term, in recent years, has acquired a sinister connotation, suggesting assassinations, overthrow of governments, and other extralegal activities. Some "covert action," admittedly, includes such measures; typical covert activities, however, include propaganda, agents of influence, and nonviolent political, economic, or psychological warfare. "Covert action" is generally used to distinguish activities intended to influence other states or parties from intelligence collection. The principal reason for the clandestine nature of covert action is that if the U.S. government were to acknowledge it, that could thwart the purpose of the action. It is not to hide the action from responsible lawmakers or the public.

Covert action offers opportunities for CT measures abroad. Its principal purpose would be the disruption of terrorist organizations by striking at their internal unity and their ability to carry out acts of violence. While assassinations and preemptive strikes are coercive aspects of covert action, more effective (and less controversial) CT covert action would include:

- 1) dissemination of "black" (i.e., falsely attributed) propaganda to create dissension within terrorist groups, to discredit terrorist leaders and heroes and provoke defections, and perhaps to instigate internal, self-destructive violence among terrorist elements;
- 2) disruption of terrorist infrastructures by such means as neutralizing safehouses and sabotaging logistical systems;
- 3) use of disinformation against terrorists, terrorist supporters and sympathizers; public dissemination of identities of terrorist supporters and sympathizers to inhibit their operations.

Varying forms of low-risk, low-level covert action against terrorists and their organizations could be crafted by intelligence services. For such measures to be effective, however, it is necessary for the U.S. to have reliable and detailed intelligence on targeted terrorist groups to anticipate accurately the results of such measures, to assure the security of covert operations, and to be able to deny credibly U.S. involvement in the action. The trouble now is that U.S. intelligence assets within terrorist

groups have been reduced in recent years. Moreover, as the leak of the U.S. support for the mining of Nicaraguan harbors revealed, it is not certain that the U.S. can assure the clandestine nature of its covert action. Before such CT covert action can be implemented, therefore, reliable information and the secrecy of operations must be assured.

The use of covert action against extremist and terrorist groups is not new, although the U.S. has not developed it for effective use against foreign terrorists. In the 1950s and 1960s, the FBI engaged in such disruption in the U.S. against the Communist Party U.S.A., the Trotskyist Socialist Workers Party, the Ku Klux Klan, and various black racial hate groups. These activities were curtailed in the 1970s. Yet there is considerable evidence that such techniques were highly effective in disrupting and reducing extremist and terrorist activities in the U.S.¹⁴ While the use of such techniques against domestic terrorists and their supporters today might be too controversial, they should be employed by counterintelligence and covert action institutions on an international level.

CONCLUSION

Public and official concern over the terrorist threat to Americans, inside and outside the United States, has reached a serious level. This is understandable, considering the continuing attacks against American targets, the international collaboration among terrorist groups, and the state support for anti-American terrorism by hostile states. The Reagan Administration clearly shares this concern and has alerted and informed the American public, congressional leaders, and foreign allies of the terrorist threat. But while the Administration has taken concrete steps toward more effective counter-terrorist policies, it has not yet designed or implemented a comprehensive pro-active CT policy that conforms with its own understanding of terrorism as a "form of war." This clear policy is overdue.

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by
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¹⁴ David Martin, "Investigating the FBI," Policy Review No. 18, Fall 1981, pp. 113-132.

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