CRS Issue Brief for Congress

Terrorism and National Security: Issues and Trends

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CONTENTS

Terrorism and National Security: Issues and Trends

SUMMARY

International terrorism has long been recognized as a serious foreign and domestic security threat. This issue brief examines international terrorist actions and threats and the U.S. policy response. As the 9/11 Commission report released on July 19, 2004, concludes, the United States needs to use all tools at its disposal, including diplomacy, international cooperation, and constructive engagement to economic sanctions, covert action, physical security enhancement, and military force.

A modern trend in terrorism is toward loosely organized, self-financed, international networks of terrorists. Another trend is toward terrorism that is religiously- or ideologically-motivated. Radical Islamic fundamentalist groups, or groups using religion as a pretext, pose terrorist threats of varying kinds to U.S. interests and to friendly regimes. A third trend is the apparent growth of cross-national links among different terrorist organizations, which may involve combinations of military training, funding, technology transfer, or political advice.

Looming over the entire issue of international terrorism is the specter of proliferation of weapons of mass destruction (WMD). For instance, Iran, seen as the most active state sponsor of terrorism, had been secretly conducting — and continues to openly seek — a uranium enrichment program, and North Korea has both admitted to having a clandestine program for uranium enrichment and claimed to have nuclear weapons. (See CRS Issue Brief IB91141, *North Korea's Nuclear Weapons Program*, by Larry A. Niksch.) Indications have also surfaced that Al Qaeda has attempted to acquire chemical, biological, radiological, and nuclear weapons. As a result, stakes in the war against international terrorism are increasing and margins for error in selecting appropriate policy instruments to prevent terrorist attacks are diminishing.

U.S. policy toward international terrorism contains a significant military component, reflected in the war in Iraq; U.S. operations in Afghanistan; deployment of U.S. forces around the Horn of Africa (Djibouti), the Philippines, and ongoing military exercises in Colombia. Issues for Congress include whether the Administration is providing sufficient information about the long-term goals and costs of its military strategy and whether military force is necessarily an effective anti-terrorism instrument in some circumstances.

As terrorism is a global phenomenon, a major challenge facing policy makers is how to maximize international cooperation and support, without unduly compromising important U.S. national security interests. A significant issue facing policymakers is how to minimize the economic and civil liberties costs of an enhanced security environment. The issue of how to combat incitement to terrorism — especially in instances where such activity is state sponsored or countenanced — perplexes policymakers as well.

On July 22, 2004, the National Commission on Terrorist Attacks upon the United States ("9/11 Commission") issued its final report. On December 17, 2004, the President signed the Intelligence Reform and Terrorism Prevention Act of 2004, establishing a National Intelligence Director and National Counterterrorism Center.

MOST RECENT DEVELOPMENTS

On or about April 20, 2006, the State Department is expected to release its annual *Country Reports on Terrorism* report for 2005. Statistical data supporting the report, provided by the National Counter-Terrorism Center (NCTC), will utilize a broader definition of terrorism than in earlier editions of Patterns of Global Terrorism. The document's statistical annex will include a description of those several hundred incidents with the highest fatalities. Charts and graphs will also be included; they will be compiled based on the full data set which will be available for further research on the INTERNET at [http://www.nctc.gov].

A new national anti-terrorism strategic approach is currently being elaborated upon by the United States government. Its overarching goals are to: (1) defeat terrorism as a threat to our way of life as a free and open society, and (2) create an environment inhospitable to terrorism worldwide. The approach seeks to the enhance the existing National Strategy for Combating Terrorism by beefing up the ideological component in the war on terror. Inherent here is widespread recognition that the United States will need to increasingly engage in the realm of ideas in conjunction with ongoing efforts to protect and defend the homeland and efforts to attack terrorists and reduce their capabilities. No formal date has been set for finalizing the new strategic approach.

In what many see as a major setback to faltering Middle East peace efforts, Hamas won 76 out of 132 seats in the Palestinian Authority's Parliamentary elections on January 25, 2006. Concern exists that should a Hamas-controlled government support terrorism in deed as well as rhetoric, a new Palestinian state might well be declared a state sponsor of terrorism, lose foreign aid, and face economic sanctions. Concomitantly, concern exists that withdrawal of western aid will lead to increased internal chaos and violence and create a void for Iran and other states in the region to fill, possibly resulting in a decline of western influence and leverage over the fledgling regime.

BACKGROUND AND ANALYSIS

The War on Terrorism

The Administration's response to the September 11, 2001 events was swift, wide-ranging and decisive. Administration officials attributed responsibility for the attack to Osama bin Laden and the Al Qaeda organization. One result was an announced policy shift from deterrence to preemption, generally referred to as the "Bush Doctrine." (National Security Strategy, [http://www.whitehouse.gov/nsc/nss.html].) Given the potential catastrophic consequences of terrorist attacks employing weapons of mass destruction, Administration decisionmakers felt that the nation could not afford to sit back, wait for attacks to occur, and then respond. The nation was mobilized; combating terrorism and crippling Al Qaeda became top national priorities. Preemptive use of military force against foreign terrorist groups and infrastructure gained increasing acceptance in Administration policy circles. In addition, a February 14, 2003, National Strategy for Combating Terrorism [http://www.whitehouse.gov/news/releases/2003/02/20030214-7.html] gave added emphasis

to the role of international cooperation, law enforcement and economic development in countering terrorism.

A full-scale campaign was launched, using all elements of national and international power, to go after Al Qaeda and its affiliates and support structures. The campaign involved rallying the international community, especially law enforcement and intelligence components, to shut down Al Qaeda cells and financial networks. A U.S. military operation was launched in early October 2001, against the Taliban regime — which had harbored Al Qaeda since 1996 — and against Al Qaeda strongholds in Afghanistan. A total of 136 countries offered a range of military assistance to the United States, including overflight and landing rights and accommodations for U.S. forces. As a result, the Taliban was removed from power, all known Al Qaeda training sites were destroyed, and some Taliban and Al Qaeda leaders were killed or detained. Since then, according to President Bush in his address to the nation on May 1, 2003, nearly half of the Al Qaeda leadership has been captured or killed. Notwithstanding, top Al Qaeda leaders Osama bin Laden and Ayman al Zawahiri as well as the Taliban leader Mullah Mohammed Omar apparently remain at large.

On March 19, 2003, after an intensive military buildup in the Persian Gulf, the United States launched the war with Iraq, one of seven nations on the State Department's sponsors of terrorism list, with an attack on a suspected meeting site of Saddam Hussein. President Bush, in his January 28, 2003 State of the Union Address, emphasized the threat posed to world security by a Saddam Hussein armed with weapons of mass destruction and stated that Iraq "aids and protects" the Al Qaeda terrorist organization. After a swift military campaign, President Bush announced on April 15, 2003, that "the regime of Saddam Hussein is no more." Saddam Hussein was arrested by U.S. personnel December 13, 2003, near his hometown of Tikrit. In addition to U.S. troops currently in Afghanistan, U.S. forces have been dispatched to Yemen, the Philippines, and the former Soviet Republic of Georgia to train local militaries to fight terrorists. In FY2002 and FY2003, the Administration sought and received funding and permission to use such funding (subject to annual review) for U.S. military aid to Colombia to support the Colombian government's "unified campaign against narcotics trafficking, terrorist activities, and other threats to its national security." Similar authorization was granted for FY2004-FY2006. Previously, such assistance had been restricted to supporting counterdrug operations in Colombia.

In the context of this campaign the United States has stepped up intelligence-sharing and law enforcement cooperation with other governments to root out terrorist cells. Experts believe that such cells are operating not just in places where they are welcomed or tolerated but in many other places, including Western Europe and the United States. According to *Patterns of Global Terrorism 2003 (Patterns 2003)* [http://www.state.gov/ s/ct/rls/pgtrpt/2003/c12153.htm], as of January 2003 an aggressive international law enforcement effort had resulted in detention of approximately 3,000 terrorists and their supporters in more than 100 countries and in the freezing of $124 million in assets in some 600 bank accounts around the world, including $36 million in the United States alone. On June 2, 2003, the G-8 leaders publicized plans to create a Counter-Terrorism Action Group to assist nations in enhancing their anti-terrorism capabilities in areas of activity such as (1) outreach to countries in the area of counter-terrorism cooperation and (2) providing capacity building assistance to nations with insufficient capacity to fight terrorism. (See generally: CRS Report RS22030, *U.S.-EU Cooperation Against Terrorism,* by Kristin Archick.)

An encouraging sign in the anti-terrorism struggle has been the apparent willingness of certain states to distance themselves from international terrorism and/or development of weapons of mass destruction. Libya renounced its WMD programs on December 21, 2003, and has cooperated extensively with the United States and the international community in dismantling those programs. In contrast, Iran has been conducting a longstanding uranium enrichment program. Sudan, in cooperation with U.S. law enforcement and intelligence agencies, has arrested Al Qaeda members and "by and large" shut down Al Qaeda training camps on its territory. In 2004, unconfirmed press reports stated that Libyan leader Muammar Qadhafi was involved in an plot to assassinate Saudi Crown Prince Abdullah.

On December 19, 2003, Iran signed an agreement allowing international inspections of its nuclear facilities. Intensive inspections have revealed likely violations of its Nuclear Non-Proliferation Treaty (NPT) safeguards agreement, and while Iran had promised to suspend enrichment and reprocessing activities, there are indications that the suspension is not complete. Subsequently, Iran has insisted on the right to continue its enrichment program under the label of "nuclear research" for its energy industry, leading to calls for potential U.N. and other sanctions by the United States and some allies.
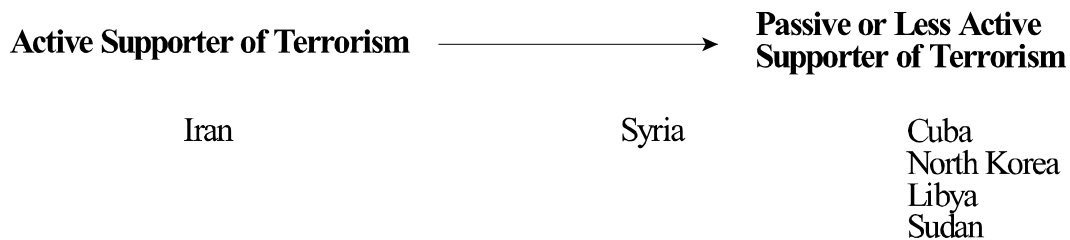
Background

Increasingly, international terrorism is recognized as a threat to U.S. foreign and domestic security. Both timing and target selection by terrorists can affect U.S. interests in areas ranging from preservation of commerce to nuclear non-proliferation to the Middle East peace process. A growing number of analysts expresses concern that radical Islamic groups seek to exploit economic and political tensions in Saudi Arabia, Egypt, Indonesia, Russia, Jordan, Pakistan and other countries. Because of their avowed goal of overthrowing secular regimes in certain countries with large Moslem populations, such groups are seen as a particular threat to U.S. foreign policy objectives.

On April 27, 2005, the Department of State sent to Congress its annual report on global terrorism. The report has a new title and format this year: *Country Reports on Terrorism 2004*. *Country Reports,* which serves as the basis for the U.S. list of state sponsors of terrorism which are subject to U.S. sanctions, continues to provide detailed reports on anti-terror cooperation by nations worldwide. However, this year and in the foreseeable future, statistical data on terrorist incidents will be provided separately by the newly created National Counter Terrorism Center (NCTC). Preliminary data was released by the NCTC in conjunction with the release of *Country Reports*. The NCTC will likely release its statistical data later this year.

The report continues to list Iran as the most active state sponsor of terrorism and to mute criticism of nations deemed to be of strategic importance to the United States such as *Saudi Arabia*, which the report notes "continued to support the global war on terror" and took "aggressive actions" to prevent terrorists from crossing its borders into Iraq. The report also cites *Pakistan* as one of the United States' most important partners in the war on terrorism, and notes that Pakistani security services are cooperating closely with the United States and other nations to eliminate terrorism. Echoing language of last year's version, the report notes that Libya and Sudan have taken significant steps to cooperate in the global war on terror, but otherwise contains little to fuel speculation that Khartoum and Libya are imminent candidates for removal from the U.S. list of state sponsors of terror.

A core premise of a second major chapter of the report is recognition that because terrorism is assuming the characteristics of an ideological movement, it will not be decisively defeated overnight. Thus, as in any long-term campaign, international cooperation and capacity-building programs such as the State Department's Anti-Terrorism Assistance Program (ATA) program are seen as having a central role in combating terrorism. Moreover, most terrorist acts do not take place in the United States, nor do most terror related arrests and prosecutions. Likewise, much, if not most, intelligence gathered on terrorist groups today is not done by the United States. Terrorist sanctuaries may be found within the cities of democratic societies, and countries with weak counterterrorism resources and infrastructure are, more and more subject to becoming virtual sanctuaries for terrorism. The report also presents countering terrorism on the economic front as an important component of a successful strategy, although many independent analysts suggest that terrorist groups are often self supporting and that the amount of terrorist funding governments seize is insignificant.

Active Supporter of Terrorism ———————————→ **Passive or Less Active Supporter of Terrorism**

       Iran   Syria   Cuba
                                                               North Korea
                                                               Libya
                                                               Sudan

Source: Congressional Research Service, based on data provided in *Country Reports on Terrorism 2004* and subsequent developments.

Data released by the NCTC indicate that in 2004 roughly 9,300 individuals were wounded or killed in significant international terrorist incidents as compared to 4,271 the previous year. (International incidents are those involving citizens of more than one country; significant involves bodily injury or death or property damage greater than $10,000.) Of those, 1,907 were killed in 2004 — in contrast to 625 deaths in 2003. In 2004, there were 651 significant attacks reported as compared to 208 in 2003 — roughly a threefold increase. Ten percent of total significant incidents (64 attacks) were against U.S. interests, down from over 1/3 in last year's data. Of the 68 Americans killed in 2004, all but eight were killed in Iraq or Afghanistan, making the overwhelming number of victims of terrorism non-U.S. citizens, and although precise data is lacking, many were Muslims. To the extent that such year-to-year data can be interpreted as indicative of trends, and not simply erratic blips on the radar screen, the data supports the contention that terrorism is becoming less U.S.-focused and more global in scope. Moreover, 2004 data can be interpreted to indicate that terrorist incidents are becoming more deadly. The top five attacks in 2004 resulted in over 4,000 casualties (wounded and dead). Geographically, few attacks were conducted in Europe. In Iraq, the number of incidents against non-combatants rose roughly ninefold from 22 in 2003 to 201 in 2004.

Definitions

There is no universally accepted definition of international terrorism. One definition widely used in U.S. government circles, and incorporated into law, defines *international terrorism* as terrorism involving the citizens or property of more than one country.

Terrorism is broadly defined as politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents. For example, kidnaping of U.S. birdwatchers or bombing of U.S.-owned oil pipelines by leftist guerrillas in Colombia would qualify as international terrorism. A *terrorist group* is defined as a group which practices or which has significant subgroups which practice terrorism (22 U.S.C. 2656f). One shortfall of this traditional definition is its focus on groups and its exclusion of individual ("lone wolf") terrorist activity which has recently risen in frequency and visibility. To these standard definitions which refer to violence in a traditional form must be added cyberterrorism. Analysts warn that terrorist acts will now include more sophisticated forms of destruction and extortion such as disabling a national computer infrastructure or penetrating vital commercial computer systems. Finally, the October 12, 2000 bombing of the *U.S.S. Cole*, a U.S. military vessel, raised issues of whether the standard definition would categorize this attack as terrorist, as the Cole would not under conventional definitions be considered a "non-combatant" (see CRS Report RS20721, *Terrorist Attack on the USS Cole: Background and Issues for Congress*, by Raphael Perl and Ronald O'Rourke). Though the definition of terrorism may appear essentially a political issue, it can carry significant legal implications.

Current definitions of terrorism mostly share one common element: politically motivated behavior; although religious motivation is increasingly being recognized as an important motivating factor as high-profile activities of such groups as Al Qaeda underscore the significance of selective religious ideologies in driving terrorist violence, or at least providing a pretext. To illustrate: Osama bin Laden issued a fatwah (edict) in 1998 proclaiming in effect that all those who believe in Allah and his prophet Muhammad must kill Americans wherever they find them [http://www.ict.org.il/articles/fatwah.htm]. Moreover, the growth of international and transnational criminal organizations and the growing range and scale of such operations have resulted in a potential for widespread criminal violence with financial profit as the driving motivation. Notwithstanding, current definitions of terrorism do not include using violence for financial profit, even in cases where mass casualties might result with entire populations "terrorized."

Complicating matters is that internationally, nations and organizations historically have been unable to agree on a definition of terrorism, since one person's terrorist is often another person's freedom fighter. To circumvent this political constraint, countries have taken the approach of enacting laws or negotiating conventions, which criminalize specific acts such as kidnaping, detonating bombs or hijacking airplanes. The 1999 International Convention for the Suppression of the Financing of Terrorism [http://untreaty.un.org/English /terrorism.asp] comes close to a consensus definition, by making it a crime to collect or provide funds with the intent of killing or injuring civilians where the purpose is to intimidate a population or coerce a government.

U.S. Policy Response

Framework

Past Administrations have employed a range of measures to combat international terrorism, from diplomacy, international cooperation, and constructive engagement to economic sanctions, covert action, protective security measures, and military force. The

application of sanctions is one of the most frequently used anti-terrorist tools of U.S. policymakers. Governments supporting international terrorism are often prohibited from receiving U.S. economic and military assistance. Export of munitions to such countries is foreclosed, and restrictions are imposed on exports of "dual use" equipment. Presence of a country on the "terrorism list," though, may also reflect considerations — such as its pursuit of WMD or its human rights record or U.S. domestic political considerations — that are largely unrelated to support for international terrorism.

Generally, U.S. anti-terrorism policy from the late 1970s to the mid-1990s focused on deterring and punishing state sponsors as opposed to terrorist groups themselves. The passage of the Anti-Terrorism and Effective Death Penalty Act of 1996 (P.L. 104-132) signaled an important shift in policy. The act, largely initiated by the executive branch, created a legal category of Foreign Terrorist Organizations (FTO) and banned funding, granting of visas and other material support to such organizations. The USA PATRIOT Act of 2001 (P.L. 107-56) extended and strengthened the provisions of that legislation. *Patterns 2003* lists 37 groups designated by the Secretary of State as FTOs (see also [http://usinfo.state.gov/is/Archive/2004/Apr/29-636067.html]).

On September 24, 2003, the White House (OMB) released its 2003 Report to Congress on Combating Terrorism, which details spending by federal agency and mission area for combating terrorism and homeland security at [http://www.whitehouse.gov /omb/inforeg/2003_combat_terr.pdf]. For the homeland security component of the FY2007 budget, see *FY2007 Budget: Analytical Perspectives*, at [http://www.whitehouse.gov /omb/budget/fy2007/pdf/spec.pdf], p. 31.

Dilemmas

In their desire to combat terrorism in a modern political context, democratic countries often face conflicting goals and courses of action: (1) providing security from terrorist acts, that is, limiting the freedom of individual terrorists, terrorist groups, and support networks to operate unimpeded in a relatively unregulated environment, versus (2) maximizing individual freedoms, democracy, and human rights.   Efforts to combat terrorism are complicated by a global trend towards deregulation, open borders, and expanded commerce. In democracies such as the United States, the constitutional limits within which policy must operate are may be viewed by some observers to conflict directly with a desire to secure the lives of citizens against terrorist activity more effectively. Others strongly hold that no compromise of constitutional rights is acceptable.

Another challenge for policymakers is the need to identify the perpetrators of particular terrorist acts and those who train, fund, or otherwise support or sponsor them. As the international community increasingly demonstrates its ability to unite and apply sanctions against rogue states, states will become less likely to overtly support terrorist groups or engage in state sponsored terrorism. The possibility of covert provision of weapons, financing, and logistical support remains, and detecting such transfers will require significantly increased deployment of U.S. intelligence assets in countries and zones where terrorists operate. Particularly challenging is identification of "dual use" items — subject to U.S. export restrictions — which might creatively be adapted for military application (see CRS Report RL31669, *Terrorism*: *Background on Chemical, Biological, and Toxin Weapons and Options for Lessening Their Impact*, by Dana A. Shea; CRS Report RL31826, *Protecting*

our Perimeter: "Border Searches" under the Fourth Amendment, by Stephen R. Vina; and CRS Report RS21422, *Dual Use Biological Equipment: Difficulties in Domestic Regulation*, by Dana A. Shea).

Today, the U.S. policy focus is on terrorist organizations such as Al Qaeda and affiliated networks, and state supporters. (See also CRS Report RL32759, *Al Qaeda: Statements and Evolving Ideology*, by Christopher M. Blanchard.) But in the future, it may be that new types of terrorists will emerge: individuals who are not affiliated with any established terrorist organization and who are apparently not agents of any state sponsor. The terrorist Ramzi Ahmed Yousef, who is believed to have masterminded the 1993 World Trade Center bombing, apparently did not belong to any larger, established, and previously identified group, although he may have had some ties to Al Qaeda operatives. Also, should organizational infrastructure of groups such as Al Qaeda continue to be disrupted, the threat of individual or "boutique" terrorism, or that of "spontaneous" terrorist activity, such as the bombing of bookstores in the United States after Ayatollah Khomeini's death edict against British author Salman Rushdie, may well increase. Thus, one likely profile for the terrorist of the 21st century may well be a private individual not affiliated with any established group, but drawing on other similarly-minded individuals for support. Because the U.S. international counter-terrorism policy framework has been sanctions-oriented, and has traditionally sought to pin responsibility on state sponsors, changes in policy and approaches are regularly being considered and implemented. Another problem surfacing in the wake of a number of incidents associated with Islamic fundamentalist groups is how to condemn and combat such terrorist activity, and the extreme and violent ideology of specific radical groups, without appearing to be anti-Islamic in general. A desire to punish a state for supporting international terrorism may also conflict with other foreign policy objectives involving that nation, such as human rights concerns.

Continuing Terrorist Threats

Facing the possibility that a number of states may be rethinking their sponsorship of terrorist organizations, such organizations appear to be establishing operating bases in countries that lack functioning central governments or that do not exercise effective control over their national territory. For example, on November 17, 2003 the *Washington Post* reported Al Qaeda affiliates training Indonesian operatives in the southern Philippines. In general, gray area "terrorist activity not functionally linked to any supporting or sponsoring nation" represents an increasingly difficult challenge for U.S. policymakers.

Terrorists have been able to develop their own sources of financing, which range from NGOs and charities to illegal enterprises such as narcotics, extortion, and kidnaping. Colombia's FARC is said to make hundreds of millions annually from criminal activities, mostly from taxing or participating in the narcotics trade. Bin Laden's Al Qaeda depends on a formidable array of fundraising operations including Muslim charities and wealthy well-wishers, legitimate-seeming businesses, and banking connections in the Persian Gulf, as well as various smuggling and fraud activities. Furthermore, reports are ongoing of cross-national links among different terrorist organizations.

Looming over the entire issue of international terrorism is the specter of proliferation of weapons of mass destruction (WMD), or the means to make them. All of the six officially designated state sponsors of terrorism, Cuba, Iran, Libya, North Korea, Sudan, and Syria,

were known or suspected to have had one or more WMD related programs. (Suspicions regarding Cuba are controversial.) Three of the states — Iran, Libya, and North Korea — have, or had, nuclear weapons oriented programs at varying stages of development.[1] This was also believed by many to be true of Iraq under Saddam Hussein. Terrorists have attempted to acquire WMD technology through their own resources and connections. For instance, the Aum Shinrikyo cult was able to procure technology and blueprints for producing Sarin, a deadly nerve gas, through official contacts in Russia in the early 1990s.[2] The gas was subsequently used in an attack on the Tokyo subway in March 1995 that killed 12 people and injured 1,000.

Media reports of varying credibility suggest that Osama bin Laden is interested in joining the WMD procurement game, but open-source evidence to date remains scant. A *London Daily Telegraph* dispatch (12/14/01) cited "long discussions" between bin Laden and Pakistani nuclear scientists concerning nuclear, chemical and biological weapons. The *Hindustan Times* (11/14/01) claimed that a bin Laden emissary tried to buy radioactive waste from an atomic power plant in Bulgaria and cited the September 1998 arrest in Germany of an alleged bin Laden associate on charges of trying to buy reactor fuel (see also *London Times*, 10/14/01). BBC reports (1/30/03) cite the discovery by intelligence officials of documents indicating that Al Qaeda had built a dirty bomb near Herat in Western Afghanistan. In January 2003, British authorities reportedly disrupted a plot to use the poison ricin against personnel in England (see CRS Report RS21383, *Ricin: Technical Background and Potential Role in Terrorism*, by Dana Shea and Frank Gottron).[3]

U.S. Policy Tools to Combat International Terrorism

Diplomacy/Constructive Engagement. Use of diplomacy to help create a global anti-terror coalition is a central component of the Bush Administration response to September 11 events. Diplomacy, for example, was a key factor leading to the composition of the U.S.-led coalition against the Taliban. Diplomacy may not always be effective against determined terrorists or the countries that support them. However, in most cases, diplomatic measures are considered least likely to widen conflicts and therefore are usually tried first.

When responding to incidents of terrorism by subnational groups, reacting by constructive engagement is complicated by the lack of existing channels and mutually accepted rules of conduct between governmental entities and the groups in question. In some instances, legislation may specifically prohibit official contact with a terrorist organization or its members. Yet for groups that are well-entrenched in a nation's political fabric and culture, engaging the group might be preferable to trying to exterminate it. Colombia's on-

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[1] Note that Libya renounced its WMD programs on December 21, 2003, and has cooperated extensively with the United States and the international community in dismantling those programs. See generally, CRS Report RL30699, *Nuclear, Biological, and Chemical Weapons and Missiles*, and CRS Report RL32359, *Globalizing Cooperative Threat Reduction: a Survey of Options*, both by Sharon Squassoni.

[2] See Kaplan, David E. and Marshall Andrew, *The Cult at the End of the World: The Incredible Story of Aum* (Arrow, 1997).

[3] See Jack Bourseton and Charles Mahaffey, "Al Qaeda and Mass Casualty Terrorism: Assessing the Threat," *Strategic Insight*, October 1, 2003.

again, off-again peace process with FARC is one recent example. Some observers, though, are skeptical of the value of engaging with terrorists. Former CIA director James Woolsey asserted, in a spring, 2001, *National Strategy Forum Review* article, that increasingly, terrorists do not just want a place at the table, "they want to blow up the table and everyone who is sitting at the table." On a different level, in the wake of the September 11 attacks, the Bush Administration explored the possibility of enlisting state sponsors of terrorism, such as Libya, Sudan, and Syria, in a broader Islamic coalition against Al Qaeda and its followers. Results to date, notably in the case of Syria, have been mixed at best. To some critics, though, such initiatives detract from the imperative of taking a principled stand against international terrorism in all its guises.

The media remain powerful forces in confrontations between terrorists and governments. Influencing public opinion may impact not only the actions of governments but also those of groups engaged in terrorist acts. From the terrorist perspective, media coverage is an important measure of the success of a terrorist act. In hostage-type incidents, where the media may provide the only independent means a terrorist has of knowing the chain of events set in motion, coverage can complicate rescue efforts. Public diplomacy and the media may help mobilize public opinion in other countries to pressure governments to take action against terrorism.

Economic Sanctions. Sanctions regimes can be essentially unilateral — such as U.S. bans on trade and investment relations with Cuba and Iran — or multilateral, such as that mandated in response to the Pan Am 103 bombing. In the past, use of economic sanctions was usually predicated upon identification of a nation as an active supporter or sponsor of international terrorism. Sanctions also can be used to target assets of terrorist groups themselves. On September 23, 2001, President Bush signed Executive Order 13224 freezing the assets of 27 individuals and organizations known to be affiliated with bin Laden's network, giving the Secretary of the Treasury broad powers to impose sanctions on banks around the world that provide these entities access to the international financial system and providing for designation of additional entities as terrorist organizations. By late October 2002, according to the U.S. Treasury Department, the freeze list had expanded to include designated terrorist groups, supporters, and financiers of terror. In addition, on September 28, 2001, the U.N. Security Council adopted Resolution 1373, which requires all states to "limit the ability of terrorists and terrorist organizations to operate internationally" by freezing their assets and denying them safe haven. The Security Council also set up a Counter Terrorism Committee to oversee implementation of Resolution 1373. U.N. Security Council Resolution 1390 of January 16, 2002, obligated member states to freeze funds of "individuals, groups, undertakings, and entities" associated with the Taliban and Al Qaeda. As of September 11, 2003, in the range of $200 million in terrorist funds had been frozen worldwide as a result of these initiatives according to U.S. and U.N. financial data. [http://www.useu.be/Terrorism/ECONNews/Sept1103TreasuryTerroristFinancing.html]

The effects of these economic measures are uncertain because much of the flow of terrorist funds reportedly takes place outside of formal banking channels (in elusive "hawala" chains of money brokers). Furthermore, much of Al Qaeda's money is believed to be held not in banks but in untraceable assets such as gold and diamonds. Also, some observers have noted that lethal terrorist operations are relatively inexpensive.

With respect to nation-states, economic sanctions fall into six categories: restrictions on trading, technology transfer, foreign assistance, export credits and guarantees, foreign exchange and capital transactions, and economic access. Sanctions may include a total or partial trade embargo, an embargo on financial transactions, suspension of foreign aid, restrictions on aircraft or ship traffic, or abrogation of a friendship, commerce, and navigation treaty.

The President has a variety of laws at his disposal, but the broadest in its potential scope is the International Emergency Economic Powers Act (P.L. 95-223; 50 USC 1701,et seq.). The act permits imposition of restrictions on economic relations once the President has declared a national emergency because of a threat to U.S. national security, foreign policy, or the economy. Although the sanctions authorized must deal directly with the threat responsible for the emergency, the President can regulate imports, exports, and all types of financial transactions, such as the transfer of funds, foreign exchange, credit, and securities, between the United States and the country in question. Specific authority for the Libyan trade embargo is in Section 504 of the International Security and Development Cooperation Act of 1985 (P.L. 99-83), while Section 505 of the act (22 U.S.C. 2349aa9) authorizes the banning of imports of goods and services from any country supporting terrorism. (See also CRS Report RS20871, *The Iran-Libya Sanctions Act (ILSA)*, by Kenneth Katzman, and the Iran-Libya Sanctions Act (P.L. 104-172); 50 U.S.C. 1701 note.) Other major laws that can be used against countries supporting terrorism are the Export Administration Act of 1979 (P.L. 96-72), the Arms Export Control Act (P.L. 90-629), and specific items or provisions of foreign assistance legislation. P.L. 90-629 prohibits arms sales to countries not fully cooperating with U.S. antiterrorism efforts and requires that aid be withheld from any nation providing lethal military aid to a country on the terrorism list.

The Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, P.L. 108-175, signed December 14, 2003, calls for new sanctions against Syria until the Asad regime stops providing support for terrorists groups and ceases other activities at variance with U.S. policy. Past Administrations have been critical of Syria's support for terrorism; interest in acquiring weapons of mass destruction; and military presence in Lebanon. An array of U.S. legislation currently bans aid to, and restricts commercial dealings with Syria, and P.L. 108-175 seeks to further restrict diplomatic and commercial dealings with the Asad regime. On May 11, 2004, President Bush imposed economic sanctions against Syria, charging it had failed to take action against terrorist groups fighting Israel and failed to take action to halt the flow of foreign fighters into Iraq. As a result, most U.S. exports to Syria (which used to total about $200 million a year) are banned, however, a significant amount of waivers have been granted. (See CRS Issue Brief IB92075, *Syria: U.S. Relations and Bilateral Issues*, by Alfred B. Prados.)

Economic Inducements. Counter-terrorism initiatives might include efforts to change economic and social conditions that provide a breeding ground for terrorists. Some have suggested that most terrorists worldwide are unemployed or underemployed with virtually nonexistent prospects for economic advancement. Some analysts believe that targeted assistance programs to reduce poverty and increase education (which might also include supporting secular educational alternatives to the Madrassahs — Islamic religious schools) can make a difference in lifestyles and attitudes and diminish the appeal of extremist groups. A further rationale, they say, is to project a more positive image of the United States in terrorism-prone lands. Critics, though, argue that severe economic conditions are not the

sole or even the main motivational factors driving the emergence of terrorism, stressing that resentment against a particular country or political order and religious fanaticism also are important motivations. Osama bin Laden's large personal fortune and his far-flung business empire would seem to contradict economic deprivation as explanations of his terrorism. Similarly, all of the 15 Saudi Arabian hijackers implicated in the September 11 attacks were from middle-class families or well-connected ones. The Basque Fatherland and Liberty organization (ETA) in Spain is a relatively well-heeled terrorist organization. Ambient economic conditions partly explain certain kinds of terrorist behavior in specific situations, but political factors play a significant role as well.

Covert Action. Intelligence gathering, infiltration of terrorist groups, and military operations involve a variety of clandestine or "covert" activities. Much of this activity is of a passive monitoring nature aimed at determining the strategic intentions, capabilities, and vulnerabilities of terrorist organizations. An active form of covert activity occurs during events such as an hostage crisis or hijacking when a foreign country may quietly request advice, equipment, or technical support, with no public credit to be given the providing country. Covert action may also seek to exploit vulnerabilities of terrorist organizations, for example, by spreading disinformation about leaders, encouraging defections, promoting divisions between factions, or exploiting conflicts between organizations.

Some nations have periodically resorted to unconventional methods beyond their territory for the express purpose of neutralizing individual terrorists and/or thwarting pre-planned attacks. Examples of activities might run the gamut from intercepting or sabotaging delivery of funding or weapons to a terrorist group, to destroying a terrorist's embryonic WMD production facilities, to seizing and transporting a wanted terrorist to stand trial for assassination or murder. Arguably, such activity might be justified as preemptive self-defense under Article 51 of the U.N. charter. On the other hand, it could be argued that such actions violate customary international law. The Senate and House Intelligence Committees, in a December 10, 2002 report, recommended maximizing covert action to counter terrorism [http://intelligence.senate.gov/recommendations.pdf].

Assassination is specifically prohibited by U.S. executive order (most recently, E.O. 12333), but bringing wanted criminals to the United States for trial is not. There exists an established U.S. legal doctrine that allows an individual's trial to proceed regardless of whether he is forcefully abducted from another country, international waters, or airspace. Experts warn that bringing persons residing abroad to U.S. justice by means other than extradition or mutual agreement with the host country can vastly complicate U.S. foreign relations, sometimes jeopardizing interests far more important than "justice," deterrence, and the prosecution of a single individual. Notwithstanding the unpopularity of such abductions in nations that fail to apprehend and prosecute those accused, the "rendering" of such wanted criminals to U.S. courts is permitted under limited circumstances by a June 21, 1995, Presidential Decision Directive (PDD-39). Such conduct, however, raises prospects of other nations using similar tactics against U.S. citizens.[4]

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[4] See generally, United States v. Alvarez-Machain, 505 U.S. 655, 669 (1992).

Rewards for Information Program. Money is a powerful motivator. Rewards for information have been instrumental in Italy in destroying the Red Brigades and in Colombia in apprehending drug cartel leaders. A State Department program is in place, supplemented by the aviation industry, usually offering rewards of up to $5 million to anyone providing information that would prevent or resolve an act of international terrorism against U.S. citizens or U.S. property, or that leads to the arrest or conviction of terrorist criminals involved in such acts. This program contributed to the 1997 arrest of Mir Amal Kansi who shot CIA personnel in Virginia, and possibly to the arrest of Ramzi Yousef, architect of the 1993 World Trade Center bombing, in 1995. The bounty for the capture of Osama bin Laden and his aide Ayman al Zawahiri has been raised to $25 million.[5]

Extradition/Law Enforcement Cooperation. International cooperation in such areas as law enforcement, customs control, and intelligence activities is an essential pillar of the Bush Administration anti-terrorism policy. For example, the stationing of FBI agents overseas in close to 50 countries facilitates investigations of terrorist crimes and augments the flow of intelligence about terrorist group structures and membership. One law enforcement tool in combating international terrorism is extradition of terrorist suspects. International extradition traditionally has been subject to several limitations, including the refusal of some countries to extradite for political or extraterritorial offenses or to extradite their nationals. Also, the U.S. application of the death penalty for certain crimes can impede extradition in terrorism related cases. The United States has been negotiating and concluding treaties with fewer limitations, in part as a means of facilitating the transfer of wanted terrorists. Because much terrorism involves politically motivated violence, the State Department has sought to curtail (with varying degrees of success) the availability of the political offense exception, found in many extradition treaties, to avoid extradition.

Military Force. Although not without difficulties, military force, particularly when wielded by a superpower such as the United States, can carry substantial clout. Proponents of selective use of military force usually emphasize the military's unique skills and specialized equipment. The April 1986 decision to bomb Libya for its alleged role in the bombing of a German discotheque exemplifies use of military force against terrorism. Other examples are (1) the 1993 bombing of Iraq's military intelligence headquarters by U.S. forces in response to Iraqi efforts to assassinate former President George Bush during a visit to Kuwait; (2) the August 1998 missile attacks against bases in Afghanistan and an alleged chemical production facility, al-Shifa, in Sudan; (3) the removal of the Taliban regime in Afghanistan in 2001-2002; (4) ongoing U.S. operations in Afghanistan, and arguably (5) the Iraq war launched on March 19, 2003. Moreover, U.S. military components are currently involved in a variety of anti-terrorism related missions, exercises, and deployments in areas such as Afghanistan, Iraq, Colombia, the Horn of Africa (Djibouti), and the Philippines.

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[5] Note that it might be argued that this practice violates a rule of customary international law to the effect that combatants may not be forcibly transferred to another state. See specifically, Article 49 of the (Fourth) Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 6 U.S.T. 3516. However, Army Field Manual (FM) 27-10, The Law of Land Warfare, para. 31 interprets Art 25 of the Hague Regulations (Hague Convention No. IV Respecting the Laws and Customs of War on Land art. 30, Oct. 18, 1907, 36 Stat. 2277 — which are widely considered to be customary international law) to prohibit the offering of bounties for assassination or capture, but there seems to be no problem with offering rewards for information that leads to a capture or killing.

Successful use of military force for preemptive or retaliatory strikes presupposes the ability to identify a terrorist perpetrator or its state sponsor, as well as the precise location of the group, information that is often unavailable from intelligence sources. Generally, terrorists possess modest physical facilities that present few high-value targets for military strikes. Some critics have observed that military action is a blunt instrument that can cause foreign civilian casualties as well as collateral damage to economic installations in the target country. According to a July 21, 2002, *New York Times* report, a "pattern of mistakes" in the U.S. bombing campaign in Afghanistan killed "as many as 400 civilians" in 11 different locations. Others argue that such action inflates terrorists' sense of importance and facilitates their recruitment efforts. A 1999 U.S. study of the sociology and psychology of terrorism states that "counterterrorist military attacks against elusive terrorists may serve only to radicalize large sectors of the Muslim population and damage the U.S. image worldwide," [http://www.loc.gov/rr/frd/pdf-files/Soc_Psych_of_Terrorism.pdf]. Other disadvantages or risks associated with the use of military force include counter-retaliation and escalation by terrorist groups or their state sponsors, failure to destroy the leaders of the organization, and the perception that the United States ignores rules of international law. In addition, the costs associated with Operation Enduring Freedom in Afghanistan have concerned some observers, as have costs of the U.S. military presence in Iraq.

International Conventions. To date, the United States has joined with the world community in developing all of the major anti-terrorism conventions. These conventions impose on their signatories an obligation either to prosecute offenders or extradite them to permit prosecution for a host of terrorism-related crimes, including hijacking vessels and aircraft, taking hostages, and harming diplomats. An important convention is the Convention for the Marking of Plastic Explosives. Implementing legislation is in P.L. 104-132. On July 26, 2002, the U.N. Convention on the Suppression of Terrorist Bombings, and the U.N. Anti-Terrorism Financing Convention both entered into force for the United States; see [http://untreaty.un.org/English/terrorism.asp].

Potential Tools

An International Court for Terrorism. Many experts have urged that an international court be established, perhaps under the U.N., to sit in permanent session to adjudicate cases against persons accused of international terrorist crimes.

Media Self-Restraint. For some, the term "media self-restraint" is an oxymoron; the sensational scoop is the golden fleece, and dull copy is to be avoided. In the past, the media have been occasionally manipulated into the role of mediator and publicist of terrorist goals. Increasingly, the media are sensitive to such charges. On October 11, 2001, five major U.S. news organizations agreed to abridge video statements by Osama bin Laden and this policy continues to date.

Policy Reform and 9/11 Commission Recommendations

Well before the September 11, 2001 events, various legislative proposals and congressionally mandated panels had called for reconfiguring the federal government's strategic planning and decision processes vis-à-vis the global terrorist threat. On November 25, 2002, the President signed the Homeland Security Act of 2002 (P.L. 107-296), consolidating at least 22 separate federal agencies, offices, and research centers comprising

more than 169,000 employees into a new cabinet level Department of Homeland Security (DHS). The creation of the new department, charged with coordinating defenses and responses to terrorist attacks on U.S. soil, constitutes the most substantial reorganization of the Federal government agencies since the National Security Act of 1947 which placed the different military departments under a Secretary of Defense and created the National Security Council (NSC) and CIA. P.L. 107-296 includes provisions for an information analysis element within DHS, many of the envisioned tasks of which appear assigned to the Administration's Terrorist Threat Integration Center (TTIC) which was activated May 1, 2003.

In the 107th Congress, the USA PATRIOT Act, enacted in October 2001 (P.L.107-56), and renewed, in March 2006, gave law enforcement increased authority to investigate suspected terrorists, including enhanced surveillance procedures such as roving wiretaps; provided for strengthened controls on international money laundering and financing of terrorism; improved measures for strengthening of defenses along the U.S. northern border, and authorized disclosure of foreign intelligence information obtained in criminal investigations to intelligence and national security officials.

On July 22, 2004, the National Commission on Terrorist Attacks upon the United States ("9/11 Commission") issued its final report [http://www.gpoaccess.gov/911/index.html]. Included are forty-one recommendations for changing the way the government is organized to combat terrorism and how it and prioritizes its efforts. Many of these dovetail with elements of the Administration's February 14, 2003, National Strategy for Combating Terrorism [http://www.whitehouse.gov/news/releases/2003/02/20030214-7.html] such as diplomacy and counter-proliferation efforts, preemption, intelligence and information fusion, winning hearts and minds — including not only public diplomacy, but also policies that encourage development and more open societies, law enforcement cooperation, and defending the homeland. See also [http://usinfo.state.gov/ei/Archive/2003/Dec/31-646035.html].

Recommendations generally fall into the categories of (1) preemption (attacking terrorists and combating the growth of Islamic terrorism); (2) protecting against and preparing for attacks; (3) coordination and unity of operational planning, intelligence and sharing of information; (4) enhancing, through centralization, congressional effectiveness of intelligence and counterterrorism oversight, authorization, and appropriations; (5) centralizing congressional oversight and review of homeland security activities; and (6) beefing up FBI, DoD, and DHS capacity to assess terrorist threats and their concomitant response strategies and capabilities. The report specifically recommends confronting openly problems in the U.S.-Saudi relationship (presumably issues such as terrorist financing to include arguably the issue of ideological incitement). The report also recommends sustaining aid to Pakistan. On December 17, 2004, President Bush signed the Intelligence Reform and Terrorism Prevention Act of 2004 (S. 2845, P.L. 108-458) establishing the position of National Intelligence Director and a National Counterterrorism Center.

Press reports dated May 29, 2005, indicate that the Bush Administration has launched a high level internal review of its anti-terrorism strategy with an emphasis on developing a

strategy more focused on combating violent extremism.[6] Under the revised strategy concept, public diplomacy is expected to receive a major boost in emphasis leading some to question what agency or entity will be in charge of such an overall effort and how will it be coordinated and implemented.

U.S. Interagency Coordination Framework and Program Response

The interagency framework for combating terrorism overseas is a complex web of relationships among federal organizations and agencies. Some agencies play lead roles in specific areas; others play coordination roles; yet others serve in support roles. In short, the National Security Council (NSC) advises the President on national security and foreign policy; serves as a forum for discussion among the President, presidential advisers, and cabinet officials; and is the President's mechanism for coordinating policy among government agencies on interdisciplinary issues such as terrorism. Under the NSC structure are a series of committees and working groups which address terrorism issues. Key is the Counterterrorism Security Group (CSG) composed of high-level representatives from the Departments of State, Justice, Defense, and Homeland Security, and the FBI and CIA, as well as representatives of other departments or agencies as needed. A series of interagency working groups under the CSG coordinate specific efforts as needed.

The Homeland Security Council is analogous to the National Security Council [http://www.dhs.gov/dhspublic/index.jsp]. Located within the Executive Office of the President, it has a number of working groups called policy coordinating committees which coordinate policy and operations across the executive departments to prevent, respond to, and recover from terrorist attacks within the United States. The Department of State, [http://www.state.gov/], is the lead agency for U.S. government efforts to combat terrorism overseas; whereas the Department of Justice, [http://www.usdoj.gov/], is the lead agency for law enforcement and criminal matters related to terrorism overseas and domestically.

On December 17, 2004, President Bush signed the Intelligence Reform and Terrorism Prevention Act of 2004 (S. 2845, P.L. 108-458) establishing the position of National Intelligence Director (a position separate from that of the CIA Director) to serve as the President's principal intelligence advisor, overseeing and coordinating the foreign and domestic activities of the intelligence community. Established as well is a National Counter-terrorism Center designed to serve as a central knowledge bank for information about known and suspected terrorists and to coordinate and monitor counterterrorism plans and activities of all government agencies. The Center also prepares the daily terrorism threat report for the President.

Antiterrorism Assistance and Terrorism and Crime Programs

The State Department's Antiterrorism Assistance (ATA) Program is a central part of the effort to help nations develop the capacity to effectively combat terrorism. The ATA Program provides training and equipment to foreign countries to help them improve their

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[6] See Susan Glasser, "Review May Shift Terror Policies; U.S. is Expected to Look Beyond Al Qaeda," *Washington Post*, May 29, 2005, p. A1.

antiterrorism capabilities. More than 35,000 individuals from 152 countries have received training since the program's inception in 1983 in such skills as crisis management, VIP protection, airport security management, and bomb detection and deactivation. The TIPOFF terrorism and crime database, maintained by the State Department Bureau of Intelligence and Research, enables the use of sensitive intelligence to detect "known persons of concern" as they apply for U.S. visas overseas, and as of mid-November 2003 had provided the names of 96, 190 possible terrorists to State's Consular Lookout and Support System (CLASS). The Department of State's Terrorist Interdiction Program (TIP), initiated in FY2002, helps foreign governments improve their border control capability through software for creating an automated database watchlist for fusion of names and relevant data. A benefit of TIP is that it provides immigration officials in selected countries with a computer-based, real-time system to verify the identities of travelers presenting themselves at border crossings.

Assistance to Victims Programs

Facilitating payment of compensation to victims of terrorism by state sponsors or their agents is an ongoing area of congressional interest. P.L. 106-386, among other things, allowed victims of terrorist acts committed by Cuba and Iran to collect payment of judgments rendered from funds held by the U.S. government and clarified circumstances under which immunity from jurisdiction or attachment may not apply when victims of state-sponsored terrorism seek compensation.

Counterterrorism Research and Development Program

The State Department's Counterterrorism Research and Development Program is overseen by State's Coordinator for Counterterrorism and is managed by the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict. The program focuses on the inter-agency Technical Support Working Group (TSWG), which constitutes an R&D response to the threat posed by increasingly sophisticated equipment, explosives, and technology available to terrorist groups. Major project areas include chemical, biological, radiological, and nuclear countermeasures; explosives detection and improvised device defeat; infrastructure protection; investigative support and forensics; personnel protection; physical security; surveillance collection and operations support; and tactical operations support. State and DOD provide core funding for TSWG activities.

Diplomatic Security Program

The Diplomatic Security Program of the State Department is designed to protect U.S. personnel, information, and facilities domestically and abroad. Constructing secure facilities abroad, providing security guards, and supporting counterintelligence are some important elements of the program as is detection and investigation of passport and visa fraud.

Options for Program Enhancement

Potential areas for improvement of programs to combat terrorism include enhancing information and network security; nuclear materials safeguards; detection of nuclear, chemical, and biological weapons and conventional explosives; and critical infrastructure protection and disaster/crisis consequence management, including training of first

responders. One option might include an enhanced role for the National Academies and the National Laboratories in facilitating more concerted and better coordinated involvement of the U.S. scientific community in assessing threats, developing countermeasures, and designing responses to terrorism. See [http://www.nap.edu/catalog/10415.html].