

# CRS Report for Congress

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## **International Terrorism: Threat, Policy, and Response**

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# International Terrorism: Threat, Policy and Response

## Summary

This report examines international terrorist actions, threats, U.S. policies and responses. It reviews the nation's use of tools at its disposal to combat terrorism, from diplomacy, international cooperation, and constructive engagement to physical security enhancement, economic sanctions, covert action, and military force.

A modern trend in terrorism appears to be toward loosely organized, self-financed, international networks of terrorists. Increasingly, radical Islamist groups, or groups using religion as a pretext, pose a serious threat to U.S. interests and to friendly regimes. Of concern as well is the growing political participation of extremist Islamist parties in foreign nations. Also noteworthy 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). Iran, seen as the most active state sponsor of terrorism, has been secretly conducting — and now openly seeks — uranium enrichment, and North Korea has both admitted to having a clandestine program for uranium enrichment and claimed to have nuclear weapons. Indications have also surfaced that Al Qaeda has attempted to acquire chemical, biological, radiological, and nuclear weapons.

U.S. policy toward international terrorism contains a significant military component, reflected in U.S. operations in Afghanistan, deployment of U.S. forces elsewhere for specific missions, and, according to the Administration and its supporters, the war in Iraq. Issues of interest to Congress include whether the Administration is providing sufficient information about the long-term goals and costs of its diverse strategy and whether military force is an optimally effective anti-terrorism instrument when compared with other methods such as pro-active public diplomacy.

Increasingly, a wide range of well-funded charitable and publicity activities of radical Islamist groups has led to broadened acceptance of extremist views in target populations. To the extent that nations fail to effectively address this “cold war of ideology,” a growing proportion of the world's Moslem youth may grow up embracing extremist views that could ultimately lead to increased terrorism.

As terrorism is a global phenomenon, a major challenge facing policymakers is how to maximize international cooperation and support without unduly compromising important U.S. national security interests and options. Other significant policy challenges include: (1) how to minimize the economic and civil liberties costs of an enhanced/tightened security environment, and (2) how to combat incitement to terrorism, especially in instances where such activity is state sponsored or countenanced. This report replaces CRS Issue Brief IB10119, *Terrorism and National Security: Issues and Trends*, by Raphael F. Perl. It will be updated periodically.

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# International Terrorism: Threat, Policy and Response

## The War on Terrorism

The Administration's response to the September 11, 2001 events was swift, wide-ranging, and decisive. After Administration officials attributed responsibility for the attack to Osama bin Laden and the Al Qaeda organization, there was an announced policy shift from deterrence to preemption, generally referred to as the "Bush Doctrine."<sup>1</sup> Given the potentially catastrophic consequences of terrorist attacks employing weapons of mass destruction (WMD), Administration decisionmakers felt that the United States 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. 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 initiated 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 a number of 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 known 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, and a resurgence of Taliban warlords and militia is reportedly occurring in Southern and Northern Afghanistan.

On March 19, 2003, after an intensive military buildup in the Persian Gulf, the United States launched the war against Iraq, at the time one of seven nations on the

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<sup>1</sup> See the predecessor to the March 2006 National Security Strategy of the United States, [<http://www.whitehouse.gov/nsc/nss.html>].

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, had 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.<sup>2</sup> 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 and Iraq, 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 (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 counternarcotics operations in Colombia.

A February 14, 2003 National Strategy for Combating Terrorism gave added emphasis to the role of international cooperation, law enforcement and economic development in countering terrorism.<sup>3</sup> 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 areas as well, including Western Europe and the United States. According to *Patterns of Global Terrorism 2003 (Patterns 2003)*, 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.<sup>4</sup> On June 2, 2003, the G-8 leaders publicized plans, subsequently implemented, to create a Counter-Terrorism Action Group to assist nations in enhancing their anti-terrorism capabilities through initiatives including (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.<sup>5</sup>

An encouraging sign in the anti-terrorism struggle has been the apparent willingness of certain previously recalcitrant 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

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<sup>2</sup> Note that while some at the time agreed with characterization of military operations in Iraq as part of the war on terror, others saw it as an unnecessary diversion.

<sup>3</sup> [<http://www.whitehouse.gov/news/releases/2003/02/20030214-7.html>]

<sup>4</sup> [<http://www.state.gov/s/ct/rls/pgtrpt/2003/c12153.htm>]

<sup>5</sup> See generally: CRS Report RS22030, *U.S.-EU Cooperation Against Terrorism*, by Kristin Archick.

extensively with the United States and the international community in dismantling those programs. 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 contrast, Iran, according to the Department of State, remained the primary state sponsor of terrorism in 2005 and has been actively conducting a longstanding nuclear development program, raising concerns in the international community that Iran’s nuclear ambitions extend well beyond nuclear research, with direct implications for a host of ongoing terrorist activities.<sup>6</sup>

In order to stave off punitive action by the International Atomic Energy Agency (IAEA) Board of Governors, Iran, on December 19, 2003, signed an agreement to suspend its enrichment-related and reprocessing activities and to allow international inspections of its nuclear facilities. Intensive inspections, however, revealed likely violations of its suspension obligations, hence in late 2005, the IAEA Board of Governors voted to call Iran into noncompliance with its Nuclear Non-Proliferation Treaty (NPT) obligations. The U.N. Security Council passed a resolution on July 31, 2006, giving Iran a one-month deadline to comply with demands for halting enrichment, or face possible sanctions.<sup>7</sup> Notwithstanding, Iran insists on the “right” to continue its enrichment program under the label of “nuclear research,” ostensibly for its energy industry.<sup>8</sup>

## The Threat of Terrorism

Increasingly, international terrorism is recognized as a threat to U.S. foreign, as well as 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 Islamist 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 or Western-allied regimes in certain countries with large Moslem populations, such groups are seen as a particular threat to U.S. foreign policy objectives.

Facing the possibility that a number of states might reduce or withdraw their sponsorship of terrorist organizations, such organizations appear to be seeking and establishing operating bases in countries that lack functioning central governments

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<sup>6</sup> See [<http://www.state.gov/s/ct/rls/crt/c17689.htm>], p. 173 of State Department report text.

<sup>7</sup> See U.N. Security Council Resolution 1696 [<http://daccessdds.un.org/doc/UNDOC/GEN/N06/450/22/PDF/N0645022.pdf?OpenElement>]. See also CRS Report RS21592, *Iran’s Nuclear Program: Recent Developments*, by Sharon Squassoni.

<sup>8</sup> According to the U.S. Energy Information Administration, Iran has oil reserves of 126 billion barrels, 12% of the world’s known total. But perhaps more significant is that Iran controls the world’s second largest endowment of natural gas (a reported 940 trillion cubic feet). Both fuel sources are currently greatly underutilized, according to analysts.

or that do not exercise effective control over their national territory. For example, on November 17, 2003, the *Washington Post* reported that Al Qaeda affiliates were training Indonesian operatives in the southern Philippines. In general, the gray area of “terrorist activity not functionally linked to any supporting or sponsoring nation” represents an increasingly difficult challenge for U.S. policymakers.<sup>9</sup>

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 kidnapping. Colombia’s FARC is said to make hundreds of millions of dollars annually from criminal activities, mostly from “taxing” of, or participating in, the narcotics trade. Bin Laden’s Al Qaeda depends on a formidable array of fundraising operations including Moslem 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.

Of utmost concern to policymakers is the specter of proliferation of weapons of mass destruction (WMD) or the means to make them. All of the five officially designated state sponsors of terrorism, Cuba, Iran, North Korea, Sudan, and Syria, are known or suspected to have had one or more WMD-related program. Two of the states — Iran and North Korea — have, or have had, nuclear weapons-oriented programs in varying stages of development.<sup>10</sup>

Terrorists have attempted to acquire WMD technology through their own resources and connections. For instance, the Aum Shinrikyo cult in Japan was able to procure technology and instructions for producing Sarin, a deadly nerve gas, through contacts in Russia in the early 1990s.<sup>11</sup> The gas was subsequently used in an attack on the Tokyo subway in March 1995 that killed 12 people and injured over 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 of December 14, 2001, cited “long discussions” between bin Laden and Pakistani nuclear scientists concerning nuclear, chemical and biological weapons.<sup>12</sup> Earlier, on November 12, 2001, *Time* magazine reported that a bin Laden emissary tried to buy radioactive waste from an atomic

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<sup>9</sup> See “Al Qaeda Affiliate Training Indonesians On Philippine Island; Persistence Startles Officials in Manila” by Alan Sipress and Ellen Nakashima, *Washington Post*, Nov. 17, 2003, p. A18.

<sup>10</sup> Note that this was widely believed by many to be true of Iraq under Saddam Hussein. 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.

<sup>11</sup> See Kaplan, David E. and Marshall Andrew, *The Cult at the End of the World: The Incredible Story of Aum* (Arrow, 1997).

<sup>12</sup> See “Hunt by CIA and MI6 Pays off with Bin Laden’s Video” by Michael Smith, *Daily Telegraph*, December 14, 2001, p.14.

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.<sup>13</sup> BBC reports cite the discovery by intelligence officials of documents indicating that Al Qaeda had built a radiological “dirty” bomb near Herat in Western Afghanistan.<sup>14</sup> In January, 2003 British authorities reportedly disrupted a plot to use the poison ricin against personnel in England.<sup>15</sup>

## Trends in Terrorism

The Department of State provides to Congress annually a report on global terrorism. The most recent edition, released in March 2006 is: *Country Reports on Terrorism 2005*.<sup>16</sup> Statistical data on terrorist incidents, analyzed in the report, are provided by the National Counter Terrorism Center (NCTC).<sup>17</sup> The analysis addresses trends in terrorism and the evolving nature of the terrorist threat, and presents information on anti-terror cooperation by nations worldwide.

The report and underlying data portray a threat from radical Jihadists which is becoming more widespread, diffuse, possibly more deadly, and increasingly homegrown, often with a lack of apparent formal operational connection with Al Qaeda ideological leaders, although perhaps inspired by them or assisted through training. Related to the issue of homegrown terrorism is growing concern that limited terrorist sanctuaries may already be found within the cities of democratic societies.

Three trends in terrorism are identified in the Department of State report. First is the emergence of so-called “micro actors,”<sup>18</sup> spurred in part by U.S. and allied successes in isolating and killing much of Al Qaeda’s leadership. The result is an Al Qaeda perceived as having a more subdued operational role, but assuming more of an ideological, motivational, and propaganda role. Second is a trend toward “sophistication”; i.e. terrorists exploiting the global interchange of information, finance, and ideas to their benefit, often through the Internet. Third is a growing

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<sup>13</sup> See “Osama’s Nuclear Quest: How Long Will It Take Before al-Qaeda Gets Hold of the Most Dangerous of Weapons” by Jeffrey Kluger, *Time*, Nov. 12, 2001, [<http://www.time.com/time/magazine/printout/0,8816,182894,00.html>]. See also *Hindustan Times*, Nov. 14, 2001.

<sup>14</sup> *BBC World Edition*, January 30, 2003.

<sup>15</sup> See CRS Report RS21383, *Ricin: Technical Background and Potential Role in Terrorism*, by Dana Shea and Frank Gottron. See also Jack Bourseton and Charles Mahaffey, “Al Qaeda and Mass Casualty Terrorism: Assessing the Threat,” *Strategic Insight*, October 1, 2003.

<sup>16</sup> [<http://www.state.gov/s/ct/rls/crt/c17689.htm>]. See also: testimony of John Scott Redd, Director, National Counterterrorism Center, and testimony of Henry A. Crumpton, Coordinator for Counterterrorism before the Senate Foreign Relations Committee in a hearing on “Counterterrorism: The Changing Face of Terror,” June 13, 2006.

<sup>17</sup> [<http://www.nctc.gov>]

<sup>18</sup> Small-scale, decentralized operatives or groups.

overlap between terrorist activity and international crime, which may expose the terrorists to a broad range of law enforcement activities.

Also cited in the report is an overall increase in suicide bombings and a strong connection between the ongoing unrest in Iraq and the broader terrorism conflict. The report suggests that “terror” incidents in Iraq accounted for almost a third of all terror incidents in 2005 and more than half of terror related deaths worldwide that year.

Data released by the NCTC concomitantly with the Department of State’s 2006 terror report indicate that in 2005 roughly 40,000 individuals were wounded or killed in terrorist incidents, as compared to 9,300 the previous year and 4,271 in 2003. Terror-related deaths in 2005 numbered 14,602 as compared to 1,907 deaths in 2004 and 625 in 2003. The report placed the number of total reported terrorist attacks in 2005 at 11,111 as compared to 3,168 in 2004 and 208 in 2003. Foiled attacks are not included in the data reported.

Some would argue, however, that NCTC data concerning Iraq casualties — which are largely the product of sectarian violence, rampant criminal activity, and home grown insurgency — grossly distort the global terrorism picture and perhaps should not be attributed to terrorist activity. Looking at the data outside of Iraq, according to the NCTC, the total number of incidents with ten or more deaths remained at approximately the 2003-2004 level: 70 per year. This suggests that, excluding Iraq, the number of higher casualty terror attacks remains relatively stable.

Aside from **Iran**, and perhaps to some degree **Syria**, the report suggests that, but for a few notable exceptions, active state sponsorship of terror is declining.<sup>19</sup> It continues to list **Iran** as the most active state sponsor of terrorism.<sup>20</sup> In general, it praises the **Saudi Government** for its antiterrorism efforts. Some observers might suggest, however, that the report tends to mute criticism of nations of strategic

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<sup>19</sup> Nations currently on the State Department’s legislatively mandated list of state sponsors of terrorism are Cuba, Iran, North Korea, Sudan, and Syria. Libya was certified by the Secretary of State as being eligible for removal from the list on May 12, 2006. See Presidential Determination No. 2006-14, May 12, 2006 which went into effect June 28, 2006. [<http://www.whitehouse.gov/news/releases/2006/05/20060515-5.html>]

<sup>20</sup> As in preceding years, the report cites Iran as the most active state supporter of terrorism and states that its Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security were directly involved in the planning and execution of terrorist acts. That included providing Lebanese Hizballah and Palestinian terrorist groups with extensive funding, training and weapons. The Revolutionary Guard, it is asserted, was increasingly involved in supplying “lethal assistance” to Iraqi militant groups with the effect of destabilizing Iraq. Also addressed was Iran’s continued development of a nuclear program and that Iran is “also capable of producing biological and chemical agents or weapons.” Iran, the report states, “could support terrorist organizations seeking to acquire WMD”. The report does not specifically address growing concerns among some experts that Iran might use surrogate organizations with broad networks, e.g. Hizballah, as delivery vehicles for dirty bombs for the enriched radioactive material generated by its “nuclear research.” The report also does not discuss Iran’s allegedly active role in training and equipping insurgents in Iraq. See June 22, 2006 Press Conference of Defense Secretary Donald Rumsfeld.

importance to the United States, such as **Pakistan** and **Saudi Arabia**, that arguably could do much more to curb terror.

Echoing language of previous years' versions of the report, the 2006 edition states that **Libya** and **Sudan** "continued to take significant steps to cooperate in the global war on terror," and shortly after the report's release, Libya was removed from the U.S. list of state sponsors of international terrorism.<sup>21</sup> As in previous years, **Syria** is cited for providing political and material support (presumably weapons) to both Hizballah and Palestinian terrorist groups, which also enjoy sanctuary in Syria. **Cuba** and **North Korea** are primarily cited for lack of anti-terror cooperation and past involvement in terrorist incidents, thereby possibly suggesting a trend of their less active support for terrorism than in previous decades. However, many perceive North Korea's nuclear program, with its potential for future sales of WMD to terrorists, as extremely worrisome.

Although not included on the State Department's list of state sponsors of terrorism, **Lebanon** is cited in the report for its recognition of several terrorist organizations, including Hizballah. Also, the report stresses that because the Government of Lebanon does not exercise effective control over areas in the south and in Palestinian refugee camps, terrorists can operate "relative freely" in such areas. This loss of governmental control is representative of a broader phenomenon that countries with weak counterterrorism resources and infrastructure are, more and more, subject to becoming sanctuaries for terrorism.



**Source:** Congressional Research Service, based on data provided in *Country Reports on Global Terrorism, 2005*.

A core premise of the State Department's 2006 report is recognition that because the Al Qaeda network is increasingly assuming the characteristics of an ideological movement, it will not be decisively defeated in the near future. However, some indicate elimination of Bin Laden and Al Zawahiri would go a long way in that direction. As in any long-term campaign, international cooperation and capacity-building programs, such as the State Department's Anti-Terrorism Assistance Program (ATA), are seen as having a central role in combating terrorism. Most terrorist acts do not take place in the United States, nor do most terror-related arrests

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<sup>21</sup> Libya was certified by the Secretary of State as being eligible for removal from the list on May 12, 2006. See Presidential Determination No. 2006-14, May 12, 2006 which went into effect June 28, 2006. [<http://www.whitehouse.gov/news/releases/2006/05/20060515-5.html>]

and prosecutions. Likewise, much, if not most, intelligence gathering on terrorist groups today is not done by the United States.

The report also presents countering terrorism on the economic front as an important component of a successful strategy. However, some independent analysts suggest that efforts to curb terrorist finances have reached a point of diminishing returns, as terrorist groups are often self-supporting, and that the amount of terrorist funds governments seize is insignificant.

Of concern to many observers is the overall growth in numbers and political influence of radical Islamist political parties throughout the world, some of which reportedly serve — or might serve — as fronts for terrorist activity. Even if the parties are not actively serving as fronts, some are concerned that the actions and agendas of such groups could facilitate creation of a political climate in their home countries which views terrorism as a politically acceptable tactic and which might make their home countries appear as attractive locations for active terrorist groups to establish secure bases. Others view political participation as a sign that these groups may be adopting channels other than violence to secure their base.

Examples include groups in Indonesia, Pakistan, Malaysia, and in the Middle East notably Hamas and Hizballah. Any rise in the power and influence of such terror-linked or terror-supportive political parties — especially should their representatives be elected through democratic processes — presents major policy dilemmas for the United States, since it pits U.S. support for democracy directly against America's commitment to aggressively combat terrorism.<sup>22</sup>

## **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 protective security measures, economic sanctions, covert action, 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. U.S. exports of munitions to such countries are foreclosed, and restrictions are imposed on exports of “dual use” equipment. The presence of a country on the “terrorism list,” though, may also reflect considerations — such as its pursuit of WMD, a poor human rights record or simply 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

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<sup>22</sup> See CRS Report RL33555, *Trends in Terrorism: 2006*, by Raphael Perl.

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. The State Department's 2006 global terrorism report lists 42 groups designated by the Secretary of State as FTOs.<sup>23</sup>

On September 24, 2003, the White House Office of Management and Budget (OMB) released its 2003 Report to Congress on Combating Terrorism, which detailed spending by federal agency and activity for combating terrorism and for homeland security.<sup>24</sup> After 2003, the practice of publishing a consolidated federal counterterrorism budget was discontinued; the homeland security component of the budget is readily accessible.<sup>25</sup> In July 18, 2006 congressional testimony, the Comptroller General stated that since 2001 Congress has appropriated about \$430 billion for military and diplomatic efforts in support of the Global War On Terrorism, and stressed that neither the Department of Defense nor Congress had a clear picture of how much that war was costing in terms of dollars spent and how appropriated funds were being used.<sup>26</sup> Estimates for the cost of the war in Iraq fall in the range of \$319 billion to date.<sup>27</sup>

## 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) maintaining 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 viewed by some to conflict directly with a desire to secure the lives of citizens more effectively against terrorist activity. A majority, however, strongly holds that no compromise of constitutional rights is acceptable.

Another challenge for policymakers is the need to identify the perpetrators of particular terrorist acts as well as 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 provisioning of weapons, financing, and logistical support

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<sup>23</sup> See *Country Reports on Terrorism: 2005*. [<http://www.state.gov/s/ct/rls/crt/c17689.htm>]

<sup>24</sup> [[http://www.whitehouse.gov/omb/inforeg/2003\\_combat\\_terr.pdf](http://www.whitehouse.gov/omb/inforeg/2003_combat_terr.pdf)]

<sup>25</sup> For FY2007 see *Budget: Analytical Perspectives*, at [<http://www.whitehouse.gov/omb/budget/fy2007/pdf/spec.pdf>], p. 31.

<sup>26</sup> For an abstract of the testimony and link to the full text see: [<http://www.gao.gov/docsearch/abstract.php?rptno=GAO-06-885T>]

<sup>27</sup> See CRS Report RL33110, *The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11*, by Amy Belasco.

remains open, and detecting such transfers would require significantly increased deployment of U.S. intelligence and law enforcement assets in countries and zones where terrorists operate. Particularly challenging is identification of those “dual use” items which might creatively be adapted for military-type applications and therefore should be subject to U.S. export restrictions.<sup>28</sup>

Today, the U.S. policy focus is on terrorist organizations, such as Al Qaeda and affiliated networks, and state supporters.<sup>29</sup> But in the future, the recent phenomenon of new types of terrorists appears likely to continue: 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 profile for the terrorist of the 21<sup>st</sup> century may be that of a private individual(s) not affiliated with any established group, but drawing on other similarly-minded individuals for support. As the central focus of U.S. international counterterrorism policy is currently on state sponsors and terrorist groups, some adjustments in policies and approaches may warrant consideration.

Another problem surfacing in the wake of a number of incidents associated with Islamist fundamentalist groups is how to condemn and combat such terrorist activity, as well as the extreme and violent ideology of specific radical groups, without appearing to be anti-Islamic in general. Also, the desire to punish a state for supporting international terrorism may conflict with other foreign policy objectives involving that nation, which might require a more positive engagement.

## **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. For

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<sup>28</sup> See CRS Report RL31669, *Terrorism: Background on Chemical, Biological, and Toxin Weapons and Options for Lessening Their Impact*, by Dana A. Shea; and CRS Report RS21422, *Dual Use Biological Equipment: Difficulties in Domestic Regulation*, by Dana A. Shea.

<sup>29</sup> See also CRS Report RL32759, *Al Qaeda: Statements and Evolving Ideology*, by Christopher M. Blanchard.

example, diplomacy was a key factor leading to the composition of the U.S.-led coalition against the Taliban. Notwithstanding, some suggest that the Administration far-too-long undervalued diplomacy and that its ability to conduct effective diplomacy has been weakened by its non-multilateral positions on a host of international issues. Moreover, 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 often tried first by the United States when crises arise.

Some are concerned that U.S. diplomacy may not be sufficiently pro-active, possibly as a result of resource or funding limitations. They contend that more extensive, multi-faceted, ongoing diplomatic relations, including expanded public diplomacy initiatives, might contribute to improved international anti-terror cooperation, and argue that pro-active diplomacy is much less expensive than subsequent military or security operations which might be required if these diplomatic efforts are absent, insufficient, or unsuccessful. Moreover, they suggest that in a region(s) of the world where personal relationships are culturally important, it may be desirable to consider more funding for face-to-face diplomacy at all levels as a long-term investment in future diplomatic relations. Some contend that U.S. embassies abroad, particularly in hardship locations in the Middle East where diplomats or their families may hesitate to go, are often understaffed or underfunded, or have significant numbers of junior officers with limited diplomatic experience or language skills.

Others disagree. They contend that diplomacy is but one of many tools in the nation's portfolio for combating terrorism, and that the current mix of policy emphasis and resources is a sound one, as evidenced by ongoing success against Al Qaeda's operatives, network, infrastructure, and financial sources of support.

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, such as Hizballah or Hamas, some see engaging the group as preferable to trying to exterminate it.<sup>30</sup> Colombia's on-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."<sup>31</sup>

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<sup>30</sup> For background on the rise in power and influence of radical Islamist political parties, see CRS Report RL33555, *Trends in Terrorism: 2006*, by Raphael Perl.

<sup>31</sup> See Testimony of R. James Woolsey before the Committee on National Security, U.S. House of Representatives, Feb. 12, 1998. [<http://www.loyola.edu/dept/politics/intel/19980212woolsey.html>]

On a different level, in the wake of the September 11 attacks, the Bush Administration explored the possibility of enlisting nations considered state sponsors of terrorism at the time, such as Libya, Sudan, and Syria, in a broader Islamic coalition against Al Qaeda and its followers. Much cooperation has been obtained; however, notably in the case of Syria, results 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.

## Public Diplomacy

Proponents argue that public diplomacy can play an important role in winning “hearts and minds.” The influence of public diplomacy through the media on public opinion may impact not only on the attitudes of populations and the actions of governments, but also on the actions of groups engaged in terrorist acts. Effective public diplomacy vis-à-vis the media may help mobilize public opinion in other countries to pressure governments to take action against terrorism.<sup>32</sup> From the terrorist perspective, media coverage is an important measure of the success of a terrorist act.

To better give effect to the notion of winning hearts and minds, the Bush Administration created a position of Undersecretary of State for Public Diplomacy and Public Affairs, a post initially held by Charlotte Beers, later assumed by Margaret Tutwiler, and since July 2005 held by Karen Hughes. Among other efforts, Hughes has created a Rapid Response Unit designed to assist U.S. officials abroad to respond to the day’s news. Critics deride Hughes’ quick hit tactics as an overly “campaign-like” approach to a years-long ideological struggle and cite her inexperience in foreign affairs. Supporters, on the other hand, point to her energy, focus, elan and the fresh approach she brings to an uphill battle. A daunting challenge facing Hughes is how to get federal agencies to agree on a single — or coordinated — message or strategy.<sup>33</sup>

## Economic Sanctions

Sanctions on regimes can be essentially unilateral — such as U.S. bans on trade and investment relations with Cuba and Iran — or multilateral, such as those endorsed by the United Nations in response to Libya’s involvement in 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

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<sup>32</sup> See generally CRS Report 97-960, *Terrorism, the Media, and the Government: Perspectives, Trends and Options for Policymakers*, by Raphael Perl.

<sup>33</sup> For discussion of public diplomacy see generally, CRS Report RL33062, *Public Diplomacy: A Review of Past Recommendations* by Susan B. Epstein and Lisa Mages and CRS Report RL32607, *U.S. Public Diplomacy: Background and 9/11 Commission Recommendations*, by Susan B. Epstein.

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.<sup>34</sup>

The effects of these economic measures are uncertain, because much of the flow of terrorist funds reportedly takes place outside formal banking channels, in elusive “hawala” chains of money brokers. Moreover, much, if not most of the assets were frozen relatively early on with very little being frozen subsequently, raising the issue of whether such countermeasures have peaked and lost their sting. Furthermore, much of Al Qaeda’s money is believed to be held not in banks but in untraceable assets such as gold and diamonds, and some observers have noted that lethal terrorist operations can be relatively inexpensive.

With respect to nation-states, economic sanctions fall into six main categories of restrictions: 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 apply to 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

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<sup>34</sup> [<http://www.useu.be/Terrorism/ECONNews/Sept1103TreasuryTerroristFinancing.html>]

goods and services from any country supporting terrorism.<sup>35</sup> 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 foreign assistance 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 Assad 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 commerce with, Syria and P.L. 108-175 seeks to further limit diplomatic and commercial dealings with the Assad 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 had failed to stem the flow of foreign fighters through Syria 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 number of waivers have been granted.<sup>36</sup>

## Economic Inducements

Economic inducements can arguably play a powerful role in the levels of anti-terror cooperation when nation states are the recipients of such inducements. Moreover, counterterrorism policy can 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 Madrasas — Islamic religious schools) can bring stability to weak countries, make a difference in lifestyles and attitudes, and can diminish the appeal of extremist groups. A further rationale, some 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 explanation of his involvement in terrorism. Similarly, all of the 15 Saudi Arabian hijackers implicated in the September 11 attacks were from middle-class families or

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<sup>35</sup> 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.

<sup>36</sup> See CRS Report RL33487, *Syria: U.S. Relations and Bilateral Issues*, by Alfred B. Prados.

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, ideological and religious factors may often be paramount.

## 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 intentions, capabilities, and vulnerabilities of terrorist organizations. An active form of covert activity occurs during events such as a hostage crisis or hijacking, when a foreign country may quietly request advice, equipment, technical or tactical support, with no public credit given to the providing country. Covert action may also seek to create or 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 such methods might run the gamut from intercepting or sabotaging the 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.<sup>37</sup>

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 established U.S. legal doctrine that allows an individual’s trial to proceed regardless of whether he has been forcibly 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 wanted criminals to U.S. courts is permitted under limited circumstances by a June 21, 1995 Presidential

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<sup>37</sup> [<http://intelligence.senate.gov/recommendations.pdf>]

Decision Directive (PDD-39).<sup>38</sup> Such conduct, however, raises prospects of other nations using similar tactics against U.S. citizens.<sup>39</sup>

## **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's anti-terrorism policy. For example, the stationing of FBI agents overseas in some 50 countries facilitates investigations of terrorist crimes and augments the flow of intelligence about terrorist group structures and membership. Similarly, DEA currently maintains offices in 62 countries staffed by some 750 direct hire personnel and 260 contract personnel.

An important law enforcement tool in combating international terrorism is extradition of terrorist suspects. However, 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 own nationals. Also, the U.S. application of the death penalty for certain crimes can impede extradition from countries that have abolished the death penalty 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 (with varying degrees of success) to curtail the availability of the political offense exception, found in many extradition treaties, to avoid extradition.

## **Rewards for Information Program**

Money can be 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 in 1995 of Ramzi Yousef, architect of the 1993 World Trade Center bombing. The bounty for the capture of Osama bin Laden and his aide Ayman al Zawahiri has been raised to \$25 million each.<sup>40</sup>

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<sup>38</sup> See also CRS Report RL30252, *Intelligence and Law Enforcement: Countering Transnational Threats to the U.S.*, by Richard A. Best, Jr.

<sup>39</sup> See generally, *United States v. Alvarez-Machain*, 505 U.S. 655, 669 (1992).

<sup>40</sup> Note that it might be argued that this practice violates a rule of customary international law (continued...)

However, awards of this magnitude have not provided enough motivation — to date — vis-a-vis senior Al Qaeda leadership.

## 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.<sup>41</sup> In addition, 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.<sup>42</sup>

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. Examples proffered include U.S. military action which toppled the regime of Saddam Hussein and the Israeli military operations in July 2006 aimed at weakening the escalating threat posed to that nation by Hizballah in Lebanon. However, part of the purpose for using military force, in addition to eradication or discouragement of specific terrorist groups, may be to send a political message to the target nation that providing refuge or support to such groups comes with a price.

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<sup>40</sup> (...continued)

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. 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.

<sup>41</sup> Other examples of use of military force 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.

<sup>42</sup> See generally CRS Report RL32758, *U.S. Military Operations in the Global War on Terrorism: Afghanistan, Africa, the Philippines, and Colombia*, by Andrew Feickert; and CRS Report RS22373, *Navy Role in Global War on Terrorism (GWOT) — Background and Issues for Congress*, by Ronald O'Rourke.

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. Some argue that such tragic mishaps create anger against the United States and may bolster terrorist recruitment efforts.<sup>43</sup> 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 Moslem population and damage the U.S. image worldwide.”<sup>44</sup> 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 financial costs associated with Operation Enduring Freedom in Afghanistan have concerned some observers, as have costs of the U.S. military presence in Iraq. Causing a financial blow to the U.S. and the West seems to be a major goal of Al Qaeda and related terrorist organizations.

## 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 for 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.<sup>45</sup>

## Other Potential Policy 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. However, granting jurisdiction to international courts such as the International Criminal Court implies a loss of national sovereignty, a concern, among others, prompting the United States not to become a party to the International Criminal Court.

**Media Self-Restraint.** Some suggest that working with the media to encourage voluntary guidelines for reporting on terrorism issues is an option which holds promise. For others however, 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

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<sup>43</sup> See “Dateline: Kabul Afghanistan,” by Dexter Filkins, et al., *New York Times*, p.A1, July 21, 2002.

<sup>44</sup> *The Sociology and Psychology of Terrorism: Who becomes a Terrorist and Why?*, by Rex A. Hudson. [[http://www.loc.gov/tr/frd/pdf-files/Soc\\_Psych\\_of\\_Terrorism.pdf](http://www.loc.gov/tr/frd/pdf-files/Soc_Psych_of_Terrorism.pdf)]

<sup>45</sup> [<http://untreaty.un.org/English/terrorism.asp>]

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 the 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).<sup>46</sup>

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 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 and subsequently became the National Counterterrorism Center (NCTC).<sup>47</sup>

The USA PATRIOT Act (P.L.107-56), enacted in October 2001 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. Included are 41 recommendations for changing the way the government is organized to combat terrorism and how it prioritizes its efforts.<sup>48</sup> Many of these dovetail with elements of the Administration's February 14, 2003 National Strategy for Combating Terrorism, such as diplomacy and counter-proliferation efforts, preemption, intelligence and information fusion, and winning hearts and minds — including not

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<sup>46</sup> See generally "The Department of Homeland Security: Background and Challenges," by Raphael Perl in *Terrorism: Reducing Vulnerabilities and Improving Responses: U.S. Russian Workshop Proceedings*, National Academies Press [<http://www.nap.edu>] (2004), p. 176-184.

<sup>47</sup> See *CRS Report RL32816, The National Counterterrorism Center: Implementation Challenges and Issues for Congress*, by Todd M. Masse.

<sup>48</sup> [<http://www.gpoaccess.gov/911/index.html>]

only public diplomacy, but also policies that encourage development and more open societies, law enforcement cooperation, and defending the homeland.<sup>49</sup>

Recommendations generally fall into the categories of (1) preemption (attacking terrorists and combating the growth of Islamist 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 improving the agencies' concomitant response strategies and capabilities. The report deals only indirectly with problems in the U.S.-Saudi relationship, such as terrorist financing and the issue of ideological incitement.

Press reports dated May 29, 2005, indicated that the Bush Administration launched a high-level internal review of its anti-terrorism strategy, with an emphasis on developing a strategy more focused on combating violent extremism.<sup>50</sup> Under the revised strategy concept, public diplomacy received a major boost in emphasis.

A new national anti-terrorism strategic approach followed which is currently being elaborated by the United States Government. The approach, embodied in a NCTC coordinated interagency National Implementation Plan (NIP) for the National Strategy for Combating Terrorism, was reportedly approved by the President in mid-summer 2006. Its overarching goals are to: (1) defeat terrorism as a threat to America's way of life as a free and open society, and (2) create an environment inhospitable to terrorism worldwide.<sup>51</sup>

The approach seeks to enhance the existing National Strategy for Combating Terrorism by strengthening 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 (public diplomacy), in conjunction with other efforts to protect and defend the homeland and efforts to attack terrorists and reduce their capabilities.

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<sup>49</sup> [<http://www.whitehouse.gov/news/releases/2003/02/20030214-7.html>]; See also [<http://usinfo.state.gov/ei/Archive/2003/Dec/31-646035.html>].

<sup>50</sup> See Susan Glasser, "Review May Shift Terror Policies; U.S. Is Expected to Look Beyond Al Qaeda," *Washington Post*, May 29, 2005, p. A1.

<sup>51</sup> For background on some of the challenges facing creation of the strategy implementation document see: "Strategy for Combating Terrorism is Bogged Down, Sources Say," *The White House Bulletin*, Feb. 24, 2006.

# U.S. Interagency Coordination Framework and Selected Programs

## Overview

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.

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.

The Homeland Security Council (HSC) is analogous to the National Security Council.<sup>52</sup> 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. Some areas of HSC involvement include the international aspects of terrorism as they relate to the homeland, to include border- and trade-related security issues, as well as security aspects of international transportation issues.<sup>53</sup>

The Department of State is the lead agency for U.S. government efforts to combat terrorism through use of "soft power" (diplomacy/foreign aid-related) overseas. The Department of Justice has the lead 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 Director of National Intelligence (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. Also established was a National Counterterrorism Center, designed to serve as a central knowledge bank for information about known and suspected terrorists and to

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<sup>52</sup> [<http://www.dhs.gov/dhspublic/index.jsp>]

<sup>53</sup> However, some analysts question the need for an HSC separate from the NSC, viewing the HSC structure as an unneeded and cumbersome bureaucratic layer. Others, however, see such institutionalization as important in ensuring domestic security policy is well coordinated with its international counterpart.

coordinate and monitor counterterrorism plans and activities of all government agencies. The Center provides daily terrorism threat information to the President and other policy makers.

## Antiterrorism Assistance 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 antiterrorism capabilities. More than 485,000 individuals from 141 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.<sup>54</sup>

## Terrorist Identification and Screening Programs

**National Counterterrorism/Terrorist Screening Center Programs.** In September, 2003, President Bush issued Homeland Security Presidential Directive 6 (HSPD-6), establishing a Terrorist Screening Center (TSC) to consolidate the U.S. government's approach to terrorist screening.<sup>55</sup> To this end, certain terrorist identification and watch list functions previously performed by the Department of State's Bureau of Intelligence and Research (INR) were transferred to the Terrorist Threat Integration Center (TTIC) — today the National Counterterrorism Center (NCTC) — while others were transferred to the TSC.<sup>56</sup>

Today, the NCTC serves as a central hub for the fusion and analysis of information collected from all foreign and domestic sources on international terrorist threats. The NCTC maintains a Terrorist Identities Datamart Environment (TIDE) — designated under HSPD-6 to be the single repository into which all international terrorist-related data available to the U.S. government will be stored. According to a press account, the TIDE includes over 325,000 terrorist-related records.<sup>57</sup>

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<sup>54</sup> Conversation between CRS and Department of State personnel, August 3, 2006.

<sup>55</sup> The White House, *Homeland Security Presidential Directive/HSPD-6, Subject: Integration and Use of Screening Information* (Washington, Sept. 16, 2003), available at [<http://www.whitehouse.gov/news/releases/2003/09/20030916-5.html>].

<sup>56</sup> Prior to the 9/11 attacks and for two years thereafter, State's INR maintained a terrorism and crime database. Known as TIPOFF, the database drew upon sensitive intelligence to identify "known persons of concern" for the purpose of denying them visas when they apply for entry into the United States. Records of persons included in TIPOFF were placed in State's Consular Lookout and Support System (CLASS) and the U.S. Customs Service's Interagency Border Inspection System (IBIS) For further information, see CRS Report RL31019, *Terrorism: Automated Lookout Systems and Border Security Options and Issues*, by William J. Krouse and Raphael Perl. See also CRS Report RL32366, *Terrorist Identification, Screening, and Tracking Under Homeland Security Presidential Directive 6*, by William J. Krouse.

<sup>57</sup> Walter Pincus and Dan Eggen, "325,000 Names on Terrorism List: Rights Groups Say Database May Include Innocent People," *Washington Post*, Feb. 15, 2006, p. A01.

The TSC, meanwhile, is a multi-agency collaborative effort administered by the Federal Bureau of Investigation. NCTC shares selected data from TIDE on international terrorists with the TSC. With these data, the TSC has established and maintains a consolidated Terrorist Screening Database (TSDB). The TSC, in turn, distributes TSDB-generated international terrorist lookout records — along with domestic terrorist lookout records<sup>58</sup> — to other agencies.

In addition, the TSC has developed comprehensive procedures for handling encounters with known and suspected terrorists and their supporters, and provides terrorist screening authorities with around-the-clock operational support in the event of possible terrorist encounters. According to the Department of Justice’s Office of Inspector General, as of January 2005, the TSDB included nearly 238,000 records.<sup>59</sup>

The TSC also supports the Department of Homeland Security’s Transportation Security Administration (TSA) and Customs and Border Protection (CBP) for the administration of the “No Fly” and “Automatic Selectee” lists. However, the use of these lists continues to prove problematic, particularly in regard to misidentifications,<sup>60</sup> and coordination between Justice and Homeland Security on related issues has proved challenging.<sup>61</sup>

**Department of State’s Terrorist Interdiction Program (TIP).** 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 terrorist screening system with 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.<sup>62</sup>

## Assistance to Victims Programs

Facilitating payment of compensation by state sponsors or their agents to victims of terrorism is an ongoing area of congressional interest. P.L. 106-386, allowed victims of terrorist acts committed by Cuba and Iran to collect payment of judgments rendered from those countries’ 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.

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<sup>58</sup> Under HSPD-6, the FBI is charged with providing domestic terrorism information to the TSC.

<sup>59</sup> U.S. Department of Justice, Office of Inspector General, Audit Division, *Review of the Terrorist Screening Center*, Audit Report 05-27, June 2005, p. 49.

<sup>60</sup> See CRS Report RL32802, *Homeland Security: Air Passenger Prescreening and Counterterrorism*, by Bart Elias, William Krouse, and Ed Rappaport.

<sup>61</sup> U.S. Department of Justice, Office of the Inspector General, Audit Division, *Review of the Terrorist Screening Center’s Efforts to Support the Secure Flight Program*, Audit Report 05-34, Aug. 2005, p. 26.

<sup>62</sup> For anti-crime programs generally, see CRS Report RL33335, *Transnational Organized Crime: Principal Threat and U.S. Responses* by John Wagley.

## **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 interagency 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 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 official 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.

## **Program Enhancement Issues and Options**

### **Allocation of Resources**

Most agree that the evidence indicates that terrorists are both seeking to kill many people and concentrating on hitting economic targets such as support infrastructure and tourism. If correct, this might argue in favor of programs to combat terrorism which seek to safeguard nuclear materials; detect nuclear, chemical, and biological weapons and conventional explosives; protect infrastructure critical to the functioning of the national and global economy; and enhance information and network security.

However, notwithstanding the best efforts of the nation and the international community, some terrorist acts likely will succeed. Since the timing, location, and nature of all future terrorist attacks are impossible to predict, much is to be said for programs which promote development of robust response capabilities in the area of disaster/crisis consequence management, including training of first responders. Due to the enormous cost of anti-terror efforts and the impossibility of omnipresent protection, difficult issues and trade-offs arise concerning cost-effectiveness, diminishing returns and levels of "acceptable losses."

## Public Diplomacy

The issue of further reforming or enhancing programs that engage in public diplomacy may warrant consideration as well.<sup>63</sup> The ideological nature of much of modern-day terrorism implies that the battle for hearts and minds is not just a cliché, but is an ongoing struggle, which the U.S., arguably, is not currently winning.<sup>64</sup> On the other hand, some argue that to the degree United States public diplomacy efforts may be ineffective, cause should not be attributed to the government's organizational structure, nor its strategy or policy implementation. Rather, they suggest that the cause for any such shortcomings is likely that what the U.S. Government says does not match what it does; that U.S. foreign policy is undermining efforts at U.S. public diplomacy. They cite the fact that the United States is strongly committed to promoting democracy and human rights, yet supports regimes in Pakistan, Saudi Arabia, and Egypt where arguably government respect for such values could be dramatically improved.<sup>65</sup>

Moreover, some suggest that while U.S. public diplomacy resources are consolidating, they are not expanding. The former U.S. Information Agency (with its overseas element, the U.S. Information Service) has been subsumed into the U.S. Department of State, thereby losing some independence of action — although, some would argue, gaining policy consistency. The short-lived Strategic Information Initiative, a public diplomacy project launched by the Department of Defense, foundered due in part to adverse public opinion concerning its mission and to lack of active support from the other agencies with which it competed.

The well-funded charitable activities and publicity efforts of terrorist or extremist groups appear to have led to broadened acceptance of extremist views in target populations. Radical madrasas in many nations indoctrinate their students with a philosophy of violence. Hizballah charities provide services — and political indoctrination — to the impoverished in Lebanon, with the aim of securing their loyalty. The Hizballah owned and operated Al-Manar television broadcasting network targets a large audience in the Middle East and Europe. To the extent that

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<sup>63</sup> See generally CRS Report RL32607, *U.S. Public Diplomacy: Background and 9/11 Commission Recommendations*, by Susan B. Epstein. See also CRS Report 97-960, *Terrorism, the Media, and the Government: Perspectives, Trends, and Options for Policymakers*, by Raphael Perl. (Archived: available from the author.)

<sup>64</sup> See *America on Notice: Stemming the Tide of Anti-Americanism* by Glenn and Carolyn Schweitzer (Prometheus, 2006).

<sup>65</sup> Note that some suggest that the issue of developing alternative sources of energy may warrant a fresh examination within the strategic context of the global war on terror. Arguably, United States dependence on fossil fuels as an energy source severely limits the nation's ability to disengage or distance itself from oil-rich regimes in the Middle East, a number of which arguably have dismal human rights records and are plagued by endemic corruption. On the other hand, most acknowledge that weaning the nation from its current dependence on oil — even if cost-effective alternative sources of energy were to be discovered and/or developed — would prove to be a lengthy and technologically challenging process as current industrial nations' infrastructure is closely tied to fossil fuel and petrochemical technologies.

the U.S. and other Western countries fail to effectively address this “cold war of ideology,” a growing proportion of the world’s Moslem youth may grow up embracing extremist views which could ultimately lead to increased terrorism.

For decades the U.S. may have had little need for public diplomacy to promote its positive image of freedom and democracy. The term “propaganda” was used derisively to describe publicity efforts by countries hostile to the United States. However, the world’s demographics, economics and political alliances are evolving. Extremist views are being disseminated to the youth of countries with high birth rates. Some of the countries facilitating dissemination of these views — and those receiving them — control vast financial resources, derived from oil revenues, that could be used to influence public opinion on a large scale, for good or evil. The resources currently allocated for U.S. public diplomacy pale in comparison.

The American public’s reaction to an information outreach, public diplomacy or “propaganda” response to counter or refute hostile ideological efforts may depend upon how U.S. initiatives are presented or “packaged.” For instance, Radio Free Europe and Radio Marti were generally accepted, while the Strategic Information Initiative (SII) was not. Whether correct or not, a perception widely perceived, was that DoD has little credibility in “winning hearts and minds”. Moreover, the Strategic Information Initiative was viewed by critics as a disinformation activity, rather than traditional public diplomacy.

To counter information-based activities by radical Islamist groups, Congress and the Bush Administration have created a U.S. government-sponsored Arabic language Middle East Television Network (METN), or Al-Hurra (Arabic for “the free one”) to broaden U.S. public diplomacy efforts in the Middle East. Supporters of this initiative have asserted that there is a receptive audience for U.S. television, which could counterbalance negative perceptions of U.S. policy that are commonly found in the Arab media.

According to the 9/11 Commission Report in 2004, “the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. Notwithstanding, more data are required to evaluate the effectiveness of such programming efforts to date. For FY2006, the Administration has requested \$79 million, a figure that incorporates operations for the Al-Hurra satellite television network and the U.S. government-sponsored Arabic language radio station, Radio Sawa.<sup>66</sup>

It may well be that in a future political arena the West and its allies — while seeking cooptation — must learn to coexist uneasily with radical groups, as is often the case with organized crime, which has increasingly turned to legitimacy while retaining sinister underpinnings. Terrorism has long since become a “process” or pipeline, and its eradication is a goal which may not be achievable for many years, if ever. Thus, U.S. anti-terror policy increasingly embraces a long-term strategy to engage the process of terrorism on many fronts, to slow its spread, to ameliorate root

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<sup>66</sup> See CRS Report RS21565, *The Middle East Television Network: an Overview*, by Jeremy M. Sharp.

causes, to deter recruitment, to promote tolerance, to modernize education, to interdict weapons, to promote democratic institutions.

Some of these areas overlap with issues in the War on Drugs, and indeed there are similarities between counternarcotics and counterterrorism strategies. Others overlap with U.S. agendas to promote cultural exchange programs, provide humanitarian and development assistance, as well as to promote human rights, democracy, free trade and the rule of law.<sup>67</sup>

A series of National Security Council interagency policy coordinating committees on strategic communication, information strategy, and public diplomacy, first convened in 2002 have fallen short of developing a strategy aimed at marginalizing radical jihadist extremists.<sup>68</sup> Also apparently unresolved is which agency or entity would be in charge of such an overall effort and how it would be coordinated and implemented.

An open question is whether, and to what degree, the U.S. Department of State currently has the charter, the knowledge, the infrastructure, the funding or the personnel to effectively fight the cold war of ideology at appropriate levels of effort. For example, some have called for reviving the United States Information Agency (USIA) or creation of an entity which would only do public diplomacy without strings attached as might be the case with the Department of State or the Defense Department. From purely a standpoint of existing funding, however, the Department of Defense or the CIA may be better equipped for such a mission, which goes beyond traditional diplomacy. But on the other hand, to the extent that public diplomacy is associated with or linked to defense or intelligence agencies, it would be perceived as less credible. These issues, and the pros and cons associated with them, may warrant further attention by Congress.

## For Additional Reading

CRS Report RS21937. *9/11 Terrorism: Global Economic Costs*, by Dick K. Nanto.

CRS Report RL32759. *Al Qaeda: Statements and Evolving Ideology*, by Christopher M. Blanchard.

CRS Report RL33038. *Al Qaeda: Profile and Threat Assessment*, by Kenneth Katzman.

CRS Report RL33160, *Combating Terrorism: The Challenge of Measuring Effectiveness*, by Raphael Perl.

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<sup>67</sup> See: “United States: Negative Image of US Grows Overseas” *Oxford Analytica* subscription service daily brief of June 27, 2006. See also daily brief of November 24, 2005: “United States: Hughes Faces Public Diplomacy Challenge.”

<sup>68</sup> See: “Of Jihadist Networks and the War of Ideas: U.S. Effort on War of Ideas Draws Skepticism” by David E. Kaplan, *U.S. News & World Report*, June 22, 2006. [<http://www.usnews.com/usnews/news/articles/060622/22natsec.htm>]

- CRS Report RL30252. *Intelligence and Law Enforcement: Countering Transnational Threats to the U.S.*, by Richard A. Best, Jr.
- CRS Report RS22211. *Islamist Extremism in Europe*, by Kristin Archick et al.
- CRS Report RL32816. *The National Counterterrorism Center: Implementation Challenges and Issues for Congress*, by Todd M. Masse.
- CRS Report RS22373. *Navy Role in Global War on Terrorism (GWOT) — Background and Issues for Congress*, by Ronald O'Rourke.
- CRS Report RL31672. *Terrorism in Southeast Asia*, by Bruce Vaughn et al.
- CRS Report RL33123. *Terrorist Capabilities for Cyberattack: Overview and Policy Issues*, by John Rollins and Clay Wilson.
- CRS Report RL33555. *Trends in Terrorism:2006*, by Raphael Perl
- CRS Report RL32758. *U.S. Military Operations in the Global War on Terrorism: Afghanistan, Africa, the Philippines, and Colombia*, by Andrew Feickert.
- CRS Report RL32607. *U.S. Public Diplomacy: Background and 9/11 Commission Recommendations*, by Susan B. Epstein.

## Appendix: Defining Terrorism<sup>69</sup>

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 — philosophically but not organizationally aligned with any group — 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.<sup>70</sup> Also, 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.”<sup>71</sup>

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 radical 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.<sup>72</sup>

Moreover, the growth of international and transnational criminal organizations, plus the growing range and scale of such operations, have resulted in a potential for

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<sup>69</sup> Note that domestically, Congress has used the term “terrorism” often in legislation. Hundreds of federal statutes and regulations refer to “terrorism” and related terms in a variety of contexts. However, these statutes and regulations ultimately lead back to an extremely small set of statutory definitions, current criminal law and immigration definitions being among them. For the text of some of the classic U.S. statutory definitions of terrorism, see CRS Report RS21021, *‘Terrorism’ and Related Terms in Statute and Regulation: Selected Language*, by Elizabeth Martin.

<sup>70</sup> See CRS Report RL33123, *Terrorist Capabilities for Cyberattack: Overview and Policy Issues*, by John Rollins and Clay Wilson.

<sup>71</sup> 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.

<sup>72</sup> [<http://www.ict.org.il/articles/fatwah.htm>]

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 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.<sup>73</sup>

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<sup>73</sup> [<http://untreaty.un.org/English/terrorism.asp>]