

Executive Summary Background

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How al-Qaeda May End

Christopher C. Harmon, Ph.D.

How do terrorist groups end? This question is well worth considering in this third year of war with al-Qaeda and with the larger “militant Moslem international.”

Glossaries or indices on terrorism from the 1970s and 1980s point to once-promising groups that currently have no power and make no news: the Breton Liberation Front in France, Belgium’s Communist Combatant Cells, the Liberation Front of Quebec, and the People’s Revolutionary Army in El Salvador. In recent years, once-formidable organizations such as Tupac Amaru in Peru and the Revolutionary Organization November 17th in Greece have disappeared. Additionally, the larger international doctrines that spawned transnational terrorists—Bolshevism and Anarchism—were also defeated in the past century.

History’s lessons about how violent political groups end are varied, though not contradictory. As the U.S. struggles with the current enemy, it is useful to consider how terrorist organizations have been destroyed in the past. Years of public determination, good leadership, police work, excellent intelligence, adequate resources, and occasional military operations are common to most of the success stories.

History also offers a grim truth: Some terrorist groups succeed. This is a reminder of the high stakes in the current war with al-Qaeda and its allies. However, the U.S. and its allies can—and should—press on until we break this militant Moslem international.

The White House is carrying enormous burdens in the struggle against al-Qaeda. While it has borne them well, enhancements are required. Specifically, the Administration should stay clear of unnecessary schemes to reorganize, continue to define the strategy against terrorism, put more into the moral arguments against terrorism, use international law to condemn terrorism, and strengthen intelligence gathering.

Congress should assist the Administration by facing the challenge of supporting the production of good human intelligence about terrorists.

There is no question that al-Qaeda can be beaten, and victory is possible even against the larger militant Moslem international. History cannot indicate how long this fight will be, but it does afford many examples of how to win.

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This paper, in its entirety, can be found at:
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Backgrounder

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How do terrorist groups end? This question is well worth considering in this third year of war with al-Qaeda and the larger “militant Moslem international.”¹

Most terrorist groups do eventually come to an end. Glossaries and indices on terrorism from the 1970s and 1980s yield examples of dozens of once-promising groups that currently have no power and make no news. These include the Breton Liberation Front in France, Belgium’s Communist Combatant Cells, the Liberation Front of Quebec, and the People’s Revolutionary Army in El Salvador. The past few years have witnessed the utter disappearance of once-formidable and infamous organizations such as Tupac Amaru in Peru and the Revolutionary Organization November 17th in Greece.

Additionally, the larger international doctrines that spawned transnational terrorists—Bolshevism and Anarchism—have been defeated in the past century. For a half-dozen reasons, governments have often triumphed over terrorists—those who systematically and deliberately use violence against the innocent to spread fear and to advance a political cause.

History’s lessons are varied, though not contradictory. As the U.S. struggles with the current enemy, it is useful to consider how terrorist organizations have been destroyed in the past. Years of public determination, good leadership, police work, excellent intelligence, adequate resources, and occasional military operations are common to most of the success stories.

Talking Points

- The U.S. and its many allies can defeat al-Qaeda, and even the larger militant Islamic international.
- History offers cause for optimism. Many powerful transnational terrorist groups and ideologies such as violent Anarchism, have been discredited and/or destroyed.
- Bureaucratic re-organization does not hold the key to victory. The U.S. does not need a British-style MI5. (Why add an FBI with no powers of arrest?)
- What we need is national stamina, strong leadership, continued focus, new emphasis on intelligence collection and use, far better public diplomacy, and spirited use of the counter-terrorist arguments offered by ethics and by international law

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Lessons of the Past

How have terrorist groups been defeated? Here are five of the common ways that they have ended.²

Military Force. Although the option of force was often derided as “simplistic” prior to September 11, powerful military offensives have sometimes defeated terrorist groups. Perhaps nothing else would have defeated the Assassins—a Shia Islamic offshoot of the late 11th through 13th centuries—in what is now modern-day Iran. They had a powerful ideology, secret cultish practices, absolute devotion (by which acolytes would commit suicide on order), and inaccessible fortified bases. Their usual targets were Sunni Muslim leaders. When the famed Saladin and other rulers fought back, they managed to contain the Assassins. Schism wounded the cult. Thereafter came the Mongols, who systematically devastated or dismantled the Assassins’ castles. By the year 1270 the cult was ruined, its membership largely dead or dispersed.

In a United Nations’ world, harsh military offensives against terrorists are unusual, but even so there are cases and successes. After the Khmer Rouge revolutionaries and terrorists became the rulers of Cambodia, only a war waged by Vietnam destroyed their merciless regime in 1978.

In a second example, when pressed by the indigenous Moslem Brotherhood in Syria in 1982, Hafez al-Assad took them under what became known as “Hama rules,” literally bombing and shelling the Syrian city of Hama for almost two weeks. Incredibly, Assad suffered little long-term disrepute for murdering more than ten thousand Syrians, nor did he pay dearly for occupying Lebanon, including the Bekaa Valley, which remains an

infamous terrorist haven. Upon his death in 2000, Assad was lionized abroad.³

Military force—narrowly and sanely directed—has been a part of many successful modern governmental campaigns. Tupac Amaru (MRTA), a Peruvian Marxist-Leninist organization, was already undermined by internal inadequacies and countervailing police skills. However, the government’s April 1997 commando raid, which recaptured the occupied Japanese Embassy in Lima, finally ruined Tupac Amaru. All but one of the 72 hostages survived but 14 terrorists were killed—including mission leader Nestor Cerpa Cartolini. Because Tupac Amaru’s historic founder was languishing in jail, MRTA immediately collapsed. As scholar Michael Radu intoned, “This group was moribund before; now it is buried.”⁴

Today, military efforts have been essential to initial successes against al-Qaeda, especially in Afghanistan—where the regime and international terrorism were more closely intertwined than in any other case in modern memory. Only by destroying the state could the international problem be solved and the Afghan nation be given a fair chance at liberty. Afghanistan enjoyed a two-year respite from most terrorism, which only began to return in 2004.

Good Grand Strategy. A second way terrorists end—and a marked pattern in the post-World War II era—is national effort under a sage grand strategy. Under sober government leadership, all major aspects of national power—from the political and military through the economic and informational—are deployed with focused energy and resources. Democracies are often at their best in these struggles, demonstrating adherence to principles, yet taking temporary exceptional measures

1. A term the author employed on Capitol Hill to distinguish a small minority of terrorists from the 1.2 billion Islam practitioners. Christopher C. Harmon, testimony before the Committee on Government Reform, U.S. House of Representatives, September 20, 2001.
2. This section includes several ideas developed in the writing of a chapter for Williamson Murray and Richard Sinnreich for their forthcoming book on the lessons of military history.
3. The Syrian dictator was lionized by even the British press—the same newspapers that have since hammered ceaselessly at Prime Minister Tony Blair.
4. Michael Radu, Interview on *NewsHour with Jim Lehrer*, April 24, 1997.

and drawing on little-used internal and external powers. Confronted by a crisis, a country is nonetheless saved by remaining united and acting with force and prudence.

Secretary of Defense, and later president, Ramon Magsaysay led the Filipino people in beating the Huks, a guerrilla and terrorist movement in the post-World War II era. At the time, such Communist movements were often winning in Third World theaters. With help from the U.S. that was notable for its limits and discretion, the Republic of the Philippines and Ramon Magsaysay attacked the problem from all sides. They purged corrupt army officers, revitalized confidence in elections and democracy, and initiated modest relief works to address landlessness. When making war, the Filipino army focused on superior intelligence and small-unit tactics. The government side wore out and defeated the Huks. The rise and fall of this challenge spanned no more than eight years.

Several decades later came the rise—and fall—of Germany's Red Army Faction (RAF). Waging an urban campaign (rather than the Huks' rural insurgency), the RAF members were no less doctrinaire Communist revolutionaries. They had strong leaders—gifted students and publicists such as Gudrun Ensslin and Ulrike Meinhof. They kidnapped, shot, and robbed a path across West Germany. Few among the 60 million West Germans actually stood up and followed this tiny, self-proclaimed "vanguard," but as T. E. Lawrence had warned, a guerrilla group might survive with support from only 2 percent of the population. At first, the RAF did find protection, safe houses, and borrowed cars. However, support did not grow, and gradually the gun-holders were cornered one by one and jailed. The first RAF generation failed by 1977: A second team arose, but lasted no longer than 1982.

Germany wore out the RAF with effort and self-discipline. When there was no bloody over-reaction, this foiled the terrorists' hope to "expose the latent fascism" of the post-war republic. The Ger-

mans did require new laws and new efforts at policing and intelligence—including a revolutionary approach to police unit data computerization, which raised civil liberties concerns but did catch terrorists.⁵ A brilliant commando raid by specialized border police (called GSG-9) liberated a Lufthansa airliner hijacked to Mogadishu, Somalia, by a German and Palestinian team. That well-judged risk, and total success, was so psychologically crushing that two Baader-Meinhof leaders committed suicide in their cells.

This second model—disciplined democracy in action under good grand strategy—is the one most akin to the current U.S. approach against the militant Moslem international.

Capturing or Killing the Leaders. Some terrorist groups have failed when their leader of singular importance is arrested and jailed under irrevocable terms. This fate befell the egoistic Abimael Guzman, creator of the Sendero Luminoso (Shining Path). After years of careful planning and cadre-building, Guzman turned the Shining Path to overt violence in 1980—at the moment when reform and elections were restoring democracy in Peru. Sendero intimidated and butchered Peruvians in the countryside—and to a lesser degree in the slums and cities—with dynamite, machetes, and single-shot weapons. Tens of thousands died and many more suffered tragedy, injury, or despair. Yet it largely and quickly ended with Guzman's arrest in September 1992. Despite the efforts of a "Comrade Feliciano" to carry on, the torch of leadership could not be re-lit. The women and men around the famed founder may not have lost their faith, but they did lose their power.

Another bane of the 1980s was the Kurdish Workers Party (PKK), a special enemy of Turkey and Germany that was founded in 1974 by Abdullah Ocalan to promote an independent Kurdistan. The PKK sought independence via Communist doctrine, thousands of gunmen, and a closely managed reign of terror over the Kurds—as well as the Turks and others in Europe. Its signature was a

5. See Iain Johnson, "A Top German Cop Who Pioneered Profiling in the '70s Sees Methods Make a Comeback," *The Wall Street Journal*, December 10, 2001.

string of simultaneous bombs in several cities. It practiced extortion, drug trafficking, and killing, while its leader gave press interviews from safety in Syria. Today, the PKK has passed from the scene. A new organization called KADEK has formed from Kurdish activism and is thus far relatively pacific. Evidently, the PKK's center of gravity was less a burning nationalism than it was Ocalan himself. When he was captured in Africa and bundled back to jail in Turkey, the organization collapsed. Thus far, no equal has taken his place.

Today, one strategy against al-Qaeda is to arrest or kill the first and second tier leaders—a reasonable approach.⁶ Coalition security forces must capture or kill both Osama bin Laden and Aiman al-Zawahiri, as well as more of their lieutenants.

A Turn Toward Democratic Ways. A few terrorist groups have turned away from violence or toward democratic ways, or both. Their sincerity in this may be suspect, but some terrorists do outwardly and convincingly reform, reentering normal society and pacific political life. The imprisoned Nelson Mandela was the most esteemed leader of the African National Congress (ANC), which held anti-apartheid ideals but frequently conducted hideous terror attacks, often against black South Africans. When Mandela was released, he quickly replaced Oliver Tambo and led the ANC to power through elections—and became the widely admired president of a new republic.

Two current militants-turned-politicians in Germany also suggest this pattern. German Foreign Minister Joschka Fischer was recently “outed” by photographs of him kicking a policeman in a street

brawl on April 7, 1973, in Frankfurt am Main. Fighting alongside him was Hans-Joachim Klein, a famous terrorist associate of Carlos the Jackal.⁷ Yet, few question Fischer's work in recent years on behalf of the German republic. Daniel Cohn-Bendit—once notorious as “Danny the Red” for his militant central role in France in 1968—is serving Germany in the European Parliament as a Green Party and Free European Alliance co-president.

Certain American terrorists of the same era have surfaced from the underground to become influential, often as educators. Mark Rudd, student leader turned Weatherman, is now a teacher in the Southwestern United States. Bill Ayers, a later Weatherman leader, became a Chicago university schoolman and authored a book about child education. His new memoir, *Fugitive Days*, renounces little.⁸ He is married to former Weatherwoman Bernardine Dohrn, also a professor (of law) and a children's rights advocate.⁹

In today's struggle with lethal strains of militant Islam, reform or pacification of certain terrorist principals and ideologists may be impossible. Many leaders and groups will refuse the paths of moderation and reason in politics. Some who are apocalyptic-minded will never lose their blood lust. Reform or pacification would be potentially attractive only to select individuals and terrorist groups that are more political and “practical” than al-Qaeda.

Some Terrorists Succeed. Finally, history shows that some terrorists attain power without undergoing reform. Combined with political organization, and often with guerrilla warfare, their terrorism does triumph and they capture state

6. See James A. Phillips, “Somalia and al-Qaeda: Implications for the War on Terrorism,” Heritage Foundation *Background* No. 1526, April 5, 2002, at www.heritage.org/Research/NationalSecurity/BG1526.cfm.
7. Photographs of Fischer during the attack were released by the daughter of German terrorist Ulrike Meinhof. Cohn-Bendit and Fischer were also associates in that time period—reportedly even sharing an apartment with Klein. Ion M. Pacepa, “Berlin's New Anti-American Axis (Joschka Fischer Alert),” *National Review*, February 14, 2003, at 209.157.64.200/focus/f-news/844388/posts (February 7, 2004).
8. Published in 2001 (and in a new edition in 2003), Bill Ayers' book denounces the 9/11 attacks and disavows the terrorist label for himself. Yet, on its last page, he salutes cop-killers and convicted terrorists such as Mumia Abu Jamal, Leonard Peltier, and Black Liberation Army gunwoman Marilyn Buck. Bill Ayers, *Fugitive Days* (New York: Penguin Putnam, 2003), p. 308.
9. Dohrn's works include an article against the Patriot Act. Bernardine Dohrn, “Homeland Imperialism: Fear and Resistance,” *Monthly Review*, Vol. 55, No. 3 (July–August 2003), at www.monthlyreview.org/july2003.htm (May 5, 2004).

power. Such men prove to be rough masters. One blanches at what the Khmer Rouge did while in power. More often, terrorists-turned-rulers restore outward calm—something despots do well—and then govern more by clever spying, quiet coercion, and selective brutality than by overt violence. That is how the Sandinistas ruled Nicaragua after their victory in 1979. In this way, the Algerian FLN (National Liberation Front)—pioneers in *plastique* bombings in cities—ruled Algeria after victoriously parading into the capital in 1962. Still in power by the early 1990s, the FLN was repressing a revolution by their own Muslim countrymen.

The Way Ahead

The grim truth that some terrorist groups do succeed is a reminder of the high stakes in the current war. Nevertheless, it is obvious that we must fight, and that we can win.

Even a Doctrine Can Be Defeated. Progress against al-Qaeda—by containment and attrition—has advanced, and its allies are not invulnerable. Nor is its doctrine. It is useful to recall how Bolshevism and Anarchism, two similarly virulent and violent international movements, were defeated in the last century and have all but perished.

Soviet communism failed because it was contained by explicit U.S. and NATO political and military strategies; because in time its limited idealism failed and left only stark tyranny; because of the contrast between the spirited leaders of free peoples and the aged or will-sapped bosses of Warsaw Pact states; and because the democracies were willing to fight limited wars in Central America, Africa, and Asia. The lesson for the war on terrorism would seem to be that democracy and moderate governments can win with intrepidity, idealism, energy, and force.

Less studied is the Anarchism that spawned international terrorists near the end of the 19th century. This doctrine also perished for good reasons. Its assassinations inspired some adherents but alienated millions of decent people, including

tradesmen and unionists. Governments refused to buckle despite individual deaths. Anarchism's militants and murderers were harried by police forces and government officials in their movements worldwide.

Leaders such as Italian Errico Malatesta, Russian immigrants to America Emma Goldman and Alexander Berkman, and Ukrainian Nestor Makhno were all jailed or deported, or both.¹⁰ The Soviet Union jailed or killed Anarchists. Other states began refusing entry to these agitators by simple acts such as denying visas. The United States used an array of political and legal defenses, including—in rare cases—execution when evidence revealed that Anarchism had combined with violent actions in the U.S. Ultimately, these combined pressures by many victimized countries discouraged the assassins and bomb-throwers. Their leaders aged, and their movements died.

Here and Now. The United States and its allies can grind down al-Qaeda and its lethal partners in similar ways. There must be a moral conviction in the justice of the fight. Political leadership needs to give expression to the moral cause, shape the national effort, and carry it for the long term. Because this is a war of ideas, international public diplomacy is primary—not tertiary. The enemy is internationalist in ideology and practice: A Yemeni cadre is as good as one from Germany or Madagascar. Thus, Washington's response has been, and will remain, internationalist, requiring close work with many allies on treaties, policing, coordination of sanctions, and occasional military operations.

All these responses depend upon good intelligence—which has become a cliché, but only because it is so true and still needs reinforcement. At home, popular will must be maintained. It is troubling to see that the vigilance of average Americans, so strong in the wake of September 11th, is being whittled away by purblind politicians and social critics who imagine that because the U.S. has not experienced a catastrophe lately, there is less need for defense.¹¹ Such arguments are diffi-

10. Two useful sources on the turn-of-the-century Anarchist movement are James Joll, *The Anarchists* (New York: The Universal Library ed., 1966), and Paul Avrich, *Anarchist Portraits* (Princeton, N.J.: Princeton University Press, 1988).

cult to explain when Osama bin Laden, Ayman al-Zawahiri, and Mullah Omar are still at large.

Finally, the ongoing and enlarged security efforts—especially in law enforcement and intelligence both at home and abroad—need funding. America's challenge for the next few years is one of focus, will, and determination. Terrorism is a calculated attack on national will: The defeat of terrorism requires greater will, as well as skill.

The Executive

Staying Clear of Unnecessary Schemes. The White House is carrying enormous burdens in the struggle against al-Qaeda. Generally, it has borne them well, but enhancements are still required. This has little to do with new offices or the rearrangement of the bureaucratic wiring diagrams. There is no need to accept suggestions such as restructuring the National Security Council or creating a British MI5-style national investigative force. The real need is for better recruits, more aggressive intelligence work, better leaders in the senior tiers of government, and continuing focus on the terrorism problem when other problems compete for attention. National attention to the need for intelligence—not new structures—is what is needed.

Defining the Strategy. Despite criticism—especially a recent essay done for the U.S. Army by Jeffrey Record¹²—the White House has in fact adequately defined its “war on terrorism.” Over a year ago, the National Security Strategy stated the intention “to disrupt and destroy terrorist organizations of global reach.”¹³ The mandate continued by suggesting that this would include efforts

against powerful terrorist groups’ command and control, leadership, material support, and finances—all of which are indeed currently being attacked. Giving strategic guidance from the White House is an art: It must be both broad enough and narrow enough. The Administration’s words and actions suffice and imply a step-by-step progression against those groups most dangerous to the U.S. and to the world.

Citizens perceive that three military campaigns have been part of the national strategy: the short, crushing war by combined forces that took down the Taliban and scattered its al-Qaeda partners; the close U.S. advice and support given to the Philippine Army units that were battering Abu Sayyaf; and the conventional coalition war against Iraq—long-time harbinger of terrorists, especially the late secular Palestinians Abu Nidal and Abu Abbas. By targeting terrorist groups “of global reach,” the Administration prudently suggested that there would be no imminent campaign against groups like the Irish Republican Army Provos, because it is largely quiescent and engaged in politics. The words leave open other prospects, such as a campaign against al-Qaeda allies in Asia¹⁴ or—less likely—Iran, a wealthy and powerful backer of international terrorists.

Meanwhile, during the military efforts, the U.S. and its allies have conducted an equally important and steady campaign of worldwide law enforcement. This includes “following the money” and capturing terrorists—leaders as well as followers. For example, January 2004 brought significant new arrests. Kurds in Iraq found Hassan Ghul, a senior associate of Osama bin Laden and a known

11. Arguments by public figures, including Al Gore, that post-9/11 legislation should be retired recall the errant post-1945 idea that the U.S. had little need for an army, thereby setting the country up for the 1950 crisis in Korea. Similarly, in the 1990s, there were politicians who wanted to cut back intelligence budgets—only to call out for better intelligence after 9/11.
12. Jeffrey Record, “Bounding the Global War on Terrorism,” Strategic Studies Institute, U.S. Army War College, December 2003. While making certain good observations, this veteran analyst stumbles into the marshes of relativism by arguing at length that terrorism is indefinable. If this were so, it is unclear how he could advise anyone about his chosen subject—how to define a counterterrorist strategy.
13. The White House, *The National Security Strategy of the United States*, September 2002, p. 5.
14. See Raymond Bonner and Don Van Natta Jr., “Regional Terrorist Groups Pose Growing Threat, Experts Warn,” *The New York Times*, February 8, 2004. The authors’ concern is about these “regional” groups’ power and their occasional international operations.

moneyman, who held a long document—by terrorists, about terrorists—within Iraq. U.S. troops grabbed Husam Yemeni and others from Ansar al-Islam—an al-Qaeda ally responsible for many terror attacks. Meanwhile, important trials proceed abroad in allied countries such as Turkey, which arraigned some two dozen accomplices of the suicide bombers who wrecked two synagogues and several British buildings in Istanbul. Now that the Iraq war has moved into a counter-insurgency stage, intelligence and justice systems around the globe will have as much impact on terrorism from day to day as do the military forces. The longest of all the counter-terror campaigns is the legal one.

Apart from defining the fight, the White House should also lead it well. Here, two weaknesses should be remedied.

Putting More into the Moral Argument. First, the Administration has failed to forcefully restate the moral and legal arguments against international terrorism. Major Administration figures too rarely speak in the powerful language of morals: They neglect the tremendous fact that terrorism is savagely inhumane and beyond any justification. The moral and legal arguments would help domestic morale while also appealing to foreign audiences—including those who are anti-American. In the Reagan Administration, Secretary of State George Shultz and Legal Advisor Abraham Sofaer spoke often and wrote well about such grounds for anti-terrorism: The secretary's essay in the 1986 book, *Terrorism: How the West Can Win*, is one example.¹⁵ More recently, Johns Hopkins visiting scholar Ruth Wedgwood has been a learned and telling voice in U.S. domestic discussions. Their arguments, based more on universal principles and known precepts of international law than immediate U.S. interests, have a chance of bridging the gap between terrorism as the White House sees it and terrorism as the Third World and Muslim world see it.

Terrorism Kills Muslims. Most terrorist acts claimed by self-avowed Muslims injure or kill *foreign Muslims*—in greater numbers than Americans of that faith or any other. The State Department has largely ignored this valuable fact, when instead it should be a leading line of argument abroad. The State Department's Bureau of Intelligence and Research should begin counting Muslim casualties by reviewing the victim rosters in the Algerian civil war of the 1990s: For every French monk or international businessman killed, hundreds of Arabs and Berbers died. Injuries and deaths under Taliban and al-Qaeda rule within Afghanistan and the number of victims in the streets after militant Islamist attacks on foreign embassies and businesses in Pakistani cities offer their own subtotals. Assassination attempts by Muslim assassins on Muslim leaders like Pervez Musharraf of Pakistan and Hosni Mubarak of Egypt should be included. U.S. public diplomacy has maintained a blind spot for this politically potent reality.¹⁶ The statistics, if assembled, would refute the relativist notion that "terrorism is a code word for violence Washington doesn't like."

Moderate Muslim Leaders Condemn Terrorism. U.S. public diplomacy should accept and use another line of argument: moderate Islamic leaders' condemnations of terror. M. Shameem Ahsan, Minister and Charge d'Affaires of Bangladesh was one of the first in the United Nations after 9/11 to express sadness over the carnage which had killed civilians from 60 countries—including his own.¹⁷ American officials speaking to foreign audiences should better note such heartfelt declarations by foreign statesmen about the rank inhumanity of terrorism, which makes calculated use of the agony of innocents to score political points. Occasional newspaper ads by public-minded Islamic institutes or clerics do make this point, along with rare publications by the Department of State.¹⁸ Such efforts are sound, but

15. Benjamin Netanyahu, ed., *Terrorism: How the West Can Win* (New York: Farrar Straus Giroux, 1986), pp. 16–24.

16. The author raised this issue several times with State Department officers, first in a lecture at the Secretary's Open Forum, October 22, 2001, reprinted in Christopher C. Harmon, "Advancing U.S. National Interests," *Vital Speeches of the Day*, December 15, 2001, pp. 135–141.

17. As quoted in Christopher C. Harmon, conference paper, March 2002, in *Bangladesh Institute of International and Strategic Studies*, Vol. 23, No. 3 (2002), pp. 294–295.

their frequency and volume must be doubled and then redoubled. Rhetoric, Aristotle wrote, requires that the audience trust the speaker. In the present struggle with evil, the U.S. government's voice has become somewhat predictable. Meanwhile, gentlemanly foreign voices—which the Muslim world could trust—are being lost in the din of zealous minorities with bullhorns. U.S. and allied public diplomacy should help amplify the voices of the virtuous, including moderate imams, sober Arab politicians, thoughtful Middle Eastern academics, and clear-eyed American Muslim leaders.

Advantages of International Law. Another “lost line of argument” is about justice and law. International law condemns international terrorism and has always barred the use of national territory—or even passive allowance of its use by others—for ranging abroad to kill and maim. Admittedly, the United Nations has taken some backward steps, including the General Assembly's condemnations of states opposing terrorism and indulgence of terrorists who wave the proper banners of anti-apartheid or anti-colonialist politics. Yet the U.N.'s assets, and recent actions, should not be scorned.

- The fact that the U.N. is a system of states makes any violent, inchoate political organization (such as al-Qaeda) its natural enemy. Moderate Arab states, themselves frequently attacked by militant Islamists, are natural partners in an anti-terrorist coalition.
- The Security Council has repeatedly imposed sanctions against states for sponsoring international terrorism, such as Taliban-ruled Afghanistan, Libya, and Sudan. Libya's and Sudan's many efforts to have the sanctions lifted indicate the sanction's substantial effect.

- The U.N. has formally condemned terrorism. In December 1999, it reached a good definition of terrorism¹⁹ (within a convention that, once ratified, will constrict monetary support to terrorist groups).²⁰

All of this can be very useful in public debate. As U.N. members, even anti-American states are accountable to U.N. law. Yet the Administration does not often publicize such arguments based on international law. Instead, it is fighting on the defensive about just how many allies Washington has in any one effort. Our spokesmen certainly showed how well that they could marshal U.N. support when war loomed against Iraq. Public diplomacy must make clear that terrorism is a human problem, far more than an American problem. In international law today, the terrorist is one step above the pirate and the slave dealer, and political leaders should say so frequently.

Our coalition can fight better in public diplomacy's arena. When Communism once seemed the political ideal of the future, one of the means of resistance was the war of ideas. From the young Winston Churchill's scorching essays on the inhumanity of the Bolsheviks, to the detailed exposes of Alexander Solzhenitsyn, to the bold “unsophisticated” speeches of Ronald Reagan, arguments against Communism had moral life and intellectual force and the support of the system of laws. By the end, even Mikhail Gorbachev appeared to prefer democracy to Lenin's dictatorship of the proletariat. However, these important words and the mechanisms that carried them—such as the radio networks managed by the Board of International Broadcasting—have been far less effective in the battle of ideas with the new extremists. The Department of State has absorbed

18. One fine example is “The Network of Terrorism,” a magazine-sized publication produced by the U.S. Department of State in the wake of 9/11.

19. *International Convention for the Suppression of the Financing of Terrorism*, Article 2 (b) condemns any “act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.” See www.un.org/law/cod/finterr.htm (May 5, 2004).

20. Action by U.N. members against terrorist finances is still extremely inadequate, as David Aubfauser—departing senior counsel on the matter for the U.S. Department of the Treasury—indicated in a recent Washington speech. For an earlier report, see Betsy Pisik, “108 Nations Decline to Pursue Terrorists,” *The Washington Times*, December 2, 2003, pp. 1, 14.

the U.S. Information Agency in a bureaucratic reorganization, but it has not made itself visible in the forefront of this battle of hearts and minds. The United States does not have a sufficiently strong voice abroad.

- The Department of State, so skilled in traditional diplomacy, needs to find its more public voice, and it deserves more funding to do so.
- Congress should not merely accept the President's recent State of the Union suggestion of doubling the size of the National Endowment for Democracy: It should treble it. Our international radio and television broadcasting also deserve better.
- Congress and the Administration should review the useful recommendations for public diplomacy made by Helle Dale and Stephen Johnson of The Heritage Foundation.²¹

History shows how leadership, conviction, strong morale, and smart actions can defeat terrorists and their ideas.

Inadequate Intelligence. Every expert agrees that all counterterrorism depends upon intelligence. The Administration—not just Congress—is responsible for dealing with the persistent problem of inadequate intelligence about terrorists. The dearth has long been evident. Known killers such as Imad Mughniya, infamous for the hijacking of TWA Flight 847 in 1985, are still free and, according to reports, still operating. Years of reports by experts steadily decry the inadequacies of U.S. human intelligence—including those by George Shultz in the mid-1980s, L. Paul Bremer in the late 1990s, and Representative Jane Harman (D-CA), the ranking member of the House Permanent Select Committee on Intelligence.²²

What explains the lack of remedy? How is it that al-Qaeda was based in Afghanistan for half a decade and yet the U.S. dispatched few to no case officers to live in that country? Former CIA agent Reuel Marc Gerecht announced this error to the world *before* the catastrophe of 2001.²³

Three sources of the failings in terrorism intelligence have been excessive interest in high technology by intelligence professionals, absence of support for covert action, and strictures against CIA contact with known killers.

“Putting Platforms Ahead of People.” During the Vietnam War, U.S. operatives could sometimes literally make rain fall on the Ho Chi Minh Trails to slow porters and animals carrying Communist supplies. Yet they apparently could not find the headquarters of the Central Office for South Vietnam (COSVN), which was organizing guerrilla and terrorist war in South Vietnam. In the last two decades, various U.S. intelligence agencies have developed impressive capabilities to locate fixed objects or targets emitting appropriate signals or behaving in predictable ways. But U.S. agents rarely, if ever, penetrated foreign terrorist groups to disrupt or destroy them. Reportedly, efforts to infiltrate Hezbollah have all failed. Placement of human agents close to, or inside of, such groups is an art related less to satellites, special devices, and engineering degrees²⁴ than to human psychology, strength of purpose over years, and willingness to pass money to certain undesirable characters.

“Caution on Covert Action.” Before 9/11, Americans of several schools of thought were loath to kill terrorists—or even pursue them (at high risk) for transport to the U.S. Segments of U.S. public opinion—some liberal, some cautious, some sentimental—have dwelled upon the dangers to life. A new

21. Stephen Johnson and Helle Dale, “How to Reinvigorate U.S. Public Diplomacy,” Heritage Foundation *Background* No. 1645, April 23, 2003, at www.heritage.org/Research/NationalSecurity/bg1645.cfm (May 5, 2004).

22. Representative Jane Harman, “Four Steps to Better Intelligence,” *The Washington Post*, February 8, 2004.

23. See Reuel Marc Gerecht, “The CounterTerrorist Myth: A Former CIA Operative Explains Why the Terrorist Usama Bin Laden Has Little to Fear from American Intelligence,” *Atlantic Monthly*, Vol. 288, No. 1 (July–August 2001), pp. 38–42, at www.theatlantic.com/issues/2001/07/gerecht.htm (May 5, 2004).

24. This complaint has often been made by outside critics of U.S. intelligence, including in the “insider” account: Robert Baer, *See No Evil: The True Story of a Ground Soldier in the CIA's War on Terrorism* (New York: Three Rivers Press, 2002), p. xvii.

study of the Pentagon's Joint Staff shows that even military men of influence could be experts at warning against secretive violent operations likely to be exposed to public view.²⁵ In fact, some such "exposure" would have served justice *and* been a deterrent to terrorists. Instead, the results of American "prudence," caution, and "humaneness" were continued victimization of our citizens and other innocents, and continued liberty for too many terrorists.

"*Let Us Have No Contact with Bad Apples.*" A third problem with U.S. intelligence has been that since the mid-1970s, the President has been pushed by Congress and certain segments of opinion to restrict covert actions that could forestall or defeat terrorism.

- The executive order banning assassination—which President Gerald Ford signed and which every President since has quietly renewed—doubtlessly squelched assassinations, but also hampered many a tantalizing opportunity for armed forces to grab a known political murderer.
- Another kind of rule has hurt efforts to gather information. Not long before 9/11, a periodic national news story was the campaign of one senator against U.S. intelligence agents in Central America whose searches for information meant liaison with reprehensible sources. To the author's memory, no Member of Congress used that opportunity to convert the senator's "news" into a public and realistic debate about the boundaries of intelligence gathering. Our intelligence professionals just carried on, their products disengaged from action. Under President Bill Clinton and CIA chief George Tenet, 35 to 40 people at CIA headquarters alone were assigned to studying bin Laden's group,²⁶ but almost nothing actually resulted. By tragic irony, one real action—a missile attack on a target in Sudan—was bungled in ways that discredited National Security Council official

Richard Clarke, the Clinton Administration's clearest voice for active defense.

Overcoming Our Allergy. One could argue that things may be changing now, as symbolized by the Central Intelligence Agency's operation of Predator drones armed with missiles. Doubtlessly, only by direct order of the White House were the drones introduced in Afghanistan, and later earned a singular success in Yemen by killing a long-known anti-U.S. terrorist. However, the CIA's Directorate of Operations should not focus exclusively on such techno-wonders. The war on terrorism is a broad and protracted one, requiring layers of human intelligence. The U.S. will not win without losing its national allergy for things clandestine—such as clever psychological operations. The distaste is natural for an open society, but an open society also gives ease to enemies. Two-and-a-half years after 9/11—with many known terrorist principals very much at large—the American allergy against spies is trying to reassert its primacy over reasonable concerns about mass casualties from terrorism. Intelligence deserves more respect from the U.S. body politic. Sun Tzu had a sound answer for anyone embarrassed by spying or doubting its utility. He observed that generals who disdain spending gold on spies are "inhuman" because they are likely to get their soldiers killed unnecessarily, due to their commander's ignorance of the enemy and his intentions.

Congress

What Congress Should Do About Domestic Intelligence. Congress should concern itself less about yet another blue ribbon commission to review *past* intelligence blunders: There have been enough commissions and blunders already. Instead, Congress should face the future and the actual challenges of legislating for, and supporting the production of, good human intelligence. It

25. Fletcher School of Law and Diplomacy scholar Richard H. Shultz Jr. details how senior military leaders' hesitations at critical times led to cancellation of plan after plan for aggressive counterterrorism efforts. Richard H. Shultz Jr., "Showstoppers: Nine Reasons Why We Never Sent Our Special Operations Forces After al-Qaeda Before 9-11," *The Weekly Standard*, January 26, 2004, at www.weeklystandard.com/Content/Public/Articles/000/000/003/613twavk.asp (May 5, 2004).

26. Select Committee on Intelligence, U.S. Senate, and Permanent Committee on Intelligence, U.S. House of Representatives, *Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001*, December 2002, p. 230.

should openly address two neglected issues central to its own role in the fight against terrorism: the congressional restrictions on domestic intelligence collection and use, and the FBI's responsibility for knowing which enemies are in the U.S. and what they may be planning.

Finding the Balance. Debates about what may or may not be allowable in government snooping among a free people are long-standing, useful, and often cut across political ideologies. When the 1995 Oklahoma City bombing provoked Mr. Clinton to enhance domestic spying capabilities, congressional speeches on proposed legislation were heated and they featured a few Democrats who opposed the President and a few Republicans voicing concern about government prying. This debate has resumed with the approaching expiration of "sunset" provisions of the Patriot Act. Some Democrats—but also some Republicans—want the post-9/11 law to die. Others support President Bush's call for its renewal.

An Old Case... Recent history offers a case study of the difficulties of balancing Americans' civil rights and the threat to such rights by alien violence. In 1981, the FBI opened inquiries into the Committee in Solidarity with the People of El Salvador (CISPES). Within the U.S., this effort used mostly normal sorts of observation, non-electronic surveillance, and occasional infiltration. It sought to discover whether the group's hot political rhetoric was connected to hostile foreign entities such as the Salvadoran guerrilla front or its ally, the Sandinista government of Nicaragua. A related objective was to understand the pattern of public bombings in Washington, D.C.—some of which coincided with CISPES rallies or featured communiqués invoking solidarity with the Salvadorans and lauding guerrilla warfare in Central America. When the FBI found little concrete evidence against Americans in CISPES, the inquiry was closed. Yet civil libertarians and CISPES activists were outraged, in part because of earlier experience with the FBI investigation called "COINTELPRO," which wrongly included

surveilling anti-war activists and civil rights activists. For years thereafter, the FBI was buffeted by the resultant political headwinds.²⁷

For some Americans this "proved" the danger of police intrusiveness. Perhaps their view would have been different had more evidence been found. The better insight from the CISPES case is how it illustrated a stricture on U.S. intelligence work. Subsequent to the days of concern over the Vietnam War demonstrations and Watergate, the reigning principle of domestic intelligence has been that the FBI may not investigate domestic groups unless they have broken laws or been violent. In the 1980s and 1990s, federal agents understood that they could not even begin a file on an American person or group absent evidence of criminal activity or a record of violence. Printing Marxist tirades against U.S. foreign policy or staging rallies in support of foreign guerrilla groups was not enough. These could not trigger a mere investigation. Thus, the FBI's CISPES inquiry was later ruled all but illegal.

...and a New Standard. Such an inquiry should not be illegal. The burrowing of the 9/11 terrorists into American society, and the "charities" linking Americans and non-Americans to terrorist groups indicate a need for a domestic investigation standard differing from that of the 1980s and 1990s. Of course our citizens do *not* deserve government scrutiny for normal and pacific political activities and distribution of information. Citizens are rightly protected even in their outright opposition to government policies. Common sense indicates that this extends to radical literature—which is rightly available, readily sold, collected by book lovers, and studied in universities.

However, with due discretion, there may be reason to open a domestic investigation of Americans, when *more than one* of the following is evident:

- published ideology or platforms that are violent and hostile to the U.S.;
- direct connections to activities of a violent foreign political group;

27. A July 1989 report indicated strong congressional concern over investigations that could be extensive or intrusive, but evidenced little concern about the damage done by the bombs or the problem of conflating free speech with a right to bomb federal office buildings. Select Committee on Intelligence, U.S. Senate, *The FBI and CISPES*, 101st Cong., 1st Sess., July 1989.

- collecting money or preparing propaganda for a group known to include persons engaged in illegal domestic or transnational violence; and
- group training in tactics or arms in manners clearly not limited to sporting activities, amassing working weapons or explosives of unusual lethality.

When several such activities are combined, they exceed what the Founders intended as rights of free speech and assembly, and depending on circumstances, may justify an investigation.

Some Non-Americans Involved in Terrorism.

Based upon charges, convictions, and admissions, at least four dozen Muslim militants have been involved in terrorism in the U.S. since 1993. Many of them are linked to al-Qaeda.²⁸ Congress should confront the question of non-Americans visiting or living in the U.S. Catching a higher percentage of those entering illegally will not be enough. Congress should conduct a thorough review of the law and of how the courts are interpreting it—with the objective of reestablishing the dignity, completeness, and high responsibilities of full U.S. citizenship, as distinguished from the lesser rights appropriate to aliens.

While the United States is a regime based on universal principles, it is not a universal regime. There is no inalienable right to American citizenship. There is also no natural right to enter the U.S. and violently challenge its foreign policy, much less American democracy. There should be no Miranda rights, no bans on electronic eavesdropping by police, and no bar to the search and seizure of papers and film for non-citizens suspected of terrorist activities. On appropriate grounds, it should not be difficult for a qualified judge, following procedure, to deport a visitor without a public hear-

ing.²⁹ These distinctions should exist throughout American law, with or without the Patriot Act. One benefit would be better security against terrorists: Another would be a more serious regard for the deep meaning of full U.S. citizenship.

Unreasonable Expansion of Alien Rights. Traditional American law did extend limited civil rights and due process to resident aliens. Yet in modern decades, expansive new court interpretations of the Constitution have notably broadened aliens' rights.³⁰ Congress adds to the problem when writing new laws to cover all "persons," when they should rightly extend these protections only to "citizens." Under the Clinton Administration, Congress created a special Alien Terrorist Removal Court but no one had the courage to use it.³¹ That institution permits *in camera* (secret) proceedings—in which special intelligence could be used without disclosing the sources, either through discovery or in public proceedings. It is errant for Americans to see such process as contrary to U.S. law or interests: This special court has no jurisdiction over citizens.

By contrast, under a common law practice that Americans widely accept—that of the grand jury—a U.S. citizen may be required to testify without counsel, without explanation about what charges may result, without a judge, and without friendly witnesses. If grand juries do not endanger the republic, why would a judge's careful rulings about an alien do so?

Congress should review U.S. law with an eye for better distinguishing and better protecting citizens, and—to the extent possible—all other persons. However, in national security law—in which the two categories should not be conflated—Congress needs to show less sentiment and more discretion.

28. Steven A. Camarota, *The Open Door: How Militant Islamic Terrorists Entered and Remained in the United States, 1993–2001*, Center for Immigration Studies, Center Paper 21, May 2002.

29. It is currently true that illegal aliens involved in U.S. courts sometimes make constitutional claims of a right against deportation. This should be viewed *prima facie* as without merit.

30. Telephone interview with Dr. John Eastman, Professor of Constitutional Law, Chapman University School of Law, February 9, 2004.

31. Created by the Antiterrorism and Effective Death Penalty Act of 1996, the court was to have five judges to be named in September 1996, but their five-year terms expired without a single case.

- The Judiciary Committees should reexamine the statutes of 1996 and 2001 about removal of aliens suspected of terrorism. They should remove any barriers to the effective processing of appropriate suspects by the Alien Terrorist Removal Court.
- Legislators should deal with the non-American proponents of particularly dangerous doctrines and publications. There is no right for an alien to enter the U.S. with malicious intent and pernicious doctrine and publications. (In fact, under U.S. law, legitimate legal questions about an alien's rights arise only *after* the alien has entered the country.) It thus makes sense to "check at the door" and put into place some new version of the McCarran-Walter Act—which during the Cold War allowed authorities to bar visitors who were adherents to doctrines of Anarchism, Communism, or some other forms of totalitarianism. More than a few varieties of militant Islamic fundamentalism are indeed totalitarian, and allowing entry to their adherents is folly. Yet that is what the U.S. did in the case of the "blind Sheik," Umar Abd al-Rahman. After being charged in Egypt along with the religious terrorists who murdered President Anwar Sadat, he moved to the U.S. and prepared the cell that bombed the World Trade Center Towers in New York—the *first* time—in 1993.
- These reforms should not alter the responsibilities and risks of those who go to war illegally. The fates of illegal combatants have dominated the press for months. Of all the individuals captured as allies of the Taliban and al-Qaeda, only a few are Americans. In cases involving Americans and non-Americans, the law is sufficiently clear. Under U.S. law, traditional international law, or even modern international law, there is no right to intentionally kill civilians, kill outside a state of war, kill without wearing a uniform, or otherwise break the Hague Con-

ventions in the ways that terrorists deliberately and routinely do. By placing themselves outside the laws of war, terrorists place themselves within reach of any responsible punitive power. In the case of the U.S., federal rules permit prolonged detention and trial before military tribunals—without a jury. In wartime, that is true for U.S. citizens who turn enemy, and for aliens. There is nothing new in this standard. On the contrary, it is an old and honored one,³² and must be preserved to protect the laws of war and to delegitimize terrorism.

Conclusion

The first part of this paper explored the past in search of answers to the important but rarely asked question, "How do terrorist groups end?" The several conclusions reached, including the disturbing fact that some terrorist groups do succeed, underscore the need for clear eyes and real conviction in any struggle with terrorism.

The longer, second part of this paper details how terrorism today can be better attacked. Strong leaders, popular support that holds year after year, certain new laws, adequate resources, gifted police work, excellent intelligence, and occasional military operations appear in the pages of history as likely and necessary parts of a grand strategy by which a government and its allies may defeat terrorism. The enhancements of better public diplomacy and stronger moral and legal arguments seem necessary and promising for giving democracy the edge.

There is no question that al-Qaeda can be beaten. Victory is possible even in the ongoing war on the militant Moslem international. History cannot indicate how long the fight will be, but it does afford many examples of how to win.

—Dr. Christopher C. Harmon, author of the book *Terrorism Today*, teaches at graduate schools in the Washington, D.C., area, including the Institute of World Politics.

32. See *United States ex. rel. Quirin v. Cox*, 317 U.S. 1 (1942).