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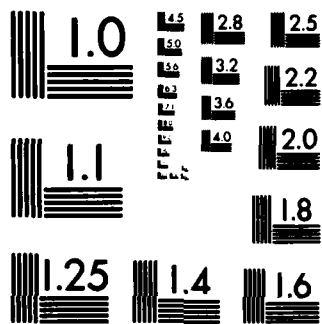   RAND/P-6962

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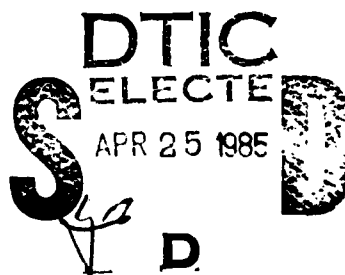NATIONAL BUREAU OF STANDARDS-1963-A

TESTIMONY BEFORE THE COMMITTEE ON THE JUDICIARY

Brian Michael Jenkins

February 1984

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The recent bombings in Beirut dramatically demonstrated several disturbing trends in terrorism: Despite the success of some governments in eliminating terrorist elements, international terrorism has grown in volume and in bloodshed over the last 15 years. Large-scale attacks involving heavy casualties and extensive damage have become more common. Governments are increasingly employing terrorist groups and tactics as a mode of surrogate warfare against their opponents.

The attacks on U.S. targets abroad, together with the bombing at the Senate Office Building, created unprecedented fear of terrorism in the United States, led to extraordinary security precautions, and raised questions as to whether the United States was adequately prepared to deal with terrorism abroad and at home.

In my testimony this morning, I shall review recent trends in terrorism worldwide, examine the terrorist threat in the United States, and briefly discuss some of the problems of intelligence and physical security against terrorist attacks.

TRENDS IN TERRORISM

Despite government success in combatting terrorists in various countries, the total volume of terrorist activity worldwide has increased during the last 15 years. The first four years of the 1980s showed an average annual increase in international terrorist incidents of approximately 17 percent. Overall, the number of such incidents occurring each year has increased fourfold since the Munich attack in 1972.

Terrorism at the same time is growing bloodier. More and more terrorist attacks are directed against persons instead of property. Incidents with fatalities have been increasing. Large-scale indiscriminate attacks have become more common.

These trends continued in 1983. According to statistics compiled by The Rand Corporation, terrorists carried out 9 percent fewer attacks in 1983 than they did in 1982, but they killed far more people. Indeed, 1983 was the bloodiest year on record.

More alarming was the trend toward incidents with multiple fatalities, a sign of increased terrorist proficiency--bigger bombs and an increased willingness to engage in wholesale murder. The bombings in Beirut and Kuwait illustrate the point, but this trend is not confined to the Middle East, where government sponsorship and religious fanaticism permit terrorism on a grander scale. In recent months, large-scale terrorist bombings have occurred in Paris, Port-au-Prince, Pretoria, Rangoon, and London. Between 1980 and 1982, more than one person was killed in 37 percent of those incidents with fatalities. In 1983, this figure jumped to 59 percent.[1]

This trend is even more dramatic when we look at the growing number of terrorist incidents involving 10 or more fatalities. There were 11 of these in the three-year period from 1980 to 1982. In 1983 there were 14.

Although most of the evidence is circumstantial, it appears very likely that the terrorist campaign directed against American and French targets in the Middle East is instigated or at least supported by one or more national governments. A growing number of governments are using terrorist tactics, employing terrorist groups, or exploiting terrorist incidents as a mode of surrogate warfare. These governments see in terrorism a useful capability, a "weapons system," a cheap means of waging war. Modern conventional war is increasingly impractical. It is too destructive. It is too expensive. World opinion imposes

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[1]Rand's figures on international terrorism differ somewhat from those issued by the U.S. government, owing to different collection criteria and procedures. The principal difference is the government's inclusion in its statistics of a large number of threats. In 1982, threats and hoaxes comprised 44 percent of the total number of incidents recorded by the government. The government statistics are used primarily to anticipate possible terrorist attacks, so this inclusion is appropriate. Credible threats and plots discovered and thwarted by police constitute less than 10 percent of the total number of incidents in Rand's statistics. Because our interests lie in the area of research, we are more interested in events that actually occur.

constraints. Terrorism offers a possible alternative to open armed conflict. For some nations that are unable to achieve their goals through diplomacy and unable or unwilling to mount a conventional military challenge, terrorism is seen as an "equalizer."

We may be on the threshold of an era of armed conflict in which limited conventional warfare, classic guerrilla warfare, and international terrorism will coexist, with both government and subnational entities employing them individually, interchangeably, sequentially, or simultaneously, as well as being required to combat them. In many respects, the future face of war is reflected in the course of armed conflict in Lebanon since the early 1970s. Warfare in that country has continued on all three levels--conventional war, guerrilla warfare, and terrorism. It involves regular armies, guerrillas, private militias, and terrorist gunmen, some of whom are openly assisted or covertly sponsored by foreign states, by political or religious factions, and even by other terrorist groups.

Warfare in the future may be less destructive than that in the first half of the twentieth century, but it will also be less coherent. Warfare will cease to be finite. The distinction between war and peace will dissolve. Nominal peace is likely to be filled with continuing confrontations and crises.

Armed conflict will not be confined by national frontiers. Local belligerents will mobilize foreign patrons. Terrorists will attack foreign targets both at home and abroad. The United States will be compelled to maintain capabilities for defending against and, with the exception of terrorism, waging all three modes of armed conflict.[2]

TERRORISM IN THE UNITED STATES

Political extremists use terrorist tactics to create an atmosphere of fear and alarm which in turn causes people to exaggerate the strength of the terrorists. In the autumn of 1983, a campaign of terrorism directed against American targets in the Middle East, combined with an unrelated terrorist bombing at the Capitol, created an atmosphere of fear and alarm in this country. The distinction between the terrorist

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[2]Brian Michael Jenkins, *New Modes of Conflict*, The Rand Corporation, R-3009-DNA, June 1983.

threats in the Middle East and the terrorist threat in the United States sometimes became blurred as U.S. officials spoke of suicide bombers in Lebanon while parking dump trucks in front of buildings in Washington.

Although the United States is certainly not immune to terrorist violence, we have not experienced in this country the high levels of terrorist activity seen elsewhere in the world. In a society as heavily armed as ours, and apparently highly prone to personal violence, why is there so little political violence? There are several possible reasons.

The two major engines that drive terrorism elsewhere are ethnic separatism--the Irish Republicans, the Basques, the Corsicans--and ideological fervor--the Red Brigades, the Red Army Faction, the Black Order. Although numerous ethnic minorities make up the population of the United States and ethnic consciousness has increased, ethnic-based separatist movements have not been a feature of American history. For the most part, America's ethnic minorities do not live in geographically discrete regions.

Americans are also more mobile than historically entrenched separatist groups in other countries. There are few locally distinct cultures and histories that could give rise to separatist tendencies-- nothing comparable to Spain's Basque provinces or a Northern Ireland. The exception is Puerto Rico, and significantly, Puerto Rican separatism has been the basis for continuing violence in the United States.

Neither has ideology been a powerful force in American history. It would be extremely difficult to define America's major political parties in purely ideological terms. Frontier society and the individualistic nature of American society did not lend themselves to class- consciousness. Somehow the United States escaped the great ideological contests that divided countries in Europe and Asia in the twentieth century. Neither Marxism nor fascism ever won a widespread following in America.

Terrorism in the United States today comes from two dimensions. Contentious issues such as U.S. involvement in Central America and the invasion of Grenada tend to provoke protest and occasional acts of terrorist violence. In this category we would place the Capitol bombing and other recent attacks claimed by persons calling themselves the Armed Resistance Unit and United Freedom Fighters.

Bombing is the principal tactic of these domestic extremists, reflecting the fact that their groups are small and relatively unsophisticated. A bombing requires little technical expertise; instructions and materials are readily available. It entails little risk and requires little organization. A bomb can easily be set off by one man or woman.

A fortunate feature in such bombings has been the reluctance of the perpetrators to kill anyone. Usually detonated late at night, often preceded by telephone warnings, these actions are intended to protest policy, not to kill persons. They are a kind of violent graffiti.

In recent years, most terrorist activity in the United States has come from the second source, extremist elements within various ethnic and emigre groups. For the most part fighting on behalf of foreign issues, they have directed their attacks against the representatives of foreign governments.

This category would include the anti-Castro Cuban exile groups; Armenian, Croatian, and Serbian emigres; Jewish extremists; Taiwanese separatists; and anti-Khomeini and pro-Khomeini Iranians. Since they do not count the American public within their constituency, the lack of popular support does not deter them. In that sense, they are unassimilated. They reside and operate outside of American society and politics. They are truly more fanatic than the issue-motivated terrorists in the mainstream of American political violence. Their intense hatred also enables them to more readily incur casualties and to direct their violence against persons rather than property. And unlike other terrorist groups in the United States, the ethnically based groups have succeeded in recruiting new generations of members. There is concern that such groups might see the forthcoming Olympics in Los Angeles as an opportunity for carrying out some kind of attack.

The United States has suffered little terrorist activity from abroad, although that is probably the primary security concern right now. Such attacks are possible, although we should keep in mind that terrorist operations on the scale of those in Beirut require not only state support but also a hostile or at least passive population and an almost complete absence of civil authority. A major terrorist attack

here, given the current mood of the country, would also risk a military
response against the state believed responsible, even if culpability
could not be proved beyond any reasonable doubt.[3]

PROBLEMS OF INTELLIGENCE

The first line of defense against terrorism is not a concrete
barrier, but intelligence. Intelligence enables us to anticipate
possible terrorist attacks and take appropriate preventive or protective
measures. Not knowing leads to exaggerated estimates of the terrorist
threat, alarm, and overreaction. For the past 10 years, there has been
an intense debate in this country on the adequacy of police intelligence
versus the potential threat to civil liberties that any kind of domestic
intelligence may pose. The current high level of concern about
terrorism has renewed this discussion.

Following the revelations of abuses by government agencies in
intelligence collection during the civil rights and anti-war movements
of the 1960s and the crimes and excesses that came to light in the
Watergate scandal, more stringent controls were placed on the
intelligence operations of law-enforcement agencies at the federal,
state, and local levels. These controls touched nearly every aspect of
intelligence. They limited inquiry, surveillance, and the keeping of
files on certain persons and organizations; they established strict
criteria for the use of intelligence-gathering techniques; they limited
the time that information could be retained in government files; they
restricted the transfer of information from one government agency to
another; they compelled government agencies that maintain certain
categories of information to routinely report what they have in their
files, or to reveal it to the subject upon request; and they established
oversight groups and procedures to ensure compliance. These rules are
set forth in federal legislation; executive orders; federal department,
agency, and service directives; state legislation, local-level
guidelines; and court rulings. Although recently modified at the
federal level, most of these rules remain in effect.

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[3]Brian Michael Jenkins, *Terrorism in the United States*, The Rand
Corporation, P-6474, May 1980.

Law-enforcement officials complained that the newer rules on intelligence collection and retention that were put in effect in the 1970s seriously impaired their ability to anticipate possible terrorist incidents or to identify, locate, and apprehend persons engaged in politically motivated crimes.

In 1979, the Department of Justice asked The Rand Corporation to assess the impact of the new rules. Specifically, we were asked, Do the new rules impose unintended and unreasonable restrictions on intelligence activities, particularly in the area of terrorism and politically motivated crimes?

The problem for us was how to measure the impact of these new rules. Our solution was to examine a set of cases under the "old rules" and compare it with a set of cases under the "new rules." The dividing line is roughly 1974. This would enable us to assess what effects the rules had on preventive intelligence and prosecutorial effectiveness.

We were also interested in seeing how the changing rules may have altered the outcomes of cases. To do this we took our sample of cases, determined what intelligence-gathering techniques had been employed by the investigators, and then applied the newer rules to the older cases and the older rules to the newer cases to see if the outcomes would have been different. We were particularly interested in seeing how many successful cases under the older rules would have been failures under the newer rules.[4]

What did we find out? First of all, we found that intelligence operations are vital in terrorist-related cases. Well over 60 percent of the cases in our sample involved intelligence operations that were in some way affected by the new rules.

Second, we found that the new rules largely affected preventive intelligence. Preventive techniques--primarily undercover agents and informants--were employed in 56 percent of the older cases and only 36

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[4]We are here talking strictly about domestic terrorism. The study did not address intelligence activities abroad, which are primarily a function of the CIA. Also, terrorist groups in this country that may receive direction, funding, or support from abroad come under the rules that govern the FBI's Foreign Counterintelligence investigations. These were not addressed in this study. However, local guidelines seldom make this distinction.

percent of the newer cases. We can say that intelligence operations
have become more reactive. However, we have no way of counting how many
terrorist crimes were deterred or prevented by the use of these
techniques under the older rules, or how many crimes might have been
deterred or prevented if the newer rules had not been imposed.

We saw little change in prosecutorial effectiveness. Prosecutors
were successful in 77 percent of the cases under the older rules. They
were successful in 70 percent of the cases under the newer rules. This
suggests that prosecutors have adapted successfully to the new rules, or
alternatively that prosecutors are just as good now at estimating their
chances of success as they were before 1974.

As for the change in outcomes under opposite rules, we found that
between 27 and 73 percent of the successful cases under the older rules
probably would have been failures under the newer rules. The wide
spread in the percentage is the result of our not being able tc account
for substitution. If the new rules prevented one intelligence-gathering
technique, investigators conceivably might have substituted another
technique that was still permitted. If such substitution always worked,
then only 27 percent of the outcomes would have changed. If it never
worked, nearly three-quarters of the old successes would have been
failures under the newer rules. Reversing this process, we found that
two-thirds of the failures under the newer rules were due to the use of
now denied techniques that probably would have been permitted under the
older rules. In sum, the new rules appear to have had a significant
impact on police intelligence in the area of domestic terrorism.

Terrorist activity did not increase with the implementation of
increased restrictions on intelligence activities; it declined in the
late 1970s, probably for reasons that had nothing to do with
intelligence operations. Some of the previously active groups had been
destroyed, and, perhaps more important, some of the causes that inspired
political violence--notably, American involvement in the war in
Vietnam--no longer existed. Had the country faced a growing terrorist
threat, the public probably would not have tolerated increased
constraints on domestic intelligence.[5]

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[5]Brian Michael Jenkins, Sorrel Wildhorn, Marvin M. Lavin,
Intelligence Constraints of the 1970s and Domestic Terrorism, The Rand
Corporation, R-2939-DOJ, December 1982.

We also have to keep in mind the magnitude of the terrorist problem in this country. We are talking about a handful of incidents, 31 last year, down from 51 in 1982. This represents a minuscule contribution to the level of violent crime in the United States.

THE PROBLEMS OF PHYSICAL PROTECTION

In the wake of last autumn's terrorist attacks, security against terrorism became a national obsession in this country. With two major political conventions and a presidential campaign before us, a World's Fair in New Orleans, and the Olympics in Los Angeles, it is likely to remain so.

Fear of terrorism leads to extraordinary security precautions. Physical protection against terrorism poses a number of problems. There is a basic asymmetry between the attackers and the defenders: Terrorists can attack anything, anywhere; governments cannot protect everything, everywhere, all the time. Security may protect one kind of target against one kind of attack, but terrorists are resourceful. They will alter their tactics or shift their sights to other, unprotected targets.

Physical protection against every conceivable kind of terrorist attack would be enormously costly both in manpower and in money. The costs are determined not by the strength of the opponent but by the number of targets to be protected against even a comparatively weak adversary.

How much security is enough? In dealing with terrorism, this question is not easily answered. The answer is often a subjective measure in which the prevailing atmosphere is extremely important.

Each measure to protect the Capitol, the White House, or any other building in Washington is dictated by prudence. In an atmosphere of alarm, people understandably become more prudent.

However prudent, however necessary these security measures may be, they inevitably create some negative side effects. Extraordinary security measures are a highly visible demonstration of the potency of terrorists. The widespread availability of weapons and explosives, the unlimited range of targets that can be successfully attacked by those

willing to attack anything, the demonstrated utility of terrorist tactics have delivered the power to advertise, alarm, coerce, disrupt, or destroy to smaller and smaller groups. Fanatics who have existed throughout history have become in our era an increasingly potent force to be reckoned with. The concrete barriers provide repugnant proof of this power.

A continuing obsession with terrorist threats and physical security ironically makes us feel less secure. Our diplomats abroad and our officials at home are seen to live under constant threat. We participate as vicarious victims. We share their fear. We come to see our own government as besieged.

Does it work both ways? What effect do the physical security measures have on our political leaders? What happens to political leaders--in the White House, on Capitol Hill, or campaigning for office-- who are constantly reminded that to step beyond a heavily protected perimeter is to risk their lives? How might that affect their political decisions?

We must take precautions, not only against terrorist attacks, but also against the psychological effects of terrorism--and of the measures we take in the name of security. The problem is that there is no line between prudence and paranoia.[6]

We cannot eradicate terrorism any more easily than we can abolish crime or war, but we can defeat terrorists, and we ultimately do. We can through intelligence identify them and try to anticipate their attacks. We can through physical security measures at least make it difficult for them to attack their preferred targets. We can through research understand their motives, their tactics, their *modus operandi*, their organization, their habits, and ultimately their vulnerabilities. And we can through intelligence and public statements combat the alarm and overreaction that terrorists hope to create.

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[6]Brian Michael Jenkins, *Terrorism: Between Prudence and Paranoia*, The Rand Corporation, P-6946, December 1983.

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