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*The use of force by the United States
since the end of the Korean conflict
has increasingly been in response
to guerrilla insurgencies against allies of the
United States and against terrorist attacks
directed at the United States.*

—CONGRESSIONAL FINDING, 15 MAY 1986

Organizing for Counterterrorism: A Central Command for Low-Intensity Warfare

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This article is an adaptation of a presentation made at a seminar on international terrorism in March 1986 at Syracuse University. The opinions and conclusions presented herein are those of the author and do not represent the views of the Special Operations Command or any other governmental agency.

1. Rand Corporation, *Trends in International Terrorism*, R-3183-SL (Santa Monica, CA: Rand, 1984), 4.

THE TYPES OF ARMED CONFLICT mentioned above are part of an increasingly important form of engagement categorized as “low-intensity warfare.” These are forms of violent conflict carried out by both state and substate actors in which political psychological goals are immediate and predominate. These conflicts are generally small scale and sporadic but take place over a protracted period. At present, one-fourth of the nations in the world are involved in some form of low-intensity conflict.

Definitional problems abound in the entire area of low-intensity conflict. The most obvious of these definitional shortcomings is the lack of a generally agreed-upon definition of terrorism. (For example, neither the United States government nor the United Nations has adopted an official definition of terrorism.) The following statement is asserted as a sufficient, though by no means inclusive, definition: terrorism is the unlawful use of force or violence in order to further political or social objectives through coercion or intimidation. This force or violence is usually directed against persons with no role in causing or affecting the terrorist’s grievance.

Because low-intensity warfare, especially terrorism, stems from a variety of interacting causes, it is inappropriate, or even dangerous, to see it in isolation, simply as a security problem or only as a political or economic problem. It occupies all of these dimensions and must be combated on a broad basis. This article will explore the security issues while recognizing that military solutions alone are not effective.

A recent RAND Corporation report indicates the trend of greater numbers of terrorist incidents of increasing lethality. According to RAND, the rate of annual increase in international terrorism for the 1980s is as much as 30 percent, twice the rate of increase during the 1970s.¹ There has been much speculation as to why this should be the case. It is almost tautological to say that internationally we are becom-

ing more accustomed to terrorism; indeed, terrorism is regarded by many actors as an effective and legitimate means of struggle against regimes that cannot otherwise be attacked. These actors have, with the acquiescence of others, intentionally fashioned current international law to protect most forms of low-intensity warfare or, especially in the case of terrorism, leave it unregulated.² As Professor Yonah Alexander pointed out, "The failure of the international community to fully recognize terrorism as criminal behavior and low intensity warfare has encouraged the growth of terrorist activity."³ In addition, terrorism and other forms of low-intensity combat may have appeal as ways to gain advantage without direct confrontation, as a form of low-risk surrogate warfare.

The Western democracies, and in particular the United States, have encountered a series of setbacks and difficulties in formulating effective responses to these threats. These difficulties are vividly highlighted by the experiences of the Iran arms affair (1986–87), Beirut (1983), Grenada (1983), the Iran hostage crisis (1979–80), and the Mayaguez rescue attempt (1975). This article will briefly examine some aspects of these problems and propose steps toward a solution.

PAST APPROACHES TO COUNTERTERRORISM

UNTIL RECENTLY, THE STANCE of the United States toward these threats, and in particular terrorism, has been generally passive and reactive. It has been organized around "target hardening," defined as increased security measures (for example, diplomatic personnel leaving the continental United States receive a briefing on the terrorist threat at their destination; embassy fences are strengthened).

Even though it is, strictly speaking, outside the scope of this article, it must be recognized that an effective national response to terrorism and other low-intensity threats has a fundamental component: the creation of at least a domestic, and preferably an international, consensus on the appropriate responses to these threats. Only then can an effective response be launched. This is not to say the lack of such consensus excuses a lack of effective action but only that it makes success far less likely. In any case, improved organization at the U.S. federal level is required in order to act against low-intensity threats.

Several knowledgeable commentators, including Col. (ret.) Charlie A. Beckwith (former commander of Special Operational Detachment Delta, the U.S. Army counterterrorist unit dispatched to Iran in 1980), have suggested that a more comprehensive and coordinated effort is required for effective action. In particular, Colonel Beckwith and others, such as Rep. Dan Daniel (D. VA) and Sen. William Cohen (R. ME), have proposed a new organization at the national command level, which would incorporate, as its operational element, some or most of the special operations organizations now assigned to the military services.⁴

In a series of hearings before the Senate Committee on Armed Services, Senator Cohen explored the need for a coherent and unified na-

2. Abraham D. Sofaer, "Terrorism and the Law," *Foreign Affairs* (Summer 1986): 922.

3. *Jerusalem Post*, 8 August 1986, quoted in *Executive Intelligence Review*, 22 August 1986, 53.

4. Charlie A. Beckwith, transcript of seminar on terrorism, Syracuse University, March 1986. See also 99th Cong. 2d sess., S. 2453, May 1986, and H.R. 5109 June 1986.

5. Radio News Service of the *Christian Science Monitor*; "Morning Edition," 5 August 1986.

6. Roger A. Beaumont, *Military Elites* (New York: Bobbs-Merrill, 1974), deals at length with this topic, especially on pp. 44–76.

7. *Report of the Commission on Beirut International Airport Terrorist Act of October 23, 1983*, commonly called the Long Commission (Washington, DC: GPO, 1983); also *New York Times*, 30 October 1983, 25, and 5 November 1983, 1.

tional policy toward low-intensity threats, including a clear command structure for special operations forces. Interviewed later, he stated that these forces lacked specialized equipment, especially aircraft, and alluded to the general lack of enthusiasm for forces of this type within the uniformed services.⁵

Covert and clandestine military or paramilitary operations have never occupied a central role in U.S. strategic thought. Both covert operations (where attribution is obscured) and clandestine ones (where the operation is conducted in secrecy) are seen as antithetical to ethics and soldierly honor.⁶ Nor have these methods been greatly respected as a part of U.S. political culture. But, in the late twentieth century the world has witnessed a rise in forms of conflict that place a premium on unconventional techniques. These new methods (or updates of ancient ones, if you prefer) enable both state and substate actors to attack others in ways that would constitute acts of war if done openly.

That terrorism, especially when state sponsored, is a form of warfare has been officially recognized by the U.S. government at least since the Long Commission report on the Beirut Airport bombing of 1983.⁷ Some other forms of low-intensity conflict, including guerrilla operations and insurgency, have been and are generally accepted as warfare. The status of other activities, including illegal drug trade, remain highly controversial and, despite their threatening nature, are not generally accepted as forms of low-intensity warfare.

The wide variety of low-intensity threats, including terroristic ones, calls for an equal variety of thoughtful, flexible responses, which is presently outside the capacity of the United States. Indeed, there is not only a lack of consensus but also of common language for dealing with these phenomena within, and among, the military, political, and academic communities.

Countering such threats, especially terrorism, on the operational level seems a natural role for the various small, mobile, commando-type military forces and specialist units referred to generically as "special operations forces" (SOF). Special operations, as a category of military and paramilitary activity, include the following (as defined by Congress):

1. Direct Action (in support of conventional forces in wartime)
2. Strategic Reconnaissance (normally a wartime mission)
3. Unconventional Warfare (generally counterinsurgency)
4. Foreign Internal Defense (training and assistance for allies)
5. Civil Affairs (medical, public health, and construction assistance)
6. Psychological Operations (propaganda)
7. Counterterrorism (including direct action against terrorist groups)
8. Drug Interdiction (in cooperation with other government agencies)
9. Humanitarian Assistance (response to natural disasters)
10. Search and Rescue Operations (under especially difficult conditions or in normally inaccessible areas).⁸

8. These are categories specified in 99th Cong. 2d sess., H.R. 5109, June 1986, 8 (explanations attached by the author).

Except for the first and last operations, these categories can have some bearing on counterterrorist operations. These categories of special operations are not from the U.S. Army's seminal document on doctrine for low-intensity conflict, Field Manual 100-20, which in fact makes little allowance for this type of operation.⁹ This is partly because it is difficult to write substantive doctrine in this area, and partly from the apparently intractable belief that the only proper role for special operations forces is as an adjunct to conventional forces.

As implied in Senator Cohen's remarks, a root cause for the lack of effectiveness in special operations is the traditional attitude of the U.S. military toward these endeavors. Special operations troops have often been portrayed as a military elite. The service chiefs have always been wary of elite units and especially suspicious of attempts to remove individuals and units from the control of the services. According to Adm. William Crowe, Jr., chair of the U.S. Joint Chiefs of Staff (JCS), "Even SOF people will not all like an elite label if it means divorcing themselves from their parent service."¹⁰ This is an understandable attitude since the use of special operations forces as envisioned by Congress raises the possibility that the Department of Defense (DOD) might lose some or all of its control over them.

As one special forces officer put it, "The US Army still does not regard guerrilla warfare, insurgency and counterinsurgency as unique and is unwilling to devote resources to our most likely form of involvement. The state of preparedness for this role is at its lowest state in 20 years."¹¹ A recent article in *Military Review*, the professional journal of the army, harshly criticized the "preoccupation" of U.S. special forces with "unconventional operations and special operations" and suggested that these units could be put to better use training ROTC cadets and members of the National Guard.¹² In 1985, another *Military Review* article on the role of special forces saw them primarily as light infantry forces on the conventional battlefield, as raiding and reconnaissance assets for large conventional organizations.¹³ Despite the reservations of the conventional military establishment, U.S. forces have inevitably been required to counter low-intensity warfare. Perhaps reflecting the general lack of enthusiasm, these efforts have generally been ad hoc and their results have not been encouraging. For example, during the 1975 attempt to rescue the crew of the U.S. merchant vessel Mayaguez from Cambodia more rescuers were killed than crewmen saved.¹⁴

Current programs against terrorism concentrate on existing federal agencies. As with any bureaucratic organization, there is a strong tendency for such agencies to proclaim that they are coping well when in fact the effect of these programs is highly questionable.¹⁵ In 1978 congressional testimony, a DOD official listed a variety of military units capable of low-intensity, especially counterterrorist, operations. The list included Army Rangers and Special Forces, Marine Corps Reconnaissance Companies, and Navy SEALs (Sea-Air-Land forces), among others.¹⁶ But, two years later, when the Iranian hostage crisis occurred, no DOD organization existed that could attempt a rescue. The closest capability was that of the U.S. Army's Special Operational Detachment Delta (a newly created counterterrorist unit), which required four

9. U.S. Department of Defense, *Low Intensity Conflict*, FM 100-20 (Washington, DC: GPO, 1981).

10. *Army Times*, 28 July 1986, 3.

11. Quoted by Sen. William Cohen, *Congressional Record*, 99th Cong. 2d sess., S. 2453, May 1986, 132:66.

12. David J. Baratto, "Special Forces in the 1980's," *Military Review* (March 1983): 10, 13.

13. M. Hadley, "Special Operations and the Airland Battle," *Military Review* (September 1985): 73-83.

14. *Cong. Rec.*, 99th Cong. 2d sess., 1986, 3.

15. James B. Motley, "Terrorist Warfare," *Military Review* (November 1985): 8; also *Washington Post*, 22 June 1984, B12.

16. Testimony of David E. McGiffert, Hearings of U.S. Senate Committee on Governmental Affairs, *An Act to Combat International Terrorism* (Washington, DC: GPO, 1978), 192.

17. Charlie A. Beckwith, *Delta Force* (New York: Dell, 1983), 177–216.

18. Testimony of McGiffert, 197.

months of training and the creation of a special supporting task force before it could be deployed.¹⁷ Yet the 1978 testimony included the “rescue of hostages” as a *specific, existing* capability.¹⁸ But when the time came, the ability proved illusory.

What was presented in 1978 was a laundry list of light forces capable of parachute deployment on short notice. There was nothing deceitful in this presentation since it was (and is) felt that “any good (infantry, Ranger, Marine Corps, etc.) unit” could carry out this type of mission. These forces were and are well trained, rapidly deployable, light infantry units ready to fight anywhere in the world. Their training, equipment, and doctrine reflect DOD concern with its basic mission: conventional military operations against conventional enemy military units. However, none of these organizations have proven well prepared to carry out counterterrorist assignments.

The combined political-military nature of low-intensity threats (especially terrorism) and the requirement for an international, interagency effort to oppose them are important factors in preparedness. This military-political mixture exaggerates the problems of coordination and organizational politics, which hamper any interagency effort. These are especially acute in the case of terrorism because of the confusing structure that has evolved to deal with terroristic threats and issues.

THE IRAN HOSTAGE RESCUE MISSION: A CASE IN POINT

THE BEST KNOWN U.S. EFFORT to exercise a military counterterrorist option occurred on 24–25 April 1980, when an attempt to rescue fifty-two American hostages in Iran ended disastrously. While it is always dangerous to generalize from a single instance, this well-documented case underlines certain weaknesses in U.S. special operations. Important problems occurred at the tactical, operational level, the staff and planning level, and the national command level. (The president and his advisers, including the Joint Chiefs of Staff, are collectively referred to as the national command authority.) Both the White House and the Joint Chiefs of Staff honestly believed, based on statements by DOD staff members, that a force capable of effecting a rescue was already in existence.¹⁹ This overestimation of capability has been common when planners without experience in the field attempt to meet exotic requirements with conventional forces.

19. Beckwith, *Delta Force*, 181.

On the Iran rescue mission, members of eight separate military organizations met at a rendezvous in the Iranian desert. Because of security compartmentalization, many of these men had never seen each other before that moment; yet they were engaged in a remarkably complex and difficult plan to free the fifty-two American diplomats held captive in Tehran. When two of the eight helicopters vital to the mission failed to arrive and a third suffered mechanical failure, the mission was aborted. There had been no full rehearsal of the operation and no written plan detailing what each group was to do. Some of the men did not know who was in charge overall or of their own group. This

confusion even extended to the national command level. Gary Sick, the president's national security adviser on Iran, thought Colonel Beckwith was in charge at the desert landing site.²⁰ Colonel Beckwith, on the other hand, was certain that Col. James Kyle (the air mission commander) was in charge.²¹ This confusion, created by excessive security compartmentalization throughout the task force, has been identified as one of the primary factors contributing to the failure of the mission.²² (The organization proposed in this article, a central command for low-intensity warfare, as an existing rather than ad hoc unit, would help prevent this confusion by combining elements under a set of standing security procedures.)

Coordination between units at both staff and operations levels and incompatibility of equipment, especially communications, was another common difficulty. The Army Delta Force commandos in Iran did not have radios that could contact their Marine Corps helicopter pilots or the Rangers who were a few hundred yards off, but they did have voice contact with the White House, half a planet away.

Interservice rivalry and the desire to satisfy all services were also important issues. U.S. Army and Air Force aviators have the most rotary-wing experience; however, these two services were already represented. The Marine Corps would provide the helicopter pilots because they were the only armed service not already involved.²³ The Marine Corps pilots were generally distrusted by the other participants and inadequately trained or experienced for the mission. Given the nature of the problems encountered, it is at least arguable that had the pilots been more experienced in this type of operation, at least six and possibly seven of the eight helicopters would have reached their desert rendezvous. Two of the machines that failed to arrive had turned back because instruments indicated a mechanical malfunction. With more experience in these operations, the pilot of one would have been aware that the indicated problem (loss of pressure in a rotor blade) had never been known to occur, but that the pressure warning light had often given false indications. Furthermore, even had the warning been correct, the blade would still have possessed enough useful life to complete the mission. The other pilot in question became disoriented in unexpected weather conditions shortly after leaving the carrier and, experiencing an instrument failure, returned to the ship.²⁴ In justice to the Marine Corps aviators, it should be pointed out that to fly non-stop for 600 miles in a helicopter is, in itself, no mean feat. To do so at night, at low altitude, and in a dust storm was an act of courage and skill. However, to use mixed forces and inexperienced pilots was, as Arthur Hadley wrote, "as if . . . a group of . . . gas-decontamination experts had been sent on a dangerous mission as underwater frogmen simply because both groups work in rubber suits."²⁵

When rumors of the Marine Corps role in the failure began to circulate, a Marine Corps report was leaked to the press harshly criticizing army and air force planning. The air force replied that the marines had abandoned their helicopters without even shutting down the engines, leaving behind secret documents that should not have been carried at all. This display of interservice bickering was of no help to anyone

20. Gary Sick, *All Fall Down* (New York: Random House, 1985), 297.

21. Beckwith, *Delta Force*, 229.

22. Paul B. Ryan, *The Iranian Rescue Mission* (Annapolis, MD: Naval Institute Press, 1985), 18–19, 115.

23. Arthur T. Hadley, *The Straw Giant* (New York: Random House, 1986), 10.

24. *Ibid.*, 16.

25. *Ibid.*, 13.

and only contributed to the image of a confused and ineptly run enterprise.

On the national command level, the diffuse committee structure of the National Security Council and the Joint Chiefs of Staff worked against efficient planning. When flawed plans were advanced, as many were, they could not simply be turned down by the chair of the Joint Chiefs or by the mission commander. There was no mission commander in the sense of one individual having absolute responsibility for, and authority over, the operation. Plans could only be studied and discussed until they were overtaken by events or their sponsors developed new ones; and thus, problems often did not receive full attention.²⁶

26. Ryan, *Iranian Rescue Mission*, 28–30; also Hadley, *Straw Giant*, 14–15.

An army general, James Vaught, who lacked special operations experience, was given the unenviable task of pulling the disparate elements of the mission together, but because of the multiservice nature of the task force, the amount of enforceable authority he had over the nonarmy elements is uncertain; for example, there was some doubt about who was responsible for the Marine Corps pilots while in training with the army's Special Operational Detachment Delta. Another peculiar feature of Vaught's chain of command was the appointment of an officer who outranked him, Lt. Gen. Philip Gast, USAF, as "special consultant." Another officer, Col. Charles Pittman, USMC, became deeply involved in evaluating the Marine Corps pilots but was never officially part of the task force.²⁷

27. Hadley, *Straw Giant*, 13; also Beckwith, *Delta Force*, 181–82; Ryan, *Iranian Rescue Mission*, 21–24.

Historic U.S. fears of military authority have resulted in a national military command that avoids fully centralized control in order to prevent a single military figure from assuming command of the entire armed forces. This role is rightly reserved for the president. But the same principle has also prevented close interservice cooperation at the operational level in these instances. The peculiar demands of multiservice special operations missions and the divided U.S. command system at the national level make confusion inevitable.

The confusion is exacerbated by modern electronics, which allow overcontrol by superior commanders at a remote location. This takes initiative and authority away from field commanders closest to the situation; the operators in the field become subject to long-distance committee leadership. This kind of control was exercised by the president and his advisers even while the Iran mission was underway. The Delta Force rescue team on the ground in Iran was in communication with the president and the Pentagon and was expected to defer to their authority. This led to the absurd spectacle of a transcontinental debate among President Carter and Security Adviser Zbigniew Brzezinski in Washington, General Vaught in Egypt, and Colonel Beckwith in Iran about whether or not the mission should be aborted.²⁸ Clearly, that decision should have been the sole province of the overall commander on the scene. This noncommand structure is incredible for three reasons. First, no such on-the-scene commander existed; second, no one noticed this lack and corrected it in advance. Third, and most important, even if existent, such a commander would not have had control of the forces.²⁹

28. Sick, *All Fall Down*, 298; also Beckwith, *Delta Force*, 252–53.

29. The problem of a higher headquarters or civilian authority inappropriately attempting to direct the tactical employment of military units is not new. Indeed it was one of the factors generally considered responsible for the Mayaguez fiasco five years earlier. Peter A. Kelly, "Raids and National Command," *Military Review* (April 1980): 24.

At the national command level, the shortcomings, especially the

lack of a joint rehearsal and a detailed written plan, are due largely to the same problems that have chronically hampered U.S. special operations attempts: interservice rivalry, the feeling that special operations are not really very “special,” and the diffuse command system that exists at, and immediately below, the level of the Joint Chiefs of Staff.³⁰

30. Hadley, *Straw Grant*, 6.

ATTEMPTS AT REFORM FROM WITHIN

IN THE AFTERMATH of the Iranian hostage rescue mission the Joint Chiefs of Staff established a special counterterrorist task force that was secret in name, location, and personnel. According to the Department of Defense, the organization included specialists from all the services and was responsible for gathering information on tactics and operations from other Western counterterrorist units, including Britain’s Special Air Service and Israel’s Saiveret.³¹

31. *New York Times*, 3 February 1981, B13.

This unit had no troops but was expected to assemble them from various services as required for specific missions. However, the unhappy history of ad hoc units outlined earlier did not make this prospect a promising one. Problems of cooperation, coordination, and equipment incompatibility that figured in the failure of the Iranian rescue mission in 1980 were still problems for special operations units at Grenada, three years later. U.S. Marines could not communicate with army forces, while army medical helicopter pilots lacked appropriate training to land wounded on the navy hospital ships.³² According to one story widely circulated in special operations circles, an army officer was forced to use his personal credit card and a commercial telephone to call the Pentagon in order to relay a message to support vessels lying offshore.

32. *Army Times*, 28 July 1986, 72.

In 1982–83 the army organized Special Operations Command (SOC) in an attempt to coordinate the special operations forces internal to the army by bringing Ranger, Special Forces, and psychological operations units under a single command. In 1984 the Defense Department’s Joint Special Operations Agency (JSOA) was overhauled to provide greater coordination among special operations units in all services. According to testimony before the U.S. Senate Committee on Armed Services, neither SOC or JSOA had been able to achieve an effective integration of the different service elements or reconcile their doctrine.³³

33. *Cong. Rec.*, 99th Cong. 2d sess., 1986, 3.

Historically, successful special operations, such as the capture of the Achille Lauro hijackers (1985), are single-service endeavors not requiring intimate or extended interagency cooperation. The groups that performed most efficiently on the Iran mission, the air force pilots and the army commandos, were established units that had trained together and had a service “home.” Unlike the marines and others, they had volunteered years earlier for units within their services dedicated to special operations missions. This lesson has yet to be implemented.

Under pressure from Congress, the Joint Chiefs and the Defense Department have publicly favored a plan that would create a unified command at Joint Chiefs level. This command would be responsible for doctrine, equipment development, and specialized training for the 15,000 members of the armed services loosely classified as special oper-

ations forces. This represents a considerable change in the traditional position of the service chiefs. As recently as the spring of 1986 the chiefs still opposed any substantial change in management or control of special operations units. The first major steps in this direction were implemented on 1 May 1987, when a unified Special Operations Command was established at McDill Air Force Base near Tampa, Florida, replacing the former (unrelated) U.S. Readiness Command, which was dissolved.³⁴

34. *Army Times*, 28 July 1986, 3; also *Army Times*, 1 December 1986, 13.

While certainly an improvement, this plan does not address the operational use of such forces; nor does it address the problem of inappropriate tactical control by higher authority. As with past structures, it concerns the role of special operations forces in support of conventional forces in wartime and only incidentally deals with counterterrorist or other low-intensity operations. As proposed by the service chiefs, this command will function somewhat like the Defense Intelligence Agency (DIA), which oversees and coordinates the intelligence activities of the various services but does not exercise actual supervision or attempt to dictate intelligence requirements. Those responsibilities remain with the individual services.³⁵ Presumably, the new command will be the primary point of contact for outside agencies dealing with counterterrorism. It is not clear whether it will also exercise broad managerial powers over the low-intensity warfare programs and activities of Defense Department components as DIA does over intelligence matters. In any case, this arrangement does not address the major problem: the lack of commitment to special operations on the part of the uniformed services.

35. *History of DIA* (Washington, DC: GPO, 1985), 1.

As an example, the average age of special operations aircraft is twenty years. The condition of these aircraft is degraded by the stresses of low-altitude flight and landing on unimproved runways. Nevertheless, in fiscal year 1985 the Military Airlift Command placed special forces airlift fifty-ninth on its list of priorities, despite specific guidance by the Pentagon's civilian leadership to upgrade this capability.³⁶ Attempts to reform the structure from within the services, however well intentioned, have not been effective. As recently as 8 December 1986, an *Army Times* survey of experts in the field revealed the continuing lack of appropriate equipment and doctrine for low-intensity operations.

36. *Cong. Rec.*, 99th Cong. 2d sess., 1986, 3.

The same chronic problems continue today with the addition of personnel difficulties. During the changes outlined above, there was little attempt to ensure continuity of personnel. In fact, it was deliberately avoided, with the result that little institutional memory remains in the area of low-intensity conflict. Because of the low priority accorded special operations forces and their missions there has been little incentive for personnel to remain with these units. At the same time, because of the attitude toward these units, the military personnel system has tended to avoid leaving talented people in these organizations for extended periods. The personnel turbulence has led to units and individuals continually "reinventing" special operations methods and techniques.

In any conflict employing military resources, there are two essential issues to be considered: objective and means. The most essential

question is that of political objective. All military measures must be directed toward definable objectives that are attainable by military means. These operations are defined, directed, and constrained by the political objective, which is determined by Congress and the president. A political objective for counterterrorism might be to make terrorist acts counterproductive for the sponsoring actor(s) and costly to the perpetrator. Once the political purpose or aim has been defined, the military objectives are determined and from this will flow the means to be employed.

CURRENT MEASURES

THE IRAN ARMS AFFAIR of 1986–87 has raised more questions about the military nature and political objectives of U.S. operations, especially covert operations, in low-intensity conflict. At present, the major U.S. policy directive dealing with terrorism is National Security Decision Directive (NSDD) 138, issued in April 1984. This directive endorses the principles of both preemptive action and retaliatory strikes against terrorists abroad. However, under NSDD 138 any antiterrorist action must be based on a specific, planned terrorist event and taken only after complete details about the event have been obtained. This requires a degree of intelligence acquisition and administrative coordination that has not been easy to accomplish within the current, rather confusing, command structure.

For these reasons, the United States did not participate in a French plan for retaliatory strikes against the terrorist organization believed responsible for the 1983 Beirut bombings. Because of the strict NSDD 138 requirements, issues of proof, intelligence reliability, and morality were debated within the national command authority for weeks, until the issue was settled on 17 November 1983 by a French air attack on the Bekáa Valley headquarters of the Iranian Revolutionary Guards.³⁷ However, it is important to note that indecision alone does not account for the lack of firm direction in these matters. The use of violent measures as an appropriate response to terrorism requires some degree of national consensus. The civilian and military leadership had considerable doubts that such a consensus could be reached.

The conditions specified in NSDD 138 were more successfully met in the April 1986 bombing of Tripoli by the U.S. Air Force and Navy. This retaliation for a Libyan-sponsored terrorist attack in West Germany was, as NSDD 138 stipulates, tied to a specific incident and, additionally, was widely supported within the United States. But this was a state-to-state act taking place far from North America. It did not raise the problems of multiservice and interagency cooperation raised by other counterterrorist actions.

A democracy is necessarily handicapped in its efforts to combat low-intensity threats. Because these threats are generally long term in their effects, rather than immediate, and usually involve both criminal and political violence, they raise difficult issues, including, but not limited to, the balance of individual rights and the collective safety of society.

37. *Washington Post*, 6 April 1984, A19; and *Time*, 30 April 1984, 14.

It is questionable whether or not a free society can remain free and still provide the degree of domestic control required for effective long-term internal counterterrorist action. The liberal democratic tradition of individual freedom is difficult to reconcile with the sometimes extreme measures required to counter terrorists: routine public searches of persons and vehicles and arrest without warrant, for example.

The legitimacy of democratic states partially depends on consensus. Because of this need for consensus, such states find it most difficult to deal with threats that are subtle, ambiguous, or arguable—traits common to low-intensity warfare. This is true of international drug trafficking, which, at least in the Western Hemisphere, may be reaching a level that will necessitate military measures. Such a use of military forces raises important issues not clearly provided for in international law, custom, and practice at present. As with terrorism, there are actors around the world who regard the illegal drug trade as a legitimate means to their desired ends. All of these actors are not necessarily criminal. In August 1986, for example, a U.S.-assisted anticocaine drive in Bolivia brought masses of cocoa farmers into the streets, where they protested this interference with their livelihood.

The best and obvious solution to threats like drug traffic and terrorism is to achieve a consensus (at least among members of a specific polity such as the United States), which will motivate individuals to oppose these kinds of activity, severely reducing the need for governmental intervention. This kind of Rousseauian ideal, where members of a society share common values and expectations that allow them to serve common ends through consensual means, is not likely. If consensus is a problem within U.S. society, the problem is even more acute in the international community. It is even questionable whether or not representative governments can gain sufficient consensus to begin to undertake measures against low-intensity threats, much less maintain that level of agreement long enough to be effective.

Certainly, some form of legal remedy would be preferable to military force. It is unfortunate that international law, in its present form, cannot reasonably function as an effective instrument against low-intensity threats, including terrorism. For the international legal system to do so would require a degree of consensus, which has not been forthcoming. The achievement of any such agreement, domestic or international, is the province of politics, not military or paramilitary operations; and it is a necessary first step. As the Iran hostage crisis of 1979–80 showed, so long as consensus is unobtainable, states are unlikely to join together to enact and support measures that might effectively deal with terrorism or other low-intensity threats.

THE BUREAUCRATIC TANGLE

A WIDE VARIETY OF AGENCIES have offices concerned with terrorism. However, there is no agency of the federal executive that considers combating terrorism central to its overall function. This is true of the Defense, State, Treasury, Energy, Com-

merce, and Transportation departments and, to a lesser extent, of the Department of Justice and the CIA.

Authority and responsibility for dealing with low-intensity threats are not centralized in any important fashion within the U.S. national government. The basic approach to these threats on the policy- and executive-planning levels was established under the Carter administration. Terrorism was considered separately from other low-intensity threats by the Special Coordination Committee of the National Security Council, which appointed a seven-member Executive Committee on Terrorism. The members represented the State, Defense, Justice, Treasury, Transportation, and Energy departments, the CIA, and the NSC staff,³⁸ and met on an irregular basis.

Under the Executive Committee was a Working Group on Terrorism comprising representatives of twenty-nine offices, departments, and agencies, ranging from the Joint Chiefs of Staff to the Postal Service to the Centers for Disease Control.³⁹ Although established well in advance of the Iran crisis (1978), it proved too cumbersome to be useful. During the Iran situation a new group was established under the Undersecretary of State for Political Affairs.⁴⁰

This structure was revised under the Reagan administration in 1982 as the Vice-President's Task Force on Combatting Terrorism. The membership was expanded from the former seven-member Executive Committee by adding the chair of the Joint Chiefs, the director of the FBI, the director of the Office of Management and Budget, and the president and vice-president's chiefs of staff, as well as a task force executive director.⁴¹ The remainder of the Carter administration counterterrorism structure was revised "along more functional lines" and an Interdepartmental Group on Terrorism was established, together with a Crisis Pre-Planning Group.⁴² Like most bureaucratic organizations, rather than becoming more streamlined, it became more complex.

Either the State Department or the Department of Justice (represented by the FBI) will nominally take responsibility as "lead agency" for coordinating the initial response to an act of terrorism. The State Department would take charge in overseas incidents, and the FBI, in those occurring within U.S. legal jurisdiction. In cases involving aircraft in flight, the Federal Aviation Agency is the lead agency. As the situation is clarified or develops further, other departments or agencies may become involved and compete for leadership since the lead agency cannot, by definition, exercise exclusive jurisdiction.⁴³

Since terrorist activities are considered first and foremost to be criminal acts, those activities occurring within U.S. jurisdiction are the responsibility of the FBI and the Department of Justice. During 1984, the FBI was reported to be investigating nineteen U.S.-based terrorist groups and monitoring (through foreign police agencies) fifteen to twenty-five other groups considered to be international in operation.⁴⁴ However, the fifty-nine field offices of the FBI are also fully occupied with a range of less exotic law enforcement and domestic counterintelligence duties. Within the other lead agency, the State Department, the Office for Combatting Terrorism has been established since 1976 but has not been considered an important assignment.

38. Executive Committee on Terrorism, *The United States Government Anti-terrorist Program* (Washington, DC: GPO, 1979), 3.

39. *Ibid.*, 6.

40. Sick, *All Fall Down*, 123-24.

41. *Public Report of the Vice-President's Task Force on Combatting Terrorism* (Washington, DC: GPO, February 1986), 29.

42. *Ibid.*, 8, 11.

43. *Ibid.*, 12.

44. Executive Committee on Terrorism, *Antiterrorist Program*, 13.

The reason for the generally low priority given counterterrorist missions is quite realistic. There is no universally agreed-upon definition of “terrorism” as distinct from other forms of low-intensity warfare. More important, there is no common agreement about the appropriate means of countering low-intensity threats. Given the traditional antipathy between the major players in the United States (the National Security Council, the Joint Chiefs of Staff, and the State Department), no general agreements are likely.

In understandable frustration, the Reagan administration came to place more faith in the simple, “streamlined” staff of the National Security Council to carry out sensitive operations. While, according to most reports, these operations were generally successful, the final result was the Iran arms affair. Although the consequences of this affair are still unfolding, it is apparent that it raises many of the issues addressed in this article. In particular, it points to the tension between the heartfelt need to act against terrorist threats and the lack of consensus on appropriate means.

Since terrorism is considered a foreign threat and one that is difficult to deal with in a substantial way, funds expended on it may be seen as detracting from the central mission of the department or bureau involved. In fact, other funding to the agency involved could be jeopardized since any congressional oversight committee is sure to be skeptical of expenditures for antiterrorist activities. Compared to the everyday responsibilities of the various departments, terrorism is almost an afterthought. In particular, DOD, which has a special responsibility in this area, has little interest in devoting major resources to a capability it sees as peripheral to its main function.

Even on the tactical response level there are severe difficulties. The overall responsibility for the management of a major domestic terrorist incident would fall under the Department of Justice’s Emergency Program Center. This is a three-person office that has a variety of unrelated responsibilities.⁴⁵ The case of a nuclear-related terrorist incident gives an especially graphic picture of the bureaucratic tangle.

The FBI retains its overall responsibility for domestic counterterrorism in cases of nuclear-related terrorism, but the particular responsibility for dealing with hazardous materials and neutralizing nuclear weapons rests with the Department of Energy’s Nuclear Emergency Search Teams (NEST). NEST, however, is expected to depend on the Defense Department for logistic support and transportation in emergency situations. The U.S. Army’s mobile armed response team would also certainly be involved. To complicate the issue still further, domestic transportation security for nuclear weapons and special strategic materials is provided by the U.S. Marshal’s Service and commercial firms. If a foreign terrorist group were involved, the CIA and the State Department might also be players. The coordination problems that would emerge in the case of an incident would be especially acute if there was little response time allowed to assemble an ad hoc team of specialists from the Defense, Energy, and Justice departments.

The 1978 Counterterrorism Act authorizes DOD to assist or advise the Justice Department with personnel and equipment in responding

45. James B. Motley, *US Strategy to Counter Domestic Political Terrorism* (Washington, DC: National Defense University, 1983), 31–40.

to terrorist incidents within the United States and its territories.⁴⁶ This can be interpreted as a legal justification for the domestic use of military special operations forces. The legal status of such use is not wholly clear. There are important restraints on the involvement of DOD elements in operations within the United States in time of peace, especially if these operations are related to law enforcement. Under 10 United States Code (USC) 332 and 333(2) the president may choose a federal military response.⁴⁷ This law views military involvement as the exception, rather than the rule, and requires a special proclamation under 10 USC 334, which would make covert and clandestine operations difficult.⁴⁸ This is fully in harmony with U.S. law and tradition, which places primary responsibility for the protection of life and property and maintenance of public order in the hands of state and local governments. Only in certain limited circumstances may any part of the federal government assume these responsibilities.⁴⁹ The domestic use of U.S. military forces cannot be assumed. The basic legal prohibition of using federal military units in counterterrorist activity inside the United States is Title 18, Section 1385, USC, otherwise known as the Posse Comitatus Act.⁵⁰ This act forbids use of the army and air force in law enforcement except with the express authorization of the president (other legislation forbids use of the navy and marines).

The case of *United States v. Red Feather* is interesting in this connection because it further interprets the doctrine of posse comitatus. In the Red Feather suit, one of the Wounded Knee cases, the court defined the following as violations of the Posse Comitatus Act: “arrest, seizure of evidence, search of a person, search of a crime scene, interviewing witnesses, pursuit of an escaped civilian prisoner” or similar actions when carried out by federal military personnel.⁵¹ As currently interpreted by the Department of Justice this does not preclude the presence of military observers or representatives for the purpose of obtaining information about the incident or providing advice to civil law enforcement personnel.⁵² This enables a service member to be involved at the earliest stages of a domestic counterterrorist operation conducted with the FBI as the lead agency. This last point implies that at least initial liaison and information collection could commence without a formal decision on SOF commitment from the president.

These prohibitions are important to civil supremacy in U.S. government and should be maintained. It should be clear that special operations forces are not intended to be law enforcement organizations and should not have the powers normally associated with police agencies (e.g., arrest, search, and seizure). The SOF role is to act against those threats that are outside normal police jurisdiction or in those instances where a specific domestic incident is beyond the capacity of local law enforcement to contain and effect arrests.

ORGANIZING A NEW CENTRAL COMMAND

CONSIDERING THE LACK of international consensus on the threat, the questionable support within the

46. Ibid.

47. William Farrell, *US Government Response to Terrorism* (Boulder, CO: Westview Press, 1982), 104–5.

48. *An Act to Combat International Terrorism* (Washington, DC: GPO, 1978).

49. Executive Committee on Terrorism, *Antiterrorist Program*, 13.

50. Benjamin R. Civiletti, excerpted from testimony before the Judiciary Committee of the U.S. House of Representatives, 16 August 1978, in *FBI Law Enforcement Bulletin* (January 1979).

51. Farrell, *US Government Response*, 5.

52. Ibid., 56.

U.S. military, and the tangle of interagency coordination, a new approach is required to deal with low-intensity warfare. Even without a working international consensus on terrorism and low-intensity threats, a new organization within the U.S. military dedicated to low-intensity operations including counterterrorism will be required in order to provide for continuity in personnel, equipment, and doctrine, and for overall coordination of a response.

This agency must be empowered to make decisions quickly with the minimum internal compartmentalization necessary for security. It should include an interagency planning staff with direction and oversight exercised from the national command level. This oversight is vital since it curbs any possibility of independent action by overzealous commanders. The interagency planning staff should be the focal point for U.S. counterterrorist efforts. Finally, it should have direct control of specialized military or paramilitary forces available for deployment on very short notice. The organization outlined below follows the general structure proposed by the Armed Service Committee of the United States House of Representatives in H.R. 5109.⁵³

53. 99th Cong. 2d sess., 26 June 1986.

To ensure civilian control on the policy level, any new special operations agency must be headed by a civilian director, appointed by the president with the advice and consent of the Senate. As the military head there should be an experienced general officer in charge of operations who reports to the civilian director. It is important that these persons be selected for their knowledge of, and experience in, special operations. This structure would help ensure civilian control while taking advantage of military expertise.

It is equally important that the leadership, both civilian and military, be committed to a unified command system. Once the specific level of force for a clearly defined objective has been decided upon, complete responsibility for the conduct of the operations goes to the local commander at the lowest appropriate level. In other words, if it is a squad-level job, the squad leader takes charge.

This organization might well take the form of a field operating agency within the United States Department of Defense. This agency would remain under the direct control of the national command authority, operating through the office of the Secretary of Defense, and with a small interagency coordinating staff attached to the National Security Council. The funding for this agency should be established as a separate major force program category in order to ensure that funds are not diverted for other uses.⁵⁴ This is likely to be controversial since the service chiefs are certain to regard it as a diversion of funds needed to support conventional operations and training.

54. *Ibid.*, 5.

The Joint Special Operations Command proposed in H.R. 5109 (p. 2) would provide a logical structure for the operational elements of this agency. The personnel of this command would be drawn from the major elements of the special operations forces presently contained within the armed services. Of the 15,000 special operations troops and support elements, perhaps 10,000 (the tactical SOF units of the U.S. Army, Navy, and Marine Corps) would be assigned to the agency.

Officers and noncommissioned officers would be assigned to this

agency as a career assignment. They would be trained, assigned, and promoted as special operations personnel, rather than as members of another branch or service temporarily assigned to an SOF unit. This would provide a career track for SOF personnel that does not depend on continual reassignment to conventional units. As envisioned here, officers and noncommissioned officers would apply for ascension to the agency after an initial term of service (at least four years) in the regular armed forces, which would provide a base of initially qualified personnel. But this is likely to be strongly opposed by the service chiefs, who are not inclined to favor the prospect of losing promising young members to the new organization.

A prototype for the operational elements of this agency might be found in the counterterrorist unit called Special Operational Detachment Delta, stationed at Fort Bragg, North Carolina. Commonly referred to as Delta, this is a company-size, commando-type organization set up to be readily transportable for worldwide deployment.⁵⁵ This ability is enhanced by the forward placement of SOF reconnaissance elements prepared to carry out intelligence and information-gathering activities on a rapid-response basis pending the arrival of operational elements dispatched from the United States.⁵⁶

Regardless of the administrative arrangements made, special operations units will never be able to function wholly separately from other elements of the U.S. defense establishment. Such organizations require support from appropriate communications, intelligence, and transportation units not dedicated to the special operations mission nor specially trained to support it. For this reason, the SOF parent command would necessarily remain a part of the Department of Defense and the military forces of the nation.

There is no reason to believe that low-intensity threats, especially terrorism, will decrease in the foreseeable future. It may be that these methods are to become the warfare of the future and the first recourse of state and substate actors unable to otherwise confront the technological resources of the industrial powers. The same methods of terrorism and insurgency may also prove tempting to major powers in waging the ongoing political and economic struggle between East and West. The creation of a unified command for special operations will be a significant step in the effort to counter the rise of low-intensity warfare. At the same time, it will help ensure democratic traditions of civilian control by allowing for greater civilian oversight. It will also promote military effectiveness by leaving operational control in the hands of leaders and staff who are trained, experienced, and knowledgeable in the field. By placing all of these forces under a single command it will provide greater cooperation and coordination of the tactical elements involved. In the end, it will provide the civilian authorities with a wider spectrum of options, a greater diversity of opinions and advice, and greater confidence of success.

55. Beckwith, *Delta Force*.

56. *Newsweek*, 15 September 1986, 26.