

Contemporary Public Affairs

TERRORISM

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TERRORISM

I. The Problem

Terrorist tactics are not new in human history. Man's oldest written records reveal instances of terrorism often involving political motives. For example, the English word assassin is derived from a word given to Old French by the Crusaders when they were terrorized by a Muslim sect originally called the hashashin or hashshashin because of their use of hashish, a refined form of marihuana. This sect used a golden dagger to destroy not only the Christian foreigners, but also sultans, caliphs, princes, generals and mosque officials who opposed the Ismailian Muslims.

What is of primary interest, of course, is not the ancient roots of man's propensity to terrorize, but the current wave of terror being experienced on a worldwide basis. To begin a cataloging of the locations of terrorist activities in the late 1960's and early 1970's is to begin a very long and diverse list. Perhaps it would be better to examine our definition of terrorism. In a general sense, terrorism is the use of violence to intimidate or subjugate another or others. In this sense it includes a host of activities aimed primarily at gaining personal advantage--what might be called personal terrorism--e.g., extortion, kidnapping, etc. This, however, is not the type of terrorism which has seen such dramatic increase. This discussion will focus upon political terrorism, i.e., those terrorist acts involving political personalities or an underlying political motivation.

Terrorism in America

Most Americans were shocked into an awareness of political terrorism on November 23, 1963, with the assassination of John F. Kennedy. Since that time a continuing series of political terrorist acts, both at home and abroad, have kept that awareness alive. Yet there is a very real sense in which Americans should not have been surprised at this type of violence. H. Rap Brown, a black militant leader, has reportedly observed that such violence is "as American as cherry pie." Although most citizens would probably be offended by such a statement, a report to the National Commission on the Causes and Prevention of Violence by its task force on assassination and political violence has pointed to the same reality in less polemical language:

During all stages of our Nation's history, violence has been one response offered to many of the controversial issues confronting our society. The establishment of independence,

the relationship of settlers with the American Indian, the slavery and secession questions, and the trade union and civil rights movements are prime examples. Included in this history of violence are deadly attacks on persons holding public office.¹

The report lists 81 political assassinations and attempted assassinations of American political figures beginning in 1835 with an attempt on the life of President Andrew Jackson. The report goes on to observe:

The United States, of course, was born in political violence....

The prototype of political violence in the United States is the vigilante committee--an extra-legal group that enforces the values of the community by illegal violence. Vigilantism is a phenomenon apparently unique to the United States.²

Such vigilantism has even received the approbation of high government officials at times. For example, Andrew Jackson approved of the vigilante methods involved in the trial and execution of Patrick O'Conner in Dubuque's early mining days.³ Although this occurred at a time when clarification of Iowa's territorial status was pending, the vigilante phenomenon has often continued in the United States even after the institutions of legitimate authority were firmly established in a particular area.

An examination of the last 150 years of American history presents evidence that political violence tends to peak at times of social change and turmoil. The task force report relates the present period of political violence to those episodes in our past:

the United States has in the past experienced high levels of violence comparable in intensity to the present day. The country does not appear to be passing through a period of unique internal political violence...past violence has been associated with specific issues, such as agrarian

¹James F. Kirham, Sheldon G. Levy, and William J. Crotty, Assassination and Political Violence: A Report to the National Commission on the Causes and Prevention of Violence, Vol. VIII (Washington, D.C.: Government Printing Office, 1969), p. 9.

²Ibid., p. 172.

³Eliphalet Price, "The Trial and Execution of Patrick O'Conner at the Dubuque Mines in the Summer of 1834," Palimpsest, I (Sept. 1920), pp. 86-97.

reform, abolitionism, reconstruction, and labor violence. The turmoil of the 1960's shows up, however, as a peak at least comparable to the high points of violence in the nation's past. Relative to the impact of this violence upon the public, the intensity of violence in the 1960's has probably not been duplicated since the turn of the century, or at least since the late 1920's. Thus, most persons today have not experienced a comparably violent period of American history.⁴

It should be noted that the present period of violence has also had added impact because of increased media coverage, because of the dramatic nature of the particular events of recent political violence and because of the concomitant rise of political violence at the international level.

International Terrorism

What is of most striking concern, not only to Americans but also to many persons around the world, is the very evident increase in premeditated, organized political terrorism. For Americans this is a new experience. As the report on assassination and political violence points out:

Truly "political" assassination, that is assassinations that are part of a rational scheme to transfer political power from one group to another or to achieve specific policy objectives are rare in the United States.⁵

Yet this is exactly the sort of political terrorism which the international community must begin to face in such groups as the Provisional Irish Republican Army, the Popular Front for the Liberation of Palestine, the Arab Black September movement, the Tupamaros (who are urban guerrillas in Latin America), and the various liberation movements in southern Africa.

For most people political terrorism on an international level is associated with the Palestinian Arab guerilla organizations. This is logical since most of the recent, dramatic terrorist events have had their origins with these groups. Early in the 1970's they created such incidents as the following:

SEPTEMBER, 1970 -- Three airliners (one British, one American, one Swiss) carrying over 400 persons were simultaneously skyjacked by members of the Popular

⁴Ibid., pp. 181-182.

⁵Ibid., p. xvii.

Front for the Liberation of Palestine. The planes were taken to a deserted airfield in Jordan and the crews and passengers held captive for several days. The aim of the hijackers was to gain release of guerrillas held for other attacks involving planes. Eventually the planes were destroyed, but all prisoners were freed.

NOVEMBER, 1971 -- The first incident involving the Black September Group (a young, extremist, breakaway organization growing out of dissatisfaction with the program of Al Fatah, largest of the Arab Commando groups) was the assassination of Premier Wasfi Tal of Jordan while he was in Cairo.

FEBRUARY, 1972 -- A German airliner was skyjacked for \$5 million ransom by members of the Popular Front for the Liberation of Palestine.

MAY, 1972 -- Black September guerrillas took over an airliner en route to Tel Aviv. On landing they demanded the release of Arab prisoners held by the Israelis in exchange for the passengers. The plane was rushed by Israeli troops. Two Arabs and one passenger were killed.

MAY, 1972 -- Twenty-six persons were killed and eighty wounded in the air terminal at Tel Aviv. The killings were performed by three Japanese terrorists trained by the Popular Front for the Liberation of Palestine. Two of the gunmen were killed. There was some speculation that the timing of their attack was meant to coincide with the expected presence of Moshe Dayan in the air terminal.

SEPTEMBER, 1972 -- Members of Black September assaulted the quarters of the Israeli athletes at the Munich Olympic games. Eleven athletes were killed. Five terrorists and one West German policeman were also shot.

SEPTEMBER-NOVEMBER, 1972 -- During this period three successive letter-bomb campaigns were mounted. One was aimed at Israeli diplomats, one at Palestinian guerrilla chiefs, and one at British businessmen listed in "The Zionist Yearbook."

MARCH, 1973 -- Black September terrorists took over the Saudi Arabian Embassy in Khartoum, Sudan, while a diplomatic reception was in progress. After holding the diplomats captive for two days and demanding the release of terrorist prisoners around the world, three diplomats (two American, one Belgian) were killed. The seven Arab terrorists were captured.

While it is certainly true that Arab terrorists are the most active and dramatic, they are by no means the only group involved. The Tupamaros originated seven kidnappings or kidnapping attempts in Latin America during the early months of 1970. Two diplomats, one American and one West German, were killed. The Irish Republican Army has recently extended its bombings beyond Northern Ireland. Several recent assassinations in Bermuda are rumored to be part of an attempt by criminals dealing in drugs to gain a base of operations near the United States. And within the United States there is growing concern about such groups as "De Mau Mau," named after the black terrorist movement in Kenya in the 1950's. So far there has been a minimum of evidence for highly organized terrorist activities in the United States, but a growing number of isolated incidents--sniping at police and firemen, arson, bombings, property destruction, discovery of bomb factories, and so forth--have created the fear that only an overlaying net of organization is needed to bring forth a frightening potential.

Vulnerability to Terrorists

Modern society is extremely vulnerable to these terrorist activities. One reason why international terrorism has been able to succeed as well as it has is because of the permeability of national boundaries. As the London Economist has pointed out in the context of discussing the threat posed by letter-bombs:

The trouble is that a lot of the convenience of civilized modern life consists in having things provided over a distance instead of having to go out and get them yourself: not only communications with your friends, but food and goods and information of all kinds--even your daily milk and water. Every one of these acts of transmission is a chance for the terrorist to get his hand in. That is why modern society is wide open to the fanatics with bombs or poisons--maybe one day with germs and atomic devices.⁶

Even within a given set of national boundaries, complex modern transportation, distribution and communication systems create points of extreme vulnerability. For example, the water supply, electrical power supply, or telephone network for most large cities could be crippled by a few strategically targeted acts of sabotage. The result could be to create a temporary level of chaos, making it all but impossible to live or work in the urban complex.

⁶"Under Skull and Crossbones," Economist, CCXLV (Nov. 18, 1972), p. 11.

This vulnerability is aggravated by the fact that the target for the terrorist has become a diffuse one.

Prior to the Russian Revolution, terrorists directed their efforts at the overthrow of governments, kings and anyone they considered to be a primary enemy. They had the naive idea that by getting rid of a person, they could bring change.

Today, it is clear that public figures are not in full control as kings and prime ministers were. Now the goal becomes one of intimidation--that is, setting up a process that reaches the supporting structure behind the target.⁷

The bombs which used to blow up in government buildings and foreign embassies are now blowing up in Belfast bars and London stores, in university computer centers and the New York offices of IBM, in airport terminals and Olympic villages. As the London Economist says:

Terrorism is developing into a form of total war, the kind of war in which there is no distinction between combatants and noncombatants, and passers-by find themselves thrust into the firing line.⁸

Three additional factors complicate the terrorist issue. The first is the relationship of certain terrorist groups to some legitimate governments. The second is the international interconnections of terrorist groups. And the third involves the relationship between the pathological personality and the terrorist movement.

Almost all people commenting on the problem of terrorism suggest that a solution would be much easier to achieve if all the governments of the world presented a united front in opposing terrorists. They do not, however. Certain governments support terrorist activities in various passive and active ways. The Libyan government has been accused, for example, of giving "cover" passports to Arab terrorists as they embark on international missions. Other Arab governments have also been accused of pumping oil profits into the Palestinian liberation movement. Some governments cooperate with terrorists by failing to prosecute those caught:

Three terrorists who killed Jordanian Premier Wasfi Tal in Cairo in November, 1971, were released on bail after a week and were never tried. Hijackers of the Lufthansa airliner in February, 1972, which was forced to land in Aden, negotiated \$5 million from West Germany and were released. That was the

⁷Paul Weiss, as quoted in "Behind the Rise in Crime and Terror," U.S. News and World Report, LXXII (Nov. 13, 1972), p. 44.

⁸"Under Skull and Crossbones," p. 11.

plane on which the late Robert F. Kennedy's eldest son was a passenger.

The three surviving terrorists involved in the massacre of Israeli athletes at the Olympics in Munich, West Germany, last year were released to Tripoli by West Germany and were given a hero's welcome and freed.⁹

In the late 1960's and 1970's there was considerable discussion of Cuba's "exporting" revolution to the rest of Latin America. Robert Moss has summarized that situation as follows:

Broadly speaking, there have been two waves of guerrilla movements in Latin America since 1959 [the year Castro took over Cuba]. The first wave, incited by Cuban propaganda and sometimes assisted by more concrete forms of Cuban aid, consisted of the plagiarists. They failed, partly because they tended to believe uncritically that any Latin American regime would prove as brittle as Batista's and that any range of hills would provide a safe harbour and the springboard for revolution that Castro found in the Sierra Maestra. Guevara's ill-fated expedition in Bolivia in 1967 was almost a parody of this approach.

After the plagiarists came the improvisers. Since 1967, the middle-class rebels who took to the hills with copies of Guevara's Reminiscences of the Cuban Revolutionary War or Debray's Revolution in the Revolution? in their rucksacks have crept back to the cities they came from to wage the war of the urban guerrilla.¹⁰

This activity of Cuban-formed revolutionaries brings up the additional factor of organizational links among international terrorists. There are increasing indications that a sort of cross-pollination may be taking place among terrorists. The Palestinian training camps may be not only a proving ground for those interested in regaining lands lost to Israel, but they also may be a training site for revolutionaries from all over the world. The three Japanese terrorists involved in the massacre at the Tel Aviv airport are a case in point. Bryan Crozier, director of London's Institute for the Study of Conflict gives the following description of their involvement.

That chain of events illustrates again the transnational nature of present day terrorism. Nine members of the Japanese group hijacked an

⁹"'Choice' for Sudan: U.S., Arab Wrath," Des Moines Register, March 6, 1973, p. 5.

¹⁰Robert Moss, The War for the Cities (New York: Coward, McCann and Geoghegan, 1972), p. 141.

airliner in 1970 and took it to Pyongyang, North Korea. There they met George Habbash, the founder of left-wing Popular Front for the Liberation of Palestine, who persuaded them to join the fight against the Israelis. Three of the Japanese went on to a training camp in Lebanon, then were flown to Rome, where they were armed by an Italian terrorist group, which then booked them on an Air France flight to Lod Airport. There, in a few moments, they killed 25 tourists and wounded 78 more.¹¹

Finally, there is the question of the relationship between the pathological personality and the terrorist movements. As U.S. News and World Report put it:

The internationalizing of terrorism is raising questions on the world's young revolutionaries-- and what motivates them.

Nor are all found to be emotionally unbalanced. Many, as suggested by a University of California study of student nonconformists, are well-adjusted and stable persons. Strong evidence exists, however, that emotional disturbance sharpens the cutting edge of revolutionary fervor, especially among those emerging from poverty into a life of frustrated aspirations.¹²

It may be, in fact, more frightening to realize that these revolutionary movements are an undifferentiated mixture of highly stable, highly rational, revolutionary personalities and violently-oriented, pathological personalities. In attempting to predict and deal with terrorists, it is necessary to expect both the rational and the irrational response. At any given time it may be difficult to determine which element may be in control. During long negotiations such as those which have been so much a part of the terrorist events experienced so far, the job can be made much more difficult by the blending of these two elements. Within the given terrorist team the conflict between rational and irrational elements may cause many lives to be lost.

Colin Legum, associate editor of The Observer (London), has suggested that there are rational limits which can be drawn for the individual who finds that he must in conscience support not only certain political causes which have spawned terrorist activities, but also support some terrorist activity as well:

¹¹James Atwater, "Time to Get Tough with Terrorists!" Readers Digest, April, 1973, p. 91.

¹²"Behind the Rise in Crime and Terror," p. 44.

There are, at least, two crucial tests in deciding what should be acceptable to the international community. First, do the conditions that exist in any particular country offer any change of redressing serious wrongs by other than violent means? Second, does a movement which embraces the need for violent opposition deliberately encourage indiscriminate killing or harming of innocent people?

Clearly no constitutional means exist for peaceful change in countries such as South Africa, Namibia, Rhodesia, the Portuguese [African] colonies, or in Communist countries....

But who are the innocents? This is a question that goes to the root of much of the present controversy....

The PFLP [Popular Front for the Liberation of Palestine]...defended their indiscriminate shooting of passengers at Lod Airport by claiming that all visitors to Israel are accomplices of "the Zionists."...The anti-Portuguese guerrilla movements...now conscientiously insist on treating all Portuguese not actively engaged in military or official positions as themselves victims of their own oppressive regime.

These clear-cut differences of attitude suggest a line that can be drawn between what is legitimate and what is not: groups that try to justify indiscriminate violence by insisting that entire national groups or communities are equally guilty should be regarded as putting themselves beyond what is acceptable in international law.¹³

Clearly terrorism is a problem, and a frightening one. What is not so clear is how to go about controlling terrorism. This is the question with which the next section will deal.

¹³Colin Legum, "The Rise of Terrorism: How to Curb International Terrorism?" Current, January, 1973, pp. 7-8.

DISCUSSION QUESTIONS: Section One

1. In discussing the impact which terrorism in the United States has had, five factors were pointed out: 1) the terrorist acts themselves, 2) the fact that most presently living Americans have not experienced other comparably violent periods in the nation's history, thus giving the current violence an illusion of uniqueness, 3) an increased awareness of each act of violence through mass media coverage, 4) the highly dramatic nature of a certain percentage of these terrorist acts, and 5) the simultaneous rise in the level of violence around the world.

Which of these five factors were you conscious of having affected your own awareness of such violent and terrorist acts?

The mass media have been criticized for their coverage of U.S. violence. Many persons look on them as the most important factor in overdramatizing such acts and thus giving them exaggerated importance. Would you agree or disagree with such an analysis? Why?

The present period of violence in the U.S. is not unique. It is only one in a series of such violent periods stretching back to the country's beginnings. Discuss the ways, if any, in which such an understanding of our past history might affect one's view of what is currently taking place.

If it seems to you that such political violence is often associated with times of social change and turmoil, what forces were operating in the 1960's and 1970's that can account for this violence in the U.S.

Do you view these occurrences of violence and terrorism in the U.S. and elsewhere as inter-related in any way? If so, in what ways? For example are the forces of social turmoil which might be behind them in any way similar? If so, how?

2. As was stressed in the text, a complex, modern, democratic society is extremely vulnerable to terrorist activities. Stop for a moment to consider this vulnerability in a practical way in terms of your local area. If some group, for whatever reasons, were to decide to intimidate the people in your locale with terrorist tactics, what points of vulnerability would they find? What defense would your community have against such actions? Consider first the points of vulnerability which would not involve any threat to human life. Then, consider those which might threaten human life.

3. We have noted that the blending of rational and pathological personalities within terrorist movements can have a complicating effect on any attempt to deal with terrorists. Is this one reason for the policy of some governments to make no attempt to deal with terrorists? What other reasons might there be for such a policy? Discuss the wisdom of such a policy.

4. Colin Legum has suggested two basic guidelines for containing terrorism within limits that the international community might find acceptable. They are that terrorism might be justified when the constitutional structure of the nation involved leaves no alternative other than violence for the redressing of serious wrongs; and that terrorist tactics are justified when they make a sufficiently clear distinction between those persons actively involved in perpetrating the serious wrong and those persons who only passively accept the status quo. Discuss the implications of such guidelines. Would you find terrorism within these guidelines acceptable and justified assuming you felt the terrorists' basic cause was justified? Why? Why not?

TERRORISM

II. The Question of Control

In the first section we have seen the evidence of the rapid rise in the number of politically motivated terrorist incidents. We have also examined the vulnerable nature of a complex society. This vulnerability is even greater for a society which strives to give a measure of personal freedom to its citizens. Democratic governments face a particular dilemma which causes them to be more cautious about the sorts of control measures they adopt. Some control measures which can lessen the threat of terrorism also can infringe substantially upon the personal freedom of those who are affected by the controls.

A very common example of this is occurring daily in every major airport in the United States. The fourth article of the Bill of Rights reads as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and, no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Yet, despite this constitutional guarantee, virtually every passenger boarding a commercial airline flight in this country has his person and effects searched without warrant, without probable cause, and without specification of the particulars of the search. Even though very few airline passengers want to find themselves in the air with a bomb on board, or on a flight diverted at gunpoint to some distant destination, the search practice has already been challenged in the courts. The case grows out of the search of a passenger in California. Although the search was not for drugs, this particular passenger was found to be in possession of marihuana for which he was then arrested. A Los Angeles federal district court judge subsequently ruled that passengers may not be routinely searched. However, the case is under appeal and the practice continues.

Thus, the problems of control are thorny ones. While it is probable that there is no complete answer to controlling acts of terrorism, political or personal, we shall review the steps which have been taken and proposed both by the United States government and by the international community.

Skyjacking

In the discussion of controls it will be useful to consider skyjacking separately from other terrorist incidents. Skyjacking is, by its nature, a more focused and centralized activity, and

therefore more easily controlled. Other terrorist activities such as kidnappings, assassinations and bombings can happen anywhere at any time, making control considerably more difficult.

Skyjacking was a fairly common phenomenon even before its potential as a political terrorist technique was actualized. There had been some 80 skyjackings and skyjacking attempts before July, 1968, when Palestinian guerrillas diverted an El Al airliner from Tel Aviv to Algiers in order to hold its Israeli passengers in exchange for Arab guerrilla prisoners jailed by Israel. This was the first political terrorist skyjacking. The following year, 1969, was the peak year for skyjackings. There were 87 attempts, 70 of which were successful. Most of these, of course, were not politically motivated. Since 1969 the number of skyjackings has decreased, presumably in relation to the measures taken to prevent such incidents.

One basic difference in approach which is allowed by the nature of skyjacking is control before the incident rather than after. This is possible since all potential skyjackers must funnel through some central point prior to boarding the plane. Early in the United States' effort to combat such crimes this advantage was not clearly realized. For this reason the major efforts were at first placed on tougher laws and armed guards or "sky marshals." As early as 1961 Congress had provided for a penalty from 20 years to death for seizure by force of a commercial aircraft in flight. The FBI was given jurisdiction over such crimes. It was not until late 1970, however, that the use of armed guards aboard commercial flights was deemed necessary.

The effort to control skyjackers before boarding the plane grew largely out of the work of a nine-man task force created in early 1969 by the Federal Aviation Administration. This group took a two-pronged approach to the problem. The first security measure was to develop a system which would allow the detection of weapons and destructive devices as the passengers prepared to board. The second approach was behavioral. It analyzed the behavior patterns of known hijackers in order to develop a generalized profile which would allow the sorting out of potential hijackers given the behaviors exhibited by passengers as they waited for the flight. A limited use of these twin checking procedures became mandatory in February, 1972. In March of that year most of the sky marshals began to be shifted to airport security duty. On January 5, 1973, new passenger and baggage checking procedures were ordered for all scheduled airlines. In February airports were required to provide a certain number of local law-enforcement personnel to man airport security posts. President Nixon in a March 14 message to Congress has also asked for a mandatory death penalty for criminals involved in skyjackings which result in a death.

Meanwhile on the international scene, measures were also being taken which aimed at limiting the number of skyjackings. Three conventions, or international agreements, have been

negotiated through the efforts of the International Civil Aviation Organization (ICAO), a United Nations sponsored group. They are the Tokyo Convention (1963), The Hague Convention (1970), and the Montreal Convention (1971). The first of these provides that all nations signing will immediately release passengers, crews and aircraft which have come under their jurisdiction while part of a skyjacking. It also affirms that the country in which an airplane is registered has jurisdiction over offenses committed on board during flight. The Hague Convention aims primarily at the apprehension and prosecution, or extradition, of hijackers. In addition, signator states agree to make skyjacking an offense punishable by severe penalties. Finally, the Montreal Convention extends The Hague Convention to acts other than skyjacking, such as attacks against the lives of persons on board an aircraft in flight, sabotage, bombing, or any intentional act that seriously damages or endangers an aircraft in flight. The United States has signed and ratified all three of these conventions.

The usefulness of the conventions is limited, however, by the fact that those countries likely to give support and sanctuary to a skyjacker have not become party to the agreements. The International Federation of Air Line Pilots' Associations, among others, has urged sanctions against countries which do not comply with the conventions. Such sanctions could include the suspension of commercial air service. The Federation backed its demands with a one-day strike, June 19, 1972.

Besides these three multilateral treaties, the United States signed a bilateral treaty with Cuba on February 15, 1973 covering the hijacking of both aircraft and ships. The bilateral treaty was necessary since Cuba is not a party to any of the ICAO conventions. In addition, the frequency of hijackings between the United States and Cuba as well as the lack of diplomatic relations had aggravated the problem. The agreement provides for the prompt return of the hijacked plane or ship with its passengers, crew, and all cargo. This would include any ransom which might have been extorted as a part of the hijacking. It also provides for the punishment of the offenders by the most severe penalty.

Other Terrorist Acts

As mentioned earlier, terrorist acts other than skyjacking are generally harder to control. In regard to such acts, however, the United States government has pursued the following lines of approach. First, it has urged that the international convention on the protection of diplomats be swiftly adopted. This agreement would require the prosecution, or extradition, of those involved in crimes against diplomatic personnel. Second, the United States has proposed an additional convention to deter and punish other acts of international terrorism. Third, the United States has sought to use Interpol, the international law-enforcement agency, as a vehicle for increased police cooperation, especially in terms of information exchange,

closer coordination of police work, and more effective border control. Fourth, a presidential Cabinet committee has been established to coordinate the activities of the U.S. government in combating terrorist activities at home and abroad. Fifth, protection for foreign personnel attached to diplomatic missions within the United States has been increased and new legislation has been passed making certain crimes against such persons a federal offense. Finally, transit visas are now required for all foreign persons traveling through the United States. This allows a more effective screening of such travellers.

The major focus of international control of terrorism, however, was in the fall, 1972, session of the United Nations General Assembly. The United Nations began its debate on international terrorism on November 9. Five weeks later on December 18 the General Assembly passed a resolution. The essence of this resolution was to continue studying the problem. In its final form, the resolution gave clear indication that for many states the act of terrorism was intimately connected with its underlying political causes, especially where such terrorism concerned wars of national liberation. While expressing concern over terrorist acts in general, the resolution explicitly endorsed the liberation movements which are so often terrorism's setting. On the other hand, the less obvious terrorism of "colonial racist and alien regimes in denying peoples their legitimate right of self-determination and independence and other human rights and fundamental freedoms"¹ was condemned. Relative to the terrorism of governments Colin Legum has observed:

Few nations are guiltless of having used terrorism when they thought it useful, both in times of peace and war when they simply swept aside international conventions. Britain used terror-bombing against Dresden, just as the Germans used it against Rotterdam. The Americans have been guilty of terrorism in Vietnam, so have the North Vietnamese. Palestinians can, and do, remind the Israelis of the massacre of over 200 Arab men, women and children at Der Yassin in 1948. The Israelis' defense is that the act was perpetrated by the dissident Irgun movement and was condemned at the time by the national movement of Haganah.

Although terrorism has been used so extensively, its main success has been in the way it can be applied by states rather than by revolutionaries: minority political groups have been able to use it with limited success in only exception cases; on the whole, it has proved self-defeating.²

¹"International Terrorism," U.N. Monthly Chronicle, X (January, 1973), p. 108.

²Colin Legum, "The Rise of Terrorism: How to Curb International Terrorism?" Current, January, 1973, pp. 7-8.

The whole issue of international terrorism had been introduced into the U.N. agenda by Secretary General Kurt Waldheim following the attack on Israeli athletes during the Munich Olympics two months earlier. On the eve of the debate the U.N. Secretariat released a 40-page study of the need for international cooperation in order to curb terrorism in which it tried to separate the two issues of terrorist acts and the causes of such acts.

At all times in history mankind has recognized the unavoidable necessity of repressing some forms of violence which otherwise could threaten the very existence of society as well as that of man himself.

There are some means of using force, as in every form of human conflict, which must not be used, even when the use of force is legally and morally justified, and regardless of the status of the perpetrator....

The legitimacy of a cause does not, in itself, legitimize the use of certain forms of violence, especially against the innocent. This has long been recognized even in the customary law of war.³

On the first day of debate Carl Lidbom of Sweden also tried to separate the issues when he observed, "We should not refrain from combatting terrorism while we wait for solutions to be found to the problems which are the causes of terrorism."⁴ However, in the end such separation was not achieved.

In fairness to those who have urged that any treatment of the issue of terrorism must also include a treatment of its causes, there is a great deal of reasonableness in such an approach. Anything less would treat the symptoms and not the disease. As Colin Legum has pointed out:

It would be wrong to suppose that it is possible to act effectively against all forms of terrorism without changing the fundamental causes which have produced a climate of extreme violence in certain societies: nothing, for example, can put an end to the terrorist elements among the Palestinians more quickly than a just peace in the Middle East....

Wherever people are left to rot in despair, we can be sure that their conditions will make them amenable to inhuman acts of violence at the

³"Secretariat Study Supports Action on Terrorism by U.N. General Assembly," New York Times, November 9, 1972, p. 11.

⁴"Terrorism Issue Taken up at U.N." New York Times, November 10, 1972, p. 7.

point where they feel themselves strong enough to strike back.⁵

This tendency toward violent eruptions is aggravated by the fact that our highly complex and interdependent world structure has removed the means of solution for many problems from the hands of the people affected. Again the Middle East is an example. Decisions affecting the disposition of that issue are only partly made in the capitals of the countries involved. Washington, Moscow, London, Paris, Peking, Geneva and New York must all be involved as well.

During the course of the debate within the Legal Committee of the General Assembly three major proposals were made. The first proposal came from the United States and other highly industrialized Western countries. It sought to have the United Nations sponsor a special international conference in early 1973 which would draft an international convention on the prosecution and extradition of terrorists. The Arab and African countries, who had initially worked to keep the issue off of the agenda altogether, sponsored the resolution referred to earlier which focused on the causes of terrorist acts. During the debate Russia offered what was apparently a compromise solution. It would have instructed the U.N. International Law Commission to give the highest priority to the drafting of an international treaty on the terrorist question.

In the course of the debate before the legal committee Fernando Alvarez Tabio, representing Cuba "called it 'absurd' to ask Cuba to cooperate in the war against terrorism 'while the rights of the imperialists to act against Cuba are accepted.'"⁶ He went on to give the example of a Cuban fishing boat recently captured by American-based Cuban exiles, and then turned to the U.S. air attacks on the cities of Vietnam "which constitute terrorism within the full meaning of the term."⁷

In the end the Arab-African resolution prevailed by a rather wide margin, 76 favoring, 35 opposing, 17 abstaining, with 4 countries absent. Relative to this resolution the New York Times observed:

Cutting through the purposefully dense diplomatic verbiage, it appeared to Western representatives that the resolution could be interpreted as encouraging terrorists to do their worst so long as their efforts were aimed at self-determination of their people.⁸

⁵Legum, "The Rise of Terrorism," p. 8.

⁶"Cuban Cautions U.N. on Terrorism," New York Times, November 15, 1972, p. 9.

⁷Ibid.

⁸"Hands off on Issue of Terrorism," New York Times, December 17, 1972, Section 4, p. 4.

The major thrust of the resolution, however, was to appoint a 35-member committee with equitable geographical representation to study the observations and concrete proposals of the various member states on this sensitive issue. The committee is further instructed to submit a report with recommendations for possible cooperation that can help in the speedy elimination of the problem.

As the debate on the issue closed there was some indication that the Western powers, who had not secured the sort of strong positive action against terrorist for which they had worked, would push ahead outside of the U.N. framework to draft and implement an international treaty on the prosecution and extradition of terrorists.

Thus, this difficult issue remains unresolved for the very reasons which became evident in the U.N. debate. There are certain causes which many of the world's countries apparently feel justify terrorist activities. For the particular terrorists whose motives are favored, some measure of support and protection will be available from these nations. As long as this is the case, it can be expected that terrorism will continue to be a problem with which the world must cope. However, it is possible that a coordinated stand taken by those countries which are opposed to terrorist tactics in the name of any cause may be able to give some measure of control over such activities.

DISCUSSION QUESTIONS: Section Two

1. Discuss the tension which exists between control of terrorism and the possibility of repressing personal freedom:

During 1971-1972 (before the new full-search measures went into effect) 6,000 travelers were arrested at U.S. airports. But fewer than 20 per cent of these were for charges related to possible hijack attempts. In July and August of 1972 about 1,000 passengers per month were barred from boarding for refusing to be searched. Does the standard airport search seem to you to be a violation of constitutional rights? Why? Why not? Is it justified under the circumstances, even if it might be a violation of those rights?

What other areas can you think of in which such controls might violate constitutional rights or damage personal freedoms? Consider, for example, the investigation leading up to the Harrisburg trial of the Berrigan brothers and others for conspiracy to blow up the heating system for governmental buildings in Washington. Consider also the governmental surveillance of non-criminal activities. Or, consider the events surrounding the 1968 Democratic convention in Chicago and the trial following those events. Do you see any threats to personal freedoms and constitutional rights in any of these instances, or in similar ones which you may recall? If so, what are these threats, and are they justified by the circumstances?

2. To what extent do you think it is possible to put pressure on governments which do not comply with the international conventions on skyjacking? Egypt, Libya and Algeria have been three such countries. What pressure would the U.S. government be in a position to place on these countries? What other countries might be in a position to exert pressure? Egypt is a major tourist center and Libya is a major supplier of oil to the West. To what extent would it be possible or practical to curtail commercial air transportation and distribution services to these countries?
3. What measures can be taken to protect politically sensitive personnel such as diplomats? What approach should be taken when diplomatic personnel become involved in an incident such as kidnapping? Should the approach be different if the diplomatic personnel represent a government which is party to a dispute (as when Arabs might kidnap Israeli diplomats) and if the diplomatic personnel represent a government not a party to the dispute (as when Arabs might kidnap Swiss diplomats)? To what extent, if any, are the major powers almost always "party" to an international dispute in some sense?

4. Discuss the United Nations action relative to terrorism.

Should the issue of the control of terrorism have been separated from the issue of the causes of terrorism? Or is it futile to discuss control without discussing the underlying causes? What are the reasons for your choice?

To what extent is there a need to consider and find sanctions and controls for governmental terrorism?

Which problem is more pressing, the one of government-sponsored terrorist acts or the one of privately-sponsored terrorist acts? What are the reasons for your choice?

Three courses of action were proposed during the U.N.'s debate: 1) a special international meeting to draw up an international agreement on the problem, 2) continuing study of the problem by a special commission of world-wide representation, or 3) assigning the task of drawing up an international agreement to an existing U.N. agency and giving that task "top priority." Which alternative do you favor and why?

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