

Will U.S. Keep Pressing Terrorists?

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Articles & Testimony

The August 20 bombing of Osama bin Laden's terrorist bases in Afghanistan and the alleged bin Laden-funded chemical weapons production facility in Khartoum, was a decisive and appropriate U.S. response to the atrocities in Nairobi and Dar es Salaam, and President Bill Clinton should be commended.

Although Washington has, in the past, retaliated against states and organizations that have carried out acts of terrorism against the United States -- most notably Libya in 1986 and Iraq in 1993 -- this type of attack has been the exception and not the rule. Thursday's strike on bin Laden may represent a change in the U.S. approach to terrorism. The attack and Clinton's national address laid the basis for a new direction in our counterterrorism policy.

But any attempt to implement this new policy will encounter serious obstacles likely to result in selective application.

During his address last week, Clinton articulated the rationale underlying the decision to attack bin Laden targets: "There have been, and will be, times when law enforcement and diplomatic tools are simply not enough." Clinton also stated: "Countries that persistently host terrorists have no right to be safe havens." These two points suggest that U.S. authorities will be aggressively hunting (and perhaps attacking) terrorists and their assets, regardless of where they reside. If, in fact, this does represent a change in policy, the implications will be both promising and risky.

For some time, U.S. counterterrorism policy has taken a "law enforcement" approach, aimed at collecting evidence in order to prepare a case against suspected terrorists that could gain conviction in an American court. The attack on bin Laden would indicate a more pro-active policy, presumably with a lower standard of proof necessary to pursue and punish suspected terrorists.

In the new policy, guilt is determined by intelligence data, which is normally incapable of meeting the standards required by a court of law; military force is how punishment is meted out. Potentially, a military response could prevent the excruciating wait for justice as the families of the victims of Pan Am Flight 103, have endured since its downing over Scotland in 1988. A shift away from the law-enforcement approach would also provide a basis for a more flexible U.S. response.

At this point, it's not clear whether the bin Laden attack and Clinton's address constitute a turning point in U.S.

policy. In his speech, Clinton singled out Afghanistan and Sudan for "harboring and supporting" terrorist groups. The litmus test to determine whether Clinton has in fact, implemented a new policy, however, will be how the administration applies its policy to the other rogues in the Mideast. Sudan is but one of five mideastern states on the State Department list of state sponsors of terrorism, which includes Iran, Iraq, Libya and Syria.

We destroyed the reputed bin Laden chemical-weapons facility in Khartoum. But Syria produces VX nerve gas and Libya is currently building its own facility at Tarhuna. Will the United States intervene and engage in pre-emptive strikes in Libya or elsewhere? In 1996, Secretary of Defense William Perry indicated that the United States would not allow Tarhuna to be finished. Will we follow through on that threat? Likewise, Clinton's pronouncement that, "There will be no sanctuary for terrorists," may also have severe consequences for Libya, which is harboring the leading suspects in the bombing of Pan Am 103. Similarly, Syria is home to Palestinian Islamic Jihad leader Ramadan Shallah, whose group claimed credit for the 1995 murder of American citizen Alisa Flatow in the Gaza Strip. What sort of action would the administration take against politically sensitive states like Iran or peace process participants?

From a political perspective, it may be too complicated to apply Clinton's new counterterrorism policy consistently. The fight against terror is a series of arduous battles, resulting in small, sometimes Pyrrhic victories. There is no "knockout" punch. Even the latest attacks in Afghanistan and Sudan - which utilized about 75 cruise missiles costing \$1 million each - was not able to end the threat posed by bin Laden. And there will likely be retaliation against American targets. A successful policy will require the resolve and determination of policymakers to adhere to the course in cases that do not have the notoriety of bin Laden or a popular consensus behind them.

Even if the new policy is only applied selectively, it will be a vast improvement over the current U.S. approach. With the exception of the convictions in the 1993 World Trade Center bombing, there have been precious few arrests and convictions of those culpable in the terrorist killings of Americans. By actively pursuing rogues like bin Laden, Washington can counteract a perceived lack of resolve against terrorism.

Despite the difficult questions and commitments implicit in the administration's "new" initiative, the policy holds great potential. Recent attacks seem to represent a renewed U.S. commitment to justice, punishment and deterrence. The question remains whether in the future, this response to terrorism will be the exception or the rule.



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