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Lessons of the “War” on Drugs for the “War” on Terrorism

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Efforts to prevent repetitions of the September 11 incidents have begun to be called “the war on terror.” This suggests analogies to the “war on drugs,” and there have been attempts to use these comparisons to draw conclusions about the appropriate shape and likely success of the anti-terrorism campaigns.¹ Making new problems seem familiar by seeking out analogies is both a natural psychological response and a rational analytical strategy.

In this essay, we argue that the similarities between the problem of illicit drug distribution and the problem of foreign-based terrorist activity go deeper than the “war” metaphor. In each case, the problem is both important and somewhat inchoate. In each case, the problem has both domestic and transnational aspects. In each case, law enforcement is indispensable but not itself a complete solution. In each case, there is great reluctance to accept an ongoing high level of damage but great difficulty in formulating a strategy to bring that damage down to a level that seems acceptable. In each case, the tendency to think that “tougher is better” may not be justified by results. In each case, coordinating efforts across governments, across levels of government, across agencies, among disciplines, and across the public, private, and civic sectors is both highly important and very difficult.

But terrorism is also unlike drug distribution in vital ways: the scale of the activity to be suppressed; the structure of the organizations whose schemes we must try to foil; the motivations of their participants; the scale, structure, and direction of the related financial transactions; and the tolerance for failure. Even if, as some argue, “the war on drugs has been a failure,” that would not imply the inevitable failure of the attempt to suppress terrorist actions. Nor can we simply adopt wholesale for counterterrorism successful strategies and tactics from the anti-drug effort.

For each major drug control program and for each policy choice, therefore, we ask if there are relevant parallels and lessons to be drawn for fighting terrorism. We organize our comparisons within six topics: crime control and investigation within the United States; the use of prison to incapacitate offenders; control efforts outside the United States and at the border; financial investigation and control; overall coordination of enforcement efforts; and rhetoric, media, and communications issues.

A note is in order concerning the scope of this analysis. Domestic production does exist for both drugs and terrorism (it now seems likely that the anthrax attack of fall 2001 originated from domestic rather than foreign activity). Both domestic drug dealing and terrorism may involve U.S. citizens using commodities that are legal to possess and use in routine circumstances (sniffing gasoline or glue; using legally owned firearms to conduct violent mass attacks). There are also forms of domestic production of drugs, or of terror, that involve contraband, such as synthesizing methamphetamine or building bombs on U.S. soil. Drugs can be sold, and terrorist actions committed, by lone individuals or tiny groups with no connections to larger organizations. However, like others who draw analogies between counterdrug and

counterterror operations, we focus on the more international and more organized ends of this spectrum of activity.

There are qualitative differences between domestic and international operations, including what we can reasonably expect of efforts to control them. It is hard to imagine how enforcement could completely eradicate home-grown marijuana or the manufacture of bombs from easily available commodities; however, just as “merely” shrinking consumption of foreign-produced cocaine by 50 percent would constitute an enormous victory, so would “merely” eliminating organized international terrorist activities against the United States. (The death toll from the World Trade Center attack exceeded many-fold the toll from all other terrorist actions on U.S. soil in the past generation.) What changed on September 11 was the level of concern about international terrorism directed at U.S. targets, so that is our focus.

Crime Control and Investigation

Although both drug traffickers and terrorists commit crimes, the two problems display as many differences as similarities when viewed as crime-control targets. A basic difference is that while terrorism may have sponsors, it has no true “consumers” the way black-market crimes such as drug distribution have. There is therefore no clear analogy in counterterror efforts to “demand reduction” efforts in drug control policy. Modifying U.S. foreign policy to appease terrorists might (or might not) reduce terrorists’ motivations to attack, but it would be more akin to addressing so-called “root causes” of drug abuse, such as poverty and family instability, than to drug prevention or treatment.

Counterterrorism policy can attempt to harden targets. The parallel is found in aspirations of “crime prevention through environmental design.”² For example, just as drug markets may be closed down by redesigning streets or traffic patterns, some terrorist threats could be foiled by reinforcing cockpit doors and keeping vehicles away from buildings. However, both terrorist organizations and drug dealers are capable of adapting to control efforts in ways that diminish the effectiveness of those efforts.³ Drug smugglers modify routes to evade interdiction pressures; terrorists can adapt to target-hardening by choosing different targets.

Even at the investigative level, apparent similarities are soon revealed as basic differences. Drug enforcement attacks ongoing activity: most targets of investigation have sold drugs many times before and hope to continue doing so on a weekly or monthly, if not daily basis; the next drug transaction typically looks a lot like the last one. By contrast, counterterrorism efforts seek to halt the targeted activity before it occurs: ideally, would-be terrorists are arrested before their first attack, or at least, perpetrators of past attacks are prevented from committing another attack (which would, in all likelihood, be very different in location, method, and target) rather than merely being apprehended after completing their crimes.

Undercover operations in which law enforcement personnel impersonate offenders are common in drug investigations. Undercover drug investigations routinely allow organizations under surveillance to deliver drugs to customers; indeed, enforcement agencies have from time to time assisted drug traffickers by operating transportation and money laundering facilities, in order to obtain leads against “higher-ups.”

Undercover activity against terrorist organizations, by contrast, is complicated by the need to stop any known future action that might risk injury or harm to others. Nevertheless, undercover investigation can play a valuable role in counterterrorism efforts. A parallel is found in one of the essential contributions of undercover drug investigations: making drug-market participants suspicious of strangers who show an interest in drug transactions. Thus the existence of undercover operations hampers all drug operations, not just those directly targeted. Similarly, even if enforcement agencies find it difficult or impossible to penetrate terrorist cells, their efforts to do so may still hamper cooperation among cells, by making them more suspicious of strangers. Moreover, efforts by terrorist cells to confirm the trustworthiness of others might create vulnerabilities, for example, when they seek to contact a higher-level leader, by travel in person or by electronic means, to gain such confirmation.

Efforts to prevent and punish any kind of crime should take into account the basic organizational structures of the activities they target. Here too there are important differences between drug dealing and terrorism. Drug distribution is highly atomistic. Between production in Colombia and sale on the street, cocaine passes through a half dozen or so arm's-length transactions between people who may know very little about each other.⁴ At all market levels below the very top, few organizations cover large geographic areas, any given city will have multiple operations, and most participants have redundant potential transaction partners (i.e., could buy from, and sell to, more people or organizations than they currently do business with). Hence, drug distribution networks are resilient precisely because they are networks, not monoliths or hierarchies. Individual nodes are expendable, because there are multiple paths through the network from source to customer, and new branches are created constantly.

However, an open organizational pattern also creates opportunities for law enforcement. For example, drug dealing organizations are sometimes in violent competition for markets and customers, and dismantling one such organization benefits others. Enforcement can take advantage of this, either by getting one group to inform against another or by making intergroup or intragroup violence the target of investigative efforts. There is in general no comparable incentive for different terrorist organizations or cells to interfere with each other; within the same general movement, they may even cooperate.

Terrorist organizations are more vertically and horizontally integrated than drug distribution networks.⁵ Given this integration (although the “new” terrorist organizations may have more of a network structure and may thus be more resilient than the terrorist organizations of the 1970s and 1980s), enforcement activities might take as a useful model traditional organized crime enforcement, rather than drug enforcement. A prime example is that of the families of La Cosa Nostra (LCN); their capacity to extort and to corrupt was unique and could not be duplicated by others, even if specific pieces of illicit business, say, loan-sharking, were taken over by other enterprises. Although law enforcement prosecuted people for labor racketeering, gambling, prostitution, drug dealing, and the like, it was not aimed at those illicit industries, but rather at a small list of organizations, each with a finite, though changing, list of members. The anti-drug effort has led to no better than a standoff. By contrast, the organized crime enforcement effort has been an overwhelming success. There is no place in the United States today where La Cosa Nostra is a significant fact of social, economic, or political life; no other group has filled the niche the Mafia once occupied. The country is clearly better off without its loan-sharking, drug-dealing, and prostitution linked to a cluster of organizations with

important connections to politics, organized labor, and licit commerce, wielding significant corrupt influence over local enforcement agencies.

While a variety of other changes, notably legalized gambling and trucking deregulation, contributed to the process, enforcement and prosecution efforts started by Robert F. Kennedy, in the past quarter-century, deserve a substantial amount of credit. The successful effort to crush the Mafia provides lessons, both encouraging and cautionary, for counterterrorism efforts. It shows both the feasibility of eradicating a set of organizations designed to be enforcement-resistant and some of the hard-to-achieve agency characteristics that such a success requires.

When Kennedy, as attorney general, decided to make La Cosa Nostra his target, he created a career-service organized crime prosecution effort, reporting administratively to the criminal division in Washington, D.C. rather than to the semi-independent U.S. attorneys's offices, each headed by a presidential appointee (usually one with political connections and often one with political ambitions). The prosecutors in the Organized Crime and Racketeering section's city-based "strike forces" had both the patience to make long cases and, after a while, the trust of the investigators who worked with them. Cases began to be planned from the beginning, with investigative effort targeted on the elements that would have to be proven at trial. The goals were to put the leadership of each "family" behind bars and to challenge the mob's control of key institutions.

Success was slow at first. New statutes, such as the Racketeer Influence and Corrupt Organizations (RICO) law, and new administrative mechanisms, such as the Witness Protection Program (designed to overcome the Mafia's well-earned reputation for taking revenge on informants), took time to develop and implement. But no one in the organized crime effort

needed to run for anything; they could afford to wait. As more and more high-ranking mobsters went to prison for long terms, and once informing was no longer perceived as a death sentence, Mafia figures began to form informant relationships with investigators as potential lifelines, spreading distrust even among “made” members. Eventually, family-by-family, the mob cracked under the pressure.

The organized crime enforcement story is not a uniformly cheerful one. Both the Constitution and the ethics of investigation were from time to time stretched to the breaking point, and sometimes beyond. In at least one case, the exclusive focus on the Mafia led to the formation of an unsavory relationship between the organized-crime investigators in one FBI office and a non-Italian crime "family" that was much more powerful, both criminally and politically, than the rather insignificant LCN group it was informing against. But the bottom line is that the Mafia, a major institution in American life from the 1920s through the 1960s, has become more or less a fossil.⁶

One major difference between the organized crime enforcement effort and any campaign that might plausibly be mounted against terrorism is that La Cosa Nostra was almost entirely domestic; this made its activities and leadership vulnerable to domestic law enforcement. In contrast, al Qaeda’s operations are largely international, and therefore less vulnerable to purely domestic enforcement. However, the dismantling of the Medellin cartel also offers a basis for optimism with respect to the elimination of international terrorist organizations. After the Medellin group assassinated Colombia’s leading presidential candidate in 1989, the central government, with U.S. assistance, was able, over a three-year period, to capture or kill all its leaders. While cocaine and heroin production continue in Colombia, the capacity of drug

organizations to contend for political power in Colombia has not been reproduced. This suggests that eliminating al Qaeda, for example, might have lasting value.

Incapacitation and Replacement

The criminal justice system is customarily thought of as affecting crime rates in three ways: through deterrence — making crime so unprofitable that criminals pursue other activities; rehabilitation — reforming convicted offenders; and incapacitation — physically separating offenders from potential victims, typically through incarceration. However, experts and the public alike have largely lost faith in the effectiveness of deterrence and rehabilitation against crime, so the focus is increasingly on efforts to incapacitate⁷ However, the supply of drugs is little affected by incapacitation, because incarcerated offenders are easily replaced.⁸ Although incapacitation may be somewhat effective with “predatory” crimes, such as burglary, the incapacitation effect of imprisoning a drug dealer is close to zero. Even high-level drug dealers and entire dealing organizations have proven to be replaceable, with at most, a brief interruption of supply.⁹ As long as there are drug buyers, the financial rewards of supplying their drugs will attract new organizations to replace the old. The new organizations may not be as efficient as the ones destroyed, but the differences, in terms of drug prices and availabilities, are small.

There may be much more promise in the removal of a relatively small number of terrorists, especially when it comes to suicide operations. Despite its ample funding, over the past decade al Qaeda has mounted no more than one successful operation every year or so.¹⁰ Nor is there a “demand” for terrorist acts in the sense that there is a demand for heroin, so there is no mechanism that automatically replaces terrorists, in the same way the market replaces drug retailers.

The focus on specific individuals and organizations that has proven futile in reducing the supply of drugs might well be more effective in controlling the level of terrorist activity. “Brand names” and organizational identity may be more important to terrorism than they are to drug dealing. Both voluntary fund-raising and extortion for the benefit of terrorist organizations rely on donors’ perception that the organization is one that they support or that they fear; in contrast, cocaine consumers and lower-level dealers are largely indifferent to the provenance of the goods they purchase.

In efforts to constrain drug dealing, the limiting factor is the capacity to incarcerate the numbers involved, not the ability to arrest.¹¹ More than one million Americans sold cocaine in the last 12 months; imprisoning all of them would be extraordinarily expensive.¹² By contrast, locking up all of the individuals in the United States who are working to commit lethal terrorist attacks would put no strain on the prison system. The problem is catching them.

If enforcement aims to make carrying out an activity impossible, rather than merely punishing one group of perpetrators, it must somehow destroy a resource that cannot easily be replaced. No resource in the drug area seems scarce enough; organizational capacity, drugs, and the willingness to take risks to produce, smuggle, and sell them have all proven to be replaceable. Terrorism may be different in this respect. The requisites for a successful terrorist operation seem to be: knowledge of how to create damage, or ingenuity in developing new methods of doing so; access to the requisite material means; a supply of operatives willing to kill and perhaps to die; the ability to raise money and move it around internationally; an organization capable of putting these requisites together to carry out operations across borders; and motivation, either intrinsic or extrinsic.¹³ The combination of these factors might prove hard to reproduce; if so, a terrorist group dismantled by enforcement might not be replaced. Thus

incapacitation efforts could prove more successful against terrorism than against crimes such as drug-dealing.

Control of Sources Outside U.S. Borders and Interdiction at the Borders

Offshore production locations are an important resource for cocaine and heroin production. This has generated hopes of eradicating the drug problem at its source, but production locations are hard to shut down and easy to replace.¹⁴ The number of viable source countries for terrorism may be smaller than for drugs.¹⁵ That concentration allows for better targeting of enforcement; there is less scope for the “production” of terrorism to move from one country to another to avoid enforcement pressure.

Neither drug production nor recruiting and training terrorists requires much acreage or a special climate; they can be done almost anywhere. What is required is some degree of support or least tolerance by the local government such as,

- actual state sponsorship of specific acts, such as Libya and the Lockerbie bombing;
- state aid and support for organizations that operate elsewhere, such as Iran and Hamas;
- allowing fund-raising, as with al Qaeda in Saudi Arabia;
- allowing operations or bases within national borders, whether by policy, as with Afghanistan and al Qaeda, or due to weakness, as in Somalia.

State sponsorship of terrorism takes all of these forms. For illegal drugs, the most common scenario is the last, in which a country passively allows trafficking within its borders, because the local government is too weak, too corrupt, or too besieged by other priorities to take effective

action to prevent it. Even growers of drug crops require only that the source country's government be weak, not that it provide direct support for drug cultivation. Corruption may be necessary, but this is hardly a scarce resource: so many nations offer systemic corruption that the drug industry is moderately mobile internationally. Opium production and heroin manufacturing in Colombia, for example, grew very rapidly in the 1990s; distribution channels moved quickly from Thailand to Burma in the 1980s in the face of growing Thai enforcement pressure.

Recruiting and training terrorists often benefit from the acquiescence or even complicity of host governments, not just their weakness. However, after the US-led coalition's invasion of Afghanistan fewer countries may be willing to offer such protection.¹⁶

The military assault on the Taliban underscores another difference between international counterdrug and counterterror operations. U.S. drug law enforcement must respect the sovereignty of other countries (the invasion of Panama in 1989 to remove General Noriega notwithstanding—this seems to have been more an effort to remove a particularly repressive dictator that was rationalized by drug charges, than it was a drug control operation). In contrast, however, the foreign-supported killing of civilians on U.S. soil is perceived as justifying an entirely different level of response.

Comparisons to counterdrug policy are more useful with regard to border interdiction, which has been a central component of the drug control effort. Interdiction has driven smuggling out of the hands of amateurs and into the hands of professionals; it also maintains a differential between the price of drugs overseas and those sold in the United States that is enormous compared to conventional transportation costs (the price for a kilogram of cocaine as it travels from Bogotá to Miami increases by \$15,000, while Federal Express might charge \$100 to ship a

package of that weight between those two cities).¹⁷ However, border interdiction has not succeeded in shrinking the availability of cocaine and heroin in the United States. Similarly, while border control is likely to play a supporting role, it will not play a key role in helping reduce terrorism risks for the United States.

Terrorism, like drug dealing, often involves a flow of criminals and materials across international borders—locations at which the government has unique legal powers of investigation and apprehension. However, the sheer numbers of people and vehicles crossing those borders makes the interdiction problem one of finding a few needles in many haystacks. The difficulty of that problem varies depending on the source country; the greater the legitimate flow, the harder it is to detect the criminals or the contraband they conceal. The United States has more residents from Colombia than from any other South American nation, and a substantial licit import trade from Colombia; thus a Colombian drug trafficker does not stand out from the background of Colombian-born legal visitors, permanent residents, and naturalized citizens, or a shipment of Colombian cocaine marked "coffee beans" from the background of actual coffee imports. Traffickers or drug shipments from, say, Bolivia would be much easier to detect, because they would be a larger fraction of the total traffic.

A similar problem arises with "dual-use" materials, whether it is the type of fertilizer used to make the Oklahoma City bomb or box-cutters and airliners turned to lethal uses on September 11: the threat does not stand out from the background. On the order of 300–400 metric tons of cocaine, and some multiple of that amount of marijuana, enter the United States each year. Those quantities are a tiny, tiny fraction of the corresponding numbers for legitimate commerce, and that is what makes interdiction so difficult. About 25–40 percent of cocaine shipments are seized; heroin is more compact and therefore easier to hide, thus its seizure rate is closer to ten

percent.¹⁸ The constant development of new technologies for detecting drugs has been countered by improved smuggling technology. It is hard to estimate what fraction of drug couriers are caught. It may be quite large, but only because each individual makes so many trips; the probability of getting caught on any one entry into the United States is very small.

The problem is clearly even greater for terrorism control at borders. It is harder to find a kilogram of heroin than a ton of marijuana, and harder still to detect lethal quantities of toxins and infectious agents. Thus searches based on specific intelligence, not just random searches, become correspondingly more valuable. At the same time, the stakes are much higher: “leakage” rates that may be acceptable for drugs are far too high for terrorism. Stopping 90 percent of the drugs entering the United States would be a spectacular success, but letting through even ten percent of terrorists or materials for major terrorist acts could be a disaster.

This pessimistic assessment does not imply that border interdiction has no useful role. Besides forcing the use of more difficult and expensive smuggling techniques, thus shutting out amateurs, interdiction creates two different vulnerabilities for criminals. One is that the material itself might be seized. For drugs, this rarely matters much, since, as we have explained, the material is cheap and replaceable. Even with seizure rates of 25–40 percent, cocaine keeps flowing in at prices that, while high compared to legal drugs such as tobacco and alcohol, and to refined agricultural products that are legal such as sugar, are still low enough to retain a mass market. Many potential terrorist materials are likely to be similarly replaceable, although others, such as fissile material, may not be, nor are individuals who are trained and committed to terrorism, who are surely harder to replace than drug couriers.

The other vulnerability that smuggling creates for terrorists and drug dealers is that shipments may be traced to their senders or recipients, which puts the personnel of the operation at risk of arrest. This tends to be the more important risk of the two from the perspective of drug dealers, and may prove so for terrorists as well. But tracing a shipment to its recipient often involves letting the delivery be consummated; the fault-intolerant climate of anti-terror efforts makes such “controlled deliveries” much more troublesome where terrorist materials are involved than it is for drug shipments.

Financial Investigation and Control

International terrorism and drug dealing both involve moving money around, but the sums are of entirely different orders of magnitude. The September 11 actions are estimated to have cost only about half a million dollars, which is roughly nine minutes’ revenue in the U.S. cocaine market. The direction of flow is also different. Money in the drug business all moves up: first from the customers to low-level dealers and then up the domestic supply chain; eventually some of it goes to overseas suppliers. Money sources and flows in the terrorism business are more complicated, and the foot soldiers are more likely to receive money from above than to send it up the chain.¹⁹ These transactions will require new approaches in criminal financial investigation.

For drug traffickers, paying fees to money launderers or even losing an occasional bank account, is just a cost of doing business. But moving money also creates vulnerability to investigation.²⁰ Money laundering investigations are even more useful for their potential in catching major figures (as described above with regard to the Mafia) than for the actual financial penalty represented by the cash and property seized.

It is not clear whether the same is true for counterterrorism operations. The half-million dollars estimated for the September 11 operation is less than one-quarter of one percent of al Qaeda's estimated financial resources. On the other hand, not every would-be terrorist leader inherits as much money as Osama bin Laden. Terrorism *per se* expends rather than makes money, so at least for individuals or cells isolated from such central bank accounts, money could become a resource constraint.

The other half of the financial crimes aspect of the counterterrorism effort is preventing fund-raising for terrorist operations, both in the United States and abroad. Again, this has no direct parallel in drug investigations.

What is clear is that if drug traffickers had the incentive to fund terrorists, they have the financial wherewithal to do so. Most drug traffickers are apolitical, being more interested in making money than advancing a political agenda. But some terrorist organizations clearly can and do resort to drug trafficking to fund their politically motivated operations.²¹ Concerns about "narco-terrorism" have been discussed by analysts and policymakers for at least fifteen years.²² While drug revenues may be important for terrorists, terrorists are unimportant for drug trafficking, simply because there are relatively few of them. Moreover, they are, certainly from the U.S. point of view, not located in dangerous places: neither Colombia nor Mexico, which account for the vast majority of U.S. drug imports, have much involvement in international terrorism. Keeping drug revenues in the hands of old-fashioned greedy criminals rather than criminals with an anti-U.S. political agenda would be desirable, but to what extent drug enforcement could be crafted to this end is a question yet to be explored.

Coordination and Organization

Counterdrug and counterterrorism efforts alike transcend jurisdictional and organizational boundaries, which make coordination and organization of efforts important to their overall success. The coordination challenges have proved substantial for drug control and are likely to be even greater for terrorism control, because terrorist organizations cross jurisdictional boundaries even more than individual drug organizations do. No one international drug organization operates in more than a handful of countries, and no domestic drug organization operates in more than a handful of cities. The geographic reach of the al Qaeda organization is far greater than that of any drug organization. During investigations of drug operations that span local jurisdictional boundaries, joint federal-local task forces have been created to pool information; something parallel but more ambitious may be needed to pool counterterrorism information effectively.

U.S. anti-drug efforts involve more than a score of federal agencies, as well as uncounted state and local agencies. At the federal level alone, there are significant efforts by the Bureau of Prisons, the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), the Customs Service, the Coast Guard, the Defense Department, the Education Department, the Department of Veterans Affairs, and the Substance Abuse and Mental Health Services Administration; each of these nine agencies each spends more than a half billion dollars a year on anti-drug efforts. The CIA operates a major intelligence center but there are no estimates of how much it spends.

The problem is larger than just coordinating the 18,000 law enforcement agencies within the United States.²³ Effective drug control requires international collaboration. There have been some successes in international cooperation on drug enforcement, such as the dismantlement of the Italian Mafia heroin operations during the 1980s and 1990s.²⁴ However, those collaborations

have involved stable and strong governments, which is not typical of those that serve as hosts for terrorist organizations.

The problem extends beyond coordinating investigative agencies. Terrorism, like drugs, is a crime problem, but it is also much more than a crime problem. Whereas the United States views drugs largely as a crime problem, other countries view it more as a public health problem.²⁵ It is both, and also involves educational agencies (e.g., for drug prevention), diplomats, the military, housing authorities, and many other agencies.

Coordinating either drug control or terrorism control is further complicated in the United States because it spans so many levels, as well as, functions of government.²⁶ Sellers of drugs that evade federal interdiction efforts are arrested by the city, prosecuted by the county, and imprisoned by the state. Children in local housing authority projects may do poorly in city schools if their addicted parents fail at the federally-funded, county-contracted treatment programs that are run by non-profit agencies. The range of jurisdictions and agencies involved is similar for terrorism: the failure of more than a dozen federal intelligence agencies to detect a plot to circumvent Federal Aviation Administration security procedures implemented by private contractors at municipally operated airports resulted in the seizure of commercial airliners that crashed into commercial and government buildings that were national icons. The first responders to the resulting disasters included city, county, state, federal, and non-profit emergency response teams.

The Office of National Drug Control Policy (ONDCP) was created in 1989 with an announced mission of giving coherence to U.S. anti-drug efforts. The office has a number of resources: a director with cabinet status, the central role in promulgating an official National

Drug Control Strategy, and statutory authority to “certify” agency budgets as adequate to the needs of that strategy, as well as to propose mid-year reallocations of resources within and across agencies, and management of a performance indicator system.

The ONDCP’s budgetary authority is, however, much weaker than it appears. The power apparently offered by the budget reallocation authority is virtually unusable: not only would using it start a war with the agency involved, in which the OMB Director and the President would have to back the ONDCP director, but in most cases it would require the approval of the chairs and ranking members of the relevant appropriations subcommittees.

The National Drug Control Strategy is, as a practical matter, developed by a process of inter-agency negotiation that essentially gives the agencies a veto over anything they find objectionable. Little as it is able to influence federal spending, the ONDCP has even less control over the actions of state and local governments, even when federal dollars are being spent. Thus, the ONDCP director must rely primarily on the “bully pulpit” offered by the office, but this approach is only intermittently successful.

These cautions are all likely to apply to any “homeland defense” agency. The budget process and the difficulty of influencing the actual behavior of any agency from outside will drastically limit the actual power of any homeland defense entity. Former Governor Tom Ridge, the Secretary of the Department of Homeland Security, will not be a czar, any more than the drug czar; czardom is not consistent with the way the federal government operates, either in the executive branch or the legislative branch. Thus ONDCP does not offer a practical model for the coordination of the U.S. counterterrorism effort.

Rather than creating a homeland security office whose primary mission is coordination, after the pattern of the Office of National Drug Control Policy, the President has created a unit that combined coordination with substantial operational capacity of its own, mostly by absorbing existing agencies (or pieces of existing agencies) into a new structure. This approach poses different challenges, but not necessarily less daunting ones.

Importing existing operational units means importing as well their existing personnel, organizational cultures and loyalties, and networks of relationships with clients, other agencies, and the legislature, how responsive the old units will be to the new superstructure is always an open question. Once combined into a new agency, existing units can be reorganized, but that poses problems of its own. The Drug Enforcement Administration, created in 1974 by combining elements of the Customs Service with the Bureau of Narcotics and Dangerous Drugs, remained divided for years between veterans of the two different units.

Moreover, the very sweep of the homeland protection mission guarantees that a new department will include only some of the relevant operational capacity. (For example, the Federal Bureau of Investigation remains outside the Department of Homeland Security.) That will complicate the efforts of Secretary of the Department of Homeland Security Ridge, who has operational authority to coordinate the efforts of units outside his immediate control; the functions of referee and team captain do not easily co-exist. The Director of Central Intelligence, for example, is in principle both the chief of an operating agency, the CIA, and the coordinator of the entire intelligence community, including units of the Defense and State

Departments. But the fact that the holder of that position is virtually always referred to as the “CIA Director” testifies to the extent to which he is identified with the agency he actually runs.²⁷

An alternative model would have the Congress appropriate large sums to the Department of Homeland Security, with the expectation that most of those sums would be transferred to operating agencies under interagency agreements executed at the discretion of its director. If Secretary Ridge truly had the ability to choose whether, say, \$100 million in counterterrorism law enforcement funding went to the FBI for investigations or instead to the Customs Service to strengthen border inspections, the agency could wield enormous power. But such authority would be virtually unprecedented, and there are strong reasons, arising from competition among Congressional committee and among agencies to doubt that it would be granted or that, if granted, it could be effectively wielded and retained over time.

Another approach to U.S. anti-drug efforts that might offer useful lessons for counterterrorism was the establishment of a distinct enforcement agency whose sole mission is counterdrug operations: the Drug Enforcement Administration (DEA). There is no analogous enforcement or intelligence organization dedicated to counterterror operations. The DEA is not small: its budget is \$1.7 billion for fiscal year 2003; it has a staff of 9,200, half of whom are special agents (i.e., criminal investigators with arrest powers), and it has experienced recent growth. Nevertheless, it represents only 18 percent of all federal domestic counterdrug enforcement efforts.²⁸ Predictably there have been coordination problems between the DEA and other agencies, including the FBI. The single-purpose character of the DEA means, among other things, that drug enforcement will not be entirely neglected when some other problem dominates public attention. The constancy of DEA's attention to the drug problem contrasts with the rapid

cutback in the Customs Service's counterdrug efforts as it shifted efforts to the counterterrorism mission after September 11.

Rhetoric, Media, and Communication Issues

Part of managing a public policy problem is managing public perceptions of the problem and associated control efforts. The rhetorical and political dynamics of the “war against drugs” have been problematic and offer some sobering cautions for the counterterrorism effort.

Counterdrug and counterterrorism measures have costs other than overt monetary expenditure, especially their impacts on civil liberties. Testing junior high school athletes for drug use may or may not reduce drug use; it certainly leads to more intrusions by the state in the lives of families and individuals. Counter-terrorism efforts are already affecting the ease of movement of non-citizens. The “war” metaphor encourages decisionmakers and the public to ignore those costs, because “there is no substitute for victory.” If the “war on terrorism” were indeed a time-limited campaign against existential threats from specific entities whose defeat could be clearly defined, that would be appropriate. Hence declaring war on the Taliban, for example, makes more sense than declaring war on terrorism.

There is a price to be paid if the U.S. government is not careful and precise in its rhetoric. For example, it cannot expect the media to be friendly forever. Journalists often prefer writing stories about how incompetent or corrupt the government is, rather than writing about how difficult the problem is that the government is facing. The media’s tendency to look for morality plays and formulaic coverage can hamper the government’s ability to take the right steps against terrorism, and this problem is only exacerbated by imprecise language. For example, the press

has already given a considerably mauling to ONDCP's rhetorical efforts in television and print advertisements linking that war against terror with the war against drugs by assertions that buyers of drugs are supporting terrorism.²⁹

Rhetorical contexts that reward “get-tough” soundbites at the expense of nuanced reasoning can lead to direct harms. For example, minor and peripheral players, such as drug couriers (“mules”) and providers of false documents, may be easier to capture than the kingpins (this is clearly so with drug dealing, in part simply because there are many more workers than kingpins). The danger lies in the temptation to ratchet up sanctions, inflicting disproportionate punishment on these minor figures. There are, likewise, peripheral players in terrorism, such as producers of counterfeit identification documents or bureaucrats who are bribed to issue licenses to transport hazardous waste. Increasing the punishment risk they face can have benefits if it deters them sufficiently to make their services hard for terrorists to acquire, or if it coerces them into offering useful information to law enforcement authorities. However, these benefits must be weighed against valid considerations of justice and cost, with recognition that as a practical matter these harms fall disproportionately on racial and ethnic groups who are minorities in the United States.

Conclusions

Here are the six lessons we draw from this analysis:

First, the enforcement problems are very different for the two campaigns, and therefore methods and ways of thinking drawn from the counterdrug effort cannot simply be applied to the counterterrorism effort. Drug dealers have customers; terrorists have supporters and victims.

Drug organizations are mostly anonymous and interchangeable, thus making the removal of any one or few number of limited usefulness. In contrast, terrorist organizations appear to be highly individual and may take a long time to replace, so that the removal of even one, such as al Qaeda, may make a large difference to the threat faced in the United States. The largely successful campaign against the American Mafia, (La Cosa Nostra) which dismantled a specific group of organizations, may provide many more useful lessons than the drug enforcement effort.

Second, in the absence of the virtually automatic replacement mechanism that frustrates drug law enforcement, both deterrence and incapacitation hold out substantial promise in controlling terrorism.

Third, border control, although it may be necessary and useful, is unlikely to play a major role in preventing terrorism. The counterdrug experience with interdiction is sobering: making U.S. borders impermeable to cocaine and heroin has proven impossible. In a free society with substantial international trade and tourism, “sealing” the borders is not practical. Permitting the continued smooth flow of commerce and traffic has taken priority throughout the “war on drugs.” Border interdiction is likely to be even less successful against relatively small numbers of terrorists and material that, in the wrong hands, can be dangerous even in tiny quantities, such as biological agents or radioactive material. Random, as opposed to intelligence-driven, searches may deter some amateurs but are likely to pick up little contraband.

Fourth, drug dealers need to launder the money that flows up from retail dealing to higher-level sources. Terrorists need to raise money and to distribute it down to operatives on the ground. Thus, while criminal financial investigation has a role in counterterrorism operations, that activity will not much resemble the financial aspects of counterdrug efforts.

Preventing terrorists from dipping into the rivers of drug money that flow around the globe (not nearly as great as rumored, but more than large enough to satisfy the relatively modest needs of terrorism) seems important, but the task of figuring out how to shape drug enforcement to disadvantage terrorist-linked groups remains before us.

Fifth, coordination problems are immense, and merely naming a “czar” is not a solution, as the experience of the “drug czar” illustrates. Neither controlling drugs nor controlling terrorism is primarily a criminal justice problem, and the agencies that must work together — criminal justice, military, public health, and others — are very different in mission and culture. The Secretary of DHS will need to be supplemented by new coordinating mechanisms, because the structure of the federal executive and legislative branches, and in particular the budget process, makes it virtually impossible for the head of any one agency to exert effective control over the activities of other agencies. The problems are only multiplied in attempts to influence the actions of state and local agencies (as well as private and voluntary-sector entities), even when those agencies and entities receive federal funds.

The rhetoric that gets the most applause from domestic publics today may not create the best long-term prospects for maintaining support for the anti-terrorism effort.

Table 1 summarizes the analogies between the “war on drugs” and the “war on terrorism,” and their implications.

Table 1. “War” on Drugs vs. “War” on Terrorism

Program/Function	Role in Counterdrug Efforts	Role in Counterterrorism Efforts
I. Demand side interventions Domestic investigation	Relevant Important, expensive, and frustrating	Not applicable Stronger parallel with organized crime enforcement than drug enforcement
II. Incapacitation	Usefulness is constrained by numbers and replaceability	No reason not to pursue with long sentences
III. Source country operations Interdiction at borders	Qualitatively different, so no conclusions drawn Useful but not decisive	Useful but not decisive Useful but not decisive
IV. Financial investigation and control	Useful but not decisive	Useful but not decisive[?]
V. Coordination	Extremely vexing problem	Problems even more severe

VI. Rhetoric	War metaphor and “tough-on-drugs” litmus test problematic	Choose rhetoric thoughtfully
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The problem of large-scale terrorism aimed at targets within the United States is new. It is much too early to judge how permanent that problem is: whether the September 11 attacks will eventually be seen as causing a significant increase in the domestic risk from such acts or will instead stand out like the Chicago fire of 1871 or the 1900 Galveston flood—not as a precedent but as a unique event. To some extent, that may be determined by the adequacy of the policy response. But there is no set of lessons from the “war on drugs” that can be used straightforwardly to shape policy against the new threat.

¹ Michael Massing, “Home-Court Advantage: What the War on Drugs Teaches Us about the War on Terrorism,” *American Prospect*, Vol. 12, No. 21 (December 3, 2001).

² Clarence Ray Jeffrey, *Crime Prevention through Environmental Design* (Beverly Hills, Calif.: Sage Publications, 1971).

³ Jonathan Caulkins, Gordon Crawford, and Peter Reuter, “Simulation of Adaptive Response: A Model of Drug Interdiction,” *Computer and Mathematical Modelling*, Vol. 17, No. 2 (1993), pp. 37–52. See also Ian O. Lesser, Bruce Hoffman, John Arquilla, David Ronfeldt, and Michele Zanini, *Countering the New Terrorism*, MR-989-AF (Santa Monica, Calif.: RAND, 1999).

⁴ Jack K. Riley, *Snow Job: The War against International Drug Trafficking* (Westport, Conn.: Greenwood Press, 1996).

⁵ John Arquilla and David Ronfeldt, *Networks and Netwars: The Future of Terror, Crime and Militancy*, MR-1382-OSD (Santa Monica, Calif.: RAND, 2001).

⁶ Peter Reuter, “The Decline of the American Mafia,” *Public Interest*, No. 120 (Summer 1995), pp. 89–99.

⁷ Peter W. Greenwood, C. Peter Rydell, Allan F. Abrahamse, Jonathan P. Caulkins, James Chiesa, Karyn E. Model, and Stephen P. Klein, *Three Strikes and You’re Out: Estimated Benefits and Costs of California’s New Mandatory Sentencing Law*, MR-509-RC (Santa Monica, Calif.: RAND, 1994).

⁸ Mark A.R. Kleiman, “The Problem of Replacement and the Logic of Drug Law Enforcement,” *Drug Policy Analysis Bulletin*, No. 3 (September 1997).

⁹ Peter Reuter, R. MacCoun, and P. Murphy, *Money From Crime: A Study of the Economics of Drug Dealing in Washington, D.C.* (Santa Monica, Calif.: RAND, 1990).

¹⁰ Yoram Schweitzer “The Bin Laden Principle,” The International Policy Institute for Counter-terrorism, on-line article series, (month?, 2001) <www.ict.org.il>.

¹¹ Jonathan P. Caulkins and Philip Heymann, “How Should Low-Level Drug Dealers Be Punished?” in Philip B. Heymann and William N. Brownsberger, eds., *Drug Addiction and Drug Policy: The Struggle to Control Dependence*, (Cambridge, Mass.: Harvard University Press, 2001), pp. 206-238.

¹² Jonathan P. Caulkins, “The Cost-Effectiveness of Civil Remedies: The Case of Drug Control Intervention,” in Jorraine Green Mazerolle and Janice Roehl, eds., *Crime Prevention Studies*, Vol. 9 (1998), pp. 219-237.

¹³ Bruce Hoffman, *Re-thinking Terrorism in Light of a War on Terrorism*, CT-182, (Santa Monica, Calif.: RAND, 2001).

¹⁴ Paul B. Stares, *Global Habit: The Drug Problem in a Borderless World* (Washington, D.C.: Brookings Institution, 1996).

¹⁵ The United States currently designates seven countries as state sponsors of terrorism: Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria. See Meghan L. O’Sullivan, “Dealing with State Sponsors of Terrorism,” in *America’s Response to Terrorism*, Analysis Paper No. 6 Brookings Institution (October 25, 2001), at <www.brook.edu/views/articles/osullivan/2001statesponsors.htm>. However, this does not mean that those designated are the only source countries for terrorism.

¹⁶ Daniel L. Byman, Peter Chalk, Bruce Hoffman, William Rosenau, and David Brannan, *Trends in Outside Support for Insurgent Movements*, MR-1405-OTI (Santa Monica, Calif.: RAND, 2001).

¹⁷ Jonathan P. Caulkins and Peter Reuter, “What Price Data Tell Us About Drug Markets.” *Journal of Drug Issues*, Vol. 28, No. 3 (1998), pp. 593–612.

¹⁸ Peter Reuter, “The Limits of Drug Control,” *Foreign Service Journal*, Vol. 79, No. 1 (January 2002), pp. 18–23.

¹⁹ Stefan Leader, “Cash for Carnage: Funding the Modern Terrorist,” *Jane’s Intelligence Review*, Vol. 10, No. 5 (1998), p. 36.

²⁰ Mark A.R. Kleiman, *Against Excess: Drug Policy for Results* (New York: Basic Books, 1992).

²¹ Michael A. Sheehan, statement prepared for the U.S. House Judiciary Committee, Subcommittee on Crime (December 13, 2000) See usinfo.state.gov/topical/global/drugs/00121303.htm.

²² Michael Satchell, “Narcotics: Terror’s New Ally,” *Newsweek* (May 4, 1987), p. 30.

²³ Kathleen Maguire and Ann L. Pastore, *Sourcebook of Criminal Justice Statistics 2000* (Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, Government Printing Office, 2001).

²⁴ Letizia Paoli, *Mafia Brotherhoods: Organized Crime, Italian Style* (New York, New York: Oxford University Press, forthcoming).

²⁵ Ministerial Council on Drug Strategy, *National Action Plan on Illicit Drugs: 2001 to 2002–03* (Canberra, Australia: Commonwealth Department of Health and Aged Care, 2001).

²⁶ Patrick J. Murphy, Lynn E. Davis, Timothy Liston, David E. Thaler, and Kathi Webb, *Improving Anti-Drug Budgeting*, MR 12-62-ONDCP/NSF (Santa Monica, Calif: RAND, 2000).

²⁷ For a devastating analysis of the design problems in national security management, see Amy B. Zegart, *Flawed by Design* (Stanford, Calif.: Stanford University Press, 2001).

²⁸ ONDCP, National Drug Control Strategy: FY2003 Budget Summary (Washington, D.C.: 2002), pp. 6-8.

²⁹ A. Trafford, "Second Opinion: Drug Users as Traitors," *Washington Post*, February 12, 2002, p. HE01.