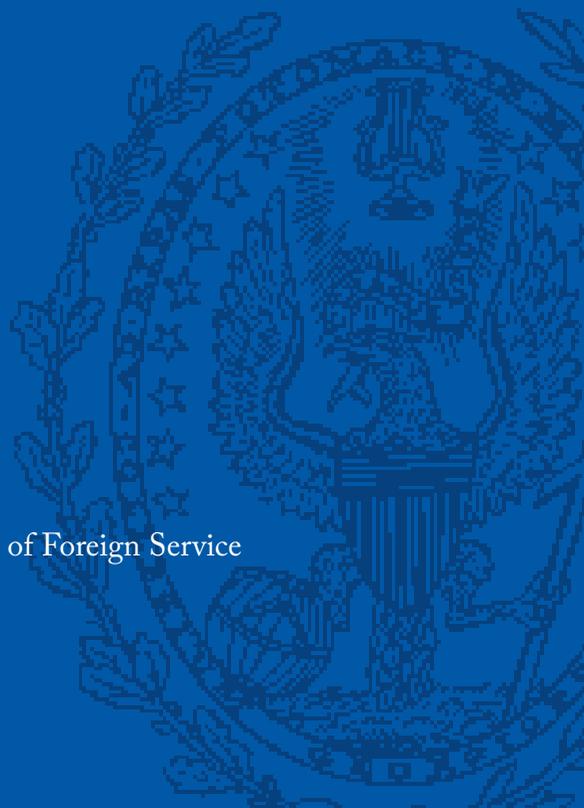


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GEORGETOWN SECURITY STUDIES REVIEW

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Note from the Editor

It is with great pleasure that we present the Georgetown Security Studies Review Volume 6, Issue 2. We hope you enjoy the new design as much as the contents within. Inside this Issue our authors explore a wide variety of security topics drawing upon a broad range of regions, functional areas, and history. Given the eclectic mix of articles, I am certain this publication will have something of interest for every reader.

I would like to thank the following for their support and guidance:

Dr. Keir Lieber
Annie Kraft
Jordan Moeny
Mariah Kim
Kathryn Owens, Georgetown University Press

Lastly this publication would not be possible without the efforts of our peer reviewers who worked very closely with the Editorial Board to produce the publication before you.

Best wishes,

Rebekah H. Kennel

Editor-in-Chief
August 2018

Trump's First Year: Analyzing the Trump Administration's Use of Drone Strikes as a Counterterrorism Strategy in 2017

Rebecca Malone

Drone strikes have been a key aspect of United States' counterterrorism strategy since the second term of the George W. Bush administration and increased in use during Barack Obama's terms in office. The Donald Trump administration continues to capitalize on previous administrations' counterterrorism strategies, increasing the number of strikes and expanding areas of active hostility to allow for quicker turn-around on decisions to carry out strikes. Counterterrorism strikes outside of active battlefields increased almost threefold from 2016 to 2017, with the United States conducting nearly 200 strikes outside of Syria, Iraq, and Afghanistan in 2017. While the Trump administration has bolstered its counterterrorism campaign, it has not introduced a formal counterterrorism strategy. A formal counterterrorism strategy is necessary to ensure that strikes successfully decapitate leadership and deter jihadist networks worldwide. Only by implementing a formal counterterrorism strategy can the Trump administration justify its use of strikes as an effective and valuable counterterrorism strategy.

Since President Donald Trump's inauguration in January 2017, the United States has conducted nearly 200 drone strikes against global jihadist networks outside of active war zones. Strikes outside of active war zones increased approximately 285 percent between 2016 and 2017, according to data from the Foundation for the Defense of Democracies (FDD).¹ This increase is a noticeable change in strike quantity and scope of the United States' counterterrorism operations from the Obama administration.

Under the Obama administration, military commanders could only authorize strikes in "areas of active hostilities." "Areas of active hostilities" is a term coined by the Obama administration in 2013 to identify areas where U.S. troops can operate with legal protections in places where war has not been declared.² Designating an area of active hostilities is not the same as declaring war, nor does it allow the president to bypass congressional approval governing U.S. troop deployments. The term was meant to limit the areas where the military could operate freely in expansive geographic conflicts like the global war on terror.

An area of active hostilities is essentially an area of undeclared war.³ Although there is no declaration of war, the laws of war

hold in these areas. It is particularly pertinent for operations involving air strikes from drones as well as manned aircraft, but it is also used when authorizing special operations raids. This is because "in an area of active hostilities, the military or the Central Intelligence Agency (CIA) would be able to make the call themselves about whether it was appropriate or not to release a weapon from a drone."⁴ Thus, designating an area of active hostilities would grant the military and the CIA the authority to launch a strike without having to go through the bureaucratic White House signing process, requiring a decision for a drone strike to be personally authorized by the Principal of the nominating operating agency, reviewed and approved by Principals and Deputies of the National Security Council, and then presented to the President for decision.⁵ While the Obama administration only designated Afghanistan, Iraq, Syria, and certain areas of Libya as "areas of active hostilities," the Trump administration expanded those Obama-era designations to include Yemen, Somalia, Pakistan, and the entirety of Libya.⁶

By expanding these Obama-era authorities, the Trump administration increased the United States' counterterrorism campaign in the Middle East and North Afri-

ca. This strike quantity and scope change of the drone campaign demonstrates a shift in the overall U.S. counterterrorism strategy to focus more on regions where the U.S. military does not have an active ground presence.

It is important to compare the United States' counterterrorism strategy and use of drones under the Obama and Trump administrations and analyze the objectives of the Trump administration's shift in strategy to determine the effectiveness of the Trump administration's strategy. There are no international laws or frameworks regulating the U.S. government's use of armed drones, whether in active combat zones or outside areas of active hostilities. The guidelines that are in place within the United States are largely the result of Executive decisions, such as President Obama's *Procedures for Approving Direct Action Against Terrorist Targets Located Outside the United States and Areas of Active Hostilities*. Therefore, the scope and scale of the program is left to the whim of the President.

As a result of the lack of guidelines in place, the increase of the frequency and scope drone strikes under the Trump administration is a hotly debated topic. Criticisms of the expansion of the program include the potential for increased civilian casualties, increased use of taxpayer money and resources, and the Trump administration's lack of a defined end goal. The Trump administration must address these critiques to justify its use of drone strikes and support the efficacy of these strikes over the long-term.

This paper will analyze the Trump administration's use of drone strikes as a counterterrorism strategy in 2017, identify the similarities and differences between the Trump administration's use of strikes and that of the Obama administration, address how drone strikes within the wider counterterrorism strategy for each administration, and analyze the effectiveness of the Trump administration's use of strikes. In doing so, this paper will assess the effectiveness of the Trump administration's overall counterterrorism strategy in degrading global jihadist networks and provide policy recommendations.

Strikes as a U.S. Counterterrorism Strategy

Since the second term of the George W. Bush administration, drone strikes have emerged as the United States' primary strategy in the global war on terror. The Bush administration introduced strikes as a method to weaken terrorism networks in ungoverned regions where U.S.-led ground operations were unfeasible due to the danger to personnel, the large scope of terrorism networks, America's relative lack of soft power in the Middle East, and the absence of willing governmental partners. The Bureau of Investigative Journalism, an independent and non-profit investigative journalism organization based in the United Kingdom, estimates the Bush administration oversaw 57 strikes, the majority of which took place in Pakistan's border region.^{7,8} The adoption of strikes allowed the United States to target jihadist organizations with minimal risk to American troops and became the United States' primary strategy to weaken terrorist organizations during the second-term of the Obama administration.

The Obama administration vastly expanded and normalized the use of armed drones for counterterrorism and close air support operations in countries outside active war zones (Yemen, Pakistan, and Somalia), carrying out over 500 strikes in its second-term alone.⁹ In a speech at the National Defense University in 2013, President Obama identified the primary strategy of his administration's counterterrorism operations as "a series of persistent, targeted efforts" with the objective of "dismantl[ing] specific networks of violent extremists that target America."¹⁰ The Obama administration adopted strikes as its primary strategy to undercut groups' abilities to communicate and train new recruits, reduce risks to U.S. military personnel, and result in less collateral damage than alternative tactics such as ground conflict.

First, drones degrade terrorist groups' communication networks and training programs. Daniel Byman highlights that, in order to avoid attracting drones, "al-Qaeda and Taliban operatives try to avoid using electronic devices or gathering in large numbers."¹¹ For example, instead of commu-

nicating using cell phones, terrorist groups such as al-Qaeda, the Taliban, and the Islamic State prefer to use human couriers to transmit messages between leaders and lower level operatives, therefore avoiding leaving a digital trail that could be traced to their locations. This, in turn, slows down communication between leaders and lower level operatives, limiting the organizations' effectiveness.

Second, strikes are less risky and costly than alternative tactics, such as raids and arrests. Byman acknowledges that raids, arrests, and interrogations can produce useful intelligence and are usually less controversial than lethal operations.¹² However, he argues that they are highly dangerous and inefficient in countries in which the United States has little support of the host government or in countries in which the host government exerts little or no control over remote areas, where jihadist networks often operate.¹³

Third, while strikes can cause collateral damage, unintentionally injuring and killing civilians as a result of poor operational execution and incomplete or erroneous intelligence, they result in fewer civilian casualties than ground conflict. The Pakistani and Yemeni militaries are known to regularly torture and execute detainees; indiscriminately bomb civilian areas; and use scorched-earth tactics to destroy militant groups' food sources, water supplies, transportation, communications, and industrial resources.¹⁴ In comparison, strikes provide a less brutal and more precise means of degrading terrorist organizations and decapitating network leadership.

Strikes have killed key leaders and denied terrorists sanctuaries in Pakistan, Yemen, and Somalia, with little financial cost, at little risk to U.S. forces at the tactical level, and with fewer civilian casualties than alternative methods.¹⁵ In documents gathered from Bin Laden's Abbottabad compound, the al-Qaeda leader wrote, "We could lose the reserves to enemy's air strikes. We cannot fight air strikes with explosives."¹⁶ The United States' drone campaign has impacted the operational capabilities of terrorist groups most committed to and capable of conducting attacks in America; therefore, it remains

a primary counterterrorism strategy to deter and degrade terrorist organizations throughout the Middle East and North Africa.

The Trump administration continues to capitalize on the Obama-era strike campaign, increasing the number of strikes and expanding Obama-era authorities to allow increased strikes outside of areas of active hostilities.

Methodology

This research is a quantitative comparison of the Obama and Trump administrations' deployment of drone strikes in the Middle East and North Africa. Through quantitative comparison, the paper determines how changes in the frequency and scope of drone strikes during the first year of the Trump administration have affected the global war on terror.

This paper analyzes data consolidated from the New America Foundation, the Bureau of Investigative Journalism, and the Foundation for Defense of Democracies. These non-profit organizations aggregate credible news reports of U.S. counterterrorism strikes to determine the total number of drone strikes carried out by the United States in Yemen, Somalia, Pakistan, Libya, among others. Data regarding the number of drone strikes and fatalities are estimates due to a lack of data available in the open press. This lack of data is a result of the sensitive nature of the U.S. drone program, which prohibits the government from publicly disclosing an official number of strikes as well as the unknown number of casualties.

For the purpose of this research, this paper looks exclusively at drone strikes conducted between 2013 and 2017. This specific timeframe was chosen because it encompasses the entire second term of the Obama administration and the first year of the Trump administration. By analyzing the second term of the Obama administration, the author examines trends in U.S. counterterrorism posture and compares Obama-era trends to up-front differences in Trump's approach to counterterrorism.

This paper exclusively analyzes drone strikes in countries that the Trump administration designated as "areas of active hostilities": Yemen, Somalia, Libya, and Pakistan.

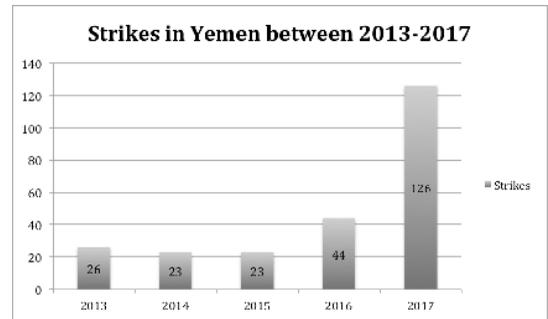
All of these countries were considered to be countries outside war zones under the Obama administration and required Presidential authorization to conduct drone strikes; however, the Trump administration expanded the areas of active hostilities to include these countries. As a result, these countries best illustrate the effects of the Trump administration's expansion of Obama-era authorities.

Strikes under the Trump Administration

During its first year, the Trump administration increased the number of strikes carried out as part of U.S. counterterrorism and counterinsurgency operations in the Middle East and North Africa.¹⁷ The Trump administration's bolstered counterterrorism campaign is most apparent in Yemen and Somalia, where the United States conducted a record number of drone strikes in 2017.

Under the Trump administration, drone strikes increased threefold in Yemen, a country that has been a target of the United States' counterterrorism campaign since the beginning of the global war on terror.¹⁸ Since 2002, the United States has used drones to target and kill al-Qaeda commanders based in Yemen.¹⁹ According to data collected by the FDD's Long War Journal, the United States launched 125 strikes in Yemen in 2017, more than the previous four years combined.²⁰ This demonstrates a shift in policy under the Trump administration to a more aggressive and forward-leaning approach. By increasing strikes in Yemen, the U.S. government seeks to decapitate leadership and disrupt the ability of al-Qaeda in the Arabian Peninsula (AQAP) to use ungoverned spaces in Yemen as a hub for terrorist recruiting, training, and base of operations to export terror worldwide. In addition to targeting AQAP, the United States expanded its strikes in October 2017 to target the Islamic State in Yemen (ISIS-Y), an emerging regional affiliate of the Islamic State.²¹ According to U.S. Central Command (CENTCOM) spokesperson, Lt. Col. Earl Brown, the parallel targeting effort of AQAP and ISIS-Y is required to prevent ISIS-Y, which doubled in size between 2016 and 2017, from "filling the vacuum left by a diminished

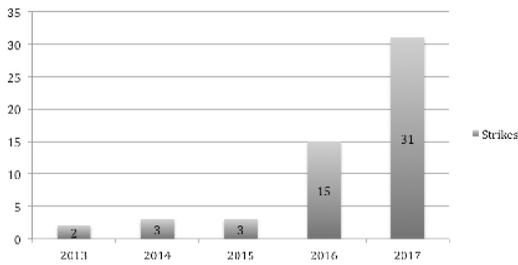
AQAP footprint or influence in the region."²²



Source: FDD Long War Journal²³

Likewise, under the Trump administration, drone strikes doubled in Somalia, a country that the United States has targeted for the past decade.²⁴ Since 2007, the United States has been conducting a program to target and kill al-Shabaab commanders and operatives based in Somalia. According to data collected by the FDD's Long War Journal, the United States launched 31 airstrikes in Somalia in 2017.²⁵ Like in Yemen, the total number of strikes in Somalia during the first year of Trump's presidency totaled more than the previous four years combined. The increase of strikes in Yemen and Somalia demonstrates the Trump administration's consistent commitment to targeting terrorist organization beyond active war zones in Syria, Iraq, and Afghanistan and reducing terrorist safe havens outside of these zones. Commander of U.S. Africa Command (AFRICOM) General Thomas D. Waldhauser said attacks on al-Shabab and ISIS militants "provide time and space for the gradual development of the Somali National Army, police force, and government." By targeting al-Shabab and ISIS militants in Somalia, the U.S. can reduce the number of militants operating out of Somalia, thus making it manageable for partners like the Somali military, law enforcement, and government to crack down on terrorism in the region.

Strikes in Somalia between 2013-2017



Source: FDD Long War Journal²⁶

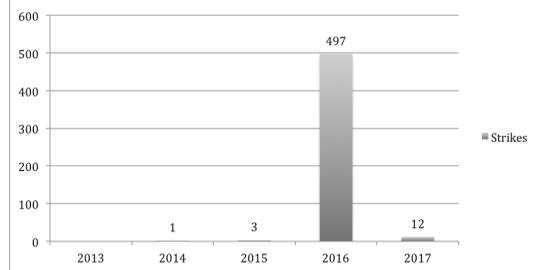
In addition to increasing counterterrorism operations in Yemen and Somalia, the United States bolstered its targeting of terrorists in Pakistan and Libya. Upon initial review, it appears as though the Trump administration decreased drone activity in Libya in 2017 relative to the final year of the Obama administration, as the total number of strikes fell from a staggering 497 to 12. However, these numbers are not an accurate picture of the United States' terrorism operations in Libya as all of the 497 strikes conducted in 2016 were conducted as part of Operation Odyssey Lightning. Operation Odyssey Lightning was the U.S. air campaign to recapture Sirte from the Islamic State in Libya (ISIS-Libya) in 2016. As part of the operation, President Obama designated Sirte as an "area of active hostilities" in August 2016.²⁷ This designation permitted a faster turnaround on strikes, allowing the military to conduct strikes without going through the bureaucratic sign-off process that the Obama White House required for other nations such as Yemen and Somalia. The intention of doing so was to swiftly and forcefully deny ISIS sanctuary in Sirte and force members to retreat. The designation was active until January 19, 2017.²⁸

The United States dedicated these military resources to targeting ISIS in Libya in an effort to reduce the territorial hold of the Caliphate in North Africa. The Pentagon had become increasingly alarmed over the growing strength of ISIS in Sirte, a city on the Mediterranean coast near Libya's valuable oil-producing operations. The objective of the four-month air campaign was to stop Islamic State fighters from retaining

the territory in Libya and successfully drove the Islamic State out of Sirte, enabling Government of National Accord (GNA) forces to recapture Sirte from ISIS-Libya in 2016. The Sirte operation will "serve as a model for future U.S. operations in the region," General Thomas Waldhauser, AFRICOM commander, told Congress in a March 6, 2018, testimony on military operations in Africa.²⁹

Aside from Operation Odyssey Lightning, the United States had not considered Libya an area of active hostilities under the Obama administration. In 2017, the Trump administration authorized the rest of Libya as an "area of active hostilities." Removing 2016 from the dataset due to the outlier of the Sirte offensive, strikes in Libya increased approximately 300 percent from 2015 to 2017 under the Trump administration. While the uptick in the number of strikes is small (three strikes in 2015 compared to 12 in 2017), it points to the threat that the Trump administration believes Libya still poses.

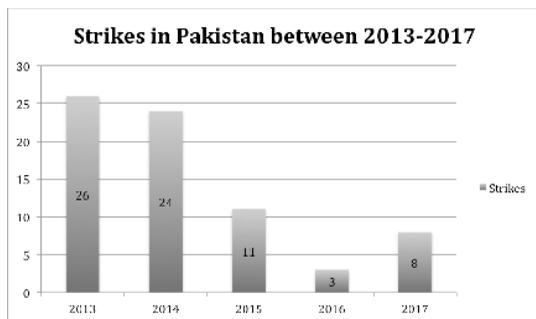
Strikes in Libya between 2013-2017



Source: FDD Long War Journal³⁰

Finally, Pakistan, a country that has been part of the United States' targeting strategy since the Bush administration, also saw resurgence in the frequency of drone strikes targeting jihadists in its country under the first year of the Trump administration. The United States carried out eight strikes in Pakistan in 2017.³¹ While this number pales in comparison to the strikes in Yemen and Somalia, it is a significant increase from counterterrorism strikes under the Obama administration, which carried out three strikes in 2016.³² Since 2004, the United States conducted a program to target and kill al-Qaeda and Taliban commanders based in Pakistan's ungoverned

northwest. The program has targeted top al-Qaeda leaders, al-Qaeda’s external operations network, and Taliban leaders and fighters who threaten both the Afghan and Pakistani states. The number of strikes increased during Trump’s first year in office despite a decline between 2013 and 2017. This decline during the second term of the Obama administration can be attributed to a decrease in terrorist related activity in Pakistan, as identified in the Global Terrorism Index.³³ The Global Terrorism Index is an annual publication by the Institute of Economics and Peace (IEP) and the National Consortium for the Study of Terrorism and Responses to Terrorism (START), which scores countries based on the total number of terrorist incidents in a given year, total number of fatalities caused by terrorists in a given year, total number of injuries caused by terrorists in a given year, and a measure of total property damage from terrorist incidents in a given year.³⁴ The Index scores each country on a scale from 0 to 10; where 0 represents no impact from terrorism and 10 represents the highest measurable impact of terrorism.³⁵ According to the Index’s 2017 report, released in November 2017, in Pakistan in 2016 “there were 956 deaths from terrorism; the lowest number in a decade.”³⁶ This is a 12 percent decrease from the previous year and a 59 percent decline from the peak in 2013.³⁷ The fact that the United States increased strikes in Pakistan in 2017, despite information from the Global Terrorism Index indicating that terrorist incidents decreased in 2016, demonstrates that the Trump administration sees terrorist networks in Pakistan as a continued threat despite the reduction in terrorist activity in the country over the past four years.



Source: FDD Long War Journal³⁸

Analysis

In every case, except Libya, the number of counterterrorism strikes in the Middle East and Africa increased under the first year of the Trump administration. This increase demonstrates a strengthened commitment by the United States to the 16-year-long global war on terror and a determination to eradicate networks of global jihadist networks outside of traditional battlefields. The Trump administration’s emphasis on expanding drone strikes outside Syria, Iraq, and Afghanistan signals a shift in counterterrorism strategy to focus on eradicating jihadist networks outside of Syria, Iraq, and Afghanistan.

The general increase in strikes during 2017 can be attributed to the expansion of Obama-era authorities that required a long sign-off process for strikes outside of areas of active hostilities, having to go from the Principal of the nominating operating agency, reviewed and approved by Principals and Deputies of the National Security Council, and then presented to the President for decision. Eliminating these steps of the sign-off process enabled military commanders to carry out strikes in Yemen, Somalia, Libya, and Pakistan without prior approval from the National Security Council and the President. In a December 2017 Bruce Hoffman offered a potential explanation for the Trump administration’s decision, explaining that “the operational loop in counterterrorism is very small, and you have to give the commanders on the ground the authority to act very quickly to take advantage of opportunities.”³⁹ In other words, the decrease in the number of steps in the process enables the Trump administration to carry out more timely strikes, thereby ensuring that commanders do not lose opportunities to strike HVTs and lower level operatives.

Second, this expansion makes sense from an operational perspective, as global jihadist groups operate without boundaries. Global jihadist cells exist in regions where the United States does not have troops on the ground. These groups particularly tend to operate in lawless areas without stable government enforcement or without U.S. troops on the ground. In these regions, terrorists

are more free to operate because they have no law enforcement to contend with. By increasing the geographic areas in which the United States can conduct drone strikes, the United States to better target terrorist networks operating in lawless regions where they have established safe havens, thus undercutting these groups' abilities to sustain.

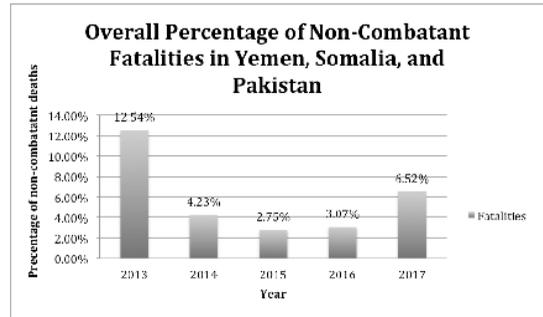
Despite these positive effects, critics of the United States' drone program remain. One of the primary arguments against increasing the scale and scope of the program is the concern that the lack of White House oversight will result in increased civilian casualties. Hoffman acknowledges that the Obama administration's track record left much to be desired.⁴⁰ Overall the course of its first and second terms, the Obama administration saw 5 percent non-combatant deaths in Somalia, 12.9 percent non-combatant deaths in Yemen, and 18.6 percent non-combatant deaths in Pakistan.^{41,42,43} Despite these numbers, the Obama administration saw a general decrease of non-combatant deaths in Yemen, Somalia, and Pakistan over its second term, decreasing from 12.54 percent non-combatant deaths at its highest in 2013 to 2.75 percent non-combatant deaths at its lowest in 2015.⁴⁴

The first year of strikes under the Trump administration did not demonstrate much improvement in minimizing non-combatant fatalities. While the Trump administration saw a decrease of non-combatant deaths in Yemen and Pakistan, a larger percentage of civilians died in drone strikes in Somalia in 2017 than the average over the Obama administration's second term. Overall, the Trump administration saw a percentage of 6.52 percent non-combatant deaths in Yemen, Somalia, and Pakistan in 2017. This number is up from the overall percentage of non-combatant deaths under the Obama administration in 2014 (4.23 percent), 2015 (2.75 percent), and 2016 (3.07 percent).

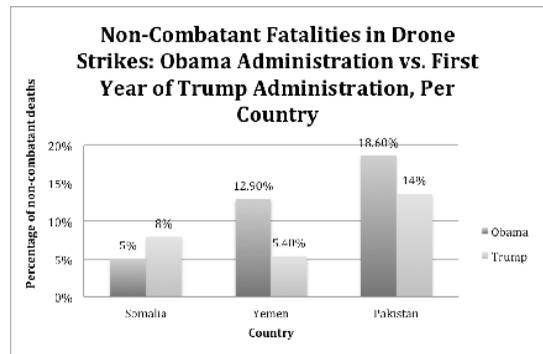
In order to demonstrate a significant difference in non-combatant fatalities, the Trump administration must perform better overall than the Obama administration overall. Ideally, the Trump administration should aim for less civilian fatalities each year until

the number is zero. By demonstrating substantial improvement over time, the Trump administration can redeem the poor reputation of the drone program earned as a result of the non-combatant fatalities incurred under the Obama administration's drone program.

According to Hoffman, "As long as commanders are doing everything within their power, especially with these new authorities, to restrict civilian casualties, then I think that [expanding authorities] is appropriate, but that pre-eminent requirement has to be first and foremost in their minds."⁴⁵ If the Trump administration is unable to reduce the number of non-combatants killed by drones, it cannot legitimize its decision to increase the frequency and scope of its drone program.



Source: The Bureau of Investigative Reporting⁴⁶



Source: The Bureau of Investigative Reporting⁴⁷

Finally, while the Trump administration continues to capitalize on the previous administration's counterterrorism campaign, it has yet to announce a formal counterterrorism strategy. In May 2017, after a draft strategy circulated among the press, Michael Anton, the National Security Council spokesman, announced that the Trump administration

would release a new counterterrorism strategy to the public in 2017.⁴⁸ However, as of June 2018, the administration has yet to publicly release a final version of its counterterrorism strategy. Without a formal counterterrorism strategy, the United States government is funneling taxpayer money and resources toward a major program with no end goal, failing to identify how the strikes will contribute to the end of the global war on terror.

Recommendations

In order to legitimize its use of strikes, the Trump administration must (1) ensure that strikes are carried out with minimal civilian casualties and (2) develop a formal counterterrorism strategy that identifies the objectives of strikes.

To legitimize the expansion of areas of active hostilities, the Trump administration must ensure that civilian deaths are minimized while also expanding authorities. If the Trump administration wants to legitimize its increase in authorities, it must consistently perform better than the Obama administration, ideally reducing the number of non-combatants killed in strikes to zero. To achieve this, commanders must be nearly certain that they have pursued the right target. In December 2016, the Pentagon revised its Rule of War manual, placing more emphasis on the need to reduce civilian casualties and avoid “excessive harm” to people and property when conducting drone strikes.⁴⁹ The revisions to the Rule of War manual require commanders to weigh any potential military advantage gained by an attack against the potential of civilian casualty and death.⁵⁰ This is one example of how the United States military is attempting to reduce the number of civilian casualties in drone strikes. However, for these revisions of the Rule of War manual to decrease civilian casualties, military commanders must actively enforce these standards. It is the Trump administration’s responsibility to hold commanders to these standards in order to reduce the number of civilians wounded or killed in drone strikes. Only by reducing the number of non-combatants injured or killed can the Trump administration bolster pub-

lic support for its drone program, support its continuation of the Obama administration’s strategy of choice, and increase the efficacy of the Obama administration’s drone campaign.

The Trump administration must also develop a formal counterterrorism strategy detailing the objectives of the administration’s increased use of strikes and expanded authorities. The Obama administration’s objective of “dismantl[ing] specific networks of violent extremists that target America” is not an achievable objective, as it does not address what the product of “dismantling” these networks looks like and fails to present a plan for how the United States intends to prevent the rise of a new wave of terror.⁵¹ To avoid these pitfalls, any Trump-era counterterrorism strategy must present a timeline for its strike campaign, a definition of victory to include the disbandment of jihadist groups in the Middle East and North Africa, and a plan for how the United States will prevent the emergence of a second wave of terrorism following the dispersal of al-Qaeda and the Islamic State.

Right now, the United States is funneling billions of dollars into a program with no foreseeable end.⁵² In order to successfully legitimize a surge in strikes, the Trump administration must ensure the American people that it is doing so with an end in sight. One way that the Trump administration could do this is by utilizing soft power to forge regional partnerships that support the United States’ counterterrorism operations. The number of drone strikes needed and timeline required to weaken terrorist networks is directly tied to the United States’ ability to garner support from partner countries in the region. With help from partners willing to contribute to fighting terrorism in their home countries and prevent terrorism from spilling through their neighboring borders, the United States can reduce the amount of time and resources that it dedicates to terrorism in the Middle East and North Africa. With the help of partner countries in the region, the United States does not have to carry out operations single-handedly but, instead, can trust partners to contribute resources to weakening terrorist networks and prevent-

ing the further growth of terrorist networks.

Second, a counterterrorism strategy must define victory. For the past sixteen years, the United States has been fighting a global war on terror without a palpable definition of what victory should look like, agreed upon by all involved parties including the government, the military, and its allies. In the case of the global war on terror, the United States failed to define victory prior to engaging in war. The traditional notion of victory in war is defeating an enemy on a battlefield and forcing it to accept political terms. However, the global war on terror is untraditional because the United States and its allies have been fighting an ideology – Islamist extremism – for the past sixteen years. Victory will come when political changes erode and ultimately undermine support for the ideology and strategy of those seeking to harm the United States.⁵³ The United States will know when it has reached this state when terrorist networks are unable to plan, inspire, and orchestrate attacks against the United States and its interests. By using drones, the U.S. is able to degrade terrorist networks to include their communications and training and decapitate leadership, thereby impeding operational capabilities of the networks and deterring future actions with the threat of further violence and chaos.

Third, and most importantly, an American counterterrorism strategy must outline a course of action after victory is achieved in order to avoid a power vacuum and prevent a new wave of terrorism. The disbandment of global jihadist networks has the potential to leave a power vacuum in the Middle East and North Africa, which allowed these groups to emerge in the first place. Therefore, the United States must determine how it will engage and work with local governments and tribes to prevent these groups from metastasizing, like the Islamic State did in 2014. In doing so, the United States can ensure that it has competent partners in the region that are prepared and committed to fighting terrorism within their borders. The manner in which the war on terror is fought, public messaging, and developments on the ground in these countries are important in order to forge strong part-

nerships and ensure that local governments and tribes have structures in place to prevent the spread of terrorism within their borders.

Unless drone strikes are integrated into a wider, long-term counterterrorism strategy with attainable and realistic goals, the Trump administration cannot ensure the efficacy of strikes in achieving an end to the global war on terror. Without support for the efficacy of these strikes over the long-term and a decrease in civilian casualties, the Trump administration cannot legitimize its decision to increase the frequency and scope of drone strikes and expand Obama-era authorities.

Conclusion

Aside from the expansion of areas of active hostilities, the Trump administration's counterterrorism strategy does not significantly differ from those of the Obama administration. If anything, the Trump administration's approach to counterterrorism is a more hawkish version of Obama-era counterterrorism operations. According to Brian Jenkins, Senior Advisor at RAND, "President Trump sees the military as his primary instrument of power, which he feels Obama unnecessarily constrained," and, as a result, the president has given increased latitude to his commanders.⁵⁴

While strikes remain an integral component of the United States' campaign to weaken and eradicate global jihadist networks, the United States must introduce a formal counterterrorism strategy that legitimizes the increase of strikes and increase of authorities. In developing a timeline, defining victory, addressing next steps, and identifying how the United States will fill the power vacuum in order to prevent the emergence of future terrorist organizations, the Trump administration can support the efficacy of drone strikes and legitimize its decision to continue the Obama-era counterterrorism campaign.

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The opinions expressed in this article are the author's own and do not reflect the view of the Department of Defense or the United States Government.

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Urgent Reasons to Modernize and Strengthen The Espionage Act and a Framework to Do So; A Comparative Study of Convicted Spies and Four Prominent Leaks: The Pentagon Papers, I. Lewis “Scooter” Libby, Chelsea Manning, and Edward Snowden

Paula A. Doyle

Foreign interference against the United States has increased and diversified in the 21st century. Beyond classical government-on-government espionage, it now includes sustained Russian efforts to manipulate and influence American viewpoints and democratic institutions; Chinese theft of US economic, trade, and proprietary data; and North Korean and Iranian cyber activities against critical US infrastructures, cultural icons, and news media outlets. These adversaries also harvest data from poorly-managed computer networks and US citizens who leak and mishandle classified information.

US counterintelligence officials, investigators, and prosecutors are expected to identify, monitor, gather evidence, and neutralize all of these threats in a timely manner, consistent with US laws and Supreme Court rulings. This paper explains how deficiencies in the Espionage Act have given spies, leakers, and officials who willfully have mishandled classified information an unfair advantage over investigators and prosecutors in their pursuit of the truth.

Russian interference in the US elections in 2016 is proof enough that Congress and the Executive branch need to develop and fund proactive, nonpartisan programs to educate and warn the public about foreign interference activities. Congress also needs to modernize the Act so that it reflects today's espionage methods; codifies stronger provisions against leakers; shields whistleblowers who use authorized channels to report waste, fraud, abuse and government overreach; and clarifies the definition of intent and its evidence standards. This paper provides a pragmatic framework to achieve these outcomes and argues that inaction is no longer a viable option.

Introduction

Foreign interference against the United States has increased and diversified in the 21st century. Beyond classical government-on-government espionage, it now includes sustained Russian efforts to manipulate and influence American viewpoints and democratic institutions; Chinese theft of US economic, trade, and proprietary data; and North Korean and Iranian cyber activities against critical US infrastructures and ill-prepared cultural icons and news media outlets. These adversaries also voraciously harvest data from poorly-managed computer networks and US citizens who leak and mishandle classified information at unprecedented rates.

US counterintelligence officials, investigators, and prosecutors are expected to identify, monitor, gather evidence, and neutralize all of these threats in a timely manner, consistent with US laws and Supreme Court rulings.

Officials count on clear and effective statutes, sufficient expertise and resources, and modern tools to help them succeed. Among their foundational tools is an increasingly outdated Espionage Act (the Act), last amended in 1970.

The Act prohibits Americans from aiding the enemy by spying, leaking, or mishandling classified information. It requires evidence of the actual crime and the perpetrator's intent, but it does not define intent or establish evidence standards. This paper explains why this ambiguity has given spies, leakers, and officials who have willfully mishandled classified information an unfair edge over investigators and prosecutors and their pursuit of the truth.

The effective conduct of US national security requires a lawful balance between strict secrecy, public debate, and narrow restrictions on free speech. For a variety of reasons, the most successful legal defenses under the Espionage Act have asserted First Amend-

ment rights. This paper highlights relevant cases the Supreme Court adjudicated between 1919 and 1971, describes how the Justices balanced national security responsibilities against free speech rights, and explains the Court's long-standing prohibition on free speech that presents direct, immediate, and irreparable harm to the Nation. It then raises several unique First Amendment challenges the government faced while prosecuting three prominent leaks between 2003 and 2014: *United States v. I. Lewis Libby*, *United States v. Army Private First Class Manning*, and *United States v. Edward J. Snowden*. These cases reinforced the applicability of the Court's 1971 legal standard, but each also exposed urgent and compelling reasons to modernize the Act.

While serving as the Deputy National Counterintelligence Executive for the United States between 2012 and 2014, the author directly oversaw the US Intelligence Community's official damage assessments resulting from the unauthorized disclosures of PFC Manning and contractor Snowden. She also worked with leaders across the Intelligence Community to warn policymakers about unprecedented levels of foreign interference by Russia, China, Iran, and North Korea. The US Congress and Executive Branch actively listened, monitored, and studied the rising consequences of foreign interference and US leaks, and they considered the impact of the unclear definition of intent and its evidence standards in the Act. Despite general agreement, neither branch was sure how best to modernize the law, especially navigating politically-charged shoals involving freedom of the press against evidence that at least some foreign intelligence services were using a variety of media outlets and journalists as their proxies.

The author asserts in this paper that prolonged inaction has emboldened leakers and America's most capable adversaries, and unclear evidence standards in the Act have unnecessarily hampered efforts to bring US spies and leakers to justice in a timely manner. Russian interference in the US elections in 2016 is proof enough that Congress and the Executive branch need to develop and fund proactive, nonpartisan programs to educate and

warn the public about foreign interference activities. Congress also needs to modernize the Espionage Act so that it reflects today's espionage methods; codifies stronger provisions against leakers; shields whistleblowers who use authorized channels to report waste, fraud, abuse and government overreach; and clarifies the definition of intent and its evidence standards. This paper provides a pragmatic framework to achieve these outcomes and argues that inaction is no longer a viable option.

Key Facts about the Espionage Act, Spies, Leakers, and Whistleblowers

The Act became law on 15 June 1917, two months after the United States entered WWI. Congress intended that it prohibit foreign interference with military operations or recruitment, thwart insubordination in the military, and restrict support to any US enemies during wartime. Congress amended the Act in 1918, 1921, 1933, 1940, 1961, and 1970, and it is now found under Title 18 (Crime) Chapter 37 (Espionage and Censorship) in the US Code (USC).¹

Few crimes are as serious as espionage. In order to prosecute someone under the Act, the government must present evidence of the actual crime (e.g., spying for a foreign power, leaking or disclosing unauthorized information, and/or mishandling classified information) and the perpetrator's intent to cause harm. The Act does not, however, define intent, nor does it spell out evidence standards. Procedurally, the Department of Justice (DOJ) has required equally hard evidence of the actual crime and the perpetrator's intent before considering moving a case towards prosecution.²

In practice, spies tend to conceal and obfuscate their intent. Spycatchers therefore tend to run lengthy and risky collection operations designed to catch perpetrators in the act of spying, arrest them, and then extract information to satisfy evidence requirements to prove intent. Spycatchers have argued for many years that lack of clarity on intent has slowed, impeded, interrupted, and even stopped vital investigations.³ In other words, spies have been able to spy far longer than necessary.

Three types of persons can be

charged and prosecuted under the Act: spies, leakers, and those who mishandle classified information. Sentencing may include disciplinary action, years in prison with provisions for parole, life without parole, and in some cases, the death penalty.⁴

For the purposes of discussion in this paper, foreign powers recruit US spies and direct them to gather, steal, and share specific types of information in a clandestine manner that leverages specific tradecraft practices. Foreign powers tend to seek exclusivity in their relationships with US spies. Spies know that they are causing harm to the United States, but many do not know the full extent of each harm. They are motivated to engage in espionage activities for multiple reasons that range from financial remuneration and disagreements with US policy to thrill and revenge.⁵ They face felony charges under the Act.⁶ Among the most harmful spies prosecuted under the Act have been Julius and Ethel Rosenberg (found guilty in 1951 and executed in 1953); Arthur, John, and Michael Walker (found guilty and imprisoned in 1985 and 1986); Aldrich Ames (pleaded guilty and imprisoned in 1994), Harold James Nicholson (pleaded guilty and imprisoned in 1997), and Robert Hanssen (pleaded guilty and imprisoned in 2002).⁷

Leakers, in contrast, can be self-directed or influenced and directed by others – especially journalists, bloggers, media outlets, and foreign intelligence services that pose as journalists or media outlets (also known as “proxies”). Leakers tend to gather classified information at work, copy and/or store it, and share it without authorization through contacts in the media or via the Internet. Leakers tend to be motivated by reasons that include fame, whistleblowing, crises of conscience, and mental stress.⁸ They face felony and/or misdemeanor charges under the Act.⁹

Those who mishandle classified information tend to fall into two categories: those who are negligent through sloppiness, inattentiveness, and sloth and those who are negligent for personal and/or political gain. Examples include losing a laptop that contains highly classified information, storing classified information in one’s home, and disclosing

classified information to an unauthorized recipient without prior permission. Misdemeanor charges can result in administrative disciplinary action, while felony charges can result in heavy fines and, in some cases, prison terms.¹⁰

Whistleblowers seek to shed light on activities that are illegal, unethical, or morally objectionable. This paper focuses only on US whistleblowers who hold security clearances and have access to classified information. They receive training on the proper handling of classified information, and they enjoy protections from prosecution when they report their concerns using procedures that are outlined by their department, agency, Inspector General, appointed Ombuds, company, members of Congress, and/or a wide range of Congressional Oversight Committees. Whistleblowers who fail to use authorized channels and go directly to the media or a foreign government lose their whistleblower status and become subject to misdemeanor and/or felony charges under the Act.¹¹

20th Century Challenges to the Espionage Act

The Act has been challenged in court multiple times since 1917, and the successful cases focused on the appropriate balance between national security, public debate, and free speech. Defense attorneys have argued that the Act permits the government to conceal activities and programs that may not be authorized by Congress, may not be consistent with American values and interests, may harm the American people, or may require more public knowledge, transparency, and debate. Prosecutors have argued that the government must have sufficient leeway to conduct classified, private negotiations with foreign governments and to manage classified national security and counterintelligence programs designed to protect and defend America’s sovereignty, alliances, economy, and its citizens. Both sides have posed valid points, and a review of relevant landmark Supreme Court cases helps explain how the Justices in the 20th century adjudicated these two vital pillars of American democracy.

The first tests to the Act came in

1919. By way of background, the US entry in WWI had caused deep divisions, especially among Americans with German ties. Charles Schenck was the General Secretary of the Socialist Party in Philadelphia. In that capacity, he oversaw the printing and distribution of 15,000 fliers to men who were about to be conscripted. The fliers urged them to assert their rights and not comply with the draft. Schenck was arrested on charges of violating the Act, and he countered that the government was violating his First Amendment rights to discuss the war effort. Around the same time, Jacob Abrams rented a basement to Russian emigres who printed fliers in protest against US interference in the Russian Revolution. He was arrested and charged with violating the Act. Like Schenck, Abrams argued that the government was attempting to restrain his First Amendment rights. These separate cases made their way to the Supreme Court in 1919.¹²

The Justices ruled in *Schenck v. United States* and later that year in *Abrams v. United States* that the Act did not violate either defendant's freedom of speech. That said, Justice Holmes, joined by Justice Brandeis, wrote a dissenting opinion in the Abrams case in which they rejected the notion that pro-Russian revolution leaflets posed a "clear and present danger" to the United States. Holmes cautioned that, "The best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out."¹³ These two cases showed the Court's early unanimous support for the government to restrict free speech on matters of national security. The *Abrams* case, however, showed initial signs by a minority of the Court that the Act needed prevent the government from restraining too much speech. The dissenting opinions would resurface and gain traction again in later Supreme Court cases.

Charlotte Anita Whitney was charged in 1920 with five counts of violating the California Criminal Syndicalism Act stemming from her membership in the Communist Labor Party. The court dismissed four charges but found her guilty of advocating criminal syndicalism. On appeal, Justice Brandeis wrote in

his majority concurring opinion in *Whitney vs California* in 1927 that, "[the Founders] believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly, discussion would be futile; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government."¹⁴ He cautioned that, "Fear of serious injury cannot alone justify suppression of free speech and assembly. Men feared witches and burnt women. It is the function of speech to free men from the bondage of irrational fears. To justify suppression of free speech, there must be reasonable ground to fear that serious evil will result if free speech is practiced. There must be reasonable ground to believe that the danger apprehended is imminent."¹⁵ Finally, he said, "If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the process of education, the remedy to be applied is more speech, not enforced silence. Only an emergency can justify repression...There must be the probability of serious injury to the State."¹⁶ This decision emphasized that the government could not restrict speech on communist ideology because it, in and of itself, did not represent imminent, serious injury to the Nation.

In 1951, fourteen members of the Communist Party in California were indicted under the Smith Act of 1939, which had outlawed speech that advocated forceful overthrow of the government or disloyalty among members of the military. The Supreme Court agreed to hear their case in *Yates v. United States* in 1957 and ruled that the government had failed to distinguish between mere advocacy of an abstract doctrine (protected speech) and advocacy for a specific illegal action (not protected speech).¹⁷ Building upon Justice Brandeis' 1919 and 1927 opinions, this decision reinforced that the First Amendment protected radical and reactionary speech unless it posed an imminent, serious threat to the State.

In 1969, the Supreme Court agreed to hear *Brandenburg v. Ohio*, in which a Ku Klux Klan leader made highly derogato-

ry comments at a rally. The Court ruled that “Freedoms of speech and press do not permit a State to forbid advocacy of the use of force or of law violation except where such [1] advocacy is directed to inciting or producing [2] imminent lawless action and [3] is likely to incite or produce such action.”¹⁸ This decision underscored that speech remains protected until the point when it is actually likely to incite unlawful action. This broad ruling applied not only to offensive speech, but to unlawful espionage and unauthorized disclosures.

The *New York Times* mounted the next landmark First Amendment defense in June 1971 after it published excerpts of classified, but dated, Department of Defense documents it had received from Daniel Ellsberg. They explained in considerable detail how the Truman, Eisenhower, Kennedy, Johnson, and Nixon administrations had misled the Congress and the American public, and how the US had secretly enlarged the scope of US involvement in the Vietnam War by bombing neighboring Cambodia and Laos.¹⁹ This case is often mischaracterized and misunderstood, and is worthy, therefore, of a deeper examination.

In 1967, Secretary of Defense Robert S. McNamara commissioned a comprehensive review of the US government’s role in Indochina between 1945 and 1968 that required the incorporation of top secret, secret, and unclassified sources. Daniel Ellsberg had served three years in the US Marine Corps, one year in the Office of the Assistant Secretary of Defense for International Security Affairs, and two years in Vietnam with the US State Department. He helped research and produce the report while serving as an analyst at the RAND Corporation. RAND and the Department of Defense finalized the reports in 1968. In 1969, Ellsberg became disaffected with the Vietnam War and, with the assistance of fellow RAND employee Anthony Russo, made several photocopies of the reports. The reports were to become known as the *Pentagon Papers*.²⁰

Throughout much of 1970, Ellsberg attempted to meet with and persuade anti-Vietnam War US Senators J. William Fulbright and George McGovern to release

the Top Secret papers on the Senate floor because they could not be prosecuted for doing so; both declined.²¹ Finding no authorized whistleblower avenues, he provided copies to the *New York Times* in March 1971. When it began publishing excerpts from the papers, the DOJ sought a restraining order to prevent their publication. Ellsberg then provided copies to *The Washington Post*. The DOJ succeeded in enjoining the *New York Times* from publishing further articles, but the District Court in Washington, DC denied the request. This uneven application of the law in two jurisdictions posed an immediate First Amendment issue. If the DOJ’s interpretation was correct, then *The Washington Post* was about to divulge grave national security information. If the restraining order against the *New York Times* was not justified, it was being subjected to unlawful censorship. The Supreme Court agreed to hear the case right away and rendered its judgment within two weeks.²²

The Vietnam War was of high public concern in 1971; the draft was still in effect and over 29,000 Americans had fallen in North and South Vietnam, Laos, Cambodia, China, and Thailand.²³ The *New York Times* argued that the First Amendment protected the American public’s right to know and understand its government’s policies on the Vietnam War. President Nixon’s Solicitor General, Erwin N. Griswold, argued against the publication of 11 specific items out of concern that doing so would cause a “great and irreparable harm to the security of the United States.”²⁴ He conceded that the government was slow to declassify older information and was willing to complete an expedited declassification review in 45 days.²⁵

Chief Justice Burger, with Justices Harlan and Blackmun, sided with the government. Justices Black, Douglas, Brennan and Marshall rejected the government’s claims. The swing voters were Justices White and Stewart. Both of their opinions assumed that real damage would result from the publication of the *Pentagon Papers*, but neither believed the government had met the heavy burden required to restrain publication - namely that of proving that the dated classified information present-

ed clear and immediate harm to the Nation.²⁶

Justice White suggested that the government pursue criminal prosecution of Ellsberg, *The Washington Post*, and the *New York Times* under 18 USC section 793(e), on unauthorized possession of a document relating to national defense, as well as sections 797 (on graphical representations of military bases), and 798 (on code and cryptographic information). This prosecution route, he argued, would not require prior restraint on the press.²⁷ Of note, the DOJ already had charged Ellsberg with conspiracy, espionage, and theft of government property under the Espionage Act and the National Security Act of 1947 (as amended).²⁸

Justice Stewart, joined by Justice White, then set a new legal standard for national security-based restrictions on freedom of the press. Drawing upon similar language provided by Justices Holmes and Brandeis in 1919 (*Abrams*), Justice Brandeis in 1927 (*Whitney*), Justices Warren and Harlan in 1957 (*Yates*), and Justice Brennan in 1969 (*Brandenburg*), Stewart and White said that for the government to restrict content-based disclosures, they must [1] surely result in direct, [2] imminent, and [3] irreparable harm to our Nation, or its people. They added that, "In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry - in an informed and critical public opinion which alone can here protect the values of democratic government."²⁹

Under the 1971 legal standard, the government failed to demonstrate that the classified documents dating from 1945 to 1967 presented a direct, imminent, and irreparable harm to tactical or strategic movements of US troops in Southeast Asia or to the homeland. Instead, the classification markings appeared to be covering up details the government did not wish the public to know, discuss, and discern. The Court's decision prompted the government to implement more rigorous classification and declassification procedures. As a postscript, in 1989 Gris-

wold acknowledged in an Opinion Editorial that the *Pentagon Papers* were an example of "massive over-classification" with "no trace of a threat to the national security...the [main] concern of the classifiers [was] not with national security, but rather with governmental embarrassment of one sort or another."³⁰

Ellsberg, meanwhile, still faced separate charges for theft, conspiracy, and violations of the Espionage Act. When evidence surfaced in 1973 regarding illegal wiretapping and break-ins against him and his psychiatrist, the judge declared a mistrial saying, "The bizarre events have incurably infected the prosecution of this case."³¹ All charges against Ellsberg were dismissed, not because he was found innocent or justified in stealing and leaking the classified documents, but because of gross misconduct by the Nixon Administration. We will never know how the courts would have ruled and adjudicated the charges against Ellsberg.

The 1971 and 1973 rulings, combined with the authoritative "Deep Throat" leaks to *The Washington Post* between 1972 and 1974 regarding the Nixon White House's direct involvement in the Watergate scandal, motivated and emboldened US journalists to seek out nontraditional and unsanctioned government sources in positions of access to classified and privileged information. The scales of justice tipped heavily in favor of unrestrained speech for the purposes of rigorous public discourse and holding the government accountable.

These events have led many Americans to believe, incorrectly, that free speech rights should prevail over national security matters. In reality, the 1971 Supreme Court ruling set a stronger legal standard that has proven to be enduring: "speech which presents direct, imminent, and irreparable harm to the Nation or its people is prohibited."³² The Court's ruling, in essence, summoned all Americans - regardless of occupation and public or private status - to exercise their free speech rights but to restrain speech that presents direct, imminent, and irreparable harm to the Nation. This ruling set expectations that the press would double check with the government before publishing classified information to determine if any of it presented these types of harm to the Nation.

Likewise, it demanded a timely and honest assessment from the government.

21st Century Challenges to the Espionage Act

The post-911 era offered new and uncharted First Amendment tests under the National Security Act, the Intelligence Identities Protection Act of 1982, and the Espionage Act. This section examines three cases. The first, involving I. Lewis “Scooter” Libby highlights unclear standards that applied to intent and the treatment of several senior officials who knowingly mishandled classified information (details follow). The next two cases explain how PFC Manning and NSA contractor Edward J. Snowden leveraged cyber technologies and broad, authorized information sharing practices to gather and steal approximately 2.2 million sensitive government files between 2010 and 2013; each mounted whistleblower and First Amendment defenses after sharing at numerous classified documents and files with US and foreign journalists and media outlets.³³ Snowden went one step further by fleeing to Russia, where he has been under the care, control, and custody of the Russian government since June 2013.³⁴ No one should doubt Moscow’s interest in extracting damaging information from Snowden in exchange for extending his asylum status. These case studies demonstrate why Congress and the Executive branch urgently need to strengthen and modernize the Act to reflect today’s espionage methods; codify stronger provisions against leakers; shield whistleblowers who use authorized channels to report waste, fraud, abuse and government overreach; and clarify the definition of intent and its evidence standards.

Case Study 1: I. Lewis “Scooter” Libby and Valerie Plame Wilson

On 6 July 2003, US Ambassador Joseph Wilson IV authored an Opinion Editorial in the *New York Times* contradicting the Bush Administration’s assertions that Saddam Hussein had tried to acquire uranium in the late 1990s from Niger, and questioned whether the Administration had manipulated intelligence about Saddam’s weapons programs

in order to justify the war against Iraq.³⁵ On 14 July 2003, journalist Robert Novak in *The Washington Post* characterized Valerie Plame Wilson, wife of Ambassador Wilson, as a Central Intelligence Agency (CIA) operative, thus effectively ending her career as a covert operations officer and placing at potential risk any number of persons who interacted with her while she conducted her national security missions.³⁶ The CIA filed an obligatory crimes report and asked the DOJ to open an investigation. When approached by investigators, *The Washington Post* and Novak invoked reporter’s privilege under the First Amendment.³⁷

Subsequent investigations led to the Chief of Staff to the Vice President, I. Lewis “Scooter” Libby, and to *New York Times* reporter, Judith Miller. The latter also invoked reporter’s privilege, but the *New York Times* did not. Miller refused to reveal her sources and spent 85 days in jail. According to Miller, she was released from jail on 29 September 2005 after a phone call with Libby. While under oath, she produced a notebook about her meetings with Libby on 23 June and 8 July 2003, the latter of which contained the name “Valerie Flame [sic].”³⁸ At the trial, the government stressed that Miller’s notes showed Libby’s knowledge of Plame’s covert CIA affiliation before Novak’s article. During the course of the Federal Bureau of Investigation’s investigation, Libby admitted that he had shared Plame’s affiliation - but claimed he had done so only in the context of gossip. *National Broadcasting Company* (NBC) Washington bureau chief Tim Russert told a different story - that Libby proactively had been disseminating Plame’s name and CIA affiliation.³⁹

Libby was convicted on 6 March 2007 on four counts of perjury, obstruction of justice, and making false statements. On 7 September 2006, former Deputy Secretary of State Richard Armitage acknowledged that he was a source of the 2003 leak; of note, he was never charged and faced no disciplinary actions under the Act.⁴⁰ President George W. Bush’s chief political advisor, Karl Rove, also freely admitted that he had disclosed Plame’s CIA affiliation to Novak. During the investigation, Armitage and Rove claimed that they

had been “gossiping” with Novak and had no intention of harming national security.⁴¹ While Libby, Rove and Armitage admitted to mishandling classified information - a misdemeanor charge under the Act - the FBI found no intent on their part to damage national security and could not charge them. Libby faced charges and prosecution because he lied to investigators and attempted to cover his tracks.

This case illustrated several serious cracks in the Act. First, the leaks caused direct, imminent, and irreparable harm to an undercover CIA officer, her classified missions, and any number of people she met while performing her national security duties. Beyond these harms, the leaks impacted a much larger picture, as highlighted by the *Report of the Commission on Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction*, published in 2005. Finding 4 of its Iraq Case Study said the Intelligence Community knew that Ambassador Wilson had found no evidence of Iraq trying to acquire uranium from Niger, but for too long it placed more credence in contrary documentation from a foreign liaison service that turned out to be forged. The Commission found that the Intelligence Community “failed to authenticate in a timely fashion transparently forged documents purporting to show that Iraq had attempted to procure uranium from Niger.”⁴² When these harms are considered together, the human and financial costs and consequences of these “gossipy” leaks are incalculable. Second, while all three officials mishandled classified information within the same timeframe in an effort to discredit Plame’s husband, only Libby faced conspiracy charges under the Act. It goes without saying that conspiracy requires more than one party. While all three officials’ stories closely matched, Armitage and Rove escaped all charges. Third, the “gossip defense” by all three officials was highly questionable - especially after Russert’s sworn statement. In this case, the Act’s unclear evidence standards benefitted Libby, Armitage and Rove, and left the government’s case toothless. Employees of far less stature who mishandled classified information during the same timeframe faced disciplinary actions, to include losing

their security clearances and jobs. Some also faced misdemeanor and felony charges, to include paying significant fines and/or serving jail sentences. Investigators who were close to the Libby-Plame case saw an uneven and politically motivated miscarriage of justice.

Case Study 2: Army PFC Chelsea Manning

Throughout the Libby investigation, the US was at war in Afghanistan and Iraq, and was projecting military power against terrorist threats in Yemen, Africa, and Southeast Asia.⁴³ In February 2010, US Army Private First Class (PFC) Chelsea Manning began passing over 700,000 classified State Department and Defense Department documents to WikiLeaks. She was arrested in May that year.⁴⁴

Immediate questions focused on her intent to harm the United States and the legal status of Wikileaks, which claimed to be a media outlet, but it was acting like a hostile agent or adversarial non-state intelligence service. Was WikiLeaks an accomplice in aiding and abetting Manning? If so, would the DOJ permit the FBI to work with foreign law enforcement partners to seek evidence and sworn statements from witnesses?

Speaking as someone who oversaw the national damage assessment, the author is of the opinion that the Obama Administration viewed WikiLeaks only as a media outlet and did not authorize investigations against “journalists” or others associated with it. It did not entertain the notion that foreign intelligence services were using WikiLeaks and other media outlets as proxies. As WikiLeaks disseminated Manning’s classified documents to the world, US media outlets began to publish the classified information as well, arguing that it was already in the public domain. The DOJ did not attempt to invoke or enforce the 1971 Supreme Court ruling that prohibited the dissemination of national security information that presented direct, imminent, and irreparable harm to the Nation.

The Manning leaks had immediate impacts on US and coalition military operations on the ground in Iraq and to military and diplomatic relationships around the world. One week, WikiLeaks would release large

tranches of US cables and then weeks later, it would release a few cables on specific topics and countries. The releases over time were designed to inflict maximum embarrassment, drive wedges between the US and its allies, and erode America's ability to project power and sustain difficult and dangerous counterterrorism activities.⁴⁵ US officials posted abroad had little time to focus on other business at hand, and they often faced more unstable and dangerous security environments.

Unlike the dated classified documents Ellsberg disclosed in the *Pentagon Papers*, Manning leaked information describing ongoing US diplomatic and military engagements, plans, and assessments. Like the *Pentagon Papers* case, however, the Manning leaks prompted public debate about the unpopular war in Iraq and shed light on classified US embassy activities and candid US assessments of foreign governments and specific leaders around the world. It presented the Uniform Code of Military Justice with an ideal opportunity to test the Supreme Court's 1971 legal standard.

Manning initially mounted whistleblower and First Amendment "freedom of conscience and expression" defenses. She eventually pleaded guilty to ten charges, confessing that she had "leaked the cables to show the true cost of war."⁴⁶ Her military trial on the remaining charges began on 3 June 2013. On 30 July 2013, the US Army convicted her of espionage on 17 of 22 charges, acquitted her on the most serious charge of aiding the enemy, and sentenced her to 35 years in jail.⁴⁷

While Manning's actions inspired a great deal of public debate about the tactics, techniques, and procedures the US military used in Iraq, she placed active duty military personnel, diplomats, law enforcement officials, and intelligence officers in direct, imminent, and irreparable harm's way. Her conviction reinforced in a military court that her free speech ended where these harms were present. President Obama commuted her sentence, and she was released from prison in May 2017, a few weeks shy of completing four years in prison for her crimes.⁴⁸

The DOJ's "off limits" approach to investigating WikiLeaks from 2010 to

2016, followed by the President's leniency towards Manning, sent mixed messages. While the Obama Administration prosecuted eight leakers,⁴⁹ foreign intelligence services would have observed that the US was not investigating or prosecuting and proxies that posed as journalists, media outlets, or bloggers.⁵⁰ Counterintelligence professionals, investigators, and prosecutors were attending to these matters when Snowden leaked highly sensitive information from Hong Kong and then sprinted off to Russia.

Case Study 3: Defector Edward J. Snowden

In early June 2013, NSA contractor Snowden provided untold volumes of classified documents to journalists Glenn Greenwald, Laura Poitras, and Ewen MacAskill. Snowden came to worldwide attention when stories containing excerpts of highly classified stolen documents appeared in *The Guardian*, *The Washington Post*, the *New York Times*, and *Der Spiegel*.⁵¹ As in the Manning case, several First Amendment questions arose. Were any of the US or foreign journalists and media outlets active accomplices? Were any of them associated directly or indirectly with WikiLeaks? Were any of them directing Snowden's actions? US media outlets enjoyed Fourth and First Amendment protections, but what about the foreign media outlets that had offices in the US? Were all of Snowden's media contacts professional journalists or were any of them private citizens or foreign intelligence proxies? Did any online blogger suddenly enjoy the special privilege of protecting his/her sources? The Act did not help the government clarify the answers to these questions.

While Snowden asserted whistleblower status in the context of exposing privacy concerns about several NSA surveillance programs, counterintelligence professionals and investigators were quick to counter that he made those claims from China and Russia - countries with notoriously oppressive surveillance programs against their own citizens. On 21 June 2013, the DOJ charged Snowden with two counts under the Act of leaking classified information to several media outlets and journalists. He traveled from Hong Kong to

Moscow on 23 June 2013, where he secured asylum rather than face those charges.^{52,53}

The House Permanent Select Committee on Intelligence (HPSCI) released an unclassified report in December 2016, which said that Snowden stole an estimated 1.5 million classified documents. In a joint statement, HPSCI Chairman Devin Nunes and Ranking HPSCI Chairman Adam Schiff said that Snowden was no whistleblower. Nunes said, “the American people can now get a fuller account of Edward Snowden’s crimes and the reckless disregard he has shown for US national security.” Schiff added, “Most of the material he stole had nothing to do with Americans’ privacy, and its compromise has been of great value to America’s adversaries and those who mean to do America harm.”⁵⁴

While the Snowden case has not been adjudicated by the courts, it is worth noting that no other single American has exposed as much classified information or caused as much short-, medium- and long-term damage to US national and economic security, allied relationships, ability to satisfy treaty obligations, or war fighting capabilities.⁵⁵ Based on strong historic evidence and precedence, Moscow surely has extracted a very heavy price from him in exchange for his asylum.⁵⁶ If Snowden genuinely began his crusade as a leaker, he has ended up a traitorous spy. It is impossible to estimate the value of his assistance to the Russian government.

Examining this case against the legal standard the Supreme Court established in the *Pentagon Papers* decision, Snowden’s actions provoked a great deal of public debate and controversy over privacy issues and alleged US government overreach. That said, the vast majority of his stolen data pertained to vital and ongoing national security matters. His assertions about privacy have proven to be red herrings. His actions unambiguously resulted in direct, imminent, and irreparable harm to the Nation.

If Snowden ever returns to the United States, he will face justice. Based on public statements, his attorneys will mount First Amendment and whistleblower defenses. They will assert Snowden’s “conscientious right” to

expose NSA as a “surveillance state” (his words) and to thwart allegedly improper US and allied intelligence activities.⁵⁷ With history as a guide, the DOJ will argue that Snowden did not avail himself of sufficiently available whistleblower procedures. It will present the evidence of each disclosure; explain instances of direct, imminent, and irreparable harm to the Nation; and seek the maximum punishment.

Absent a confession, however, the DOJ could find that it lacks sufficient evidence to prove that Snowden intended to harm the Nation, or its people. This missing element could render charges against him under the Act inadequate. The DOJ also could meet various challenges about the sufficiency of whistleblower protections that were in place when Snowden defected to Russia in 2013. These examples urge Congress and the Executive branch to clarify the definition of intent and set more reasonable evidence standards in the Act. Including references to 2012 Whistleblower Protection Enhancement Act in the Espionage Act would reinforce that Snowden had multiple lawful avenues available to him before he defected, and would serve to reassure future bona fide US whistleblowers that they will enjoy protection if they use authorized channels to report waste, fraud, abuse, government overreach and other crimes.

Of note, the DOJ could offer Snowden a plea agreement in exchange for telling the US government exactly what he stole, exactly what he shared with each unauthorized recipient, and exactly where all of the stolen information resides. Under this type of arrangement, Snowden would be treated much like the convicted spies noted at the beginning of this paper. Most of them cooperated with the government in exchange for reduced sentences.

Framework for Four Sets of Recommendations

While the Espionage Act continues to serve the Nation, it does not acknowledge modern technologies and the growing diversity, pace, and volume of foreign interference against the United States. This backdrop and the case studies in this paper illuminate deficiencies that require action

as soon as possible. This section offers the Congress and Executive branch a practical framework of four sets of recommendations to assist them in modernizing the Act.

As a preamble, the Act needs to state that the effective conduct of US national security always requires a lawful balance between strict secrecy, public debate, and appropriately narrow restrictions on free speech. It should reinforce the US government's authority to conduct private negotiations with foreign governments and to manage classified national security and counterintelligence programs designed to protect and defend America's sovereignty, alliances, national and economic security, and its citizens. Consistent with long-standing Supreme Court rulings, the Act also should recognize the vital role of a well-informed American public and the importance of public debate in matters of US national and economic security. It should cite and reinforce the 1971 Supreme Court ruling and legal standard that free speech ends where it presents direct, imminent, and irreparable harm to the Nation, or its people. The Court's ruling means that all Americans have a role to play in public debate and also in ensuring that it does not present or cause these specific types of harm to the Nation or its people.

On the specific issue of freedom of speech, the Act needs to acknowledge that Russian, Chinese, and other adversaries recruit journalists and online media outlets to serve as their proxies for at least two types of espionage: a) they lure and recruit US leakers and spies to provide them with privileged US classified information and/or b) they disseminate US classified information that undermines America's sovereignty, alliances, national and economic security, and its citizens.⁵⁸ Because these specific forms of foreign interference have caused unacceptable levels of harm to the Nation, the Act needs to reinforce that the Supreme Court's 1971 ruling extends to all Americans regardless of their occupation, including legitimate journalists and media outlets, and especially to those who act on behalf of foreign powers as witting proxies. This modification is in no way intended or designed to chill free speech beyond that which

is already restricted by the Supreme Court. Rather, it intends to make clear and make public that foreign adversaries' use of US and foreign journalists, bloggers, and media outlets as proxies will not dissuade or prevent the US government from pursuing counterintelligence investigations that are consistent with US laws and Supreme Court rulings.

Holding all US citizens equally accountable under the Act will require sustained funding for instructive, nonpartisan education efforts. Traditionally, foreign intelligence services and their proxies have focused their efforts on US personnel with security clearances and/or those in sensitive positions. Increasingly, however, foreign actors and US leakers alike have contacted untrained and often overly eager social media platforms, businesses, academics, journalists, reporters, bloggers, lawyers, and media outlets. Congress can level this playing field by funding nonpartisan public service announcements and ongoing awareness and education campaigns designed to train and equip the citizenry.

The 1971 Supreme Court ruling called upon good citizenship. In effect, it asked those who receive unauthorized government information - including the US media - to consult with appropriate departments or agencies, explain the circumstances, and determine if the information presents direct, imminent, and irreparable harm to the Nation or its people. The author argues that the changing nature of foreign interference and media outlets in the 21st century only reinforces the Court's ruling.

Snowden initially provided highly classified information to one US and two foreign journalists, and he was in touch with several bloggers (US and foreign). The US journalist, who lived and worked abroad, did not contact the government to see whether the stolen information presented direct, imminent, and irreparable harm to the Nation. When the US prosecution team approached DOJ leadership to pursue legal processes against the journalists for their role as accomplices, the DOJ declined on First Amendment grounds. It was unwilling to issue warrants against any US or foreign journalists, media outlets, or bloggers, to include WikiLeaks.⁵⁹

Four years later, then-DCIA Pompeo called for a new course. In a speech in April 2017 at Johns Hopkins University in Washington, DC, he said, “WikiLeaks walks like a hostile intelligence service and talks like a hostile intelligence service. It has encouraged its followers to find jobs at CIA in order to obtain intelligence. It directed Chelsea Manning in her theft of specific secret information. And it overwhelmingly focuses on the United States, while seeking support from anti-democratic countries and organizations. It is time to call out WikiLeaks for what it really is – a non-state hostile intelligence service often abetted by state actors like Russia.”⁶⁰

The prolonged debate between 2010 and 2016 about WikiLeaks underscores why the Act needs language that authorizes counterintelligence professionals, investigators, and prosecutors to pursue any and all criminal evidence and espionage leads against suspects, regardless of their occupation, when they expose national security information that presents direct, imminent, and irreparable harm to the United States. To reiterate, such language is consistent with First Amendment restrictions that have been in place for decades and does not represent an initiative to chill free speech. It simply recognizes that foreign intelligence services and their proxies understand the strength of the First Amendment and use it in ways that undermine US sovereignty and democratic institutions.

The Act should instruct Americans who receive unauthorized national security information to contact appropriate government departments or agencies and determine if it presents direct, imminent, and irreparable harm to the Nation or its people. The Act should say that failure to take these steps may result in prosecution. The Act should direct the government to respond in a timely manner to such requests and establish guidelines that define “direct”, “imminent”, and “irreparable” harms. Finally, the Act should reassure Americans that Congress and the Courts will exercise their oversight responsibilities to ensure counterintelligence professionals, investigators, and prosecutors execute their duties in a lawful manner.

Second, because whistleblowers play a vital role in reporting waste, fraud, and instances of government overreach and abuse, they need and deserve special protections in the Act that complement and reinforce those contained in the Whistleblower Protection Enhancement Act (WPEA) of 2012 (as amended). Beyond reinforcing the Nation’s commitment to protect US whistleblowers, the Espionage Act needs to spell out stronger penalties, punishments, and sentencing guidelines for those who avoid using sanctioned whistleblower procedures and disclose classified information that presents direct, imminent, and irreparable harm to the Nation or its people. Snowden is not the only American leaker or spy who has defected to Russia, and he will not be the last. The Act needs stronger punishments and sentencing guidelines for Americans who disclose harmful classified information and seek asylum outside the United States in an effort to avoid prosecution.

Third, the Act should acknowledge modern threats to America’s national and economic security from foreign-directed espionage and influence efforts that use cyber technologies, supply chains, encryption and block chain techniques, cloud technologies, unauthorized access to - or mismanagement of - repositories that contain sensitive data, as well as human spies. Each set of threats requires a disciplined periodic reexamination of laws and tools designed to help investigators and counterintelligence officials discover, monitor, and stop spies and leakers from disclosing classified information that places US and allied military, law enforcement and intelligence activities, personnel, and critical infrastructures at risk. These types of provisions require sustained annual funding to maintain and innovate capabilities and to incentivize research and development efforts that keep pace with emerging technologies and techniques and foreign threats.

The *Pentagon Papers* case in 1971 required the Supreme Court to review about 7000 pages of classified documents. When/if Snowden faces justice in the United States, the courts will need to review up to 1.5 million documents or files. The Act should address

technology impacts on national security cases and provide more severe sentencing guidelines for persons who divulge high volumes of classified government information that present direct, imminent, and irreparable harm to the Nation. Modernizing the Act ideally should complement ongoing efforts by the Congress and White House to develop comprehensive cyber legislation, regulations, and policies.

Last but not least, the Act needs to refine the definition of intent and set more reasonable evidence standards and requirements. These two shortcomings have slowed and complicated important investigations, and they have disadvantaged and impeded worthy prosecutions. As outlined above, the Act currently requires hard evidence of intent and the actual crime - be it espionage, leaks or unauthorized disclosures of classified information, or mishandling of classified information. Spies tend to conceal and obfuscate their intent, and leakers tend to rationalize it. Investigators and counterintelligence professionals, therefore, generally run lengthy and risky collection operations designed to catch perpetrators in the act of spying or leaking, arrest them, and hope to extract sufficient evidence to prove intent. The current interpretation of the Act has slowed, impeded, interrupted, and even stopped vital investigations. More bluntly, the current Act stacks the deck in favor of spies and leakers instead of protecting the Nation from direct, imminent, and irreparable harms.

This topic has been the subject of debate among counterintelligence officials, investigators, and prosecutors for decades. Prior efforts have failed out of concern that Congress may opt to scrap the Act altogether and start from scratch. Some professionals have expressed concern that starting fresh could weaken counterintelligence, counter-espionage, investigatory, and prosecution capabilities, tools, and authorities. Given the unprecedented levels of foreign interference against the United States, to include the lives of everyday Americans who use various social media and news feeds, it is in the best interest of the Nation for Congress to strengthen and clarify the Act as soon as possible.

Final Thoughts

The United States has fought costly revolutionary, civil, and foreign wars to establish, preserve, and defend its democracy, fundamental freedoms, and human rights. Americans deserve premier national security protections that are consistent with the Constitution, appropriately narrow restrictions on free speech, and an engaged, educated, and well-informed press and citizenry.

Foreign interference in the US economy and national security sectors is pervasive, increasingly diverse and deceptive, and unlikely to recede. Its methods prey on unwitting Americans in devious ways that are not well known or understood by the American people. Today's foreign threats and unauthorized disclosures require modern tools, authorities, definitions, and education campaigns that inform and protect the Nation and its people. By strengthening the Espionage Act in ways that acknowledge today's espionage methods; codify stronger provisions for leakers; shield bona fide whistleblowers who use authorized channels to report waste, fraud, abuse, and government overreach; and clarify evidence standards, the US government will be better positioned to protect America from direct, imminent, and irreparable harm to the Nation and its people. All of these revisions are necessary, consistent with Supreme Court rulings, and are long overdue.

About the Author

Paula Doyle is an Adjunct Professor at Georgetown University, retired in December 2016 as one of three CIA Associate Deputy Directors of Operations, where she oversaw worldwide HUMINT operations and activities that required the use of air, land, maritime, space-based and cyber technologies. She was the Deputy National Counterintelligence Executive from 2012-2014, where she oversaw the official US Damage Assessment resulting from Private Manning's 2010 unauthorized disclosures to Wikileaks and led the IC's extensive review of Edward Snowden's unauthorized disclosures and defection to Russia. She led three

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Prior to joining CIA, Paula Doyle was a Foreign Service Officer in three embassies in Latin America and Europe. She is the recipient of several awards from the CIA, the DNI, DIA, and the NRO, the most significant of which was a CIA Team Trailblazer Award in 2007 for her role in a decade long effort against a significant nuclear proliferation network.

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Rationale and Information Strategy to Enable Internal Resistance in North Korea

David C. McDonald

This paper presents an information strategy to enable internal resistance in North Korea. North Korea has a nuclear weapons program and has recently demonstrated an intercontinental ballistic missile delivery capability. Peaceful unification of the Korean Peninsula is the stated policy of the United States and the Republic of Korea, yet progress toward a negotiated solution remains uncertain. The United States should not expect to continue denuclearization negotiations, but rather pursue a policy of engagement, including establishing diplomatic and business relations, in support of an information campaign that reaches the North Korean population. Internal regime change is the best path to unification and there are indications that the regime is nearing the stage of collapse. State control over the public distribution of goods was fractured by famine in the 1990s that left lower castes dependent on the free trade of goods from China for survival, and local markets have stimulated economic and social forces outside the Kim Family Regime's control.

Borrowing the term "fracking" from the petroleum industry, there is an opportunity to "frack" the closed environment with flows of information in an unconventional warfare information campaign to prepare the environment for internal resistance. An information strategy should develop and distribute the television drama series "Unification" on USB/SD. The drama series will provide an instructional look into a near-future unified Korean peninsula. This paper makes suggestions for distribution and support of the information campaign which can serve as a catalyst to mobilize the North Korean people to act on their inherent human desire for freedom.

Introduction

The past four US administrations have failed to stop the development of the nuclear weapons and related missile programs in the Democratic People's Republic of Korea (DPRK or North Korea).¹ After obtaining a Defense Intelligence Agency assessment the *Washington Post* has reported that North Korea is now able to miniaturize a nuclear warhead and can launch a nuclear-tipped intercontinental ballistic missile (ICBM).² The Japanese Defense Ministry reported the strength of the DPRK's sixth and most powerful nuclear bomb detonated in September 2016 as equivalent in force to 160 kilotons of TNT (cf. the US bombs detonated in Japan in WWII were 15 and 21 kilotons).^{3,4} The DPRK demonstrated their delivery capability with the launch of the Hwasong-15 ICBM over Japan in November 2017, an ICBM with a trajectory deemed capable of reaching the US mainland.⁵ These are unacceptable developments for the security of the United States

and our regional allies. The DPRK's history of military provocations, severe human rights violations, criminal state activities that include abductions, assassinations, drug trafficking, counterfeiting of branded consumer goods and US currency, continuous flouting of U.N. Security Council resolutions, and repeated breaches of nonproliferation frameworks and agreements makes it clear that the only acceptable outcome is the end of the DPRK. Otherwise, the United States and our regional allies are destined to be subjected to repeated nuclear blackmail with the distinct possibility of a miscalculation that unleashes general war.

The peaceful unification of the Korean people has been the stated policy of the United States and the Republic of Korea (ROK), reconfirmed during the visit of ROK President Moon Jae In, in a joint statement with President Trump on June 30, 2017.^{6,7} The United States should pursue the reunification of the peninsula, to achieve as David Maxwell proposes, "a stable, secure, peaceful, economi-

cally vibrant, non-nuclear peninsula, reunified under a liberal constitutional form of government determined by the Korean people.”⁸ This paper outlines the rationale for and framework of an information campaign, which accompanied by engagement, could help bring about a peaceful unification by stimulating an internal resistance to the Kim family regime (KFR). Section two asserts the futility of good faith negotiations with the DPRK to achieve denuclearization and instead recommends engagement to assist the information campaign. Section three identifies the possible paths to unification with internal regime change deemed the optimal course. Section four defines an information campaign as a means of preparing the environment in the context of Unconventional Warfare. The fifth section describes the extreme lack of freedom in the DPRK, which presents a formidable environment to foment a resistance. Section six introduces the concept of breaking open this closed environment by “fracking” it with information as the oil industry has done with fluids in tight shale rock to liberate trapped petroleum liquids, and section seven lists the proposed components in the framework of an information campaign. The eighth section develops an idea for a television drama about the Unified Korean peninsula with episodes that are instructional to different sectors of North Korean society including the military and elite. The ninth section describes the support necessary to effect rollout of the information campaign and is followed by the paper’s conclusion.

**Time to Break the Cycle: Provocation ▶
Escalation of Tensions ▶ Negotiation ▶
Provocation**

North Korea has pursued an effective pattern of cyclical provocations—once tensions escalate to the brink of war it succumbs to international negotiations which result in its receipt of aid, incentives, security guarantees and agreements, the terms of which it breaks shortly afterward.⁹

The author’s evaluation of reentering the six party negotiations that have been held intermittently since 2003 (among China, Russia, South Korea, Japan, the United States,

and North Korea) is that for both the United States and North Korea the terms for productive negotiations are mutually exclusive sets of conditions. The position of the DPRK Leader has been to gain acceptance of North Korea as a legitimate nuclear weapons state, which is an unacceptable outcome for the United States. In an apparent breakthrough in April 2018, the DPRK issued a joint communiqué with the ROK stating its willingness to denuclearize, only to reverse its position in May 2018 saying it will never give up its nuclear program.^{10,11,12,13} The Trump administration modified the US position of seeking the denuclearization of the Korean peninsula with a *quid pro quo* offer of economic assistance, security assurances and finalization of a peace treaty as a framework for discussions. This overture culminated in the June 12 summit meeting in Singapore between President Trump and Supreme Leader Kim Jong Un. Afterward, President Trump announced they had developed a “very special bond.”¹⁴ Secretary of State Pompeo described his July 2018 follow up meetings to the Trump-Kim summit as “productive” and conducted in “good faith,” which contrasted with statements from the North that the “one-sided and robber-like” demands of the United States “betrayed the spirit” of the summit with Trump.¹⁵ The delivery of 55 boxes of remains believed to be Americans missing in the Korean War received August 1 in Hawaii is a tangible resumption of recovery of the 7,700 Americans missing from the war halted since 2005.¹⁶ The leaders of North and South Korea anticipate holding their third meeting in September in Pyongyang to remove obstacles to progressing the agenda.¹⁷

However, unless circumstances change to cause the KFR to be in fear of collapse, it is highly unlikely that productive negotiations toward denuclearization can be achieved with the DPRK. The KFR sees its survival as dependent upon the development of nuclear weapons capability, having noted the fates of the dictators of Iraq and Libya who gave up their weapons development programs. The differing perspectives toward US National Security Adviser John Bolton’s reference to “using the Libya model” for denucle-

arization are illustrative of the divide between the United States and North Korea. Whereas the US leadership may view the “Libya model” as an instructive example of voluntary dismantlement of a nuclear weapons program the focus of the DPRK leadership is on the denuclearization outcome: a deposed dictator extrajudicially executed by rebel forces following a rebellion assisted by NATO air strikes.¹⁸

The United States should engage in discussions to frame the issues that would comprise acceptable peace negotiation parameters from the perspective of the DPRK and the ROK, and to forestall further escalation, while supporting the environment for an information campaign. Historically the conditions demanded by the KFR for peace and normalization of relations between North and South Korea include: (1) recognition of the DPRK as an established nuclear power, (2) the removal of US troops from the Korean peninsula, and (3) a cessation of US and ROK joint military exercises which are both our best deterrent and a legitimate rehearsal of how to respond to the very threats the DPRK makes on a frequent basis. When the U.S. asks for the full list of peace conditions from the Supreme Leader and Great Successor, Kim Jong Un, it will likely include payments for reparations caused by the economic sanctions and other creative assistance demands.

The U.S. should enter discussions, not negotiations, and seek engagement, but harbor no expectation of a grand bargain that resolves all outstanding issues. One way of addressing this would be to form a United States Interests Section with US State Department and other agency officers present in the Swedish Embassy in Pyongyang (the Swedish Embassy functions as Protective Power for the United States, Australia and Canada in the DPRK). This will enable better information flow and promotion of other engagement activities between the U.S. and DPRK. Similarly, we should reopen business and tourist access to North Korea for US citizens. We should also encourage exchanges of sports teams, art and music performances and encourage provision of scholarships to DPRK students from other countries where they

will be able to access information from outside the US–ROK–DPRK security dilemma.

The U.S. should even consider lifting economic sanctions once the information campaign is underway and the US Interests Section is opened in the DPRK. The sanctions imposed by Security Council Resolution 2371 ban many of the DPRK’s key exports, from coal to seafood, and could be an effective lever to remove in 2019 as a reward for progress.¹⁹ Doing so would undermine the DPRK’s negative rhetoric against the United States and would invite further exchanges of people, which will strengthen the will and ability of internal resistance. The longer-term benefit of lifting sanctions and opening of more legitimate businesses will be the creation of a middle class, independent of the KFR for its livelihood, and therefore more likely to become part of a resistance. American engagement with the North Korean people can do more to advance our interests than maintaining a policy of isolation and cajoling China, which has been unwilling to strangle the North Korean economy to the point of collapse. Outsourcing our security interests to China is not a viable strategy given that our interests differ. China probably prefers to see an America distracted and threatened by the DPRK’s missile launches versus a peaceful, unified Korean peninsula that is militarily aligned with the United States.

Internal Regime Change – Best Path to Unification

War, internal regime change, regime collapse, and a peaceful unification process are the four possible paths to reunification of the peninsula.²⁰ Although launching a preemptive strike against the DPRK is one means of pursuing a unified peninsula, a significant strike would trigger a retaliatory response that would likely escalate to general war and given the great costs to the U.S. and its regional allies this is not an advisable action.

In addition to a large number of its forward-based 1.2 million man army the North Korean military has an estimated 4,000 artillery pieces and rockets positioned on the hills north of Seoul along the Demilitarized Zone (DMZ) that can inflict tremendous casualties

on the 25 million residents of Seoul before the US-ROK military response can successfully overcome the initial attack waves.²¹ An estimated five to twenty percent of the artillery rounds would be equipped with chemical munitions.²² Chemical weapons would serve a dual purpose of instilling panic in Seoul and incapacitating equipment temporarily for decontamination cleaning, delaying US-ROK response from military air fields.²³ In his first official interview as Secretary of Defense, Jim Mattis said, “a conflict in North Korea would be probably the worst kind of fighting in most people’s lifetimes.”²⁴ While the US military must prepare for war in response to a possible attack, and joint US-ROK military exercises have been an important deterrent and necessary preparatory activity, a first strike against the DPRK is inadvisable because of the inevitable retaliatory response and resultant war. Reunification of the peninsula is the right US objective in the region, but the high price that would be paid in U.S. and ROK civilian and military lives in a war with North Korea necessitates an alternative course of action.

The best viable alternative for unification would be through an internal regime change. Although predictions that the “end is near” have been ascribed to North Korea for two decades, North Korean expert Robert Collins argues that the DPRK is at “phase four” of the seven phases of regime collapse. This is characterized as attempted suppression of fiefs controlled by local party apparatchiks or warlords who are circumventing a failing central government. The next phases are active resistance, followed by the fracture and then replacement of the regime.²⁵ The US should and can assist the progression toward active resistance by aiding the local population to be better informed about their living conditions, especially vis à vis their counterparts in the ROK, where the GDP per capita is 35 times that of the DPRK, a far greater gap than existed between East and West Germany.²⁶

Accounts from refugees from North Korea indicate that increased commercialization of goods is breaking barriers to sharing discontent, which opens the door to discussions about how to address the repressive regime.²⁷

Tom Malinowski, former Assistant Secretary of State for Democracy, Human Rights and Labor from 2014-2017, asserts that:

Political change in Pyongyang and the reunification of Korea, as hard as it may be to imagine, is actually much more likely than the denuclearization of the present regime. The central aim of our strategy should be to foster conditions that enable this natural, internal process to move faster, while preparing ourselves, our allies and the North Korean people for the challenges we will face when change comes.²⁸ Increased access to changing technology is impacting the regime and political change is a real possibility. While the KFR has long exercised tight control over North Korea’s population, this centralized control is weakening and the best option for the US is to help create a more permissive environment for internal resistance and fracture of the regime.

Unconventional Warfare – An Information Campaign to Prepare the Environment

Rather than using direct military action, the U.S. should utilize its highly-trained personnel with capabilities in U.S. Special Operations Command to conduct Unconventional Warfare (UW), defined as “operations and activities that are conducted to enable a resistance movement or insurgency to coerce, disrupt, or overthrow a government or occupying power by operating through or with an underground, auxiliary, or guerrilla force in a denied area.”²⁹ UW can be seen as a component of Political Warfare, defined by George Kennan in 1948 as “the use of all means of power at a nation’s command short of war...even encouragement of underground resistance in hostile states.”³⁰

To prepare the environment for UW the United States should designate a military/interagency task force within the U.S. Army Civil Affairs and Psychological Operations Command (formerly MISO and recently renamed as PSYOP) to work with similar-

ly-trained personnel from our ROK ally to develop, fund, and execute a multi-year information strategy and tactical campaign.³¹ If designed and implemented effectively, an information campaign can become a catalyst to elicit and mobilize the will to resist across the North Korean population. Section five below provides an overview of the history of state-sponsored propaganda and control that has led to the information-starved environment of the current DPRK. This environment means an information campaign would be both a formidable challenge but also have strong potential to spark internal change, and section six proposes a framework for an information strategy and internal distribution campaign.

A Cult of Kim Personalities: Great, Dear, and now Supreme Leaders - a Supreme Challenge to Informational Freedom

It should be recognized that the environment created by the KFR in the DPRK presents the toughest possible opponent for a war of ideas. Reporters Without Borders rates the DPRK the least free media environment in the world out of the 180 countries ranked.³² It is also the only country in the world that bans radios with tunable dials and internet access. The DPRK is a totalitarian state that indoctrinates its citizens from birth with falsehoods promoting and requiring adulation of the Kim dynasty and seeks to block all outside information and freedom of expression.

In 1941 Kim Il Sung sought refuge from guerrilla fighting against the Japanese in Manchuria and received military training in the Soviet Union where he was selected to lead the Soviet occupation zone of the Korean peninsula in 1945. He became the leader of the DPRK from its establishment in 1948 and is now venerated as the Supreme Leader and Eternal President – presiding over the country from his mausoleum twenty-three years after his death.³³ The greatest accomplishment of his son and political successor, Kim Jong Il, was the use of his cinematography skills to create a cult of personality about his father, who is now revered for his exploits as a successful guerrilla fighter who rescued the North Korean people first from the Japanese and then the

American imperialists. Kim Jong Il ran the propaganda machine and ordered the production of over eight thousand films and operas, and construction of more than 40,000 monuments and statues in honor of his father.^{34,35}

The ideology of *juche*, or self-reliance, was developed under the direction of Kim Il Sung by Hwang Chang Yop and distinguished the Korean revolution from Marxism-Leninism through privilege of the state and sovereignty (remarkably, Hwang defected to the ROK in 1997).³⁶ The emphasis on Korean identity and independence linked tenets of revolution, including man as the master of his fate, with loyalty to the Supreme Leader or *Suryong*, Kim Il Sung. *Juche* indoctrination and “Kimilsungism” permeates the school system where competitions are held for recitation of lines of propaganda films. Self-criticism sessions are held in offices, factories, and within *Inminban*, “people’s groups,” which are neighborhood mutual surveillance groups where one confesses shortcomings of his or her loyalty.³⁷ Kim Jong Il was formally anointed the successor to his father in 1974 when given the title “Dear Leader.” He spent the next twenty years preparing for, consolidating, and assuming power.³⁸

America has never experienced the extent of state-sponsored propaganda that permeates North Korean society. Modern American culture knows product advertising where Miller Lite “tastes great and is less filling,” which may be propaganda “light,” but hasn’t experienced state-sponsored “propaganda” since the WWII news clip films and recruitment posters and has never experienced the brainwashing that permeates DPRK government communications to its citizens. The DPRK controls all media and the news is propagandized, from the morning loud speakers blaring from state vehicles to the evening’s single channel of televised news and movies. The scenes of masses of people in Pyongyang crying hysterically after the death of Kim Jong Il are almost incomprehensible for Americans.³⁹

The deep propaganda indoctrination in North Korea is accompanied by a near total lack of freedom to move about the country without permits, or to access outside in-

formation. This results in a population that is effectively imprisoned by a police state, where one's destiny is largely determined by the *Songbun* caste system. *Songbun* social classification is based on loyalty, perceived or real, to the regime's leadership. People of the core class include families and descendants of Korean War patriots, the loyalists, who can live in Pyongyang and have access to more privileges; thereafter come those in the wavering group, and then lastly the hostile classes who face very limited prospects for career mobility. This social class system enables the KFR to maintain total control over the population.⁴⁰ Robert Collins estimates that 72% of North Koreans are in the two lower classes of the *Songbun* system and therefore excluded, from birth, from the privileges of the elite class.⁴¹

The unification of the Korean peninsula under DPRK rule is a fundamental tenet of *juche* ideology, which explains the Korean War as an aggression initiated by the South's occupiers, U.S. and Japanese imperialists.⁴² One of the key messages of the Arirang Mass Games, a festival event in Pyongyang attended by the author in 2012 is the depiction of the military "history" of the US invasion of North Korea. The Arirang theme song has been adapted from a popular Korean folk song and is presented in a massive "card stunt" by thousands seated across the opposite half of the stadium turning a choreographed sequence of cards that tell the story of unrequited love of two Korean lovers, one in the South and the other in the North that have been separated by an imperialist enemy, the United States. The indoctrination of this message and its anticipated outcome of war against the United States to effect unification is an inculcated national perspective. Anecdotally, to underscore this mindset, during the author's visit while seated inside the tour bus looking out at large groups of uniformed students in Pyongyang of various ages preparing to practice for a parade, many younger students waved enthusiastically, whereas a young man of military age extended his arm and pointed his hand like a pistol at the author and squeezed his trigger finger with a stern look on his face. To achieve a peaceful reuni-

fication and maintain peace thereafter will require redirecting this guerrilla fighter mentality that defines the North Korean ideology.

Kim Jong Un, designated the Great Successor and Supreme Leader, succeeded his father, Kim Jong Il, upon the latter's death in late 2011, with much less preparation than his father had received. In March 2013 at the Party Central Committee plenary session he announced a *Byungjin* policy of parallel development of the economy and nuclear weapons, a break from his father's defunct *Songun* policy of "military first" and a clever recycling of a term his grandfather created that was a slogan of the revolution, "a gun in one hand and hammer and sickle in the other." He has since used force and the threat of force to address dissent and strengthen his control of the regime.⁴³ Seven of his father's pallbearers, a funeral role that is typically a measure of proximity to power in dictatorships, have been purged from the leadership circle. One was his military Chief, Ri Yong Ho, and most notably his uncle, Jang Song Thaek, who was humiliated in a public military tribunal where he was charged with "anti-party, counter-revolutionary factional acts" and criminal acts "baffling imagination" and even "dreaming different dreams."⁴⁴ Jang was reportedly executed by anti-aircraft guns. His assistant, Ri Jong Ho, who worked for Jang in the infamous Office 39, responsible for illicit foreign currency businesses, defected in 2014 and reported in an interview with CNN recently that he left after seeing families and even their children executed and that numbers executed or purged may exceed a thousand.⁴⁵ The moves appear to represent a consolidation of power amongst non-military persons loyal to the Supreme Leader within the controlling Organization and Guidance Department (OGD) of the Korean Workers Party (KWP). Whatever the full number of purges and executions may be, the means suggest that although the young leader made some accommodations in relaxing sartorial guidelines to establish himself as a youthful leader, the KFR and the OGD will continue to demand control over the population of the DPRK.⁴⁶

Many defectors have left North Korea for the simple reasons of seeking bet-

ter opportunity, easier access to food, or escaping from a likelihood of punishment for minor offenses. Despite escaping an environment of human rights abuse which flows from the KFR as many as two thirds of defectors still have loyalty toward Kim Il Sung, and to a lesser extent Kim Jong Il - such is the depth of the indoctrination.⁴⁷

Despite the decades of state-sponsored propaganda, there are fissures in the status quo - as many North Korean citizens face unremitting human rights abuses, lack of food, and overall poor quality of life. Former British Ambassador to the DPRK, John Everard, provides a hopeful insight from speaking with many North Koreans that the longing for reunification they experience was really an expression that "they longed for South Korea to rescue them."⁴⁸

"Fracking" North Korea with Information

The tightly-controlled, socialist economic system was cracked open by necessity during the 1990s when the collapse of the Soviet Union, which stopped its food aid, combined with droughts produced widespread famines across the DPRK. This resulted in a breakdown of the Public Distribution System (PDS) that had previously supplied the population with its allocated food rations. Pyongyang's core class was prioritized for supplies and the interior was largely left to fend for itself. This unleashed market forces with farmers and other citizens selling and trading for goods from China to satisfy demand. Limited market reforms were recognized and legalized in 2002. Local markets called *jangmadang* are allowed in designated locations with stalls allocated through systems of payment to local authorities. There are up to 700 markets with hundreds of stalls each.⁴⁹ There are also informal markets with women sitting on streets hawking goods that are stashed nearby.⁵⁰

Jieun Baek borrows the term "Fracking" from the oil industry's hydraulic fracturing of rocks, a process of high pressure injection of fluid materials to break open tight shale rock and release the locked-in petroleum liquids and gas. She states that "to force North Korea to reappraise its own interests, the US must

mobilize an analogous mix of knowledge, innovation, and radical techniques to 'frack' North Korea with pressurized bursts of information and democratic ideas."⁵¹ The analogy is appropriate and appealing - a closed environment in which information is not allowed to flow freely could become a zone in which it gushes through word-of-mouth and USB copying and sharing when information is injected into the culture at high volumes and pressures.

Baek offers three strategies for an information campaign: (1) Covert operations by the National Security Agency (NSA) to hack into North Korea's information channels and support internal dissidents which includes infiltration of the KFR propaganda machines; (2) USG funding of NGOs based in the United States and South Korea to transmit media into North Korea and provide business skills to North Koreans for more information market activity, and (3) Train North Korean defectors in journalism, IT, and social media - this could be undertaken by NGOs if suitably funded.⁵² Without prejudice to the NSA, Baek's second and third strategic proposals are incorporated into the framework recommended in section seven.

The DPRK maintains tight control over electronic media devices, such as DVD players, televisions, radios, and computers, which must be registered with local DPRK security officials and are subject to periodic checks for illegal foreign content. International cellphones are illegal and domestic cellphone activity, (which now numbers three million), is monitored by the state.⁵³ Whereas consumption of foreign media is a crime, apparently officials can generally, but not always, be bribed to ignore violations which are punishable with penalties ranging from hard labor to execution. South Korean television dramas are especially popular and slang language and hairstyles from the shows are entering North Korean culture. In addition to AM or short-wave radio (the illicit variety with movable dial), CD and DVD players, MP3 and MP4 players are spreading and offer a relatively low cost means of hearing or viewing content that can be transported on USB drives or 2 GB SD chips which are very small and easily concealed.⁵⁴

In spite of its illegality the consumption of banned foreign information is accelerating and 70 to 80 percent of defectors say people in their hometown access foreign media.⁵⁵

A particularly appropriate product for the North Korean market is the Chinese-made Notetel (an abbreviation of Notebook and television). The low-voltage Notetel differs from standard portable DVD players by also accepting both USB and SD cards, and contains a built-in TV and radio tuner. They hold a charge for two hours and can also be charged with a car battery which is useful in North Korea where the nights are dark. By some estimates 50% of urban households in North Korea have one.⁵⁶ A DPRK-produced propaganda DVD can be kept in the DVD slot and when the authorities arrive the SD or USB drives can be removed and hidden while the DVD provides an alibi for the movie noise heard from outside the door. The Notetel addresses two major problems of North Korea: surveillance and power outages.⁵⁷

Framework for An Information Strategy Campaign

The legitimacy of the KFR depends on its citizens' belief in the regime's myths of infallible leaders, who command the DPRK's superior military forces and deliver economic performance and a quality of life better than their ethnically equivalent southern neighbor. This legitimacy will unravel once people know the truth. Andrei Lankov, who grew up in the Soviet Union, states that "truth is subversive in regimes built on lies and isolation."⁵⁸ For Lankov, Soviets watching the foreign film, *White Line Fever*, "could not fail to notice that 'oppressed' workers in the United States lived better than midranking party apparatchiks in the Soviet Union."⁵⁹ An information campaign's, or the US-ROK PSYOP Task Force objective is to flood North Korea with images and stories of life in South Korea in a belief that "sunlight is the best disinfectant."

The military strategist Carl von Clausewitz advises to attack an adversary's weakness, rather than making a direct attack against an adversary's strength. North Korea's strengths are its sizable army and well-po-

sitioned artillery and rockets 30 miles from populous Seoul. The DPRK's greatest weakness is the total lack of freedom afforded to its citizens. The regime lacks legitimacy in fulfilling any government's primary *raison d'être*: to provide its citizens that which they cannot provide themselves, *i.e.*, security, functional economic and judicial systems, and a liberal educational environment that cultivates free human beings. North Korea's fraudulent political ideology can collapse through the demand of its own people, because "the more total the lie, the more total rejection of the liar when it is exposed."⁶⁰

The objective of this information strategy is for the US-ROK PSYOP Task Force to provide the North Koreans access to truth, presented in a way that is above all factual, culturally respectful, and not propagandized. The strategy's components are as follows:

- 1) Increase funding for NGOs broadcasting radio programs into North Korea, providing journalistic training and paid positions to North Korean defectors. Promote more hours of broadcast news and talk shows about current issues in the North Korean dialect.
- 2) Compile digitally at least 100 "great books" that range across South Korean, European and American cultures that represent historical nonfiction and fiction novels. The history of WWII, China, the rise and fall of the Soviet Union, the fall of the Berlin wall and the events of the Arab Spring, the Korean War and the Korean peninsula should be emphasized. An essential objective is to provide the 60+ years of news and liberal cultural education that North Koreans have been denied.
- 3) Load 64 GB sized-USBs with digitized "great books," Korean language Wikipedia, and an app to read the books on smart phones (possessed by the Pyongyang elite). The USBs should also include South Korean movies and television series, Re-

ality TV shows, and episodes of the Unification TV series (Season 1 is outlined in section eight).

- 4) Commission the production of 10,000 Notetel DVD/USB television/radio pieces per month. Continue to distribute the players as long as the market can absorb them. Consider a product mix that includes MP4 players for elite urban markets.
- 5) Develop a system to monitor the efficacy and regions of distribution, viewing, reading, audience patterns and their reactions through the defector network.
- 6) Develop, write, and produce Unification Season 1 and plan for Unification Season 2 - The Resistance. Netflix television series have a budget on average of \$4 million per episode.⁶¹
- 7) Plan for future uses of distributed internet access via Google's Parent company Alphabet's project Loon. Loon is a project initiated in 2013 that provides internet service to remote rural areas and requires a basketball-sized dish which receives signals from balloons floating high in the stratosphere.

In 2016, The US Korea Institute held a one-day meeting of the Korea Discussion Group (KDG) at the Center for New American Security, during which 25 Korea experts discussed the formulation of an information-based strategy to de-escalate a crisis. Commander Fredrick Vincenzo's paper captured highlights of the event and had as a key conclusion: "the centerpiece of an influence-based strategy is to convince North Koreans, particularly the elites, that it is possible for them to have a beneficial future after the Kim regime." An information campaign would thereby, above all else, focus on undermining the population's trust in the Kim family regime.

Unification Drama Television Series

One of the ideas from the KDG event with great potential was the development of

a drama television series depicting life in the unified Korea.⁶² A purpose-built, unification drama will require the US-ROK PSYOP Task Force to recruit an expert team of screenwriters and a professional production team with the right set of political and cultural advisers to work this to "multi-season" interest and acceptance. South and North Koreans must work together to identify subtle cultural sensitivities and pitfalls to avoid. The intent should be to demonstrate respect for North Korea's history and people. Empathy for North Koreans is required by the drama's producers to avoid a defensive entrenchment or nationalistic reaction by the North Korean audience.

If the cultural buzz experienced in the United States for popular US television series such as "Game of Thrones" or "House of Cards" can be replicated in both the DPRK and ROK the series could be instrumental to shaping the outcome of a resistance and ease the reciprocal concerns about unification held by the citizens of the ROK.

Different groups of society, Pyongyang and municipal bureaucrats, professors, teachers, drivers, farmers, mine and factory workers, and military men and women of all ranks would look to the episodes of the series relevant to them to see how they would fare in the unified state. The messages to be conveyed through credible storylines should be stay in your garrison and you will be paid. Stay in your apartment, houses and farms and you will gain title to the property and it will be yours. Families long separated will be reunited. Amnesty will be granted to officials who participate in the resistance. New tractors, buses, infrastructure and health care services will come to your villages and towns. You will be paid from the outset and as trade increases salaries will grow; money, health care and transportation services will become more available. Borders will become fully open to trade when the de-militarized economy achieves production of a full range of goods and services. The series should be instructional and provide the benefits of reducing the potential for violence and lowering the humanitarian costs by informing North Koreans of what to expect and how to act.⁶³ The drama should

address the following themes and topics:

- a. Season 1 Pilot Episode: Future Unification State – Successful television series have a comprehensive pilot episode that introduces the major characters and themes to be developed during the series. Set in the near-future, the pilot would depict the new regional government of Pyongyang, the capital of the northern region of the ROK. Brief overviews of port cities, mines, farms, are shown introducing the key characters who will describe the positive changes that occurred; images include movement of new tractors, trucks, buses and heavy equipment – all of which will look like progress to those familiar with the DPRK's near empty roadways.
- b. Early episodes (2-3) – The first few episodes should describe life across economic sectors and urban and rural geographies around the country, introducing the main characters who later will be revealed in Season 2 as the main leaders of the resistance. The characters will include elite political and military figures in Pyongyang who were part of the underground resistance and later occupied leadership positions in the northern provinces of the Unified Republic of Korea (UROK). The concept of “resistance” must be introduced subtly to delay the KFR reaction to the series until Season 2, if possible. Revising the propagandized North Korean version of history needs to occur to “prepare the environment.”
- c. Retrospective History of DPRK – By episode 4 there should be a return to the origins of the divide between the North and South following the defeat of Japan and the end of WWII. A more accurate history of the installation of Kim Sung Il by the Soviet Union and the US-backed Syngman Rhee should be narrated with actual historical footage. Familiar propagandized scenes mixed with actual footage absent from the DPRK's mythology can convince the population that, in fact, the North invaded the South in 1950. Correcting the historical myths is important to the North's acceptance of the concept of UROK.
- d. Factual narration of DPRK Ideology – Episodes should alternate between modern times and the past to move back and forth through the events that led to the resistance and eventual unification. The development of the DPRK's ideology should be factually narrated. Statements from *Juche* developer and defector, the late Hwang Chang Yop could be powerful in revealing his disappointment, narrating historic actual footage, in addition to the history of the ROK's six Republics. The military coups and unglamorous parts of the ROK “miracle” should be shown factually to build trust through corroborating what North Koreans have heard about the negative parts of the ROK's history.
- e. Economic Development of the ROK – An episode that describes the economic success story of the ROK's development from one of the poorest countries in the world to one of the richest should proudly demonstrate the Korean work ethic and innovativeness.
- f. Economic Development of the DPRK – A factual narrative that juxtaposes the North Korean economic experiment against the other socialist regimes of Cuba, the Soviet Union, and one or more Warsaw pact countries can show that even despite the Korean work ethic, characterized by persistence, ingenuity, and survivalist endurance, a bad economic model cannot replicate the prosperity that free markets plus hard-working people produce. The message should

be one of providing North Koreans hope that with proper governance and working in the economic model that exists in the ROK they will gain the prosperity their efforts merit. Episodes should demonstrate immediate salary increases post-unification.

- g. Sports Teams and Reunited Families – An episode should show the success of the combined Korean Olympic team in Tokyo at the 2020 Olympics which can instill pride in the national potential of a unified ROK. Showing the emotions of reuniting families separated decades ago can engender a similar feeling of brotherly kinship.
- h. Resistance – By season two the Reunification series should move into more overt themes of resistance, showing the beginnings of the resistance in nonviolent acts of civil disobedience. People had gained enough access to world news to know that the daily propaganda broadcasts by the state were not true. Workers began to sabotage the trains, subways, water and power supply systems in subtle ways that greatly inhibited and slowed production. The episode should show the underground beginning to distribute films and messages by cell phones about which day a given sector would stop or slow work which began to demonstrate the scale of the resistance.
- i. Season 2 - Topic 2: Government in Exile - Defections of key second tier members of the core group of loyalists in the OGD to South Korea leads to formation of a government in exile with critical knowledge of how to intercept and overcome DPRK intelligence surveillance.

Further topics and timing of distribution will become a more sensitive subject for determination by the US-ROK PSYOP information strategy task force in accordance with the KFR response to the information

campaign. The Unification series should be both informative and instructional about the progression of resistance and development of an underground network. Viewers should learn to develop discipline and patience; and act at appropriate times as communicated by the emergent underground's leadership.

Support of the Television Drama Campaign

a. Radio support

There should be active technical and financial support of some or all of the various radio entities broadcasting into North Korea to stimulate interest in the Unification drama series. These include Voice of America, Radio Free Asia, Radio Free Chosun, North Korea Reform Radio, Free North Korea Radio (FNKR) and Voice of Freedom. FNKR is noteworthy; it was started by Kim Seong Min, a Colonel in the Korean People's Army before he defected. His broadcasts target soldiers, as he recalls his own experience listening to foreign broadcasts that it was most convincing hearing fellow North Koreans speak. He sensed "they were telling the truth" because "it was so natural, he could feel it."⁶⁴ The unification program needs to project this sense of honesty to North Koreans to move people to active resistance.

North Korean broadcasters should be consulted during the production of the Unification series to confirm the authenticity of the message and secure their buy-in for on-air support once the series begins distribution. The radio broadcasters can be provided the scripts with reviews to read on air describing what occurred in certain episodes and build anticipation for those yet to be distributed. The difficulty of distribution probably favors distributing as much and as soon as possible, before the USBs become a target for confiscation by government security authorities.

b. Distribution of Notetel DVD players for viewing

The US-ROK PSYOP Task Force should develop plans to obtain and distribute up to 500,000 Notetel devices into the market. MP4 players are an alternative that may be better received in the elite Pyongyang mar-

ket who may have better access to batteries and perceive the Notetel to be less sophisticated.⁶⁵ The objective is to move the digital content on whatever platform the market prefers.

About 10,000 Hwagyo ethnic Chinese live in North Korea who are Chinese passports holders allowed to travel between China and North Korea freely. They have gained a near monopolistic hold on trade and as foreigners are not required to attend propaganda sessions.⁶⁶ The US-ROK PSYOP Task Force should selectively recruit and incentivize well-placed persons to enable the infiltration and distribution of products through markets in key cities along the rail route from Chongjin to Pyongyang. Hassig and Oh report in their book about life in North Korea that “train passengers are said to be an excellent source of information and rumor because their anonymity provides them a measure of safety.”⁶⁷ Given that a single rail route is the main artery of movement of people across North Korea it could also become the main route of information, until the internet arrives. The important coastal twin trade cities of Dandong, China and Sinuiju, North Korea could be an additional importation source, given Dandong’s high level of trade with North Korea.

It would be ideal to have multiple Hwagyo traders purchasing and distributing volumes of Notetel players to obfuscate the origin. The USBs and/or SD chips on which the film content is loaded need to be sold in local markets. Defectors have reported that purchasing USBs means they are not propaganda, but rather contain programs of value. The Hwagyo traders will have handsome profit opportunities for their risk, even if the sale price were lowered to \$20 per DVD player (Alibaba quotes a cost of \$35-50 depending on volume purchased). The USBs can also be loaded with other South Korean movies for entertainment, as well as some of the new genre of defector reality TV shows in South Korea starring North Koreans women dating South Korean men, or talk shows describing the harrows of their escape, or the *Amazing Race*-like show where North Korean women are paired with South Koreans to take on various challenges. These are likely to be popular in the North and

selling these on the same USB with the Unification drama should assist its marketability.

The US-ROK PSYOP Task Force should develop plans to counter the anticipated KFR crackdowns on the information campaign. Regime actions may include massive raids on homes to confiscate Notetel players and USBs. Alternative distribution methods and media should be developed to render the regime’s efforts to roll back the information campaign futile. The increased attention and confiscatory efforts will heighten the public’s awareness and desire for access to information. UW planning for assisting the resistance will include support for the formation of underground rebel groups and militias within the military. Collapse of the regime will invite a period of chaotic free-for-all behaviors requiring US-ROK communication with instructions to the DPRK military to maintain internal security. US-ROK messaging should caution the DPRK against violent reactions against the ROK who may be perceived and described to be acting as an aggressor on behalf of the United States. Assurance should be provided that the US-ROK will not attack militarily, but rather will provide food and material assistance to enable North Korea to establish peaceful self-rule.

Conclusion

Jieun Baek notes in “North Korea’s Hidden Revolution” that “North Korea has made numerous public statements about how it considers information campaigns as acts of war by South Korea and the United States,” because the free flow of unapproved information undermines the regime’s foundational pillars.⁶⁸ This statement indicates the DPRK leadership is aware of its vulnerability to an informed populace. Information flow is sowing the seeds of discontent, but this takes time and needs to be a strategic Preparatory Phase of a long-range UW plan to assist the development of a resistance movement that can successfully replace the KFR. America should commit to “fracking” North Korea with an aggressive and sustained information campaign because an “overt policy forcefully backed by reality is the most powerful tool of political warfare.”⁶⁹

Malinkowski reports that during his time in the US State Department there was under \$3 million allocated to supporting the flow of information into North Korea.⁷⁰ The strategic framework in this paper outlines uses for an estimated \$90 million information campaign which is a modest investment to avoid war. It is possible that as internal security threats grow the KFR may become more aggressive, either to react against perceived US-ROK unconventional warfare or to rally domestic support against foreign adversaries to cover up internal instability. However, if conflict were to occur a better-informed and pro-UROK North Korea populace would improve the ability to unify the Korean Peninsula in the long term.

The KFR will oppose the campaign and crackdowns can be expected which may accelerate resistance and conflict. Defectors report that fewer persons report one another to the regime, this is evidence of the popular unity essential to dividing the people from their government.⁷¹ Accessing prohibited information will contribute to the normalization of prohibited behaviors and create horizontal connections in a society that lacks customary civil organizations.⁷² The successful defector Jang states profoundly that the pain of his experience fleeing was akin to giving birth, “freedom” he writes, “is given to anyone born in a free land, but others have to risk their lives for it.”⁷³ Although this campaign is designed to avoid war, it presents risks to the US and its allies, and will be a dangerous undertaking for the North Koreans risking their lives to access and transport information. Fracking North Korea with information may provoke a military response from the KFR against the ROK when Kim Jong Un sees his regime nearing collapse. The US-ROK alliance will need to respond in a measured manner that enables the resistance to overcome the regime. Although the interim pictures of internal regime change will include increased repression, refugees, episodes of violence, and require massive investment in infrastructure and education to bring North Korea into the developed world, a free North Korea will provide greater security for the United States and

its regional allies. By working together with our allies and North Korean defectors the United States can assist their resistance in a real-life drama like no one has seen before.

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A New Strategy for Syria: How Coercive Diplomacy Can Deter Assad from Using Chemical Weapons

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In September 2013, the United States and Russia developed the Framework for Elimination of Syrian Chemical Weapons, whereupon Syria agreed to give up its chemical weapons stockpile, allow United Nations weapons inspectors into the country to investigate its chemical weapons program, and sign onto the Chemical Weapons Convention (CWC). Despite these actions, Syrian President Bashar al-Assad still uses chemical weapons. Assad views chemical weapons as critical instruments to help him achieve his domestic political and military objectives. Russia's support of the Assad regime has also impeded the international community's ability to monitor Syria's use of chemical weapons and has protected Assad from international reproach and retaliation for its chemical weapons violations. The combination of these dynamics has resulted in continued chemical weapons attacks by the Assad government in Syria. In this article, I argue that the Trump administration should adopt a strategy of coercive diplomacy to address these factors and pressure Assad to cease using chemical weapons. This coercive diplomatic strategy would involve making both overt military threats (and if needed, actions) and diplomatic assurances towards the Syrian government. Through explicit military threats or action, the US would demonstrate to Assad the cost of using chemical weapons. Military threats or action against the Assad regime would also impact Russian interests in Syria and would persuade Moscow to reign in the Syrian government's use of chemical weapons. Diplomatic assurances, in conjunction with these threats, would offer Assad an attractive alternative to US military action. Pressure from both the U.S. and Russia would compel Assad to stop using chemical weapons.

Introduction

The United States, under both the Trump and Obama administrations, has been unable to deter President Assad from using chemical weapons. Assad uses chemical weapons because he views them as critical instruments to help him achieve his domestic political and military objectives. However, Russia's support of the Assad regime has enabled this dangerous behavior to continue as Moscow has used its power at the international level to protect the Syrian government from international reproach and retaliation for its chemical weapons violations.

In this article, I propose that the Trump administration adopt a strategy of coercive diplomacy to deter President Assad from using chemical weapons. This strategy would use overt military threats (and if needed, military action to enforce these threats) and diplomatic assurances to compel Assad to stop his

chemical weapons activities. Through explicit threats, the U.S. would demonstrate to the Syrian regime the high costs of using chemical weapons. US threats or actions against the Assad regime would also jeopardize Russian interests in Syria. These threats would compel Moscow to coerce the Syrian government to stop using chemical weapons. US diplomatic assurances would complement these threats by offering Assad an attractive alternative to employing chemical weapons. Explicit US military threats and diplomatic assurances, in combination with pressure from Russia, would convince Assad that the consequences of using chemical weapons would be too severe.

I first outline the history of chemical weapons use in Syria, explaining Assad's motivations to use chemical weapons and Russia's interest in Syria. I then discuss the different strategies President Obama and President Trump have adopted to try to deter

Assad from using chemical weapons. I next analyze the strengths and weaknesses of each approach and examine why these strategies have been ineffective. Lastly, I describe how a coercive diplomatic strategy could compel Syria to stop using chemical weapons.

Background

According to the Chemical Weapons Convention (CWC), a chemical weapon is composed of “toxic chemicals,” which are defined as “any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.”¹ Chemical weapons are classified as weapons of mass destruction.²

Intelligence reports suggest that Syria first acquired chemical weapons in the 1970s at the start of the Yom Kippur War, to counter Israel’s military advantage over Damascus. Over the following decades, conflict within the Middle East increasingly isolated Syria from regional allies. The combination of weak military capabilities and regional isolation encouraged Damascus to develop a chemical weapons program to counter regional threats. By the mid-1980’s, Syria acquired chemical weapons precursors and had created chemical weapons production facilities. When Syria disclosed its chemical weapons stockpile in 2013, they declared large quantities sarin, VX, and mustard gas.³

At the start of the Syrian civil war in 2011, concerns grew that President Assad’s government would use chemical weapons against rebel groups.⁴ At a press conference in August 2012, President Obama cautioned that his “red line” for intervention in Syria would be if Assad used chemical weapons against civilians. Obama stated, “We have been very clear to the Assad regime, but also to other players on the ground, that a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized. That would change my calculus. That would change my equation.”⁵ In Decem-

ber 2012, US intelligence indicated that the Syrian government was manufacturing and planning to use chemical weapons.⁶ In response, President Obama issued a warning to Assad about the consequences of using chemical weapons, saying “Today I want to make it absolutely clear to Assad and those under his command: The world is watching. The use of chemical weapons is and would be totally unacceptable. If you make the tragic mistake of using these weapons, there will be consequences and you will be held accountable.”⁷ After this threat, the Assad regime temporarily stopped its chemical weapons activities.

The first chemical weapons attack in Syria occurred in March 2013. Reports indicated that noxious gas was emitting from a rocket in Aleppo province. 26 Syrians died and over a hundred others were injured. A United Nations (UN) fact-finding mission was assembled to determine what happened. The Assad regime, however, did not allow an investigative team to enter Syria. Despite this setback, by April, US intelligence agencies confirmed with “some degree of varying confidence” that Syrian forces had used the nerve agent sarin against civilians. Russia countered with their own analysis of the attack, concluding that though chemical weapons were used, they were not employed by the Assad regime, but instead by a group of Syrian rebels. Soon thereafter, the U.S. began providing military support to Syrian rebels.⁸

On August 21, 2013, a chemical weapons attack in Ghouta killed 1,429 civilians, with thousands more exhibiting signs of neurotoxic symptoms.⁹ President Obama addressed the American people in the aftermath of the attack:

When dictators commit atrocities, they depend upon the world to look the other way until those horrifying pictures fade from memory. But these things happened. The facts cannot be denied. The question now is what the United States of America, and the international community, is prepared to do about it. Because what happened to those people -- to those children -- is not only a violation of international

law, it's also a danger to our security.¹⁰

Following the Ghouta attack, President Obama worked to mobilize international support for military action against the Assad regime. President Obama worked closely with French President François Hollande and British Prime Minister David Cameron to prepare a military response.¹¹ The purpose of a military response was to reinforce the international norm prohibiting the use of chemical weapons and to inhibit Assad's ability to conduct chemical weapons attacks in the future.¹² President Hollande was particularly forceful in his condemnation of the chemical weapons attacks, and was insistent on full French participation with the US on a military response.¹³ By the end of August, US, British, and French intelligence confirmed that Assad had used sarin gas in Ghouta. Detailed military strike options in Syria were then drawn up between the allies.¹⁴ However, on August 29, Prime Minister Cameron lost a parliamentary vote to authorize British use of force in Syria. Although this vote temporarily halted US and French military preparations, it also gave President Obama the opportunity to rethink his approach to Syria. Despite his earlier "red line" comment and efforts to rally international support, Obama was reluctant to involve the U.S. in another military engagement in the Middle East.¹⁵ After discussions with advisors, Obama announced that instead of proceeding with the joint military strikes with France, he would first ask Congress for an Authorization for Use of Military Force (AUMF) in Syria.¹⁶

In addition to military collaboration with France and Britain, the Obama administration worked to form an international coalition that opposed President Assad's actions. On August 30, 2013, President Obama spoke with the presidents of Estonia, Lithuania, and Latvia about Syria's chemical weapons program. Obama was forceful in his remarks with the Baltic leaders, stating that "The world has an obligation to make sure that we maintain the norm against the use of chemical weapons."¹⁷ On September 6, 2013, the White House released a "Joint Statement on Syria," in which ten countries

joined the U.S. in condemning the Syrian government for the chemical weapons attack in Ghouta. The statement read, "We call for a strong international response to this grave violation of the world's rules and conscience that will send a clear message that this kind of atrocity can never be repeated. Those who perpetrated these crimes must be held accountable."¹⁸ Less than a week later, 26 additional countries signed onto the statement.¹⁹

On September 9, 2013, Secretary of State John Kerry remarked that the only way to prevent a US military strike on Syria would be if President Assad gave up "every single bit of his chemical weapons to the international community in the next week."²⁰ Concerned about the possibility of a military strike in Syria and growing international condemnation of the Assad regime, Russia – a key ally of Damascus – reached out to the U.S. to make a deal.²¹

Moscow's relationship with Syria started in 1970, when the Soviet Union provided Damascus with humanitarian assistance and weapons. Soviet support of Syria stopped, however, when the USSR fell in the 1990s. Russia's relations with Damascus began to warm again when Russian President Vladimir Putin took power in the 2000s, and this alliance strengthened significantly during the Arab Spring.²² Currently, Moscow supports the Assad regime for a number of strategic reasons. First, Russia has military assets in Syria. Moscow's only base in the Mediterranean is in Tartus. In 2015, Russia became involved in Syria militarily to prevent the Assad regime from collapsing and protect this base. Russia has since expanded its base of military operations to Hmeymim airbase. Second, Russia views its presence in Syria as a gateway towards greater influence in the Middle East.²³ Third, Russia is concerned about the spread of terrorist groups such as the Islamic State of Iraq and Syria (ISIS). Russia has been fighting against jihadist rebels along its Chechen border since the 1990s. Although these militants have largely been suppressed, the Kremlin is afraid that if ISIS spreads, these jihadist groups will be emboldened. Russia has faced an uptick in the number of terrorist attacks in recent years sponsored

by ISIS, and some of these ISIS fighters are Chechen in origin. Fourth, Moscow's presence in Syria helps distract the Russian people from domestic problems, specifically its failing economy. Western sanctions in response to Russia's invasion of Ukraine and human rights violations have hurt Moscow's economy. Putin's actions in Syria have boosted Russian national pride. Finally, Syria offers Russia a space to test and sell cutting-edge military equipment. These tests demonstrate Russian military power to the rest of the world.²⁴

Through diplomatic negotiations, the U.S. and Russia implemented the "Framework for Elimination of Syrian Chemical Weapons" on September 14, 2013. As part of this agreement, Syria would give up its chemical weapons stockpile, allow UN weapons inspectors into the country to investigate the Syrian government's chemical weapons program, and sign the CWC. On September 27, 2013, the Organisation for the Prohibition of Chemical Weapons (OPCW) adopted decision EC-M-33/DEC.1 and the United Nations Security Council (UNSC) adopted resolution 2118, which codified the process of destroying Syria's chemical weapons stockpiles.²⁵ Based on recommendations from UN Secretary-General Ban Ki-moon and OPCW Director-General Ahmet Üzümcü, the OPCW and UN created a Joint Mission to implement UNSCR 2118. The Joint Mission worked in Syria to assist the government in meeting the terms of the Framework for Elimination of Syrian Chemical Weapons.²⁶ The OPCW also established a fact-finding mission in May 2014 with the purpose of documenting Syrian chemical weapons activities. There have been over a dozen reports on Syrian chemical weapons activities since its inception.²⁷ By June 2014, Syria's chemical weapons production facilities had been dismantled. In August 2015, the UNSC adopted Resolution 2235, which established a one-year Joint Investigative Mechanism (JIM) to identify those responsible for using chemical weapons in Syria.²⁸ By January 2016, the OPCW announced that the entirety of Syria's chemical weapons stockpile, 1,328 metric tons, had been destroyed.²⁹

However, in late 2016, evidence

emerged that the Assad regime was continuing to use and manufacture chemical weapons. Furthermore, intelligence indicated that ISIS was using sulfur mustard gas it acquired from Syrian government weapons stores to attack civilians.³⁰ These reports prompted the UN and OPCW to commission fact-finding missions to investigate the allegations and authorize JIM missions to determine the perpetrators of these attacks.³¹ In response to Syria's continued use of chemical weapons, the US Treasury Department sanctioned officials involved with Damascus's chemical weapons program.³²

On April 4, 2017, details of a chemical weapons attack in Khan Sheikhoun emerged. According to a US National Security report, the attack emanated from Syrian forces and killed 50 to 100 people.³³ In response to the attack, President Trump ordered the launch of 59 Tomahawk cruise missiles targeted at Al Shayrat airfield in Syria, the origin of the chemical weapons attack.³⁴ Trump outlined his reasoning for the airstrikes in a speech on April 6, saying "It is in this vital, national security interest of the United States to prevent and deter the spread and use of deadly chemical weapons."³⁵ The international community largely supported Trump's use of force. Russia and Iran, however, condemned the strikes. According to President Putin's spokesman, "Putin views the U.S. strike on Syria as aggression against a sovereign state in violation of the norms of international law and on a made-up up pretext... Washington's step will inflict major damage on U.S.-Russia ties."³⁶ In June, the OPCW concluded that sarin was used in the Khan Sheikhoun attacks.³⁷ In October, the JIM determined that the chemicals used in the attack were made with the "precursor DF [Methylphosphonyl difluoride] from the original stock from the Syrian Arab Republic" and they were "confident" that the Syrian government was responsible for the attacks.³⁸

Despite evidence from OPCW fact-finding missions and JIM reports, Russia has consistently questioned the validity and impartiality of these two commissions.³⁹ In February 2017, both China and Russia vetoed a resolution in the UNSC that would have put

sanctions on Syria after a JIM report determined that the Assad government was guilty of conducting three chlorine gas attacks. Russia argued that the sanctions would have damaged UN-led peace talks between the rebels and the Syrian government.⁴⁰ In April 2017, Russia again vetoed a draft resolution before the UNSC that would have “condemned the reported chemical weapons attack on the Syrian town of Khan Shaykhun and expressed its determination to hold the perpetrators accountable.”⁴¹ The Russian representative to the UN vetoed the draft because the resolution contained “erroneous contents” and that the “drafters had named a perpetrator before a proper investigation had been conducted.”⁴²

Despite its attempts to delegitimize reports detailing the Assad regime’s use of chemical weapons, in November 2016, Russia adopted UNSC resolution 2319, which extended the mandate of the JIM.⁴³ However, in October 2017, Russia and Bolivia vetoed a draft resolution within the UNSC that would have renewed the JIM’s mandate for an additional year. According to a Russian UN representative, the United States’ April 2017 airstrikes were “carried out after a hasty determination that Syria was guilty. That rush to judgement had, therefore, been predetermined, as had strategies to impugn the Russian Federation.” Moreover, Russia claimed that the vote to renew the JIM within the UNSC was the United States’ attempt at “politicizing the issue.”⁴⁴

For the remainder of 2017 and into 2018, Assad continued to use chemical weapons.⁴⁵ The Trump administration responded to these attacks with statements condemning Assad’s continued chemical weapons use. For example, in response to reports of six chemical weapons attacks in Syria in February 2018, the Trump administration released a statement saying that it was “gravely alarmed by continued allegations of the use of chlorine gas by the Syrian Regime to terrorize innocent civilians,” and that they “implore the international community to speak with one voice, taking every opportunity to publicly pressure the Assad regime, and its supporters, to cease its use of chemical weapons and hold those responsible accountable for these brutal attacks.”⁴⁶

On April 7, 2018, barrel bombs containing chemical weapons were dropped onto the Syrian city of Duma. Victims of the attack exhibited symptoms that were consistent with chlorine or sarin exposure. 40 civilians were killed and hundreds more were affected.⁴⁷ US intelligence determined that the Syrian government dropped the bombs from helicopters. Russia and Syria, however, claimed that either terrorists were responsible for the attack or it was staged. According to an assessment of the attack released by the White House, Assad used the chemical weapons to retake rebel-held territory and “eliminate the final opposition pocket in East Ghutah capable of threatening the capital.”⁴⁸

On April 10, 2018, two resolutions were introduced at a UN Security Council meeting to renew the JIM. The first proposal, submitted by the U.S., would have renewed the JIM for a year. The second, introduced by Russia, would have also restarted the JIM, but would have allowed the UNSC instead of the JIM to determine who was responsible for the chemical weapons attacks in Syria. Both proposals were rejected. Russia’s denial of the United States’ proposal was the twelfth instance that Russia used its veto power in the UNSC to prohibit international censure or action against Assad.⁴⁹

In response to this chemical weapons attack in Duma, on April 14, 2018, the U.S., in collaboration with Britain and France, carried out a joint strike against two storage facilities and a research center associated with Assad’s chemical weapons program.⁵⁰ The U.S. used deconfliction channels to warn Russian forces in Syria of the strikes, to avoid a direct military confrontation between the U.S., France, Britain and Russia.⁵¹ In a speech after the strike, President Trump rebuked Russia’s protection of Assad, saying “In 2013, President Putin and his government promised the world that they would guarantee the elimination of Syria’s chemical weapons. Assad’s recent attack and today’s response are the direct result of Russia’s failure to keep that promise. Russia must decide if it will continue down this dark path or if it will join with civilized nations as a force for stability and peace.”⁵² Rus-

sia condemned the strikes, saying in a statement, “The worst apprehensions have come true. Our warnings have been left unheard. A pre-designed scenario is being implemented. Again, we are being threatened. We warned that such actions will not be left without consequences. All responsibility for them rests with Washington, London and Paris. Insulting the President of Russia is unacceptable and inadmissible. The U.S. – the possessor of the biggest arsenal of chemical weapons – has no moral right to blame other countries.”⁵³

President Assad relies heavily on chemical weapons to achieve his political and military objectives. Assad’s forces have weakened after years of fighting in the Syrian civil war, and it has been difficult for his military to wage an effective campaign against US-backed opposition forces within his borders. The Assad regime therefore depends on Russian airstrikes to aid them in their fight against the rebels. Assad uses chemical weapons to demonstrate his military might to his people and his commitment to use all available weapons to win the civil war. Assad also uses chemical weapons to demoralize opposition forces.⁵⁴ According to Dr. Monzer Khalil, Idlib Province’s health director, the chemical weapons attacks emphasize to the public that “You are at our mercy. Don’t ask for international law. You see, it doesn’t protect even a child.” According to *New York Times* reporter Anne Barnard, the Syrian government has “adopted a policy of seeking total victory by making life as miserable as possible for anyone living in areas outside its control;” intensifying chemical weapons attacks against civilians is component of this strategy.⁵⁵ Assad also uses chemical weapons because they are easy to manufacture. The ingredients necessary to create chemical weapons are also used for commercial purposes, and thus are easily accessible.⁵⁶ Since signing the CWC, Syria has frequently used chlorine to attack civilians because of this dual-use capability.⁵⁷ Because the Assad regime is dependent on chemical weapons to achieve their domestic priorities, the government is willing to violate the CWC.

Analysis

The Obama administration’s strategy to deter President Assad from using chemical weapons was initially effective. Obama’s approach centered on diplomatic engagement through collaboration with international partners and organizations, in addition to economic sanctions and the threat of military force to pressure Assad to cease using chemical weapons. Obama’s strategy worked within international law frameworks to strengthen and legitimize the outcomes of disarmament. By working to build a multinational coalition of states that condemned Assad’s use of chemical weapons and supported US diplomatic maneuvers and military threats, Obama increased the credibility of his actions. This credibility was strong enough to compel President Putin to change his views on Syrian chemical weapons use. Putin then coerced Assad to give up his chemical weapons stockpiles, dismantle his chemical weapons production facilities, and sign onto the CWC.

Despite the initial success of this strategy, Obama was ultimately unable to prevent Assad from continuing to use chemical weapons. There were several reasons for this failure. First, although USCR 2118 eliminated his stockpiles, the reason that Assad uses chemical weapons – to help him win the Syrian civil war and intimidate his people – remained unchanged. Second, chemical weapons such as chlorine are dual-use and relatively easy to manufacture. Third, Russia played an outsized role in the 2013 disarmament discussions and was able to ensure that any punishment against Syria for chemical weapons violations would be minimal. Specifically, Moscow ensured that if Syria violated the terms of the CWC, the U.S. could not use force or automatically reinstate sanctions against the Assad regime. This divested Obama of a “credible threat of force” against Assad. Moreover, the lack of a “civilian protection annex” in the Framework for Elimination of Syrian Chemical Weapons impeded the Obama administration’s ability to respond to chemical weapons attacks against civilians.⁵⁸ Furthermore, with Russia protecting Syria from international condemnation and retaliation, Assad has faced little

pressure to change his behavior. Despite evidence of continuing chemical weapons attacks in Syria, Moscow has consistently disavowed these reports and vetoed UN efforts to investigate them. Russia's strategic interests in Syria are one reason for this protective behavior; another is that Putin has publicly committed to backing Assad, and any indications that the Syrian regime is using chemical weapons in defiance of the agreement Russia helped negotiate would demonstrate that Moscow does not have full control over Assad.⁵⁹ Therefore, although Russia initially coerced Assad to dismantle his chemical weapons program, Moscow has since shielded Damascus from the consequences of breaking its commitments to disarm. Thus, Assad has not felt pressure to adhere to the CWC because the penalties of violating this treaty have been limited.

The Trump administration's strategy to deter Assad from using chemical weapons has also been ineffective. However, this is primarily because Trump's approach to resolving this issue has been inconsistent. Initially, President Trump relied on the unilateral use of force to respond to the April 2017 chemical weapon attacks. These strikes did not deter Assad from continuing to use chemical weapons for two primary reasons. First, the Trump administration did not attempt to create a coalition of international allies that were willing to act with the U.S. in response to Syrian's violation of the CWC. Though many US allies supported Trump's use of military force, they did not act *with* him. One of the most effective aspects of President Obama's strategy was his ability to create an international coalition of states that were willing to act against Assad. The threat of international action in Syria pressured Putin to compel Assad to hand over his chemical weapons. To Russia, the destruction of Assad's chemical weapons program was preferable to international military action in Syria. Second, the Trump administration's April 2017 airstrikes against the Assad regime were largely symbolic; they hit little of operational or strategic value and did not degrade the regime's chemical weapons capabilities.⁶⁰

From April 2017 to April 2018, Trump pursued a diplomatic pressure strategy

through engagement at the United Nations and the State Department to deter Syria from using chemical weapons. These diplomatic efforts, however, were unsuccessful. The biggest barrier to these approaches was Russia's efforts to block investigations into Assad's chemical weapons activities and prevent sanctions from being imposed on the Assad regime. US Ambassador to the UN Nikki Haley said in January 2018, "We know that for years Russia has looked the other way while their Syrian friends use these despicable weapons of war...Russia is complicit in the Assad regime's atrocities. Will the Russian Federation say anything at all today about the suffering caused by Assad's barbaric tactics? Will they hold Assad to account? Of course not. They never do."⁶¹

The April 2018 chemical weapons attack in Duma prompted the Trump administration to once again shift strategies in Syria. In contrast to the first US military strike in Syria – which was a quick, unilateral show of force – Trump waited a week to build a coalition of partners, France and Great Britain, who joined the U.S. in striking Syria. Though it is too early to determine if the strikes will stop Assad from continuing to use chemical weapons, Trump's decision to use force in collaboration with international partners enhanced the legitimacy of the strikes in Syria. It also reminded Assad and Putin that the international community was committed to enforcing international laws that prohibit the production and use of chemical weapons.

Overall, the Trump administration's strategy to deter Assad has been ineffective because it has been inconsistent. Trump's strategy in Syria has vacillated between unilateral military action, inaction but rhetorical pressure, and multilateral military action. The lack of a coherent strategy impedes the United States' ability to successfully apply pressure on Assad to restrain him from using chemical weapons.

Recommendations

Despite joining the CWC, Assad still manufactures and uses chemical weapons. Assad uses these weapons because he views them as important tools to achieve his domestic political and military goals, and because there are

limited penalties for violating chemical weapons disarmament agreements. Any US strategy to deter Assad from using chemical weapons must address these two considerations.

In order to prevent the Syrian government from using chemical weapons, the Trump administration should adopt a strategy of coercive diplomacy towards the Assad regime. This strategy would involve making both explicit military threats and diplomatic assurances towards the Syrian government. Overt threats, instead of vague pronouncements, would signal to Assad that the U.S. is willing to use force in response to a chemical weapons attack. This would enhance the credibility of the United States' declarations. Explicit threats also signal a measured US response. They demonstrate that any US action in Syria would be in response to a chemical weapons attack and would not become part of a larger military campaign. Diplomatic assurances would complement these threats by outlining to the Syrian government which steps it would need to take for US military threats or action to cease. An example of a coercive diplomatic strategy would be if the U.S. threatened to degrade the Syrian government's chemical weapons infrastructure through a series of escalating military strikes unless Assad allowed international monitoring, verification, and enforcement of the CWC to resume in Syria. A benefit to a coercive diplomatic strategy is that it is flexible; the Trump administration would be able to tailor the types of threats and assurances they would deploy based on the level of risk they would be willing to incur.

According to an assessment by the Trump administration after the April 2018 chemical weapons attack in Duma, the Assad regime's reliance on chemical weapons "will continue until the costs to the regime of using these weapons outweigh any idea that they may provide military advantages."⁶² A coercive diplomatic strategy would not entirely eliminate Assad's rationale for using chemical weapons. However, it would significantly increase the cost of using these weapons, and therefore decrease Assad's incentives to employ them.

Although the primary target of a coercive diplomatic strategy would be the

Assad regime, an ancillary target would be Russia. Moscow's support of Assad has impeded the ability of the international community to monitor Syrian chemical weapons use and has protected the Assad regime from international retaliation when it violates the CWC. Therefore, any US strategy designed to deter Assad from deploying chemical weapons must also focus on changing Russia's calculus towards Syrian chemical weapons use.

A coercive diplomatic strategy would not be aimed at targeting Russian military assets or personnel. Instead, it would focus on changing Russia's stance regarding Assad's chemical weapons use in two ways. First, explicit military threats (and if necessary, actions) towards the Assad regime would demonstrate to Russia that the United States is committed to stopping Assad's use of chemical weapons. Second, these threats would impact Russia's strategic interests in Syria. Specifically, US action in Syria could impede Russia's ability to sell, test, or demonstrate its weapons capabilities in the region. US military action against Assad could also hurt the effectiveness of the joint Syrian-Russian campaign against ISIS. In addition, a weakened Syria could diminish Russia's political influence in the region. The combination of these two elements would encourage Putin to coerce Assad to change his behavior so that Russian strategic interests could be maintained.

A coercive diplomatic case study has insightful parallels to how this strategy would be applied to Russia's support of the Assad regime. In 2003, the U.S. carried out a coercive diplomatic campaign against North Korea (DPRK) in order to prevent Pyongyang from developing nuclear weapons. This campaign, however, had the added effect of changing China's thinking towards North Korea's proliferation of nuclear weapons, and China halted oil exports to the DPRK. This induced the North Koreans to join the Six Party Talks. US threats against North Korea persuaded China to take the lead and pressure an ally to change its behavior.⁶³ Similarly, a US coercive diplomatic strategy would compel Russia to pressure the Assad regime to modify its behavior. Russia is Syria's most important ally, and

therefore has the ability to influence the Assad regime's behavior. Russia, fearful that their strategic interests in Syria would be at risk, would be motivated to adopt a leadership role in compelling Assad to stop using chemical weapons. Persuading the Syrians to cease using chemical weapons would also be an attractive policy option for the Russians. It would give Russia an opportunity to solidify their control over the Assad regime. Through sustained pressure from both the U.S. and the Russians, Assad would be forced to change his behavior.

A coercive diplomatic strategy would mesh well with the Trump administration's current lines of approach to Syria and would reinforce the Trump administration's commitment to stopping Syrian chemical weapons use. President Trump was explicit in remarks after the April 2018 strikes, saying that "the purpose of our actions tonight is to establish a strong deterrent against the production, spread and use of chemical weapons" and that this deterrent "is a vital national security interest of the United States." He emphasized that "we are prepared to sustain this response until the Syrian regime stops its use of prohibited chemical agents."⁶⁴ Trump has already demonstrated a willingness to use force in Syria; explicit threats would further enhance this credibility. Increased assurances would reinforce Trump administration statements condemning the chemical weapons attacks.

An international coercive diplomatic strategy, coordinated and implemented with US allies, would significantly strengthen the credibility of explicit threats and assurances. The threat of international military action would increase the pressure on Assad and Putin to change their actions. The promise of international diplomatic and legal assurances (through institutions such as the UN or OPCW) if Syria stops using chemical weapons would incentivize Moscow and Damascus to resolve this issue through diplomatic avenues.

Considerations

There are several challenges associated with the implementation of a coercive diplomatic strategy. The U.S. must strike a balance between levying threats that are not compel-

ling enough to change Syrian and Russian behavior, versus making threats that are too menacing, which could lead to an escalation of the conflict in Syria. This same balance must be struck with the desirability (or lack thereof) of the diplomatic assurances. To reduce the likelihood that either of these scenarios would occur, the Trump administration would have to carefully select targets based on their strategic importance to both Moscow and Damascus. Gaming out the possible outcomes of a coercive diplomatic strategy would help the U.S. plan and manage any associated risks.

Russia's reaction to the coercive diplomatic campaign could also be unpredictable. There are two outcomes that would hinder the efficacy of this strategy and prove unfavorable to the U.S. First, Russia could overreact to the threats against Assad and engage with the U.S. militarily in Syria. This scenario is unlikely to occur. On multiple occasions, the U.S. has militarily engaged with Syrian or Russian forces in Syria; however, a mutual desire between the U.S. and Russia to avoid a larger military confrontation has forced a reduction of tensions. The most recent example of this occurred in February 2018, when Russian troops – later characterized as mercenaries by Moscow – engaged in direct fire with US troops. Though there were no American casualties, US forces killed 200 to 300 of these Russian mercenaries. After this incident, both the U.S. and Russia worked to ensure that the incident didn't evolve into a larger armed conflict. This desire to prevent a conflict between the U.S. and Russia is also apparent in the Trump administration's prioritization of "smart bombs" on the battlefields in Syria. Smart bombs are able to bypass missile defense systems and more accurately strike targets. This reduces the likelihood that bombs would unintentionally kill nearby Russian troops.⁶⁵ It should be noted that this mutual desire to avoid a conflict could change over time, and that any US strategy towards Syria and Russia should plan for changing geostrategic dynamics. Second, Russia might not respond at all to the coercive diplomatic strategy. However, the main target of this plan is Assad. Thus, if Russia doesn't respond, the U.S. should increase the military

threats and diplomatic assurances against the Syrian government to change Assad's calculus.

A coercive diplomatic strategy could also have global security implications. Depending on the assets that the U.S. targets, the Syrian government's campaign against ISIS could be impacted. This would affect the U.S. and Russia's strategic interests in Syria. However, this could be mitigated by prioritizing targets that have a direct correlation to the Assad regime's chemical weapons program and avoiding those that are essential in the battle against ISIS.

The goal of a coercive diplomatic strategy is to stop Assad from using chemical weapons. If this campaign is effective, however, it could affect Assad's military operations in Syria and ultimately impact US military operations in Syria. For example, if Assad stops using chemical weapons, he might rely more heavily on conventional weaponry on the battlefield. This could, in turn, increase Russia's involvement in Syria – thereby increasing the likelihood of a US-Russia engagement in Syria. Thus, the coercive diplomatic approach should be implemented in coordination with the US's military campaign in the region to address this potential ancillary effect. However, though the coercive diplomatic strategy should be harmonized with US efforts on the ground in Syria, it should not be an explicit part of these efforts. In order for this strategy to be effective, Assad and Russia must perceive the coercive diplomatic campaign as separate from US military operations in Syria. Without a clear delineation, the strategy's goals are at risk of becoming lost in the United States' broader regional aims, which would reduce the efficacy and impact of the coercive diplomatic strategy in Syria.

The strength of a coercive diplomatic strategy lies both in the credibility of its threats and diplomatic assurances. The Trump administration's recent withdrawal from the Joint Comprehensive Plan of Action (JCPOA or the Iran deal), despite Iranian compliance, could undermine the credibility of US diplomatic assurances.⁶⁶ Syria and Russia could view US assurances as empty and instead only focus on the threats com-

ponent of the coercive diplomatic campaign. Without assurances to balance threats, the coercive diplomatic strategy would fail. The Trump administration could mitigate this risk and enhance the credibility of US diplomatic assurances towards Assad with aggressive diplomatic outreach, through engagement with international institutions, or by partnering with other countries to strengthen the legitimacy of the United States' assurances.

A final challenge with this approach would be if the U.S. prioritizes other foreign policy issues over the prevention of Syrian chemical weapons use. For example, the Trump administration has been reluctant to confront Russia on the international stage. Putting pressure on Russia to do more to stop Assad from using chemical weapons might contradict this strategy of non-aggression towards Moscow. However, there would be serious consequences if the US fails to stop Syrian chemical weapons use. Syria's production and deployment of chemical weapons would diminish, or possibly even destroy, the international legal frameworks against their use. The Trump administration acknowledged this reality in an assessment of the 2018 chemical weapons attack in Duma: "The [Assad] regime's continued use of chemical weapons threatens to desensitize the world to their use and proliferation, weaken prohibitions against their use, and increase the likelihood that additional states will acquire and use these weapons."⁶⁷ If the Syrian government persists in using chemical weapons, it would also weaken the power of multinational organizations that support chemical weapons non-proliferation.

Conclusion

Despite the efforts of the Obama and Trump administrations, Syria still uses chemical weapons. A coercive diplomatic strategy would demonstrate to both Syria and Russia that the United States is committed to stopping the Syrian government from using chemical weapons. More explicit threats and assurances would be effective at pressuring the Russians to leverage their relationship with the Syrians to coerce President Assad to cease using chemical weapons. Through

pressure from both the U.S. and the Russia, Assad will be forced to change his behavior.

The United States has both the ability and the responsibility to lead a global effort to stop chemical weapons proliferation and use. If the U.S. fails to develop a comprehensive strategy to deter chemical weapons use, the strength of norms and legal frameworks against chemical weapons will ultimately be diminished. Through a coercive diplomatic strategy, the U.S. can reinforce its leadership, credibility, and resolve on the world stage to deter the use of chemical weapons.

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Abu Musab al-Suri Goes Online: Conditions for the Success of Jihadist Online Strategies

Sarah Marie Gresser

This paper utilizes Social Movement Theory to analyze the online strategies of al-Qaeda and the Islamic State. Applying Social Movement Theory, this paper argues that the relative online successes of each group can be explained through this theory of radicalization through social engagement. This paper looks at the writings of al-Qaeda strategist, Abu Musab al-Suri, who envisioned use of the internet for social engagement, as it considers the implications of a likely increase in jihadist use of the internet.

The former Director of the National Counterterrorism Center¹ and the Islamic State² agree: jihad is entering a new phase. As Jason Burke writes, “[w]ith the Islamic State losing territory and the al-Qaeda network increasingly decentralized, individuals and small autonomous cells may increasingly take the initiative in both the murderous and messaging dimensions of terrorism.”³ Deprived of territory and leadership, both groups must utilize effective online strategies in order to achieve their goals.

Effective use of the internet was envisioned by al-Qaeda strategist Abu Musab al-Suri. Long before the Islamic State made headlines through videos of mass beheadings, al-Suri underscored the importance of the internet to al-Qaeda. al-Suri’s concept of “individual terrorism” envisioned use of the internet to broadcast al-Qaeda’s message as “Muslim homes...become both the new training camps and forward bases.”⁴ al-Suri’s concept of individual terrorism is an example of utilizing the internet for social engagement, a core principle of Social Movement Theory.

This paper will utilize Social Movement Theory to analyze the online strategies of al-Qaeda and the Islamic State,⁵ with a focus on the innovations of the latter. This paper will argue that Social Movement Theory sheds light on the relative online “successes” of both groups. In conclusion, this paper will examine online threats to the United States⁶ in a future where al-Qaeda and the Islamic State have suffered territorial losses.

Social Movement Theory

Social Movement Theory posits that radicalization is a process influenced by social engagement. Key theorist Quintan Wiktorowicz argues that there are four non-consecutive steps in the radicalization process: “cognitive opening,” “religious seeking,” “frame alignment,” and “socialization.”⁷

In cognitive opening, the individual experiences a grievance or a strain which shakes their belief system or worldview, rendering them open to new ideas. In religious seeking, the individual seeks out an ideology which will make sense of the experiences which caused this cognitive opening. In frame alignment, the individual is presented with an ideology or way of understanding their grievance or strain. Importantly, this frame must resonate with the individual; it is not enough to simply be exposed to a frame. The frame must be relevant and understood as explaining the individual’s experiences.⁸ Frames are diagnostic (they establish what is wrong), prognostic (they identify how to fix it), and motivational (they offer a rationale to fix what is wrong).⁹ Finally, socialization occurs when the individual engages in activities that solidify ideological belief. Socialization is the final step in an otherwise non-consecutive process, predicated on an individual experiencing cognitive opening, religious seeking, and frame alignment.

Use of Social Movement Theory allows one to explain the importance of cells, groups, and networks (online or offline) in the radicalization process. While social groups

may “assist” in any of the steps of radicalization, they are necessary for the process of socialization. Wiktorowicz notes: “one of the most consistent findings in social movement research is that social relationships are important network pathways to participation, especially where high risk activism is involved.”¹⁰

Social Movement Theory and the Internet

As an explanatory lens for understanding the process of radicalization, Social Movement Theory can be applied to understand the internet’s place vis-a-vis radicalization. While the internet can serve terrorist groups at any step of the radicalization process, cognitive opening and religious seeking may be steps less suited to an online strategy. More apparent is the use of the internet by terrorist organizations for frame alignment and socialization. Both al-Qaeda and the Islamic State use the internet to present a frame that resonates with prospective followers and provide those followers with the opportunity to engage, or socialize with, the organization. Furthermore, the rise of social media has led to the creation of online cells, groups, and networks: an online community of fellow jihadis.

Applied to the internet, Social Movement Theory explains the conditions under which terrorist online activity is more likely to “succeed” in achieving its desired outcome(s). It furthermore highlights the fact that effective online activity is more than propaganda dispersal; it requires frame alignment and socialization. Although these two conditions may not be sufficient for an effective online strategy, Social Movement Theory posits that they are necessary:

1. The terrorist organization must create an online frame that resonates with the target audience. This means that the frame identifies a problem, the frame suggests a solution to the problem, and the frame gives motivation to act to resolve the problem.
2. The terrorist organization must provide opportunities for online or offline socialization. Socialization reiterates and supports the ideological frame as

it encourages individuals to engage in specific acts or hold certain beliefs. Finally, socialization can provide information which enables engagement.

Application of these conditions elucidates the comparative online successes of al-Qaeda and the Islamic State.

Social Movement Theory and Abu Musab al-Suri

At the cusp of the internet revolution in 2004, al-Qaeda strategist Abu Musab al-Suri published *A Call to a Global Islamic Resistance*. This publication noted the importance of the internet for jihadis and envisioned “nizam, la tanzim (system not organization).” As noted above, al-Suri called this vision “individual terrorism.”¹¹ This vision has become increasingly salient for jihadist groups as they seek to achieve their goals despite territorial losses. As Social Movement Theory outlines, effective online strategies depend on an ability to create a frame that resonates and provides opportunities for socialization. Achievement of al-Suri’s vision depends on the degree to which al-Qaeda and the Islamic State meet these two conditions.

al-Qaeda’s Online Strategy

al-Qaeda has always recognized the power of media and the internet.¹² Since the September 11, 2001 attacks, the group continues to operate on and offline. al-Qaeda’s online strategy has advanced with the development of the internet and the advent of social media. While the group has been overshadowed by the Islamic State’s online tactics utilizing beheadings and video game like graphics, the group has had success in utilizing the internet to achieve frame alignment and provide opportunities for socialization. Furthermore, the internet gives al-Qaeda an opportunity to maintain its brand. *al-Qaeda: Frame Alignment and Socialization*

Outsourcing its ideology, al-Qaeda has become a global brand seeking to maintain cohesion among its affiliates and inspire homegrown attacks on the West. Indeed, a 2008 report by Daniel Kimmage noted that

although the majority of al-Qaeda's media was from affiliates (as opposed to al-Qaeda Central), the branding of all al-Qaeda media was "consistent and systematic."¹³ This increases the credibility of al-Qaeda's media and overall brand. By ensuring internal brand cohesion, al-Qaeda can project itself as a stronger, more credible organization.

The franchise approach may give al-Qaeda the opportunity to address local needs and concerns, increasing the likelihood that its frame will resonate with its target audience. A study of al-Qaeda's media strategy found that the group sought to maintain a consistent message while catering to local sensibilities. In "The Contours of Al-Qaeda's Media Strategy," Carl Ciovacco noted consistent messaging on behalf of Osama Bin Laden and Ayman al-Zawahiri, highlighting seven "platform themes" that are consistent across al-Qaeda's messaging: "call to jihad, clash of civilizations, United States-Israel connection, Muslim unity, United States is weakening, apostate Muslim leaders are betraying Islam, United States is stealing Muslim oil."¹⁴ Balancing such consistent messaging, however, the same study found that top leadership utilized "tailored statements for specific audiences around the world."¹⁵

Writing on "Al-Qaeda's Resurrection," Bruce Hoffman notes that the group's survival is partly a result of a decision to decentralize its message and focus on local grievances. Hoffman calls al-Qaeda's approach "glocal"; the group has "effectively incorporated local grievances and concerns into a global narrative that forms the foundation of an all-encompassing grand strategy."¹⁶ Hoffman's analysis indicates that al-Qaeda's ongoing strategy continues to focus on the resonance and credibility of its message among the local population.

Perhaps the best example of al-Qaeda's online success, Anwar al-Awlaki sought to align al-Qaeda's frame with the experiences of Western Muslims. An American-Yemeni cleric, al-Awlaki used the internet to brand himself as a "user-friendly al-Qaeda personality," making the ideology of al-Qaeda accessible to his followers.¹⁷ In his analysis of al-Awlaki, Alexander Meleagrou-Hitchens

notes that "a social movement...succeeds when the message of the frame articulator aligns with the views and experiences of potential movement participants and achieves a level of resonance which can move people towards action." As a frame articulator, al-Awlaki was able to align al-Qaeda's ideology with the experiences of a Western audience.¹⁸ One of the mediums by which al-Awlaki advanced the ideology of al-Qaeda was through his blog. Launched in 2008,¹⁹ the blog provided a clear presentation of al-Awlaki's ideological frame and fostered an online community. Indeed, a former Department of Homeland Security official noted American and British traffic on the blog as "extremely concerning."²⁰ al-Awlaki was also popular on YouTube, with a 2009 British government analysis finding 1,910 videos of al-Awlaki, one of them with 164,420 views.²¹

In addition to his blog, YouTube videos, and other forms of online media, al-Awlaki was active in the socialization process, having direct or indirect contact with individuals for the purposes of conducting attacks. One example is the 2009 underwear bomber Umar Farouk Abdulmutallab, who boarded Northwest Airlines Flight 253 carrying a concealed bomb which he intended to detonate.²² al-Awlaki was directly involved with preparing Abdulmutallab for the attempted bombing. Likewise, Major Nidal Hassan was in direct contact with al-Awlaki via email prior to the 2009 Fort Hood shooting.²³ These examples highlight al-Awlaki's use of the internet as a method of socialization. al-Awlaki serves as an example of al-Qaeda's online strategy through his ability to align al-Qaeda's frame with the experiences of Western Muslims as well as his efforts to engage potential followers socially.

Maintaining Popular Support and Ensuring Survival

al-Qaeda has always sought the positive opinion of Muslims and has sought positive media coverage as a part of this broader goal. al-Qaeda's initial objective is to focus on the far-enemy (the United States and the West). Given this goal, al-Qaeda seeks to maintain support from

the local population in order to launch attacks against the United States and the West.

In an infamous 2005 letter to al-Qaeda in Iraq's leader Abu Musab al-Zarqawi, Ayman al-Zawahiri stressed the importance of public opinion: al-Qaeda is in a "race for the hearts and minds of our umma [community of Muslims]." ²⁴ al-Zarqawi's words highlight the difference in strategy between al-Qaeda and the precursor to the Islamic State. Zawahiri indicates that the "strongest weapon" in the achievement of the group's goals in Iraq is popular support from Muslims in Iraq. ²⁵ As such, the group should work to maintain this support, refraining from attacking Shia Muslims and from propagating videos depicting slaughter. ²⁶

al-Qaeda's comparatively reserved approach in the last few years can be attributed to a decision to allow the Islamic State to receive the bulk of attention while al-Qaeda ensures its survival. In July 2016, al-Qaeda's Syrian affiliate Jabhat Al-Nusra, announced it was breaking external ties with al-Qaeda, rebranding itself as Jabhat Fateh al-Sham. According to Bruce Hoffman, this move is a mask to hide the close relationship between Jabhat Fateh al-Sham and al-Qaeda. Paired with an ongoing strategy to present itself as a "moderate alternative" to the Islamic State in Syria, this move by Jabhat Fateh al-Sham "is a reflection of a calculated strategic choice taken by al-Zawahiri at a pivotal moment in al-Qa'ida's history." ²⁷ While not as effective at drawing foreign fighters, al-Qaeda's current strategy in Syria seems to be effective at ensuring its survival. If Hoffman is correct, this is a calculated move to ensure group longevity.

The Islamic State's Online Strategy

Ominously declared as a revolution in online terrorist propaganda, much scholarship has focused on Islamic State's online activity. The group has increasingly leveraged the rise of social media. ²⁸ It is necessary, however to note that Islamic State's success has been dependent on more than propaganda dispersal. While it is tempting to identify choreographed videos or the use of twitter bots as a key reason for the group's on-

line success, such an analysis is incomplete. An accurate view of successes can be seen in the group's ability to create an online frame that resonates with their target audience, and more importantly, provides an opportunity for socialization through the internet.

Frame Alignment

Through his translation of *Media Operative, You Are a Mujahid, Too*, a 55-page strategy document circulated via social media in April 2016, Charlie Winter provides an analysis of the Islamic State's propaganda strategy. In the document, Winter identifies the Islamic State's three-part approach, or framing strategy, for media operations.

First, media operatives must present a positive narrative; second, media operatives must engage in counterspeech to refute the West's negative image of the Islamic State; and third, media operatives should weaponize propaganda as a psychological weapon against the West. ²⁹ A departure from al-Qaeda's approach, this document does not mention the ideological or religious content of the media. The framing strategy, or how the content is presented, appears more important to the group than the content.

This three-part framing strategy can be seen in a recent propaganda video from Al-Hayat Media Center, an official media outlet of the Islamic State. The video, entitled *Inside the Khilafah: 6*, is presented by "Abu Salih from America" who begins the video by putting on his artificial leg and rising with the help of crutches. Abu Salih answers the challenges of recent kinetic losses with a positive outlook, stating that "when afflicted... we only rise and endure." ³⁰ The video serves as encouragement within the face of battlefield losses, noting examples of historical warriors who rose up against their enemies despite wounds. Abu Salih, drawing on his own injury, states: "rise! rise with one leg or no legs!" ³¹ This positive narrative also serves as counterspeech against the narrative of the West, claiming that the flag of the Islamic State will be raised over the White House; America will be overcome when they least expect it.

Specifically addressing "Crusading

Trump,” Abu Salih claims that the United States has achieved a false victory. Finally, as an example of the weaponization of media, Abu Salih encourages followers as he draws on American fears regarding homegrown terrorism and gun violence:

So to my dear brothers in America, inflict upon them where it hurts the most and continue to do operations on their soil, avenge the blood of the Muslims with their blood, get a knife and slice the throat of the kaffir, so that they know that the blood of the Muslims is not cheap, take advantage of the fact that you can easily obtain a rifle or a pistol in America, spray the kaffir with bullets so that their fear of the Muslim rises and they continue to reveal their hatred against Islam.... answer the call, rise, and strike the kaffir.

Stating this, the video ends with footage of mass shootings perpetrated or claimed to be perpetrated by the Islamic State.³²

The framing strategy demonstrated by *Inside the Khilafah: 6* shows a positive narrative in so far as it presents losses as gain. The argument utilizes counterspeech and weaponizes of the media. *Inside the Khilafah: 6* is an example of the three-part framing strategy at work. Such strategic objectives of the Islamic State’s framing strategy may explain the level of resonance that the message has had with some Muslims. Although the Islamic State and al-Qaeda share much of their core ideology, the Islamic State’s framing strategy has increased the power of its online messaging, in comparison with al-Qaeda. Furthermore, the Islamic State’s online strategy has gained the attention of followers and enemies across the globe.

Perhaps most unique to the Islamic State is the democratization and glorification of media operations. Importantly, democratization of the media may increase frame resonance. Once again, Winter’s translation of *Media Operative, You Are a Mujahid, Too* provides insight into this phenomenon. Encouraging all who support the Islamic State to engage in media operations, the document states: “everyone ‘that par-

ticipate[s] in the production and delivery’ of propaganda should be regarded as one of the Islamic State’s ‘media mujahidin.’”³³ This statement signals a departure from Al-Qaeda’s narrative leaders. Anyone who wishes to engage in the furtherance of the propaganda efforts of the Islamic State should be regarded as a media mujahidin.

Furthermore, the document elevates the position of such media mujahidin, stating: “the media jihad against the enemy is no less important than the material fight against it.”³⁴ This glorification of media operations fits accounts from Islamic State defectors who noted the high importance given to media operations.³⁵ By simultaneously democratizing and glorifying media operations, the Islamic State lowers the barrier to entry into “important work” for the Islamic State. This move may increase frame resonance in two ways: first, with elevating the importance of media operations, individuals appreciate a level of belonging and importance. Additionally, spreading out media operations allows a certain level of diversity which increases the frame resonance for those who may share identities with those individuals. It is not for nothing that Islamic State videos are available in English and highlight the role of Americans in the work of the Islamic State, when applicable. Glorifying media operations also lowers the barrier to entry for important activities within the Islamic State. If Social Movement Theory is correct, engagement in such activities (socialization) within the Islamic State provides further opportunities to solidify belief in the Islamic State’s frame.

Socialization

Despite an effective framing strategy, it is necessary to understand that radicalization does not occur without the process of socialization. Or as Maura Conway states, “[o]ne does not radicalize oneself in cyberspace, any more than one becomes radicalized by oneself in the ‘real world.’”³⁶ Social Movement Theory allows one to see that socialization is a necessary condition for radicalization. In other words, terrorist cells, groups,

and networks are of utmost importance in the radicalization process. The Islamic State leverages the internet to facilitate socialization through an online community and in turn facilitates offline social connections.

As a necessary condition for effective online activity, terrorist organizations must provide opportunities for online or offline socialization. Since the declaration of the caliphate, the Islamic State has such opportunities through online and offline cells, groups, and networks. Due to the group's ability to engage individuals online, the new term "virtual entrepreneur" or "virtual plotter," has entered the vocabulary of those who study jihadist online activity.³⁷ Virtual entrepreneurs are members of the Islamic State who utilize the internet to proactively reach out to prospective jihadis. In other words, virtual entrepreneurs seek to initiate or continue socialization with those who are in the process of radicalization.

Analyzing this development, Seamus Hughes and Alexander Meleagrou-Hitchens noted that from March 2014-March 2017, 21% of domestic Islamic State inspired attacks involved online contact with or support from a virtual entrepreneur (eight of the 38 attacks). The number rises when considering overall terrorism cases.³⁸

The most prominent example of virtual entrepreneurship comes from the Raqqa based group nicknamed "the Legion" by the Federal Bureau of Investigation (FBI). Junaid Hussain was the most prominent member of the Legion.³⁹ One of several cases, Hussain was in direct contact with Usaamah Abdullah Rahim who along with David Daoud Wright and Nicholas Alexander Rovinski planned to kill an organizer of the Mohammed Art Exhibit and Contest which took place in Garland, Texas in May 2015. According to the first indictment of Wright and Rovinski filed in April of 2016, Hussain communicated with Rahim, who communicated with Wright regarding the attack.⁴⁰ Rovinski was also accused of online communication with members of the Islamic State, although Hussain is not specifically mentioned. Prior to carrying out their plans to murder their target, Rahim became impatient and decided to attack police

officers. Wright encouraged this plan for Rahim to die as a "martyr".⁴¹ The same day, Rahim was shot after "brandishing his weapon," intending to attack members of the Boston Police Department.⁴² As for the remaining members of the group, Rovinski pled guilty in 2016 and Wright was convicted in 2017.⁴³

Adding to this network, an online friend of Wright, Zulfi Hoxha, left the United States for Syria in April 2015. In their January 2018 investigation, Seamus Hughes, Alexander Meleagrou-Hitchens, and Bennett Clifford discovered that Hoxha is a senior commander of the Islamic State who appears in several propaganda videos. Both Wright and Rahim helped Hoxha travel to the Islamic State. Furthermore, Hussain provided updates to Wright regarding Hoxha's travels and it is speculated that he may have helped him enter the Islamic State.⁴⁴

These cases demonstrate the power of socialization in the process of radicalization. Virtual entrepreneurs such as Hussain highlight the Islamic State's ability to cultivate and contribute to cells, groups, and networks that further their goals. Individuals are not radicalized online so much as the internet "allows people to make contacts with and plug themselves into pre-existing, real-world recruitment and radicalization networks."⁴⁵ While demonstrating the ways in which online activity aids in the process of radicalization, these cases also demonstrate the limits of online strategies. As the cases above demonstrate, offline activity significantly aided the socialization process; Hussain was not the primary social connection for Wright, Rovinski, Rahim, or Hoxha. While Hussain aided the online socialization for these individuals, they may have acted without his encouragement, given opportunities for offline socialization.

The Future

As the Islamic State moves from a command and control model to a model where the group inspires individuals to act on their own, the internet will become an increasingly important tool for the group.⁴⁶ Indeed, this model has been utilized by al-Qaeda after its own kinetic defeats. Looking towards

this future, it is imperative to understand the conditions by which online propaganda is most likely to succeed. This paper has argued that frame alignment and socialization are necessary conditions for the success of an online strategy. In other words, propaganda consumption is not enough for radicalization, a comforting fact for those who note the sheer volume of online terrorist propaganda.

Nevertheless, the conditions by which terrorists succeed may be harder to track: frame resonance may be difficult to quantify, and encrypted messages between members of terrorist organizations and potential recruits may be inaccessible to law enforcement. Social Movement Theory allows us to see the conditions in which online strategies will be most effective directing policymakers to look at factors deeper than the mass quantity and shiny quality of propaganda. While the Islamic State has received much attention due to its online revolution, al-Qaeda's cautious approach in Syria may present a larger threat in the future. Despite these unknowns, Social Movement Theory will allow policymakers to understand and prevent the conditions which may enable al-Qaeda and the Islamic State to fully achieve al-Suri's online vision.

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Post-Apartheid Reconciliation in South Africa's Military and Society

Noah Becker

Post-apartheid reconciliation in South Africa is a complicated and ongoing process. Despite their miraculous transition to democracy, the socioeconomic scars of apartheid remain unaddressed by the government. South Africa remains one of the most economically unequal societies in the world. While the government has taken steps to lift poor South Africans out of poverty through massive welfare programs, it has not addressed corruption, education, and unemployment. These socioeconomic factors prevent South African society from experiencing reconciliation. Within South Africa's military, however, where there are standardized pay grades and full-employment, diversity management curricula and civic education programs promote the reconciliation process. Despite the success of these programs, the military needs to address the lingering influence of apartheid forces, and divisive equal opportunity and affirmative action policies to create a cohesive military culture. Meanwhile, the government needs to address the socioeconomic legacy of apartheid, implement diversity management curricula within society, and clearly define the purpose of the military in order to promote reconciliation within South African society and the military.

Introduction

Nelson Mandela described South Africa's transition from a racially-predicated authoritarian regime to a free democracy as a "miracle." South Africa experienced a peaceful transition of power, while many other African countries confronting insurgency and regime change became less stable. South Africa's peaceful transition required years of negotiation, trust-building measures, and the integration of seven formerly competing militaries into a new national military: the South African National Defense Force (SANDF). During the negotiations, leaders on both sides met to discuss the conditions of the reconciliation process that would follow the initial political transition.¹ As a result, South Africa adopted a progressive constitution, which called for *ubuntu* and amnesty for the perpetrators of politically-motivated crimes committed apartheid.^{2,3} South Africa's Truth and Reconciliation Commission began granting amnesty in 1996, on a case-by-case basis. The constitution also included high standards for equality and human rights protections to prevent future atrocities.

However, it has become clear that, following the political transition, members of the military have had a different experience of

the reconciliation process than civilians have. These separate reconciliation processes attempted to explain and address the violence and human rights violations (HRVs) committed during apartheid. During apartheid, violence committed by or against military members was expected and explicable; members of the military assume great personal risk with their participation in hostilities. However, it is much harder to rationalize why so many civilians were the victims or perpetrators of violence. According to the Truth and Reconciliation Commission, most of the 19,000 victims of human rights violations committed during apartheid were civilians, and the commission received 6,848 applications from civilians seeking amnesty for committing HRVs.^{4,5} Throughout the reconciliation process, South Africa's society and military had to deal with the psychological and socioeconomic impact of apartheid. However, while South Africa's society continues to confront the negative socioeconomic effects of apartheid-era policies, members of South Africa's new military, the South African National Defense Force (SANDF), enjoy full employment and equal access to education and training. This paper will argue that reconciliation within the military has been more successful due to the im-

plementation of unique education programs designed to address diversity, as well as the military's ability to address apartheid's socioeconomic impact on its members. In contrast, reconciliation within society has been less effective due to weak educational institutions, failed reparative justice measures, and the persistence of apartheid-era socioeconomic conditions, such as inequality and unemployment.

Truth, Reconciliation, And Justice

Post-conflict reconciliation is not a moment or an event but a process. In general, reconciliation includes two distinct forms of justice: restorative and retributive. Restorative justice seeks to rehabilitate victims and ensure reparations are made for their losses, while also aiming to make HRV perpetrators productive and integrated members of society through the process of testimony and truth-telling. In total, the Commission granted amnesty to only 1,154 applicants.^{6,7} Retributive justice, on the other hand, seeks to prosecute and punish the perpetrators of crimes.⁸ The goal of reconciliation is to create a new nation that peacefully accommodates various ethnicities, tribes, languages, and cultures, and promotes a national identity that transcends the trauma of the past. Understanding how to promote reconciliation between ethnic groups in civilian and military settings is important, in order to rehabilitate post-conflict societies and address existing grievances.

The Mandela government instituted the Truth and Reconciliation Commission (TRC) under the mandate of the Promotion of National Unity and Reconciliation Act, in order to help heal the wounds left by apartheid.⁹ The TRC's mandate was to investigate human rights violations committed between 1960 and 1994, and to provide rehabilitation and reparations to victims.¹⁰ The TRC established three committees that covered Human Rights Violations, Amnesty, and Reparation and Rehabilitation.¹¹ This commission created a three-part narrative illustrating the influence of violence throughout South Africa's history by addressing the "past atrocity, present truth telling, and future reconciliation."¹² Section 251 of the South African Constitu-

tion promotes amnesty as a restorative tool in the reconciliation process, stating, "In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions, and offences associated with political objectives and committed in the course of the conflicts of the past."¹³ The TRC offered amnesty on a case-by-case basis only to perpetrators who had committed politically-motivated human rights violations and fully disclosed their crimes. The TRC also offered the opportunity for victims to share their stories and receive rehabilitative treatment and reparative compensation from the government. The Commission began in 1996 and delivered its report in 1998. During this time, it helped distribute reparations to victims, grant amnesty to perpetrators, provide knowledge to victims' families, and offer policy recommendations to the president.¹⁴

Archbishop Desmond Tutu, chairperson of South Africa's Truth and Reconciliation Commission (TRC), argued for a reconciliation process somewhere "between Nuremburg and national amnesia."¹⁵ Choosing a purely retributive approach would be destabilizing, while, on the other hand, offering blanket amnesty would not address grievances within society.¹⁶ Negotiators, therefore, favored a balance between a restorative and retributive approach, which allowed for amnesty on a case-by-case basis. Since South Africa did not have the resources to prosecute every HRV committed during apartheid, a balanced approach was more feasible and more closely aligned with South African values, according to Archbishop Tutu. While Western countries favor legalistic retributive systems, South Africa expresses its understanding of justice through the principle of *ubuntu*.¹⁷ In Patti Waldmeir's book, *Anatomy of a Miracle*, Archbishop Tutu explains *ubuntu* in this way:

We say that a human being is a human being because he belongs to a community, and harmony is the essence of that community. So *ubuntu* actually demands that you forgive, because resentment and anger and desire for revenge undermine harmony. In our understand-

ing, when someone doesn't forgive, we say that person does not have *ubuntu*. That is to say, he is not really human.¹⁸

Ubuntu is the fundamental underlying principle guiding the reconciliation process in South African society and the military. The post-apartheid Constitution references *ubuntu* and promotes a restorative reconciliation process by arguing there is a "need for understanding but not for vengeance, a need for reparation but not retaliation, a need for ubuntu but not for victimization."¹⁹ In the civilian context, the primary mechanism of the reconciliation process was South Africa's Truth and Reconciliation Commission, while in the military it was diversity management and life skills training.

Reconciliation And Maslow's Hierarchy

Maslow's hierarchy of needs serves as a useful framework through which to compare the reconciliation processes within South Africa's military and society. According to Maslow's Hierarchy of Needs, individuals psychologically prioritize their physiological and safety needs over their need for esteem, belongingness, and self-actualization. In the context of the Hierarchy, reparations and compensation address a victim's physiological and safety needs from a socioeconomic standpoint, while rehabilitative measures address their esteem, belongingness, and self-actualization. Reparative measures are central to the reconciliation process because they address an individual's physiological needs and enable rehabilitation to take place. The TRC was a reconciliation mechanism meant to address the rehabilitation of both victims and perpetrators of HRVs, while recommending that the government take measures to address the socioeconomic effects of apartheid on individuals. The majority of apartheid victims were not victims of HRVs, but victims of the structural and socioeconomic policies that governed every-day life; apartheid created the most economically unequal society in the world, as measured by the Global Inequality Index.²⁰ While the TRC recommended upwards of \$474 million in financial compensation for victims, the post-apartheid government failed

to make reparation for the institutional inequality created and enforced by apartheid policies.^{21;22} In 2003, the government agreed to pay 30,000 rand to 19,000 victims identified by the TRC, totaling only 18% of the Commission's recommended amount.²³ The TRC's Rehabilitation and Reparation Committee was able to establish various programs to rehabilitate both perpetrators and victims and reintegrate them into society, but was unsuccessful in compensating victims for their losses.

Socioeconomic Inequality And Reconciliation

The lasting socioeconomic consequences of apartheid policies continue to impede the reconciliation process in South African society. At the end of the apartheid era, 29.3% of South Africans lived on less than \$1.90 per day.²⁴ At that time, South Africa had a GINI coefficient of 59.3. By 2011, the GINI coefficient rose to 63.4.²⁵ Despite the worsening of socioeconomic inequality, only 11.6% of South Africans lived on less than \$1.90 a day in 2011.²⁶ South Africa's government has lowered the number of people living in poverty by expanding the social welfare system, which now covers over 44% of South Africans, costing the government \$113 billion annually.²⁷ Additionally, social welfare is expanding by 3.5% each year.²⁸ Despite poverty alleviation measures, unemployment and weak educational institutions continue to prevent reconciliation within society.

Education And Reconciliation

Education is essential for promoting high employment rates, social mobility, and reconciliation. In a 2012 survey of South Africans conducted by Afrobarometer, 45% of respondents answered that "employment" was the most important issue that the government should address, with "education" and "infrastructure" also deemed of high importance.²⁹ In 2015, unemployment was at 25.1% nationally, and almost 50% among young black and colored males.³⁰ Poor educational institutions significantly contribute to unemployment, with over 50% of children dropping out of school before completing their secondary ed-

ucation.³¹ Student dropout rates and student underperformance are the direct result of poor teaching quality and inadequate school facilities. The South African Democratic Teachers Union protects teachers who are uncommitted or poorly trained, and teacher absenteeism is a fundamental problem, with the average teacher missing 19 days of school per semester.³² The daily absentee rate among South African teachers is between 10-12%.³³ While sickness and fatigue are important barriers to improved teacher attendance, about 30% of teacher absenteeism is due to official business, such as union meetings, training courses.³⁴ Teacher competency is also an issue; 19% of South Africa's 400,756 teachers are unqualified.³⁵

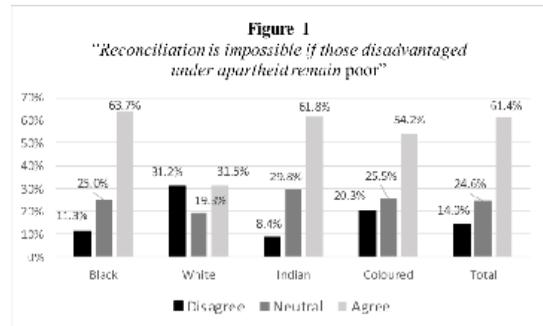
Educational quality is also decreased by dilapidated and inadequate facilities. In 2012, the *Cape Times* commented on the state of educational facilities saying, "Of the nearly 25,000 public schools in South Africa, 93% have no libraries, 95% have no science laboratories, 2,402 have no water supply, 46% still use pit latrine toilets and 913 have no toilet facilities at all."³⁶ These facilities sharply contrast with those of private schools, which are unaffordable for the majority of black and colored South Africans. As Greg Mills observed in his book, *How South Africa Works*, apartheid policies created a dual society, dual economy, and dual educational system divided along racial lines.³⁷ Private schools produce college graduates, skilled workers, and civil servants, while public schools produce unskilled workers who fail to meet basic numeracy and literacy standards.

Reconciliation For South African Youth

South Africa's youth bulge intensifies the importance of South African education as a mechanism for promoting reconciliation. Today, over 40% of South Africa's population was born after apartheid, and almost 30% of people were born after the Truth and Reconciliation Commission ended, yet much of its youth live with the socioeconomic impact of apartheid policies.³⁸ For South Africa's youth, reconciliation lies in improving socioeconomic opportunities, social cohesion, and race relations through a comprehensive reconciliation

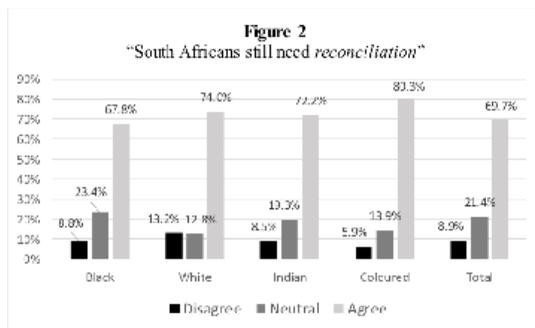
curriculum in schools. However, South Africa has failed to improve and utilize educational institutions to address the past, promote a diversity management curriculum, and improve socioeconomic opportunities. The South African government needs to guarantee equal opportunities across racial lines in order to assure reconciliation for its future generations.

Hope For Reconciliation



While South African society struggles to address the socioeconomic effects of apartheid policies, national pride and economic reform can further the reconciliation process within society. In a 2015 survey conducted by the South African Reconciliation Barometer, 61.4% of respondents agreed with the statement "Reconciliation is impossible if those disadvantaged under apartheid remain poor," as shown in Figure 1.³⁹ Additionally, 69.7% of respondents indicated that South Africa still needs to continue the reconciliation process, as shown in Figure 2.⁴⁰ Apartheid policies, such as the Group Areas Act, spatially divided society along racial lines and decreased the number of interracial interactions throughout society long after apartheid ended and into the present day.⁴¹ This has led to reduced social cohesion and reduced levels of interracial trust, with 67.3% of respondents stating they have little to no trust "for South Africans of other racial groups."⁴² Alarming, 61.4% of respondents answered that race relations have deteriorated or stayed the same since 1994.⁴³ Respondents also indicated that interracial interactions occurred predominantly in public places, such as workplaces or schools. Despite prevailing racial divisions, 59.2% of respondents believed that South Africa has moved towards national

reconciliation.⁴⁴ Supporting this, 52.2% of respondents answered, “My friends and family have experienced reconciliation since the end of apartheid,” which may indicate the overall strength of the reconciliation process since 1994.⁴⁵ Additionally, 75.1% of respondents answered, “Being South African is an important part of how I see myself,” with 64% responding that, if they had to choose, they would say they identify more with their national identity than their ethnic identity.⁴⁶



Reconciliation in the Military

Reconciliation within the military, while imperfect, was less impacted by socioeconomic factors due to the inherent full employment of the group. As a result, the military reconciliation process focused and continues to focus on equal opportunity and affirmative action policies, as well as diversity management programs. The Psychological Integration Program (PIP) was the first of these mechanisms and was instituted soon after integration.⁴⁷ PIP was a five-day course facilitated by officers, chaplains, social workers, and psychologists, and designed to address “underlying feelings of mistrust, insecurity, and racial tension associated with integrating former enemies.”⁴⁸ The three phases of the program were emotional debriefing, cultural diversity, and cohesion building.⁴⁹ Emotional debriefing encouraged individuals to share their emotions and experiences about apartheid in small groups. The cultural diversity phase explored various cultural perspectives so that individuals would gain a deeper appreciation and understanding for diversity and the experiences of others. The cohesion-building phase aimed to promote unity and wrap up the program.⁵⁰ However, PIP failed because inadequately trained facilitators and profes-

sionals did not effectively defuse the heated emotions and frustrations of group members during the emotional debriefing phase, causing conflict and undermining the later phases.⁵¹ After three years, the SANDF scrapped PIP and replaced it with other forms of diversity management, including civic education, equal opportunity training, affirmative action training, and life skills training.⁵²

The Civic Education program is a five-day course that educates participants about “basic aspects of culture, including what constitutes culture, what processes are required to bring about cultural change, and the role culture plays in communication and social cohesion.”⁵³ The program also discusses legislative and constitutional protections from discrimination, affirmative action, social biases, and the need for a cohesive military culture.⁵⁴ Various military courses incorporate Civic Education into their curriculum for officers and enlisted leadership. Civic Education parallels the mandatory equal opportunity (EO) and affirmative action (AA) training required by South African Department of Defense policies. Awareness seminars, provided to middle and senior level personnel, discuss “socialization, perceptions, power and discrimination, racism and sexism, sexual harassment, conflict management and affirmative actions, [and] all sections included in the EO and AA policy of the DoD.”⁵⁵

At Naval Base SAS Saldanha, the diversity management curriculum is part of a ten-week Life Skills training program.⁵⁶ The Life Skills program discusses cultural diversity, conflict resolution, trust building, and unit cohesion. The Life Skills model differs from other programs because it is based on Albert Ellis’s rational emotive therapy, or ABC theory of personality.⁵⁷ This theory describes an ‘A’ – Activating event, which when framed by one’s ‘B’ – Beliefs about ‘A’, causes the emotional ‘C’ – Consequence. Ellis’s theory emphasizes the importance of one’s beliefs and culture in one’s assessment of events, and the emotional consequence these beliefs shape.⁵⁸ Dr. Lindy Heineken explains diversity management by saying, “Managing diversity is not about managing others, but about managing the conver-

sations one has with oneself in order to better manage the conversations one has with a diversity of others.”⁵⁹ In a July 14th, 2016 interview the author conducted with Dr. Heinecken, she credited cultural diversity programs with improving tolerance within the military and argued that there was greater tolerance within the military than within the rest of society.⁶⁰

Managing diversity, however, is only half the solution to reconciliation within the military. Diversity management programs address “valuing diversity” while EO and AA policies address “workforce diversity.”⁶¹ Valuing diversity signifies increasing tolerance and appreciation for other cultures, while workforce diversity is focused on quotas and promoting disadvantaged groups.⁶² Heinecken writes, “AA is therefore seen as a means of correcting historical injustices and an attempt to level the playing fields where everyone can compete on an equal basis, thereby achieving employment equity.”⁶³ EO and AA policies spark tension along racial lines and former force association. In her article, “Managing Diversity in an Unequal Society,” she observes that former members of the SADF and Bantustan militias perceive EO and AA policies as barriers to advancement.⁶⁴ Due to affirmative action and fast tracking programs, “whites feel threatened by AA, as this will lead to a decline in their formal power, blacks feel discriminated because the power still rests with the whites.”⁶⁵ Therefore, these circumstances increasingly lead Afrikaners to view employment in the government or military as bounded career options with limited opportunities for advancement. Consequently, Afrikaners are under-recruited into the military, while blacks and colored individuals are over-recruited.⁶⁶

Former SADF members that are Afrikaner disproportionately occupy senior enlisted and officer positions, as shown in Table 1, which gives them significant influence over the SANDF culture.⁶⁷ The top-heavy nature of the SANDF amplifies this influence compared to other countries’ militaries. In 2002, the SANDF had one general for every 293 soldiers while the United States had one general for every 2,000 soldiers.⁶⁸

Former force and race are large components of advancement in the military due to EO and AA policies that allow “fast tracking” to reshape the demographics of the upper enlisted and officer ranks. Fast tracking helps advance black South Africans through the ranks by favoring them for training and billets over their counterparts. However, this has a negative impact because it reduces the experience and expertise individuals will have when they assume senior leadership positions. As shown in Table 1, former force influence is diminishing as time continues and the old guard begins to retire.⁶⁹ For both diversity management and affirmative action policies to be effective, there needs to be an overarching military culture that unites the SANDF under one common identity and purpose.

	Former force 1997	Rank profile Brig-Gen – Gen	Former force 2007	Rank profile Brig-Gen – Gen
MK	15	14	13	37
APLA	5	1	6	9
TBVC	11	4	7	7
SADF	58	81	32	47
SANDF*	11	0	42	0

Note: *The SANDF composition reflects those who joined the SANDF after 1994 and who had no former force affiliation.

Table 1

A military’s culture serves to orient its members towards the mission and values of the organization. A cohesive military culture unites members towards a common purpose and supersedes group and subgroup cultures in favor of a single set of principles, values, and behaviors. However, there is a lack of consensus among political elites, civilian elites, and academics as to the purpose and mission of the SANDF.⁷⁰ Traditionally, the primary purpose of a military is national defense. However, in a July 11th, 2016 interview with the author, Dr. Seegers commented, “in South Africa, self-defense is a mission that is accomplished without lifting a finger.”⁷¹ South Africa faces no existential crisis and its military lacks a functional imperative.⁷² The SANDF is arguably the most capable African military, participating in UN peacekeeping operations with little assistance and supporting international exercises. Despite these contributions, military spending has grown unpopular due to prolonged, high-casualty peacekeeping

operations and recent corruption associated with weapons acquisition.⁷³ With intensifying domestic concerns and little perceived benefit to military spending, the public has begun to criticize the size of the military budget.⁷⁴ Consequently, politicians continue to cut military spending despite the high operational costs associated with new military equipment and technology from strategic defense acquisition and continued involvement in peacekeeping.⁷⁵ Without a stated purpose or the means to support that purpose, a cohesive military culture cannot form and reconciliation cannot follow.

Methodology

The author conducted research for this article during a trip to South Africa in the summer of 2016, where he conducted interviews with academics, former members of the South African Defense Force, and current members of the South African National Defense Force. This article is a qualitative study that incorporates quantitative research to support its findings. A drawback of the above analysis is the scarcity of quantitative resources that evaluate reconciliation within the military. Both Afrobarometer and Reconciliation Barometer were excellent surveys to examine reconciliation levels within society; however, it is difficult to find similar resources for the military, and it is hard to gain access to data relating to diversity management programs or climate surveys conducted within the SANDF. In examining reconciliation within the military, analysis heavily relied on interviews conducted with academics and military members. To improve this qualitative analysis, I would have increased the diversity of interviewees; I mostly interviewed Afrikaner male academics and former SADF members. The study would have benefitted from interviewing black and colored enlisted SANDF members, black and colored female academics, and black and colored senior officers.

Conclusion And Recommendations

Reconciliation is an ongoing process within both the military and society. Socioeconomic factors, such as unemployment, educa-

tion, and inequality, impede the reconciliation process within society. Within the military, however, full employment with standardized pay grades has allowed for an increased focus on diversity management programs and workforce diversity policies. While diversity management programs have led to improved tolerance among members of the military, Equal Opportunity and Affirmative Action policies can exacerbate racial tension and former force bias. As the old guard retires, however, former force bias will become less influential.

While South Africa's military and society have made tremendous progress on the road to reconciliation, the government can continue this progress in several ways. Within society, improving educational institutions would allow for the implementation of diversity management curriculum. The education gap between South Africa's public and private schools perpetuates South Africa's system of dual economies and dual societies. In addition, institutional reform within South Africa should emphasize increasing interracial interaction as part of the education and socialization process. Within the military, reforming EO and AA policies while strengthening diversity management training would help reduce racial tension and increase Afrikaner recruitment into the military. The military should reduce former force influence by cutting the numbers of its admirals and generals; this would have the added benefit of reducing politicization of the military. Enacting these reforms will require a unified effort by the government, military, and the private sector, but these improvements are necessary for continued progress towards reconciliation in South Africa. If South Africa fails to address its worsening socioeconomic inequality, failing education system, and counterproductive internal military policies, it will face growing instability, popular unrest, and the undoing of a "miracle." The ultimate challenge for South Africa's reconciliation process is to reshape both society and the military to better accommodate many ethnicities, tribes, languages, and cultures, and promote a cohesive identity that transcends the scars of the past.

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Noah Becker graduated from the U.S. Naval Academy in May 2018 with a B.S. in Political Science and a commission as an Ensign in the Navy. He is currently pursuing his master's degree as a full-time student in the Security Studies Program, focusing in U.S. National Security Policy. After finishing his master's degree in December, he will move to Pensacola, Florida for his training as a Naval Aviator. Noah interned in the Department of State's Bureau of African Affairs, Security Affairs Office, where he worked on security assistance and cooperation programs with partner African nations. In 2016, Noah traveled to South Africa to conduct research on post-apartheid reconciliation. The views expressed in this article do not represent the official positions of the Department of the Navy, Department of Defense, or the United States Government.

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Paramilitary Financing in Northern Ireland, 1969–1998: How Arms Deals, Crime, and International Networks Fueled the Troubles

David de Sola

Thousands of people fought and died during the three decades of sectarian strife in Northern Ireland known as the Troubles. Paramilitary organizations on both sides had to find means of sustaining themselves through a combination of conventional and illicit activities to procure weapons and explosives to continue the fighting. These activities included, but were not limited to, international fundraising and arms dealing networks in the United States, Canada and Libya, in addition to robbery, kidnapping, extortion, and exploitation of European Union agricultural subsidies. The financial angle of the conflict was not a priority to security and intelligence services at the time. While the conflict officially ended with the Good Friday Agreement in 1998, its legacy lives on in criminal activities on both sides of the Irish border, attributed to remnants of the human networks and weapons from the Troubles. To deal with this new generation of security and financial crimes, the governments of Ireland and the United Kingdom will have to share and coordinate their resources and take advantage of new anti-money laundering laws and agencies that did not exist previously.

A fighting force requires four things to launch and sustain a campaign: political will, manpower, funds and supplies. This report focuses on how Republicans (mostly Irish Catholics who wanted the North to reunite with the Irish Republic) and Loyalists (mostly Protestants of English or Scottish descent in Northern Ireland who wanted to remain as part of the United Kingdom) raised, procured and spent funds and supplies, and for this purpose will narrowly define supplies as weapons and explosives. Through a variety of methods, ranging from kidnapping and extortion to smuggling and social services for prisoners, both sides were able to continue the fight for nearly three decades.

This report will focus specifically on the two largest paramilitary groups in the conflict: the Provisional Irish Republican Army (PIRA, or IRA) and the Ulster Defence Association (UDA), although in some instances, there will be comparisons or references to other Republican or Loyalist paramilitary organizations.¹

It is not possible to come up with an exact estimate of how much money Republican and Loyalist paramilitary groups raised and spent, but academic, government, journalistic and law enforcement sources suggest

that both sides easily raised and spent tens of millions, if not hundreds of millions of pounds, during the conflict.² Although the Troubles officially ended with the Good Friday Agreement in 1998, many of the illicit networks set up by Republican and Loyalist organizations to sustain themselves during the conflict remain in operation today, and account for some of the crime committed on both sides of the border in Ireland.

Manpower and Recruitment

Although the people who joined Republican or Loyalist paramilitary groups tended to be equally devoted to their cause, the types of people that joined each side were very different. “The IRA was fighting a full-scale war, a guerrilla war as best as it could. The Loyalists were running an occasional murder campaign,” journalist and author Ed Moloney said.³ “The IRA were people trying to bring about change, the Loyalists were defending the status quo. It’s difficult to use violence to defend the status quo,” journalist Liam Clarke explained, noting that most Protestants who felt threatened would join the Royal Ulster Constabulary (RUC, later renamed the Police Service of Northern Ireland

as part of the Good Friday Agreement) or the British military. Those who were rejected often found themselves joining Loyalist paramilitary groups.⁴ “People attracted to Loyalist paramilitaries were proletariat. A lot of them were involved in criminality,” Moloney noted.

For many Irish Republicans, their only viable option was joining the IRA. Consequently, the IRA had what Moloney calls “a larger and better caliber” of recruits in terms of wealth, education, morals, attitude, and motivations. Moloney also pointed out the selectiveness in their recruiting process: “The IRA had a very strict system for recruits. If you had a criminal record, the police could find you or pressure you or your family.”⁵

It is also necessary to consider the primary enemy of each group when considering the amount and type of money and supplies they required. “The IRA was taking on the British army, therefore it needed best weaponry it could get: machine guns, and very powerful explosives. Loyalists didn’t compete on the same field as they did. Their ambitions and needs were much lower, therefore their needs were much less.”⁶ “From my point of view, all I was concerned about was arming my Volunteers with the best weapons I could get,” IRA operative Brendan Hughes explained.⁷ The IRA’s rigid and hierarchical organizational structure also created a system of checks and balances, compared to the loose and informal nature of Loyalist organizations like the UDA. Not surprisingly, individual Loyalist members were more prone to personal corruption, often lining their own pockets with proceeds meant for the cause.

The IRA Money Trail

It is difficult to calculate or estimate exactly how much money paramilitary groups from either side raised or what they spent it on. Most of the money was raised and spent in cash so as not to create a paper trail that could be detected by authorities. There are a few British government estimates of the IRA’s finances that have been released over the years that attempted to answer this question. No similar documents were found for the UDA or any other Loy-

alist organization, presumably because British authorities were focused on fighting the IRA.

The earliest publicly available estimate on the state of the IRA’s finances was written in 1978 by Brigadier James Glover, an official on the Defence Intelligence Staff at the Ministry of Defence. His classified report, hereafter referred to as the Glover Report, was a contemporary British military assessment of the IRA’s capabilities, strengths, and weaknesses, including its estimated state of financial affairs. In the report, Glover suggests the following balance sheet for the IRA, while acknowledging the intelligence service’s “fragmentary knowledge of income and expenditure”:

a. <u>Income</u>	
Theft in Ireland	£550,000
Racketeering	£250,000
Overseas Contributions	£120,000
Green Cross UK and Eire	£30,000
	£950,000
b. <u>Expenditure</u>	
Pay (@£7,500 per week)	£400,000
Travel and Transport Costs (@£1,000 per week)	£50,000
Newspapers and Propaganda	£150,000
Prisoners, dependents welfare	£180,000
	£780,000
c. <u>Available for arms, ammunition and explosives.</u>	
	£170,000⁸

Within five years of this estimate, entering the political system added further demands to the IRA’s already strained finances. One important figure worth noting is Gerry Adams, president of Sinn Fein, the largest Republican political party in Northern Ireland. He has also been accused by government officials and journalists of being one of the seven members of the Army Council, the IRA’s governing body, a charge he has denied. According to Ed Moloney, the Council’s main function was to “conclude peace or declare war,” which it could do on the basis of a simple majority vote.⁹ The British government estimated Gerry Adams needed three times as much money to support Sinn Fein’s political campaign as he would to op-

erate the IRA as “a simple terrorist organization.” British security services estimated that the 1983 general election campaign in which Adams was elected to British parliament cost Sinn Fein £1.30 a vote, or £137,000.¹⁰

Using the expenditure estimates from the Glover Report, the Adams campaign alone would have raised that figure to £917,000, leaving the organization with a small £33,000 profit to buy weapons and explosives. If the costs of other Sinn Fein political campaigns were added to that budget and the other estimates remained constant, the IRA would have been deeply in debt and unable to buy any weapons or explosives. The assumption at the time and in later years was that money obtained from criminal or terrorist acts was financing Sinn Fein’s political campaigns.

A secret study by the Northern Ireland Office (NIO), the British government agency responsible for Northern Ireland-related affairs, prepared in February of 1983 listed the IRA’s sources of funding in order of priority:

Covert

1. Bank robberies in the north and south
2. Extortion
3. Tax exemption frauds
4. Gaming machines

Overt

1. Clubs, social functions, shops, direct collections and subscriptions
2. Overseas sympathetic contributions¹¹

The Early Days of the Conflict

The Troubles were a long-simmering conflict, but law and order broke down very quickly beginning in 1969. When the fighting did break out, both sides had limited funding and resources available, and had to swiftly arm themselves. It was common for combatants from both sides to use vintage weapons left over from the Border Campaign of 1955–1962, from World War II for those who fought in the British military, and some of the IRA’s arsenal left over from the Irish Civil War in the 1920s.

William Smith, a Loyalist who was one of the founders of the Red Hand Commando, recalled the random and somewhat chaotic

procurement process of the early days of the Troubles, saying “Initially it was just a hotch-potch of whatever weapons were lying about. You took whatever you could get your hands on because you’re starting off with nothing.”¹²

Robberies and Kidnappings Fund the Fighting

Both sides, especially in the early years of the conflict, often relied on violent crimes such as kidnapping and bank robberies to raise a lot of cash in a hurry, especially just before an arms deal. The IRA found itself short on cash in October 1981. As a result, the IRA leadership approved an operation to kidnap Irish supermarket tycoon Ben Dunne, who was held for a week before being released. There are allegations that a £300,000 ransom was paid, although Irish police and the Dunne family have denied them.¹³ In 1983, the IRA carried out two botched kidnapping operations. First came the kidnapping of the prize racehorse Shergar, followed by the kidnapping of supermarket executive Don Tidey a few months later.¹⁴

In 1987, three separate Loyalist organizations, the UDA, Ulster Volunteer Force (UVF), and Ulster Resistance, needed to raise £250,000 pounds for a deal with a South African arms company. They robbed a bank in Portadown, Northern Ireland and made off with more than £325,000. The money, and the arsenal it was used to buy, would be divided evenly between the three organizations.¹⁵

Larceny was also another means of raising cash, albeit more acceptable to some individuals and organizations than others. In one notable incident, a group of UVF members teamed up with “criminal elements” in robbing paintings worth £8 million from a home in County Wicklow, Ireland. The paintings were cut out of their frames and sold on the black market abroad.¹⁶

Lucrative Extortion Schemes on Both Sides of the Conflict

Republicans and Loyalists would extort protection money from local businesses, particularly during the early days of the conflict. The extortion was so pervasive, one

senior civil servant said, “Belfast has got to the stage now where contracts automatically have ten percent built in on the cost of everything from a pint of beer to window glass for houses, to pay off the paramilitaries.”¹⁷ In the early 1970s, UDA foot soldiers who hung around at local shops and businesses collected money in the form of “donations” and “subscriptions,” or in some cases outright extortion. Pubs were expected to contribute at least £50 a week.¹⁸ However effective this might have been, changing political realities required the IRA to change tactics.

“From the early 1980s, the IRA had to be politically sensitive, because they were trying to develop Sinn Fein. You couldn’t stick up shopkeepers who might be voting for you,” Liam Clarke explained. “Loyalists didn’t have that sensitivity, they would shake down local traders or anybody who had money in the area. That’s why Loyalist parties never got many votes.”¹⁹

Extortion gradually became more associated with Loyalist organizations, particularly the UDA. Another variation of this tactic was the emergence of legally registered security firms, which would offer their services to businesses for a fee, which fit the criteria of a protection racket. To get a sense of how widespread and effective this tactic was, the Belfast Yellow Pages listed seven security firms in the city in 1970. By 1986, the number had grown to more than sixty.²⁰

Loyalist Corruption and Misappropriation of Funds

Another lucrative source of revenue that was an almost exclusively Loyalist tactic was extorting protection money from construction businesses in Belfast. Perhaps no man embodied this racket better than the UDA’s James “Jimmy” Craig, who handled the group’s money and also kept a good part of it for himself. To get an idea of how widespread it was, some officials at the time held the view that many housing developments in Protestant areas of Belfast would not have been built without Craig’s “protection.” Journalist James Adams wrote, “It is no exaggeration to say that by the mid-1980s the

UDA’s military organization existed virtually only as a prop to support its racketeering.”²¹

Greed occasionally trumped loyalty to the cause if it was in a person’s self-interest. A Belfast construction source of Liam Clarke’s told him he was being pressured to pay Craig at the same time another Loyalist, David Payne, was demanding payment. When the source explained his dilemma to Craig and that he couldn’t pay them both, Craig told him to turn on the news tomorrow. The next day, David Payne was caught with two others carrying a load of the UDA’s Lebanese weapons cache while driving past a police station.²² This weapons deal will be discussed later in this report.

Craig was also willing to turn to the opposition to eliminate threats to him. Craig, a Protestant, was married to a Catholic woman and through her family had connections to Republican organizations. While it was expected in the UDA that Craig was keeping some of their money for himself, he kept much more than would be considered a reasonable share in order to bankroll his lavish lifestyle. According to Clarke he was “skimming most of the money for himself.” People who asked questions about the money would often suffer fatal consequences.²³ “Anybody who crosses Craig ends up dead at hands of the IRA,” Clarke said. Among those who died after asking questions about Craig’s operations was UDA leader John McMichael. The UDA became suspicious and opened a commission of inquiry. Craig was later assassinated.²⁴

This is another key difference between the IRA and the UDA. While the UDA’s loose, decentralized structure almost guaranteed opportunities for corruption and embezzlement, the IRA had a centralized, hierarchical, and almost corporate organization in how it controlled the money. Stealing or embezzling from the IRA was considered a capital offense. The IRA remained steadfast in the commitment to achieving its political objectives, while the UDA transitioned from terrorism to organized crime during the 1980s and 1990s.²⁵

Donations for Prisoners Were a Cover to Finance Military Operations

Members from both sides of the con-

flict often found themselves serving time in prison. One of the most high-profile fundraising methods used by both sides was raising money on behalf of imprisoned members and their families to help compensate for lost income. The admirable and seemingly benign cause of providing welfare services to prisoners and their families was often a ruse to receive funds from sympathetic donors who may not have wanted to support military activities. "They'd say 'We're collecting for the prisoners,'" Clarke explained. "All sets of paramilitaries, the cover for finance was support for the prisoners. Prisoners' funds would be skimmed for other things."²⁶ Money was often raised from foreign cities or countries with a large Irish community.

The history of American support for Irish fights against British rule goes back to the Fenian Rising of 1867 and continued off and on through the various conflicts up to the Troubles.²⁷ In 1969 and 1970, two IRA leaders traveled to the United States to reactivate the Republican arms network in America, which had been dormant since the Border Campaign ended in 1962.²⁸ The Irish Northern Aid Committee (INAC, or NORAIID as it is more popularly known) was founded in 1970 and became a key source of Republican support and fundraising in the United States.

NORAIID raised money through largely conventional methods: fundraising events and dinners. Some Irish pub owners in the United States would have collection jars at their establishments where patrons could donate money, which would eventually be turned over to the committee. It is unclear exactly how much money NORAIID was able to raise, due to inconsistencies between the committee's public statements and its federally required Foreign Agent Registration Act (FARA) filings, as well as the widespread belief that they were underestimating their actual earnings in their paperwork.²⁹ The FBI and British intelligence agreed in their speculation that NORAIID only declared between one fourth and one fifth of the cash it collected, with the rest remaining in the United States for arms deals or secretly sent to Belfast or Dublin.³⁰

However, FARA filings and public

statements show that the NORAIID raised tens or hundreds of thousands of dollars annually. Because few, if any, records were kept and the majority of the transactions were done in cash, it is not possible to tell how the money was spent. British officials believed that of the £120,000 in overseas contributions in the IRA's budget estimated by the Glover Report, NORAIID remittances accounted for £55,000, "but unofficially the British calculated it to be double that amount." If these estimates are accurate, it means that by late 1970s estimates, NORAIID was almost singlehandedly responsible for providing the IRA's foreign funding.³¹

There also tended to be a correlation between increased donations and the gravity of the situation for Republicans in Northern Ireland, or actions taken by the British.³² NORAIID leader Michael Flannery said, "We collected more in three months during the hunger strike than we do in a normal year—over \$300,000."³³

NORAIID's impact and influence on the IRA's coffers declined during the 1980s, but similar operations popped up in other countries, particularly those with a strong Irish immigrant or expatriate population. The UDA denounced in its own pages a similar fundraising effort happening in Australia.

The March 1989 edition of the UDA's propaganda magazine *Ulster* reproduced a fundraising letter of the Republican Aid Committee pleading for funds from supporters in Australia. The letter says donations go to providing prisoners money for getting craft materials, as well as clothing, cigarettes, and toiletries. A weekly amount is also paid to prisoners' dependents. Money is also given to help pay for costs of prison visits, widows, and to "subsidize the funds of Green Cross, Belfast and other prisoner's aid committees."³⁴ The reprint includes the following disclaimers from the publishers: "WARNING—This money buys guns and bombs for the IRA!" and "Don't be conned into financing the IRA's murder campaign against Ulster Loyalists!"³⁵

It should be noted that the UDA had its own prisoners aid fundraising operation and offered a similarly rosy portrait of

the Loyalist Prisoners Aid (LPA) organization in another issue of the same magazine less than a year earlier. Its services include transportation for prison visits, newspapers for the prisoners, in addition to books and materials for them to continue their education behind bars, and other social services for the prisoners and their families.³⁶

Smuggling: The Victimless Crime

Smuggling was a popular tactic used by both sides, in large part because it was seen as a “victimless crime,” where the only real victims were the Chancellor of the Exchequer (the British government’s chief finance minister responsible for raising revenues through taxation or borrowing) or the Office of the Revenue Commissioners (the Irish government’s tax collection agency), which would lose any potential tax revenues. Journalist James Adams wrote in 1986 that smuggling cost the Irish government an estimated £100 million (\$150 million) in lost revenues annually.³⁷

The federal governments on both sides of the border set different tax rates for different goods. Goods smuggled in both directions included cigarettes, electronics, cars, fuel, agricultural produce, and livestock. For example, in the early 1980s the Value Added Tax (VAT) for television sets in the Republic of Ireland was 35 percent, compared to 15 percent in Northern Ireland. Local officials believed that 24,000 color television sets were smuggled to the south in 1983.³⁸

Perhaps the most lucrative and well-known Republican smuggling operation was that of IRA chief of staff Thomas “Slab” Murphy’s farm. His property was located right on the border between the two countries. Murphy took advantage of its location, combined with bureaucratic loopholes for livestock and agricultural trade in the form of agricultural subsidies from the European Union, to raise millions for the IRA.

James Adams explained the magnitude of the scheme, writing, “Because of the barn, he is able, through skillful manipulation of currency and Customs regulations, to contribute every year a minimum of £165,000 (\$250,000) and, in some years, as

much as £2 million (\$3 million) to the IRA. In 1985, British intelligence believed that he was contributing £8,000 (\$12,000) a week.”³⁹

Arms Deals in the United States, Canada, the United Kingdom and South Africa

The early days of the Troubles were perhaps the easiest for the IRA to procure weapons from abroad. “Everyone wanted to be a gunrunner,” recalled IRA veteran and gunrunner George Harrison. Several Irish Americans were arrested between 1972 and 1974, although none of them had any ties to Harrison’s operation, which placed a premium on operational security and secrecy.⁴⁰

Critical to Republicans during those early days of the conflict was the New York City-based Harrison Network. Run by Harrison, his business association with Mafia-associated arms dealer George De Meo going back to the 1950s was “the single most important source of weapons in those years.”⁴¹ By one estimate, during the course of Harrison’s career he sent a million rounds of ammunition, more than 2,500 weapons, and spent up to \$1 million of the IRA’s money.⁴²

Through the Harrison Network, the IRA was able to obtain weapons intended for the US military.⁴³ Soldiers stationed at Camp LeJeune, North Carolina would smuggle ammunition or guns out and sell them to local arms dealers, who in turn would resell them to De Meo. De Meo would drive the weapons to New York City, sell them to Harrison or another IRA associate, and prepare them for shipping.⁴⁴

The Harrison Network began to unravel in fall of 1979 when Irish police intercepted an arms shipment in Dublin. Three of the guns in the shipment still had their serial numbers, which allowed them to trace the weapons to Camp LeJeune. De Meo was eventually arrested and convicted for smuggling weapons for the IRA. He eventually cut a deal with the Justice Department, offering to help build a case against Harrison in exchange for a lighter sentence. The ensuing federal investigation expanded to include some of the IRA’s most prominent supporters in the United States, who were rounded

up, arrested, and unsuccessfully tried between 1981 and 1982.⁴⁵ After being shut down by federal authorities in 1981, the IRA was never able to create another gunrunning network in the United States as productive and beneficial as Harrison's.⁴⁶ According to one intelligence estimate, 2,817 weapons smuggled from the United States to Northern Ireland were captured during the period between 1968 and 1983, although how many of these were tied to Harrison is not known.⁴⁷

However, not every procurement operation went as smoothly or successfully as the Harrison network. "They [the IRA] were ripped off in America more often than not. They were ripped off in Europe. Getting money for guns and getting guns was a continuing problem until the Libyan shipments," Clarke said.⁴⁸ A prime example of this happened in 1982, when a three-man IRA team was dispatched to mainland Europe with £1 million in cash to buy weapons on the black market. At each stop on the itinerary, crooked arms dealers made off with their deposit money. The team eventually returned to Belfast with no money and no weapons.⁴⁹

Botched arms deals were not unique to the IRA. UDA chairman Charles Harding Smith traveled to London in 1972 to buy weapons. Harding Smith and an associate agreed to place an order with a local arms dealer for AK-47 assault rifles valued at £250,000. Although the veracity of the figures is disputed by some, according to one UDA source, by the spring of 1972 the organization had more than 30,000 members. At less than ten pounds per member, raising the money for the arms deal would not have been a problem, according to John White, the other UDA man who went on the trip. However, the arms dealer wound up being an undercover MI5 officer, and both men were arrested.⁵⁰

The UDA's two main arms smuggling routes came from Scotland and Toronto, although they were broken up by local authorities in 1981 and 1986.⁵¹ With these avenues closed, the UDA and two other Loyalist organizations decided to reach out to a South African arms company named Armscor. What followed was a classic example of the global-

ization of the arms trade. The deal involved American and Lebanese arms dealers, Swiss banks, cash from the Portadown bank heist, and Palestinian weapons captured by Israel and given to the Phalange militia in Lebanon.

But more often than not, Loyalist groups got their weapons close to home. UVF leader Gusty Spence, a former British soldier, told journalist Peter Taylor, "We stole them. From everywhere. From the army, the police, anywhere we could get them. I prefer not to use the word 'stole.' We procured them."⁵²

The IRA-Libya Connection

The IRA, strapped for weapons and resources to carry on their fight against the British, turned to Libyan dictator Moammar Gadhafi in 1972. Prior to this, there was a brief period between 1969 and 1970 during which £100,000 in federal funds from the Republic of Ireland authorized by Finance Minister Charles Haughey were transferred to a series of bank accounts in Northern Ireland. Around 32,500 pounds were withdrawn from one account for the explicit purpose of buying weapons for the IRA. John Kelly, the IRA's main gun purchaser at the time, used this money to buy weapons on mainland Europe, which became a major scandal for the government in Dublin when the weapons were seized at the airport. Haughey and two other government ministers were fired and tried for illegal importation of arms. They were acquitted because the Irish minister of defence had authorized the operation, and thus their importation was legal.⁵³ This would be the last publicly documented case of any Dublin government funds being spent for the direct benefit of the IRA.

Gadhafi had publicly expressed his support for the organization. "We support the revolutionaries of Ireland who oppose Britain and are motivated by nationalism and religion," Gadhafi said during a radio address. "The Libyan Arab Republic has stood by the revolutionaries of Ireland, their aims and their support for the revolutionaries of Ireland." A few months later, both sides established formal contacts during a meeting in Warsaw.⁵⁴

The Libyan government agreed to provide money and weapons to the IRA as

long as a secure smuggling route could be developed. It also offered “semi-ambassadorial status” to the IRA in Tripoli. They chose an envoy to be based in the Libyan capital, where his responsibilities would be to act as a liaison to Libyan intelligence and help set up arms routes. Gadhafi’s support of the IRA and other terrorist organizations, including ETA, the Red Brigades and the PLO, would contribute to Libya’s designation as a state sponsor of terrorism by the US State Department.⁵⁵

The envoy, known as Mister Eddie by his Libyan handlers, did his job. During the three years of this liaison’s operations in Libya, more than \$3.5 million (\$10 million in 2002 prices) were transferred to the IRA via City of London banks. The IRA’s military campaign was at its height during this period, and consequently, its most expensive. During this time, at least one shipment of Libyan guns and explosives for the IRA were intercepted, but there are “strong indications” that perhaps three others reached their intended recipients. The relationship between Libya and the IRA soured in 1975, largely due to political miscalculations by Mister Eddie that angered both sides. The relationship was put on the backburner and revived after the 1981 hunger strikes.⁵⁶

Gadhafi’s aid was exclusively financial at first. From 1981 to 1984, Libya sent approximately \$1.5 million to the IRA, considerably less than it had given nearly ten years earlier. As the decade progressed, Libya’s relationship with the United States and the United Kingdom deteriorated into open hostilities. The pivotal event came in 1986, when US jets taking off from British airbases, with the full approval of then-Prime Minister Margaret Thatcher, bombed Gadhafi’s family home in Tripoli, killing his adopted daughter.⁵⁷

During this period, the IRA held talks with a senior Libyan intelligence official who offered them \$10 million and 300 tons of modern weaponry, with the condition that both be used against the British government. If the arrangement worked out, Libya was willing to offer the IRA more money and weapons, and to introduce the organization to other governments that might be sympathetic to their cause. The IRA eagerly accepted the offer.⁵⁸

Between 1985 and 1987, the Libyans made four successful shipments with an estimated 150 tons of weapons and explosives to the IRA, including five tons of Semtex plastic explosives. These set the stage for the fifth and biggest shipment: 150 tons onboard a freighter that would later be intercepted by French authorities. These shipments were significant by any standard. British security sources estimated them to be worth \$40 million at the time, roughly five times the IRA’s annual budget. The shipments also meant that the IRA had enough weapons to continue fighting for another twenty years.⁵⁹

The Gadhafi regime’s relationship with the IRA soured once again amidst the political fallout of the intercepted shipment. Although approximately half of the \$10 million promised to the IRA had already been paid, Gadhafi cancelled subsequent payments.⁶⁰

Although the analogy is imperfect, the closest thing Loyalist groups had that was remotely similar to the IRA’s connection with Libya was their murky relationship with British military, intelligence, and law enforcement personnel in the region. The word collusion is often used by Republicans to decry this relationship between the two sides. Instead of money and weapons being transferred, in this case it was intelligence about Republican organizations or members or training in military expertise.⁶¹ Eddie Kinner, a Loyalist who joined the UVF’s youth wing in the early 1970s, said he was trained by former British servicemen in bomb-making and weapons.⁶² “Was there a formal relationship? No,” Moloney explains. “Was there a relationship? There often was. It was always deniable, you could never find proof on a piece of paper.” “It happened all the time, it was quite commonplace. At a very basic level, British soldiers would do tours in Northern Ireland, invariably. I remember getting ahold of documents myself, and being told by other Loyalist paramilitaries about the practice of soldiers, when they were leaving, they knew the players. They would go around and stuff intelligence documents on the IRA in Loyalist letter boxes, stuff like that.”⁶³

Clarke described the documents passed from British forces to Loyalists as

“a kind of hit list.” Called montages, they were essentially printed pages containing mug shots of Republican persons of interest that were handed out to British forces. This was the type of information that was passed on to Loyalist paramilitary groups. They were handed out frequently, updated and replaced on a weekly or monthly basis, and the older ones were not destroyed.⁶⁴

Illicit Networks Continue During Peacetime

The Troubles officially ended with the signing of the Good Friday Agreement in 1998. However, some fringe individuals or organizations from both sides refused to recognize the agreement and did not disarm or recognize the new political process.

The Independent Monitoring Commission (IMC) was set up in 2004 as part of a British-Irish treaty to monitor activities of paramilitary groups in Ireland and submit reports to both governments. The IMC's reports, 25 in all, document attacks and illegal activities of groups from both sides and try to provide an accurate big picture of paramilitary activity in Ireland during the last seven years. While the principal combatants during the Troubles have not done anything in several years, several offshoots on both sides have picked up where they left off. In many respects, the legacy of the illicit networks of the Troubles lives on.

The most recent high-profile paramilitary attack was the murder of Ronan Kerr, a 25-year-old Catholic constable in the PSNI. He was killed by a bomb placed under his car on April 2, 2011. Within a day, police were trying to determine whether Semtex from Libya, presumably left over from Gadhafi's shipments to the IRA during the 1980s, was used in the attack. Within two weeks, investigators confirmed the use of Semtex for the bomb. The Real IRA (RIRA), the group thought to be responsible for the attack, is believed to have stolen “large quantities” of the explosive after the signing of the Good Friday Agreement. Seven years after his death, no one has been charged in connection to it.⁶⁵ RIRA had also been considered responsible for a campaign of violence targeting the PSNI in the recent past,

and was dubbed by the IMC as “an extremely serious threat.”⁶⁶ RIRA was also behind the Omagh bombing in 1998 which killed 29 people and injured an additional 300. The U.S. State Department designated RIRA as a foreign terrorist organization in May of 2001.⁶⁷

One of the biggest bank heists in Irish and British history took place on December 19, 2004, when armed men made off with £26.5 million in cash from the Belfast headquarters of Northern Bank. Although groups on both sides resorted to bank robbery, suspicion in this case turned to the Provisional IRA. According to a February 2005 cable by U.S. ambassador to Ireland James Kenny, an unidentified Irish official told him the government in Dublin “considered it 99% certain that IRA conducted the robbery,” citing past experience with the organization, although there was no hard evidence to prove it. The cable also made the politically explosive allegation that the Irish government had “‘rock solid evidence’ that [Sinn Fein politicians] Gerry Adams and Martin McGuinness are members of the IRA military command,” and because of this, the Irish prime minister was convinced they would have known in advance about the robbery.⁶⁸ The IRA, Adams and McGuinness subsequently denied the allegations.

Although the IRA is no longer buying weapons or sustaining families of prisoners, the question arises: If they were responsible for the robbery, what would they want with all that money? “I suppose that one view was that it would be a pension plan to support all of those who had taken part in the armed conflict and needed something to do post-Good Friday Agreement,” an NIO official explained. “One argument put forward is that that type of raid would have secured the position to kind of shore up the peace process if you like, to support the previous combatants if you like, now that they no longer have their criminality to live off of.”⁶⁹

A secondary question to consider would be what the IRA did with all of its money after the ceasefire and Good Friday Agreement. During the conflict, the IRA was constantly short on money and searching for new sources of revenue because of its over-

head costs and expenses. When the fighting ended, the IRA had money that didn't have to be spent on the conflict and took advantage of the booming Irish economy of the 1990s.

Attributing the information to an Irish government official whose name has been redacted from the document, Ambassador Kenny wrote in a cable to Washington, "IRA money was constantly moving, flowing from diversified sources into wide-ranging investments. While the IRA had been proficient in smuggling, robbery, and racketeering since the 1970s, the Celtic Tiger economic boom of the 1990s had prompted the IRA to diversify into more sophisticated business enterprises. IRA investments now included real estate ventures in Dublin, London, and Spanish resort areas, handled by apparently respectable businessmen."⁷⁰

British Authorities Paid Little Attention to the IRA's Finances During the Conflict

Looking back on the Troubles with the benefit of hindsight, it is clear that British authorities and security forces were more preoccupied with stopping the next attack than the money flow. "I think it's pretty obvious that the scale of the terrorism was so great at the time, that they didn't have the resources I would have thought to cope with the criminality aspects which were funding that campaign," an NIO official explained. "It was probably only when we got the Good Friday Agreement whereby the organizations were saying they'd given up the terrorism campaign, but it was clear I think that their campaigns were still being funded from somewhere."⁷¹

Another explanation is that law enforcement measures gradually changed to include financial crimes. "If you look at the time this conflict started, the international controls on money laundering, there were none," McQuillan said. "Money laundering wasn't an offense. Money laundering didn't become a crime until the mid-eighties, and then only in connection with drugs."⁷²

The British government created the Assets Recovery Agency (ARA) in 2002 with the specific mandate of tackling the financial aspects of organized crime in the UK, with

powers of confiscating or freezing financial or physical assets. While it did focus on achieving its mandate, critics point out that in 2006, the last full year of its existence, ARA was more successful in freezing the assets of criminals in Northern Ireland (£16 million) rather than recovering them (£8 million), despite costing more than £60 million to set up.⁷³ ARA was abolished in 2007 and its duties were merged into the newly formed Serious Organized Crime Agency (SOCA), created to tackle drug trafficking and major crime. ARA's mandate is now carried out by the UK Financial Intelligence Unit (UKFIU) as part of SOCA.

Tackling Financial Crimes on Both Sides of the Border Today

Tackling the security and financial challenges posed by paramilitary groups in Ireland is the responsibility of several law enforcement, intelligence, and financial agencies in the governments of the United Kingdom and the Republic of Ireland. Alan McQuillan, a former interim director of the ARA, says that SOCA "seems to have almost abandoned assets recovery in [Northern Ireland]."⁷⁴

Because the governments of two countries are involved, and because criminal activities often go back and forth on both sides of the border, it is impossible for one country or another to take full responsibility for security issues on the entire island. Coordinating among this alphabet soup of different agencies is easier said than done.

According to McQuillan, intelligence is the biggest issue across the board needed to ensure strategic success. "This needs to be developed, disseminated, and shared continuously on both sides of the border, to drive operations in support of the strategy." He also warns that governments should not be fixated on a single solution that solves everything. "In the past I saw so many times with the Army the search for the one big thing that was *the* solution. It was a chimera."⁷⁵

PSNI Assistant Chief Constable Will Kerr told The Irish Times he thought that reports of continued involvement by former IRA members in organized crime was "overstated," noting that "Organizationally

they are not involved to the same extent but individually some of them undoubtedly are.” He also noted that Loyalist groups were more involved in organized crime, saying “They always had an organized crime locus. They were always as, if not more, actively involved in organized crime.” “But the difficulty is they were never as involved in politics as some of the other groups so when you have a political outlet it distracts you from other activities.”⁷⁶

The Organized Crime Taskforce was established in Northern Ireland in 2000 as a multi-agency taskforce involving law enforcement and customs agencies, as well as other government agencies, private organizations and businesses.⁷⁷ According to OCTF’s most recent annual report and threat assessment for 2017, as part of the effort to fight money laundering the PSNI recently reformed its Economic Crime Unit (ECU), which includes an Asset Confiscation and Enforcement (ACE) team with the specific objective of identifying and seizing criminal assets and property. The same report notes that Loyalist and Republican paramilitary groups and individuals “continue to be actively involved in extortion attempts, particularly the racketeering of small businesses and building sites in towns and cities across Northern Ireland. It is believed that significant underreporting occurs due to an unwillingness of victims to come forward to PSNI. Illegal money lending/loan sharking is also believed to continue.” This form of extortion has also evolved into cyber territory; the report alleges that the Internet and social media are used for ransomware attacks or to extort victims for their online activities.⁷⁸

The Paramilitary Crime Taskforce was created in September 2017 as a multi-agency taskforce to deal with crimes specifically linked to paramilitary groups, including “extortion, intimidation, violence, drug dealing and money laundering.” The taskforce consists of officers from the PSNI, the National Crime Agency, and HM Revenues and Customs.⁷⁹ Prior to its launch, paramilitary crimes came under the jurisdiction of the PSNI. According to data for 2016-17, there were 100 arrests involving 66 people being charged or reported to the Public Prosecution service, result-

ing in the seizure of approximately £450,000 in criminal assets, as well as a number of firearms, ammunition, and pipe bombs.⁸⁰

The Potential Consequences of Brexit on Peace and Security in Northern Ireland

A recent development that could affect transnational cooperation between both sides of the Irish border was the Brexit referendum of 2016. England and Wales voted to leave the European Union, while Scotland and Northern Ireland voted to remain. (According to exit poll data for Northern Ireland, 89 percent of nationalist voters, 88 percent of Irish voters, and 85 percent of Catholic voters voted to remain in the EU. In contrast, 35 percent of unionist voters, 38 percent of British voters, and 41 percent of Protestants voted to leave. These demographics often overlap with each other.) As a result, the United Kingdom is in the process of removing itself from the EU, with a set date of March 29, 2019 according to the terms of Article 50 of the Treaty of Lisbon. One of the major issues that has to be negotiated is the Irish border. Both sides in the negotiations are in agreement that they do not want a “hard border”—referring to the physical infrastructure of a traditional border crossing. “However, questions remain as to how this would work in practice. British prime minister Theresa May has rejected the EU proposal for the Northern Ireland border, saying that “no UK prime minister could ever agree” to it.⁸¹

According to a study by University of Liverpool professor Jonathan Tonge, Brexit will require deletions of references to the EU in the Good Friday Agreement. The Northern Ireland Assembly will have the ability to determine which aspects of EU legislation will be retained concerning policy issues over which the assembly has jurisdiction. The British Treasury will also have to pick up the costs for programs currently funded by the EU Programme for Peace and Reconciliation in Northern Ireland. According to Tonge, this amounts to “four peace programmes financially underwriting the peace process, providing 1.5 billion euros of funding.”⁸² Irish justice minister Frances Fitzgerald and UK Northern Ireland secretary James Brokenshire said

both governments would continue cooperating on security issues in the wake of Brexit.⁸³

Conclusions

Paramilitary financing on both sides of the Irish conflict was largely overlooked by the British security services. Some of the illicit networks that developed as means to sustain the conflict exist to this day and account for a great deal of the crime on the island. The creation of ARA was a step in the right direction at tackling the financial networks of the Troubles, even if it may not have yielded results in the quantities desired. Efforts by the recently created Paramilitary Crime Taskforce should continue to focus on all aspects of crimes connected to the paramilitary groups that were on both sides of the conflict. “I think the lessons are primarily that money is fundamental to the organizations,” Alan McQuillan said. “If you can cut the money from these organizations, you can severely damage them.”⁸⁴

Journalist and author James Adams paraphrased one of the central lessons explicitly mentioned in a September 1981 British security force memo on the subject of border smuggling that is still a relevant warning to the present day that counterterrorism officials would be wise to heed: “Ignore the sources of income to the terrorist and the problem grows in direct relation to the terrorist’s ability to exploit society to his financial benefit.”⁸⁵

About the Author

David de Sola is a graduate of Georgetown University’s Security Studies Program. He is a journalist and published author based in Los Angeles with previous work experience at CNN, 60 Minutes, and Reuters. David also holds a B.A. in history from Tufts University and a M.A. in journalism from the University of Southern California.

Endnotes

1. Because the PIRA was the main Republican fighting force in this conflict, this report uses the names PIRA and IRA interchangeably. Other Republican organizations will be explicitly identified by their full name.
2. Because this conflict took place mostly in the United Kingdom, the currency used in this report will be pounds sterling, unless otherwise noted.
3. Author interview with Ed Moloney, February 21, 2011.
4. Author interview with Liam Clarke, March 6, 2011.
5. Moloney interview.
6. *Ibid.*
7. Ed Moloney, *Voices from the Grave: Two Men's War in Ireland*, (New York: Public Affairs, 2010), 77.
8. Brig. James M. Glover, "Northern Ireland: Future Terrorist Trends," British Ministry of Defence, 1978, 5–6. The author accessed the physical hard copy of the document in an archive in Belfast.
9. Ed Moloney, *A Secret History of the IRA* (New York: W.W. Norton & Company, 2002), 378.
10. James Adams, *The Financing of Terror* (London: New English Library, 1986), 165.
11. Adams, *Financing of Terror*, 179.
12. Peter Taylor, *Loyalists: War and Peace in Northern Ireland*, (New York: TV Books, 1999), 80.
13. Ed Moloney, *A Secret History of the IRA*, (New York: W.W. Norton & Company, 2002), 262.
14. Moloney, *A Secret History*, 242.
15. Taylor, *Loyalists*, 189–90.
16. Taylor, *Loyalists*, 125.
17. Adams, *Financing of Terror*, 170.
18. Henry McDonald and Jim Cusack, *UDA: Inside the Heart of Loyalist Terror* (Penguin Ireland, 2004), 26.
19. Clarke interview.
20. Adams, *Financing of Terror*, 170–1.
21. Adams, *Financing of Terror*, 153–4.
22. Clarke interview.
23. *Ibid.*
24. *Ibid.*
25. Author interview with Alan McQuillan, March 9, 2011.
26. Clarke interview.
27. Jack Holland, *The American Connection: U.S. Guns, Money, and Influence in Northern Ireland*, (Boulder, Colorado, Roberts Rinehart Publishers, 1987), 1–6.
28. Holland, *The American Connection*, 27–31.
29. *Ibid.*, 61.
30. Adams, *Financing of Terror*, 142.
31. Holland, *The American Connection*, 61.
32. Holland, *The American Connection*, 27–62.
33. *Ibid.*, 58.
34. Republican Aid Committee fundraising letter, reprinted in March 1989 edition of *Ulster*, 15.
35. *Ulster*, March 1989, 15.
36. *Ulster*, July/August 1988, 5–7.
37. Adams, *Financing of Terror*, 157–160.
- <https://www.gov.uk/government/ministers/chancellor-of-the-exchequer>
- <https://www.revenue.ie/en/corporate/information-about-revenue/role-of-revenue/index.aspx>
38. Adams, *Financing of Terror*, 160.
39. Adams, *Financing of Terror*, 157–160.
40. Holland, *The American Connection*, 83.
41. Moloney, *A Secret History*, 16–17.
42. *Ibid.*
43. *Ibid.*
44. Holland, *The American Connection*, 83.
45. Holland, *The American Connection*, 92–94.

46. Moloney, *A Secret History*, 16–17.
 47. Adams, *Financing of Terror*, 143.
 48. Clarke interview.
 49. Adams, *Financing of Terror*, 144–145.
 50. Taylor, *Loyalists*, 101–103.
 51. *Ibid.*, 189.
 52. *Ibid.*, 113.
 53. Taylor, *Loyalists*, 75–76.
 54. Moloney, *A Secret History*, 8–9.
 55. *Ibid.*, 9.
- Eben Kaplan, “How Libya Got Off the List,” *Council on Foreign Relations*, October 16, 2007, <https://www.cfr.org/backgrounder/how-libya-got-list>.
56. Moloney, *A Secret History*, 10–12.
 57. *Ibid.*, 12–15.
 58. *Ibid.*, 12–17.
 59. *Ibid.*, 19–20.
 60. Moloney, *A Secret History*, 23.
 61. Martin Ingram and Greg Harkin. *Stakeknife: Britain’s Secret Agents in Ireland*. Dublin: O’Brien Press, 2004.
 62. Taylor, *Loyalists*, 92.
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 64. Clarke interview.
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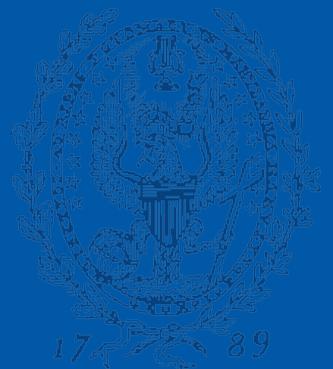
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