

**COUNTERTERROR AND COUNTERDRUG POLICIES:
COMPARISONS AND CONTRASTS**

Prepared for the Executive Session on Domestic Preparedness
March 8, 2002

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INTRODUCTION

The problem of preventing repetitions of the September 11th incidents has begun to be called "the war on terror." This suggests analogies to the "war on drugs," and there have been attempts to use these comparisons to draw conclusions about the appropriate shape and likely success of the anti-terrorism campaigns (e.g., Massing, 2001). This essay identifies similarities and differences between the two campaigns.

We believe that policy makers can draw at least three major lessons for combating terrorism:

1. The enforcement problems are very different for the two campaigns, and therefore methods and ways of thinking drawn from the counterdrug effort cannot simply be applied to the counterterrorism effort. Drug dealers have customers; terrorists have supporters and victims. Drug organizations are mostly anonymous and interchangeable, thus making the removal of any one or small number of limited usefulness. Terrorist organizations appear to be highly individual and may take a long time to replace, so that the removal of even one, such as al-Qaeda, may make a large difference to the threat faced in the United States. The largely successful campaign against the American Mafia, which dismantled a specific group of organizations, may provide much more insight than the drug enforcement effort;

2. Border control may be necessary and useful but is unlikely to play a major role in preventing terrorism. Sealing the borders against cocaine and heroin has proven impossible. Hundreds of tons of cocaine flow across the border, along with thousands of smugglers, despite a relatively intense interdiction effort. Seizure rates are less than one half. Border interdiction is likely to be even less successful against a flow of

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hundreds of terrorists and merely a few kilograms of biological agents or several grams of radioactive materials.

3. Coordination problems are immense, and merely naming a "czar" is not a solution, as the experience of the "drug czar" illustrates. Neither controlling drugs nor controlling terror is primarily a criminal justice problem, so that the agencies that must work together are very different in mission and culture. A Homeland Defense czar will need to be supplemented or replaced by new coordinating mechanisms, because the structure of the federal executive and legislative branches, and in particular the budget process, makes it virtually impossible for the head of any one agency to exert effective control over the activities of other agencies. The problems are only multiplied in attempts to influence the actions of state and local agencies (and private- and voluntary-sector entities), even when those agencies and entities receive federal funds.

COMPARING AND CONTRASTING COUNTERTERROR AND COUNTERDRUG POLICY

Below we examine major drug control programs and related issues. For each, we ask if there are relevant parallels to fighting terrorism, and, if so, identify lessons that may carry over. It is convenient to pursue these comparisons within six topics: (1) crime control and investigation within the US, (2) the use of prison to incapacitate offenders, (3) control efforts outside the US and at the border, (4) financial investigation and control, (5) overall coordination of enforcement efforts, and (6) related media and communications issues.

Before proceeding, a note is in order concerning the scope of this analysis. Those who draw analogies between counterdrug and counterterror operations tend to focus on the more international and more organized ends of this spectrum of activity. We do the same.

Domestic production does exist for both drugs and terrorism; it now seems more than likely that the anthrax attack originated from domestic rather than foreign activity. Likewise some domestic drug dealing and terrorism involves US citizens using commodities that are legal to possess and use in routine circumstances (e.g., "huffing" gasoline or glue, or using legally owned firearms for violent mass attacks). There are also forms of domestic production that involve contraband, such as synthesizing methamphetamine and building bombs on US soil.

Nevertheless a focus on activities with a strong international component is useful because there are qualitative differences between domestic and international operations, including what we can reasonably expect of efforts to control them. It is hard to imagine how enforcement could completely eradicate home-grown marijuana or the manufacture of bombs out of everyday commodities, but just as "merely" shrinking consumption of foreign-produced cocaine by 50% would constitute an enormous victory, so would "merely" eliminating organized, international terrorist activities against the US. (The death toll from the World Trade Center was a large multiple of the toll from all other terrorist actions on US soil in the past generation.)

What changed on September 11th was the level of concern about international terror directed at US targets, so that is our focus.

I. Crime Control and Investigation

Obviously, both drug traffickers and terrorists commit crimes, but there are as many differences as similarities when thinking about how best to prevent and punish these activities. A basic difference is that terror may have sponsors, but it has no true consumers as in black market crimes such as drug distribution. There is therefore no clear analogy in counterterror efforts to "demand reduction" efforts in drug control policy. Modifying US foreign policy to appease terrorists might (or might not) reduce terrorists' motivations to attack, but it would be more akin to addressing so-called "root causes" of drug abuse (e.g., poverty and lack of affordable housing) than to drug prevention or treatment.

In contrast, counterterror policy can try target hardening, akin to aspirations of "crime prevention through environmental design" (Jeffrey, 1971). For example, just as drug markets may be closed down by redesigning streets or traffic patterns, some terrorist threats can be foiled by reinforcing cockpit doors and keeping vehicles away from buildings. However, terrorist organizations, like drug dealers, are capable of adapting to control efforts mounted against them in ways that diminish the effectiveness of those efforts (Caulkins, Crawford and Reuter, 1993; Lesser et al., 1999). Drug smugglers modify routes to evade interdiction pressures; terrorists can adapt to target hardening by shifting their target choices.

Even at the investigative level, the surface similarities soon resolve into basic differences. Drug enforcement attacks ongoing activity. Investigative targets have sold drugs many times before, they hope to continue doing so on a weekly or monthly if not daily basis, and the next drug transaction typically looks a lot like the last one. Counterterror seeks to arrest activity before it occurs. Ideally, would-be terrorists are arrested before their first attack. Alternately, the goal is to prevent perpetrators of past attacks from committing another attack that in all likelihood will be very different, in location, method, and target.

Undercover operations in which law enforcement personnel impersonate offenders are a staple of drug investigations. Undercover activity against terrorist organizations is complicated by the need to stop any known future action that might risk personal injury. By contrast, undercover drug investigations routinely continue while the organizations under surveillance continue to deliver drugs to customers; indeed, enforcement agencies have from time to time operated transportation and money laundering facilities for drug traffickers in order to obtain investigative leads against more senior operatives or larger organizations.

This is not meant to imply that undercover investigation cannot play a valuable role in counter terror efforts. An essential contribution of undercover drug investigations is making drug market participants suspicious of strangers who claim interest in transacting drugs. That is, the existence of undercover operations hampers

all drug operations, not just those directly targeted. Even if enforcement agencies have trouble penetrating terrorist cells, aggressive efforts to do so may hamper cooperation among cells by making them suspicious of strangers. Efforts by terror cells to confirm the trustworthiness of other self-described terrorists might create vulnerabilities, e.g., if they had to contact a higher-level leader by travel or electronic means to gain such confirmation.

Efforts to prevent and punish crime should reflect the basic organization structure of the activities they target. Here too there are important differences. Drug distribution is highly atomistic. Between Colombia and sale on the street, cocaine passes through a half dozen or so arm's length transactions between people who know very little about each other (Riley, 1996). At any given market level below the very top, there are few organizations that cover large geographic areas and any given city will have multiple operations. Hence, drug distribution networks are robust to enforcement because they are networks not monoliths or hierarchies. Individual nodes are expendable because there are multiple paths through the network from source to customer and new branches are created constantly.

The "new" terrorist organizations are reported to have more of a network structure, so they may be more resilient than the "classical" terrorist organizations of the 70's and 80's, but they are still more vertically and horizontally integrated than are drug distribution networks (Arquilla and Ronfeldt, 2001). For example, different drug dealing organizations compete, sometimes violently, for markets and customers. Dismantling one drug trafficking organization benefits others. Enforcement can take advantage of this, either by getting one group to inform against the other or by making intergroup (or intragroup) violence the target of investigative efforts. There is in general no comparable incentive for different terrorist organizations or cells to interfere with each other, and within the same general movement they may even cooperate.

Among enforcement activities, counterterror may resemble traditional organized crime enforcement more closely than it does drug enforcement. The capacity to extort and to corrupt represented by the families of La Cosa Nostra (LCN) was unique, not replaceable even if specific pieces of illicit business (e.g., loan sharking) were taken over by other enterprises. So while organized crime enforcement prosecuted people for labor racketeering, gambling, prostitution, drug dealing, etc., it was not aimed at those illicit industries, but at a small list of organizations, each with a finite, though changing, list of members.

Unlike the anti-drug effort, which has led to no better than a standoff, the organized crime enforcement effort has been an overwhelming success. There is no place in the United States today where LCN is a significant fact of social, economic, or political life, and no other group has filled the niche the Mafia once occupied. The country is clearly better off not having its loan sharking, drug dealing, and prostitution enterprises linked to a cluster of organizations with important connections to politics,

organized labor, and licit commerce, and significant corrupt influence over important local enforcement agencies.

While a variety of other changes, notably legalized gambling and trucking deregulation, contributed to the process, the quarter-century of enforcement and prosecution efforts started by Robert F. Kennedy deserve a substantial amount of credit.

When Kennedy, as Attorney General, decided to make La Cosa Nostra his target, he created a career-service organized crime prosecution effort, reporting administratively to the Criminal Division in Washington rather than to the U.S. Attorneys. The prosecutors in Organized Crime and Racketeering Section's city-based "strike forces" had both the patience to make long cases and, after a while, the trust of the investigators who worked with them. Cases began to be planned from the beginning, with investigative effort targeted on the elements that would have to be proven at trial. The goals were clear: put the leadership of each "family" behind bars, and challenge the mob's control of key institutions.

Success was slow at first. New statutes, such as the Racketeer Influence and Corrupt Organizations (RICO) law, and new administrative mechanisms, such as the Witness Protection Program designed to overcome the Mafia's well-earned reputation for taking revenge on informants, took time to develop and implement. But no one in the organized crime effort needed to run for anything. Once informing was no longer perceived as a death sentence, distrust spread even among "made" members, and Mafia figures began to take out insurance policies in the form of informant relationships with investigators. Eventually, family by family, the mob cracked under the pressure.

The organized crime enforcement story is not a uniformly cheerful one. The Constitution, and the ethics of investigation, were from time to time stretched to the breaking point, and sometimes beyond, and in at least one case the exclusive focus on the Mafia led to an unsavory relationship with a non-Italian group that was much more powerful, both criminally and politically. But the bottom line is that the Mafia, a major institution in American life from the 1920s through the 1960s, has become more or less a fossil (Reuter, 1995). It would be fatuous to assign all the credit to the enforcement effort, but it would be equally fatuous to imagine that the mob would have gone away by itself.

One major difference between the organized crime enforcement effort and any campaign that might plausibly be mounted against terrorism is that LCN was almost entirely domestic, making its activities and leadership immediately vulnerable to domestic law enforcement, while al Qaeda's operations are largely international. However, the dismantling of the Medellin cartel also offers a basis for optimism with respect to the elimination of organizations. After the Medellin group assassinated the leading presidential candidate in 1989, the central government, with U.S. assistance, was able, over a three year period, to capture or kill all its leaders. While cocaine and heroin production continue in Colombia, the capacity of drug organizations to contend for political power in Colombia has not been reproduced.

II. Incapacitation and Replacement

The criminal justice system is customarily thought of as affecting crime rather than through deterrence (making crime sufficiently unprofitable that criminals pursue other activities), rehabilitation (reforming convicted offenders), and incapacitation (physically separating offenders from potential victims, typically through incarceration). For crime generally, experts and the public alike have largely lost faith in deterrence and rehabilitation, so, e.g., models of the effect of sentencing policy revisions focus on incapacitative effects (e.g., Greenwood et al., 1994). However, there is little prospect of affecting the supply of drugs through incapacitation because incarcerated offenders are easily replaced (Kleiman, 1997). There may be much more promise in the removal of a relatively small number of terrorists.

In the instance of drugs, low- and mid-level operatives have proven to be almost infinitely replaceable. (One-quarter of the men born in the District of Columbia in 1960 had been arrested for drug dealing by 1990. (Reuter, MacCoun, and Murphy, 1990)) By contrast with "predatory" crimes such as burglary, the incapacitation effect of imprisoning a drug dealer is close to zero. Even high-level drug dealers and entire dealing organizations have proven to be replaceable, with at most a brief supply interruption. Raeful Edmonds was the dominant dealer in Washington DC in the mid-1980s, buying 250 kilogram shipments in Los Angeles; he and his organization were captured in the late 1980s but there was no visible interruption to the cocaine trade in the city (Reuter, MacCoun and Murphy, 1990). As long as there are drug buyers, the financial rewards of supplying their drugs will call forth new organizations to replace the old. The new organizations may not be as efficient as the ones destroyed but the differences, in terms of drug prices and availabilities, are small.

Whether these statements are true of terror operatives attacking targets in the United States is an open question, but it is easy to believe that they are not, especially when it comes to suicide operations. Despite its ample funding, al Qaeda mounted no more than one successful operation every year or so (Schweitzer, 2001). Nor is there a "demand" for terrorist acts in the sense that there is a demand for heroin, so there is no mechanism that automatically replaces terrorists as the market more or less automatically replaces drug retailers.

The focus on specific individuals and organizations that has proven so futile in reducing the supply of drugs might easily not be futile in controlling the level of terrorist activity. "Brand names" and organizational identity may be more important to terrorism than they are to drug dealing. Both voluntary fund-raising and extortion for terrorist organizations rely on donors' having an idea that the organization is one they support or fear; cocaine consumers, and lower-level dealers, are largely indifferent to the provenance of the goods they purchase.

In deterring drug dealing, the scarce resource is the ability to incarcerate, not the ability to arrest (Caulkins and Heymann, 2001). The opposite is true of terrorism. More than a million Americans sold cocaine in the last 12 months. (Caulkins and Heymann,

ibid) Locking up all of them would be extraordinarily expensive on a variety of dimensions. Locking up all of the individuals in the US who are working to commit lethal terrorist attacks would, by contrast, put no strain on the prison system; the problem is catching them.

More generally, if enforcement aims to shut down an activity, rather than merely punishing one group of perpetrators, it must somehow destroy a resource that cannot easily be replaced. No such resource seems to exist in the drug area; neither organizational capacity, drugs, nor the willingness to take risks to produce, smuggle, and sell them has proven to be scarce. Terrorism may be different in this respect. The requisites for a successful terrorist operation would seem to be (1) knowledge of how to create damage or ingenuity in developing new methods of doing so; (2) access to the requisite material means; (3) a supply of operatives willing to kill (and perhaps die); (4) money, or the ability to raise money and move it around internationally; (5) an organization capable of putting these requisites together to actually carry out operations across borders; and (6) motivation, either intrinsic or extrinsic (Hoffman, 2001). The combination of these might prove hard to reproduce; if so, a terrorist group dismantled by enforcement might not be replaced.

III. Source Country Control and Interdiction

Offshore production locations are an important resource for cocaine and heroin production, raising hopes of eradicating the drug problem at its source, but production locations are hard to shut down and easy to replace (Stares, 1996). The number of viable source countries for terrorism may be smaller than for drugs (O'Sullivan, 2001), which again allows for better targeting of enforcement and less worry about "production" moving from one country to another due to enforcement pressure.

Neither drug production nor recruiting and training terrorists requires much acreage or a special climate; they can be done almost anywhere. The greater concern is the support or least tolerance of the local government. One can distinguish several degrees of participation.

- Actual state sponsorship of specific acts (Libya and the Lockerbie bombing)
- State subvention of organizations operating elsewhere (Iran and Hamas)
- Allowing fund-raising (Saudi Arabia and al Qaeda)
- Allowing operations/basing within national borders
 - By policy (Afghanistan and al Qaeda)
 - Through weakness (Somalia)

As indicated, state-sponsorship of terrorism takes all forms. It does as well with drugs, but the most common scenario is the last, passively allowing trafficking within borders because the local government is too weak, corrupt, and/or besieged by other priorities to take effective action. Even growers of drug crops only need the source country's

government to be weak, not necessarily directly supportive of drug cultivation. Corruption may be necessary, but there are many nations that offer enough systemic corruption that the industry is moderately mobile; witness the sudden appearance of opium production and heroin manufacturing in Colombia in the mid-1990s, and the shift from Thailand to Burma in the 1980s. In contrast, recruiting and training terrorists may benefit from the acquiescence, perhaps even complicity, of the host government, rather than merely weakness. Fewer countries may wish to offer such protection, especially after recent events in Afghanistan (Byman et al., 2001).

Indeed, the military assault on the Taliban underscores a fundamental difference between international counterdrug and counterterror operations. US drug law enforcement has to respect the sovereignty of other countries; the invasion of Panama in 1989 to remove General Noriega seems more an effort to remove a particularly repressive dictator justified by drug dealing charges than it was a drug control operation.. The foreign-supported killing of civilians on US soil is perceived, at least by the US, as opening the door to an entirely different level of response. Hence, it is not useful to try to draw parallels between the success or failure of source country drug control efforts and source country terror control efforts.

Comparisons to counterdrug policy are more relevant with border interdiction, which has been a central component of the drug control effort, than with source country control. Interdiction has made smuggling the province of professionals more than that of amateurs, and it maintains a price differential between drugs overseas and in the US that is enormous compared to conventional transportation costs; the price increase for a kilogram of cocaine as it travels from Bogota to Miami is \$15,000, compared to the \$100 that Federal Express might charge to ship a package of that weight. (Caulkins and Reuter, 1998). However, it has had little success in restricting the availability of cocaine and heroin in the United States. This is one instance in which the lessons for counterterrorism are clear; border control will play a supporting not a key role in helping reduce terrorism risks for the U.S.

Terrorism, like drug dealing, often involves a flow of criminals and materials across busy international borders. Such borders are locations in which the government has unique legal powers of investigation and apprehension. However, the difficulty of interdiction rises with the size of the legitimate flows of persons and goods from the same regions, and with the size of the legal population of US residents from those regions. Thus a Colombian drug trafficker doesn't stand out from the background mass of Colombian-born legal visitors, permanent residents, and naturalized citizens; the U.S. has more residents from Colombia than from any other South American nation. Likewise Colombian drug shipments are concealed in the flow of legitimate Colombian exports. Bolivian traffickers or drug shipments would be much easier to detect, because they would be a larger fraction of the total. The existence of "dual-use" materials, whether fertilizer in the Oklahoma City blast or box-cutters and airliners on September 11, raises the same problem; the threat doesn't stand out from the background.

On the order of 300-400 metric tons of cocaine, and some multiple of that amount of marijuana, enter the US each year. Those quantities are a tiny, tiny fraction of the corresponding numbers for legitimate commerce; that is what makes interdiction so difficult. About 25-40 percent of cocaine shipments are seized; for the more compact heroin, the seizure rate is closer to 10 percent (Reuter, 2002). It is hard to estimate what share of drug couriers is caught. It may be quite high but only because they make so many trips; the probability of getting caught on any one entry into the United States is very small. The constant development of new technologies for detecting drugs has been matched by improved smuggling technology, usually involving off-the-shelf equipment.

The problem for terrorism control at the border is clearly even greater. The difficulty of detection rises as the materials get more compact. It is easier to find a ton of marijuana than a kilogram of heroin. That is part of what makes toxins and infectious agents so threatening, and intelligence-based (as opposed to random) search so valuable. Acceptable leakage rates are much lower for terrorism. Stopping 90% of the drugs entering the US would be a spectacular success, but letting 10% of attempted major terrorist acts succeed would be a disaster. The ratio of potential social damage to weight or bulk is much higher for explosives and toxins, and incalculably higher for infectious agents, than it is for drugs.

This pessimistic assessment does not imply that border interdiction has no useful role whatsoever. Besides forcing the use of more difficult and expensive smuggling techniques, thus shutting out amateurs, interdiction creates two different vulnerabilities for criminals. One is that the material itself might be seized. For drugs this rarely matters much since the material is cheap and replaceable. Even with seizure rates of 25-40% cocaine keeps flowing in at a price that is very high compared to both legal drugs (tobacco and alcohol) and other refined agricultural products (e.g., sugar) but still low enough to allow a mass market. Many potential terrorist materials (as opposed to individuals) are likely to be similarly replaceable; others (e.g., fissile material) may not be.

The other vulnerability is that the shipment can sometimes be traced to its sender or its recipient, thus putting the personnel of the operation at risk of arrest. This tends to be the more important risk for drugs, and may prove so for terrorism as well. But tracing a shipment to its recipient often involves letting the delivery be consummated; the fault-intolerant climate of anti-terror efforts makes such "controlled deliveries" much more troublesome for terrorist materials than they are for drug shipments.

IV. Money Matters

International terrorism, like drug dealing, involves moving money around, but the sums are of an entirely different order of magnitude. The September 11 actions are estimated to have cost about half a million dollars, which is roughly nine minutes' revenues in the US cocaine market. The direction of flow is also different. Money in the drug business all moves up from the customers first to low-level dealers, then up the

domestic supply chain, and eventually (in relatively smaller amounts) to overseas suppliers. Money sources and flows in the terror business are more complicated, and the foot soldiers are likely to receive payment from above rather than sending dollars up the chain (Leader, 1998).

for drug traffickers paying fees to money launderers, or even losing an occasional bank account, is just a cost of doing business. But moving money also creates investigative vulnerability (Kleiman, 1992), and money laundering investigations are probably more useful for their potential in catching major figures than for the actual financial penalty represented by the cash and property seized.

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

What is clear is that if drug traffickers had the incentive to fund terrorists they have the financial wherewithal to do so. Most drug traffickers are apolitical, being more interested in making money than advancing a political agenda. But clearly terrorist organizations can and do resort to drug trafficking to fund their politically motivated operations (Sheehan, 2001), and concern about "narco-terrorism" has been a staple of policy discussions for at least 15 years (Satchell, 1987). Drug revenues may be important for terrorists; terrorists are unimportant for drug trafficking, simply because there are relatively few of them and they are, certainly from the U.S. point of view, located in different places; neither Colombia nor Mexico, which account for the vast majority of U.S. drug imports, have much involvement in international terrorism. Keeping drug revenues in the hands of old-fashioned greedy criminals rather than criminals with an anti-US political agenda would be desirable; to what extent drug enforcement could be crafted to put terrorist-linked traffickers at a competitive disadvantage is an open question.

V. Coordination and Organization

Counterdrug and counterterror efforts are alike in that they transcend jurisdictional and organizational boundaries, making coordination and organization of efforts important to overall success. The coordination challenges have proved substantial for drug control and are likely to be even greater for terrorism control. Terrorist organizations transcend jurisdictional boundaries more than do individual drug organizations. No one international drug organization operates in more than a handful of countries, and no domestic drug organization operates in more than a handful of cities. If al Qaeda is viewed as one organization, not as a movement composed of separate organizations, then its geographic reach is far greater. Joint federal-local task forces have been created to pool information during investigations of drug operations that span local jurisdictional boundaries. Something parallel but grander may be needed to effectively pool counterterror investigation information.

The problem is larger than just coordinating among the 18,000 law enforcement agencies within the US (Maguire and Pastore, 2001). Effective drug control requires cross-national collaboration. There are some successes in cross-national co-operation on drug enforcement, such as in the dismantling of the Italian Mafia heroin operations in the 1980s and 1990s (Paoli, forthcoming). However, those collaborations involve stable and strong governments, not the kind that serve as hosts for terrorist organizations. And U.S. efforts at obtaining such collaboration have been hindered by a failure to consider differences in interests and attitudes of other nations. Both the drug problem and the terror problem involve foreign residents and foreign nationals damaging US interests by actions taken both here and abroad. This means that the US government can benefit from actions taken by foreign governments. How to balance unilateral, bilateral, and multilateral efforts is a problem in both areas; there is no particular reason to think the optimal mix is the same in the two cases.

The coordination problem extends beyond coordinating investigative agencies. The US views drugs largely as a crime problem. Other countries view it more as a public health problem (e.g., MCDS, 2001). It is in fact both, and also a problem involving educational agencies (e.g., for drug prevention), diplomats, the military, housing authorities, and many other agencies. Terrorism is likewise a crime problem, but also much more than a crime problem.

Coordinating drug control is also complicated in the US because it spans so many levels as well as functions of government (Murphy et al., 2000). Sellers are arrested by the city, prosecuted by the county, and imprisoned by the state for selling drugs that evaded federal interdiction efforts. Children in housing authority projects may do poorly in city schools if their addicted parents fail at the federally-funded, county-contracted treatment programs that are run by non-profit agencies. Similarly, more than a dozen intelligence agencies failed to detect a plot to circumvent FAA security procedures that were implemented by private contractors at municipally operated airports in order to seize commercial airliners to crash into national icons, creating disasters responded to by multiple city, county, state, federal, and non-profit emergency response teams.

The Office of National Drug Control Policy (ONDCP) was created in an attempt to give some coherence to an anti-drug effort that involves more than a score of federal agencies in significant efforts (the Bureau of Prisons, Drug Enforcement Administration, Federal Bureau of Investigation, Customs Service, Coast Guard, Defense Department, Education Department, Department of Veterans Affairs, and Substance Abuse and Mental Health Services Administration each spend more than a billion dollars a year on anti-drug efforts) as well as uncounted state and local agencies. That attempt was largely unsuccessful.

The office has a number of resources: a director with cabinet status, the central role in promulgating an official National Drug Control Strategy, statutory authority to "certify" agency budgets as adequate to the needs of that strategy, and to propose midyear reallocations of resources within and across agencies, and management of a performance indicator system. These resources have proven inadequate to the office's nominal task.

The budgetary authority is much weaker than it nominally appears. The ONDCP Director faces pressures from constituent groups, including federal and local agencies and nonprofits. A director seen as inadequately enthusiastic about any current activity will pay a price. General McCaffrey faced Congressional hearings when his staff rejected a weak piece of research claiming to show that the border interdiction effort was successful, while Mr. Walters had his confirmation delayed for months due to the skepticism of the treatment providers, allayed only when a treatment advocate was named as one of the agency's deputy directors. The National Drug Control Strategy, though nominally the product of ONDCP, is subject to a process of inter-agency negotiation making it virtually impossible for the final document to contain anything that any of the agencies finds really distasteful.

The budget reallocation authority is virtually unusable: not only would using it start a war with the agency involved, in which the OMB Director and the President would have to back the ONDCP director, but it often also requires the approval of the chairs and ranking members of the appropriations subcommittees involved. Since the appropriators guard their prerogatives jealously, and since moving money across agencies often means moving it from the control of one subcommittee to that of another, that approval is unlikely to be available.

The ordinary federal budget process makes it almost impossible to allocate counterdrug resources according to their marginal benefit per marginal dollar, and the presence of ONDCP hardly changes that. OMB and the Congress don't start out with a sum to spend on drug control, and then consider how to allocate it among agencies. Rather, each agency makes a budget request, including some activities useful to drug control, and battles for that request in a process involving the budget units in the departments themselves, OMB, the President, and the Congress. At the Congressional level, the budget act allocates spending caps among appropriations subcommittees, who then must decide how much to give to each agency under their control.

Because there is in practice no "drug control budget," but merely a post hoc calculation of how much of each agency's appropriated funds was spent on drug control measures, the theoretical process comparing results and then moving money from high-value to low-value programs has no practical analogue (Murphy, 1994). ONDCP has created a complex Performance Effectiveness Measurement System (ONDCP, 2000) but it is still unclear whether that drives policy formation.

Persistent efforts by ONDCP to increase funding for treatment, and to make the schools accountable for the expenditure of drug abuse prevention grants, have been largely futile, the first stumbling over the budget process, the second over federalism.

Lacking any real budget authority, the ONDCP director needs to fall back on the "bully pulpit" approach to managing the effort. Some agencies are easier to bully than others. The ONDCP director was able to force the Secretary of Health and Human Services to reject needle exchange programs even after the department had already made the scientific determination that would have released federal funds for such programs. But moving the Defense Department proved much harder.

The ONDCP has even less centralized control over the actions of state and local governments, even when federal dollars are being spent. It is simply too easy for local officials to manipulate budgets and program categories, converting supposedly targeted aid into virtually unrestricted funds, as illustrated by the history of the "Safe and Drug-Free Schools" grant program.

All of this is likely to apply with at least equal force to any "homeland defense" agency. The homeland defense czar will not be a czar, any more than the drug czar is a czar; czardom is not consistent with the way the federal government operates, either in the executive branch or the legislative branch. The budget process and the difficulty of influencing the actual behavior of any agency from outside will drastically limit the actual power of any "homeland defense" entity.

One bold approach to dealing with this problem would be for the Congress to appropriate large sums to the homeland defense agency, with the expectation that most of those sums would be transferred to operating agencies under interagency agreements executed at the discretion of its director. If the homeland defense director truly had the ability to decide, for example, whether the marginal \$100 million in counterterrorism law enforcement funding went to the FBI for investigations or the Customs Service for beefed-up border inspections, the homeland defense agency could wield enormous power, even with a relatively small staff. But such authority would be virtually unprecedented, and there are strong reasons to doubt that it would be granted or that, if granted, it could be effectively wielded and held on to over time.

The US has a distinct enforcement agency whose sole mission is counterdrug operations (the Drug Enforcement Administration). There is no analogous enforcement or intelligence organization dedicated to counterterrorism operations. The DEA is not small, with a \$1.7B FY03 budget and staff of 9,200, half of whom are special agents. Nevertheless, despite recent growth, it still represents only 18% of all Federal domestic

counterdrug enforcement efforts (ONDCP, 2002, pp.6-8). Predictably there have been coordination problems between the DEA and other agencies, including the FBI. Similarly, the DEA has never been known for underestimating the severity of drug threats. On the other hand, the single-purpose character of the DEA has distinct advantages; it means, among other things, that drug enforcement will not be entirely neglected when some other problem dominates public attention. (The U.S. Customs service has radically cut back its counterdrug effort in light of the need to concentrate on counterterror activities.) There is not consensus concerning whether counterdrug efforts would be enhanced or eroded if the DEA's resources and staff were merged with another agency (e.g., the FBI), and even if it were clear in the counterdrug context, it would remain unclear whether the same conclusion would hold for counterterror.

VI. Rhetoric

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

Counterdrug and counterterrorism measures have costs other than overt monetary expenditure, e.g., their significant impacts on civil liberties. The "war" metaphor encourages decision-makers and the public to ignore those costs, because "there is no substitute for victory." For time-limited campaigns against existential threats from specific entities whose defeat can be clearly defined, that is appropriate. Reasoned and thoughtful framings can be more productive for managing ongoing categories of risk. Declaring war on the Taliban makes more sense than declaring war on terror.

The government cannot depend on the media being friendly forever. It is better copy to write articles about how incompetent, corrupt, etc. the government is, than it is to write about how hard a problem they face. More generally, the media look for morality plays and formulaic coverage that can make real, rational action difficult. Speaking of "war" and "victory" against broad categories of activities exacerbates this problem. The effort to link the wars against drugs and terror through ONDCP ads that claim buyers of drugs are supporting terrorism have already received a considerable mauling in the press (Trafford, 2002).

More generally agencies have an incentive to describe the problems they fight in ways that make their leadership seem vital to the national interest, whether the problem is drugs, terror, or the linkage (cf., Marshall, 2001). Likewise, no one ever won election by being opposed to toughness in the war on drugs. Being a "voice of reason" in the war on terrorism may not win elections either.

Rhetorical contexts rewarding "get tough" sound bites at the expense of nuanced reasoning can lead to direct harms, such as excessive punishment. Minor and peripheral players may be easier to capture than substantial participants. This is clearly so with drug dealing, in part simply because there are many more workers than kingpins.

There can be a temptation to ratchet up sanctions on these minor figures, such as drug couriers ("mules") and providers of false documents. There are likewise peripheral players in terror, such as producers of counterfeit identification documents and bureaucrats who sell licenses to transport hazardous waste for the right price. Increasing the punishment risk they face can have benefits if it deters them sufficiently to make their services hard to acquire for terrorist ends or coerces them into cooperating with enforcement efforts and they have useful information to offer. These real benefits need to be weighed against valid considerations of justice and cost, and with recognition that as a practical matter these harms fall disproportionately on racial and ethnic groups who are minorities in the US.

SUMMARY TENTATIVE LESSONS

The table below summarizes these analogies and their implications. A few bear elaboration.

Program/Function	Role in Counterdrug	Role in Counterterror
Demand side interventions	Relevant	Not applicable
Domestic investigation	Important, expensive, and frustrating	Stronger parallel with organized crime enforcement than drug enforcement
Incapacitation	Constrained by numbers and replacement	No reason not to pursue with long sentences
Source country operations	Qualitatively different, so no conclusions drawn	
Interdiction	Useful but not decisive	Useful but not decisive
Money matters	Useful but not decisive	Useful but not decisive?
Coordination	Extremely vexing problem	Even more severe problem
Rhetoric	War metaphor and tough-on-drugs litmus test problematic	Choose rhetoric thoughtfully

Many criticisms of the "war on drugs" stem from the ineffectiveness of incarcerating easily replaced low-level dealers. Such concerns are largely absent from a war on terror in the United States. Likewise for complaints that a war metaphor

discourages adequate funding of prevention and treatment, which have no analogies in counterterrorism since there is no "demand" for terrorism.

More general concerns that war is a poor metaphor may carry over, however. For example, wars as traditionally construed are generally time-limited and may justify temporary sacrifices, including sacrifices in the realm of civil liberties. Wars on drugs, terrorism, cancer, poverty, and the like are not likely to reach a definitive conclusion in the short or even medium term. They demand strategies acceptable over the long run, and comparisons with treatment of chronic disease have proved useful in the case of drugs. Likewise, although there is a role for the military, counterterror is not purely a military responsibility.

The counterdrug experience with interdiction is sobering. In a free society with substantial international trade and tourism, "sealing" the borders is not practical. Permitting the continued the smooth flow of commerce and traffic has taken priority throughout the "war on drugs." Interdiction, particularly random as opposed to intelligence-driven searches, is necessary and valuable but by no means sufficient.

In some respects law enforcement's success against organized crime may be a stronger analogy than the stand-off achieved with respect to illicit drug control. However, counterterror efforts may need to be broader, both literally in terms of geographic coverage and in terms of viewing the effort as more than just a crime control initiative.

Coordinating counterdrug efforts across levels of government, geographic boundaries, and types of organizations has been a significant challenge and a source of missed opportunities for useful cooperation. The coordination challenge in counterterrorism operations would seem to be substantially greater and deserves considerable attention.

CONCLUSION

The problem of large-scale terrorism aimed at targets within the United States is new. It is much too early to judge how permanent that problem is: whether the September 11th attacks will be seen in retrospect as making a phase change in the level of domestic risk from such acts, or instead stand out like the Chicago fire or the Galveston flood, not as a precedent but as a one-time event. (To some extent, that may be determined by the adequacy of the policy response.)

One way to make new problems seem familiar is to seek out analogies. That is both a natural psychological response and a rational analytical strategy. The similarities between the problem of illicit drug distribution and the problem of foreign-based terrorist activity go deeper than the "war" metaphor. In each case, the problem is both important and somewhat inchoate. In each case, the problem has both domestic and transnational aspects. In each case, law enforcement is indispensable but not itself a complete solution. In each case, there is great difficulty in either accepting an ongoing high level of damage or in formulating a strategy to bring that damage down to a level

that seems acceptable. In each case, the tendency to think that tougher is better may not be justified by results. In each case, there is both great need, and great difficulty, in coordinating efforts across governments, across levels of government, across agencies, among disciplines, and across the public, private, and civic sectors.

But terrorism is also unlike drug distribution in vital ways: the scale of the activity to be suppressed, the structure of the organizations whose schemes we must try to foil, the motivations of their participants, the scale, structure, and direction of the related financial transactions, and the tolerance for failure. Even if it were true that "the war on drugs has been a failure" (a proposition that cannot be properly evaluated without more careful specification of standards and alternatives than is usually employed), that would not imply the inevitable failure of the attempt to suppress terrorist actions. By the same token, we cannot simply "port" successful strategies and tactics, or evaluative techniques, from drug policy to terrorism control. "As our case is new, we must think anew, and act anew."

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