

RELEASE IN PART

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*You have been designated
action officer. I advise
our families and meet
October 20, 1975*

To: S/P -Winston Lord

From:

Subject: Dissent Paper on Dept's Policies on Terrorism

*Director
John
Tab A*

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I dissent from the following:

1. The Dept proclaims that it will not negotiate with terrorists (see attached). The Dept gives as its reason that this policy deters future kidnappings.

Dissent arguments: this policy is nothing more than a slogan, like "don't give up the ship." The Rand study showed that (a) a country's policy on terrorism (regardless of what the policy is) is the least significant factor in terrorists' planning, action, and reaction.

The Rand study also showed there is no basis for alleging that the "no negotiation" policy actually deters kidnappings.

I have said a great deal more on this subject in letters, memos, etc., which the Dept has, out has ignored, other than to commission the Rand study and then throw away the results because they do not fit in with the Dept's pre-conceived notions.

2. The Dept punishes Ambassadors who successfully negotiate to save lives. See the ~~xxxxxx~~ Beverly Carter episode.

Dissent arguments: since I believe that negotiating to save lives is not only desirable in itself, but usually shows a high degree of diplomatic skill plus physical and moral courage, I recommend that any official who does this should be praised ~~xxx~~ publicly. Do you realize the effect the Carter episode will have on JS Govt officials? The message is clear: save lives, and ruin your own career.

3. The Dept refuses even to finish the Rand study project. The case studies, including the one on Khartoum, which was the major point of my original request for an independent study, have never been delivered to the Dept (even though they are finished) because the Dept refuses to pay for them. I am sure the Dept is afraid the case studies show some officials, including high-ranking ones, making errors which caused loss of life. Does no one have the guts to get these studies and learn from them? Why are we punishing some one like Bev Carter, who succeeded, and covering up for the ambassadors who failed?

*hand
written
Referring*

The most important part of the Rand study, e.g., the section containing recommendations for findings and for changes in policy, was rejected and ordered to be re-written in a form palatable to the Dept, by watering down the conclusions and placing them in a separate annex. So the end result has not yet appeared, and when it does, it will lack clarity and impact. Again, the Dept prefers to risk human lives rather than face the fact that its policies are imperfect.

will come out

The Dept does not even make the existing sections of the study available to officers handling hostage situations. When I was in AF/C during the Tanzania-Zaire case, the office director was not told of the studies and only saw them when I handed my own copies to him for his perusal. Note: one of the first conclusions of the Rand study was that each new hostage situation was handled as if no previous experience was available. The Zaire case illustrated that perfectly.

Dissent: we need the Rand study, let's get it and use it.

4. The Dept publically disowns Ambassadors who use official resources to assist in negotiating the release of captives. See the Carter story. Yet Carter did not make any more use of resources than other Ambassadors have; in other cases, ransom money has been shipped by pouch, stored in official safes, and persons contacting kidnapers have been escorted by JS Embassy officials. If the Dept sticks with disowning Ambassadors who do this, then in future cases Ambassadors will hesitate to use such resources.

Dissent: all resources should be used to save lives.

5. The Dept insists on announcing on every possible occasion, (and on instructing posts to do the same) that we do not give in to blackmail, pay ransom or release prisoners. These phrases (especially "give in to blackmail") are negative in their impact on a hostage situation, and confuse not only the public (see the Egan case) but also impede negotiations even when the latter are going on privately. If we want to negotiate, but any agreement we make with the kidnapers (even if only publishing a letter from a hostage) is going to be interpreted as "giving in to blackmail", then we have two contradictory policies running head on into each other. As long as those instructions exist, posts in hostage situations are going to make the same mistake again and again, by immediately announcing "we don't give in to blackmail", just when the situation is most tense and when the greatest flexibility is needed.

Dissent: issue instructions to everyone, from the President in the White House (see Kharotom case) thru the Secretary of State (see the Tanzania case) on down to the lowliest clerk (not forgetting the Attorney General of the United States, who talked too much during a hostage situation when the post was very wisely maintaining total silence):

"when you have a hostage situation, close your mouth; don't say anything about our policy, other than that we desire to keep communications open. PERIOD."

6. The Dept gives first priority to working with and through the host government, and only as a last resort works directly with the terrorists. This is an artificial priority, which may make sense in any ordinary diplomatic situation but is irrelevant to a hostage situation, where the first priority is to save lives.

Dissent: instruct posts to take whatever steps are needed, directly or thru the host government (depending on what will be most effective) to save lives.

7. The Dept has many strands of policies entangling hostage situations: relations with foreign countries, good public relations, "image," etc. We are encumbered by all this, and distracted by it. The sole policy is SAVE LIVES.

Dissent: revise all instructions to eliminate ideas which are there solely for press relations purposes, and get down to the hard core. We are not running an advertising campaign, we are trying to issue instructions to save lives. These instructions should be as clear and simple and free of confusing "clutter" as the instructions in a first-aid kit which tell you how to stop someone from bleeding to death ("apply direct pressure to the wound")

Conclusion: I have been trying since 1971 to push the Department away from its machismo-image self-concerns into an outward-looking policy which worries about hostages, rather than how the Dept will look. I believe some lives may have been lost and others endangered by the Dept's refusal to move. I think the time has come to ask the Dept to find the moral courage to take the Rand study, admit past mistakes, and issue a new policy instructions, which is simply: "Keep quiet publically; negotiate."

Tab B



DEPARTMENT OF STATE
Washington, D.C. 20520

RELEASE IN PART B6

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November 13, 1975

To: S/P - Mr. Thornton
From: S/CCT - Robert A. Fearey
Subject: Dissent Message on Terrorism from [redacted]

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Pursuant to your memo of October 23 and our subsequent telephone conversation, the following information is provided on the points advanced by [redacted] in her October 20 "Dissent Paper on Department's Policy on Terrorism." The paragraph numbers below correspond with those in her memorandum.

1. As [redacted] states, the Department does not negotiate with terrorists. (By "negotiate" I mean bargain on ransom or other concessions.) She is also correct that the Department gives as its basic reason for this policy its belief that our refusal to negotiate with terrorists deters kidnappings.

With respect to [redacted] dissent arguments against this position, the US policy of not negotiating with or acceding to the demands of terrorists is in no sense a "slogan." It is a carefully considered policy which has proved its soundness over time. We seek to deny successes to terrorists so that the incentive to terrorists to seize Americans abroad, and foreign diplomats in this country, will be minimized. There is considerable evidence (which I can make available to you) that our no-ransom, no-concessions policy is widely known and believed by Palestinian and other terrorists, and that it is in fact helping to deter abductions. There is also convincing evidence that this policy has not been at the expense of the safe recovery of Americans who have been kidnapped, with the possible exception of the Khartoum case.

[redacted] says that the RAND study ("A Proposed Policy for Dealing with Hostage Incidents") showed that "a country's policy on terrorism...is the least significant factor in terrorists' planning, action and reaction", and that "there is no basis for

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alleging that the 'no negotiation' policy actually deters kidnappings." The RAND study is by no means as clear or positive in that view as [redacted] indicates. It states that the relationship between no-ransom, no-concession policies and subsequent terrorist actions is unclear, but it specifically recognizes that such policies do have deterrent value, though not as much, RAND alleges, as the USG has tended to believe.

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Re [redacted] allegation that the Department has ignored her earlier letters and memoranda, S/CCT files include a number of memoranda from my predecessors, Ambassadors Meyer and Hoffacker, to [redacted] responding to her criticisms and complaints, particularly in regard to the Khartoum incident and RAND's examination of that incident. I understand that Ambassador Hoffacker also offered to meet with [redacted] to discuss the issues but that she did not respond to the suggestion. [redacted] queries and proposals were not ignored; the file shows they were carefully answered. She has never approached me, in writing or in person, though I would of course have been prepared to see her.

In answer to [redacted] further points under dissent number 1, the RAND study was not commissioned as a result of [redacted] expressed views; it was commissioned because the Department wished the benefit of RAND's examination of and recommendations on USG policies and procedures in hostage cases. Far from the results of the study being thrown away because they do not fit the Department's preconceived notions, the study, of which the conclusions and recommendations section was received only a few weeks ago, is undergoing careful analysis in S/CCT prior to its submission with our views and recommendations to Mr. Eagleburger. A number of RAND's recommendations, put forward during the course of the study's preparation, have already been reflected in our terrorism policies and procedures as set forth in A-775, February 5, 1975, and A-4709, July 10, 1975.

2. [redacted] maintains that the Department punishes Ambassadors who successfully negotiate to save lives.

Saving lives is a major objective in any terrorist incident. But it is also important to pursue that objective by means which will minimize incentives to future terrorism. These two objectives are often in conflict, which is why we have carefully drawn policies and procedures, set forth in A-775 and A-4709, designed to achieve the hostage's safe release while at the same time denying success to the terrorists. There is no basis for [redacted] allegation that "the message is clear: save lives, ruin your own career." Ambassadors who helped to save American

These really are loose ends on Bev Carter case

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hostages' lives in the Barbara Hutchison case in Santo Domingo, the Col. Morgan case in Beirut, and in other instances have had their contributions explicitly recognized in commendatory messages from the Secretary and other high Department officials.

3. [] alleges that the Department refuses even to finish the RAND hostage study project and related case studies. She charges, in effect, a cover-up by the Department of its handling of terrorist incidents, particularly Khartoum.

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The fact is that S/CCT has done everything possible to expedite completion and delivery of these studies. However, RAND found that a thorough job required more time than it had expected, and they and we have not wished to sacrifice quality for speed. The completed hostage study (though still not assembled in one piece and formally submitted) was received a few weeks ago. The case studies of individual terrorist incidents, such as the one in Khartoum, were not contracted for as a part of the hostage study but were prepared by RAND as working, source materials for the hostage study. S/CCT recently committed \$12,000 to enable RAND to up-grade these working materials to the status of "RAND Reports" (8 or 9 case studies, including the one on Khartoum, bearing RAND's formal approval) or "Working Notes" (4 or 5 case studies, not bearing this formal approval).

The Department has never refused to pay for these case studies, as [] alleges, but rather has pursued their completion and submission as rapidly as work on the basic, hostage study permitted. The Department has cooperated fully, with RAND in providing documents and participant witnesses to assist preparation of the case studies, to RAND's complete satisfaction. The only delays were when a few documents, notably some NODIS Khartoum cables, initially could not be found. As soon as they were found they were provided to RAND. There is no basis for [] allegation of an attempted Department cover-up, on Khartoum or any other incident.

[] charges that RAND's recommendations for changes in our terrorism policies were rejected by the Department and ordered to be rewritten in a form palatable to it, by watering down the conclusions and placing them in a separate annex.

S/CCT did at RAND's request review sections of its report as they were prepared, providing informal written comments and discussing them with RAND officials when they were in Washington.

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These discussions reflected RAND's and S/CCT's belief that the final RAND report would be most useful if its authors had the benefit of our reactions as preparation of the report proceeded. This interchange also permitted us to benefit from some of RAND's recommendations during the two years that the report was in preparation.

One RAND proposal, which [redacted] apparently has in mind, and which has never commended itself to S/CCT, is that the Secretary be asked to approve in advance a ransom option in instances when it appears that payment of a ransom might save an American life. This proposal was extensively discussed by S/CCT with the RAND study authors in the months prior to completion of their study, during which the RAND authors basically maintained their proposal in spite of S/CCT's arguments against it. Some three months ago it was agreed in one of these discussions that, because RAND's concept was that the ransom option should be known only to the Secretary and a few, top Department officials, and because both RAND and S/CCT wished the completed RAND report to be made widely available, RAND should submit its full reasoning underlying this proposal in a confidential letter to S/CCT. S/CCT would then use this letter in presenting the proposal to the Secretary (without S/CCT's support) for his consideration, while discussion of the proposal in the formal, widely available report would be confined to its more general aspects.

mistake
This confidential letter was subsequently received by S/CCT from RAND. By that time, however, the Secretary had publicly stated at Vail and Orlando that the US Government would never negotiate with terrorists, making it crystal clear that he would not entertain a ransom option proposal. RAND accordingly decided that a memorandum from S/CCT to the Secretary embodying the RAND proposal, without S/CCT's backing, would serve no useful purpose at this time. It accordingly withdrew the confidential letter and included its entire reasoning underlying the proposal in the conclusions and recommendations section of the final report. A copy of the confidential letter is nevertheless retained in S/CCT's files, with RAND's knowledge.

[redacted] also alleges that the first three sections of the RAND study, containing essentially background material and analysis, were not made available to officers handling hostage situations.

It is true that these sections were not initially distributed by S/CCT, because it was felt that such distribution should await

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receipt of the conclusions and recommendations section and Seventh Floor decision in disposition of the full report. After receipt of that section had been delayed, S/CCT made the initial sections available last July to a number of interested Department offices and to AFSA. I would have been glad to make them available to the AF/C Office Director had he asked for them or had I felt that they had useful relevance to our Stanford students case, which they did not.

not adequate

Present S/CCT plans, subject to approval by M and receipt of the necessary copies from RAND, are to make the complete RAND study, including the recently received conclusions and recommendations section, available to all members of the Cabinet Committee/Working Group to Combat Terrorism, on which 22 USG departments and agencies are represented. The study's title would also be included in the INR "Papers Available" circular, and would thus be available to all interested Department officers and to all Foreign Service Posts abroad.

4. [redacted] alleges that the Department publicly disowns Ambassadors who use official resources to assist in negotiating the release of captives, such as shipment of ransom funds by pouch, storage of such funds in official safes, and "escorting of persons contacting kidnapers by US Embassy officials."

not adequate

These things were done in the Stanford students, or Patterson, cases, some with specific, prior Department approval (but not by the Secretary) and some with subsequent, tacit Department approval (but not by the Secretary). As earlier noted, there is no basis for Ms. Palmer's charge that the Department "disowns" Ambassadors who use "official resources" to assist in obtaining the release of captives, as long as the resources are properly used.

5. [redacted] contends that the Department overdoes its public emphasis on our no-ransom, no-concessions policy, and that this over-emphasis impedes negotiations during hostage situations, to the detriment of the safe release of the hostages. She recommends that the US officials maintain silence on these policies during incidents.

Partly as a result of a recommendation by RAND during preparation of its hostage study, it is now a firm and accepted element of our terrorism policies and procedures, but not yet formally

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transmitted to the field*, that US officials will not publicly reiterate our no-ransom, no-concession policies during an incident. Our position during incidents is that these policies are well known, that their reiteration is therefore unnecessary, and (implicitly) that their reiteration might provoke retaliatory action by the abductors against the American hostage.

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6. [redacted] criticizes the US policy of refusing to deal directly with terrorists. She recommends that our posts be instructed "to take whatever steps are needed, directly or through the host government (depending on what will be most effective), to SAVE LIVES."

For the reasons indicated above, the USG does not negotiate with terrorists. The USG, on the other hand, has in the past and does now authorize USG officials to meet with terrorists or their representatives to secure information about the well-being of the hostages, to transmit mail and packages to them, and to urge their unconditional release. For the reasons earlier indicated, it is considered inadvisable for the USG to go beyond this, i.e., to enter into negotiations looking to concessions to terrorists. But our policy is explicitly designed to save lives -- the lives involved in a particular incident and the far larger number of lives of exposed Americans around the world who might be seized if the USG started to pay ransom or make political concessions.

7. [redacted] concluding recommendation is hard to follow but seems to be an appeal to eliminate consideration, from our release of hostages efforts; of our relations with other countries, good public relations, etc. and to concentrate exclusively on saving lives.

The USG must of course conduct all its activities, including saving the lives of American hostages abroad, in light of its foreign policy and public relations interests. There have nevertheless been instances, such as the Egan case in Argentina last March, when host governments have failed to act effectively, to secure the safe release of American hostages and the USG has not

* A revision of Circular Airgram A-775 will be prepared as soon as a number of S/CCT-proposed clarifications of our terrorism policies and procedures have been approved by the Seventh Floor.

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acted quickly and firmly to press such governments to take more effective action, or has failed to take over the release effort itself, when feasible. This problem was addressed, and necessary provisions made, in A-4709, July 10, 1975. The US has in effect taken over the effort to secure the release of the current American captives in Eritrea. But the problem can never be completely overcome. We will never be able to ignore our relations with host governments or with other governments, or our public relations interests, as we work to recover seized Americans abroad.

In her final "Conclusions" [redacted] refers to her efforts since 1971 to "push the Department away from its machismo-image self-concerns into an outward-looking policy which worries about hostages, rather than how the Department will look." She asks the Department "to find the moral courage to take the RAND study, admit past mistakes and issue a new policy instruction, which is simply: Keep quiet publically (sic); negotiate."

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As already noted, the USG does its utmost to secure the safe release of hostages consistent with the denial of successes to terrorists. We have had a good record in this effort. There have been very few terrorist incidents in which, even by the advantage of hindsight, we could have achieved better results through different policies and procedures, viewing the matter not only from the long-term, deterrence point of view but also from the point of view of the immediate purpose to save American hostage lives. It is not a matter of machismo-image self-concerns but of sound policies and procedures for the saving of American lives in both the short and long terms.

As for the RAND study, this, as already indicated, is now being analyzed by S/CCT preparatory to the submission of recommendations to M for any improvements of our existing terrorism policies and procedures which the RAND recommendations might indicate. While there will be one or two such recommendations, S/CCT does not perceive in the RAND report any basis for recommending important changes in our current terrorism policies. Except for its ransom option proposal, neither, it appears, does RAND.

S/CCT:RAFearey:ijg

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