

## Chapter 28

### Terrorism is . . . ?\*

Major William R. Farrell, U.S. Air Force

*Terrorism, a term in common use, has little common meaning among its users. Individual experience, background, prejudice, and intention may flavor any attempt at definition but efforts toward increased clarity should continue. This article is such an endeavor.*

**W**hen one speaks of terrorism it is not always clear just what one has in mind. The term has no precise and completely accepted definition. Some countries label those who engage in violent acts against them as “terrorists.” Freedom fighters rarely label themselves in such a way, but they often claim they are subjected to governmental terror. “In short, the definition of terrorism seems to depend on point of view—it is what the ‘bad guys’ do.”<sup>1</sup>

Terrorism is frequently described as mindless, senseless and irrational violence. However, none of these terms is appropriate. It is not mindless and there is a theory of terrorism that frequently works. Terrorism should be viewed as a means to an end and not an end unto itself. While terrorist activity may appear random, closer examination reveals that terrorism has objectives. Attacks are often carefully choreographed to attract news media attention. Hostages serve to increase the drama, especially if their being killed is a possibility. Terrorism is aimed at the people watching and, in this sense, “terrorism is theater.”<sup>2</sup>

While the term “terrorism” is often indiscriminately used and is difficult to use accurately in a strictly legal context, it raises little doubt in the mind of the man in the street. Though definitional precision is difficult, terrorism is not hard to describe and, for those who have experienced it, is easy to comprehend. “Terrorism is thus an easily recognized activity of a bad character, subjectively determined and shaped by social and political considerations.”<sup>3</sup> The term is in flux—like fashion, it is anything we choose it to be. When the question “What is terrorism?” is raised, there always is present some sort of an answer, though it is often colored by the purposes of asking it.<sup>4</sup>

From a “purely physical” perspective, terrorism is not easily isolable from wars, disasters, and the like. And, when combined with the known subjectivity of those who seek to attach a definition to it, greatly complicates any attempt to count and measure terrorist trends.<sup>5</sup> Early attempts to isolate and deal with terrorism

\* Reprinted from the Naval War College Review May-June 1980.

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(1890s) produced a number of theories. Cranial measures of captured terrorists were taken and a connection between terrorism and lunar phases was detected. Cesare Lombroso, a distinguished criminologist of his day, found both medical and climatological explanations. "Terrorism, like pellagra and some other diseases, was caused by certain vitamin deficiencies, hence its prevalence among maize-eating people of Southern Europe." He also found that the further north one went, the less terrorism there was.<sup>6</sup>

A serious attempt to define terrorism was made in 1937 when the League of Nations formulated the Convention for the Prevention and Punishment of Terrorism. The Convention, signed by 24 States, was ratified by only one and never actually came into force. It was a direct response to the assassination of King Alexander I of Yugoslavia and the President of the Council of the French Republic in 1934 by persons who would now be described as Yugoslav freedom fighters or terrorists, depending upon one's political stance. The drafters concerned themselves with the problem as they saw it, namely, preparation of a convention to prohibit any form of planning or execution of terrorist outrages upon the life or liberty of persons taking part in the work of "foreign public authorities and services." The Convention was intended to suppress acts of terrorism having an international character only. "Acts of terrorism," as set forth in Article I, are "criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or the general public."<sup>7</sup>

It is interesting to note that the League's successor, the United Nations, has been unable to agree on a definition of the term and has become diverted by an inclusive discussion of the causes and motives of terrorists.<sup>8</sup>

With the exception of a number of bilateral agreements for the exchange of intelligence and technical assistance, the international response to terrorism continues to be relatively weak. The United Nations, in the Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States, adopted without vote by the General Assembly on 24 October 1970, asserts at one point that:

Every State has the duty to refrain from organizing, instigating, assisting, or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activity within its territory directed towards the commission of such acts when the acts referred to in the present paragraph involve a threat or use of force.<sup>9</sup>

However, this same declaration clouds the issue by the greater emphasis on "the principle of equal rights and self-determination of peoples." The language employed in this regard implies that it is the overriding duty of all States to assist groups struggling for the realization of these rights in every way possible. For example:

Every State has the duty to refrain from any forcible action which deprives people above in the elaboration of the present principles of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.<sup>10</sup>

Despite these problems, some international conventions that have dealt with one or another aspect of the terrorism problem have been adopted. These conventions are briefly summarized below:

— The Tokyo Convention (Convention on Offenses and Certain Other Acts Committed On Board Aircraft): Signed in September 1963, it did not come into force until December 1969. It is a very limited accord that does no more than set a few jurisdictional ground rules and require the contracting States to (1) make every effort to restore control of the aircraft to its lawful commander and, (2) arrange for the prompt onward passage or return of the hijacked aircraft together with its passengers, cargo, and crew.

— The Hague Convention (Convention for the Suppression of the Unlawful Seizure of Aircraft): Signed in December 1970, it came into force 10 months later. Its principal feature is that it requires (albeit with important discretionary exceptions) contracting parties either to extradite or to prosecute skyjackers.

— The Montreal Convention (Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation): Signed in September 1971, it came into force in January 1973. Covering the sabotage or destruction of aircraft or air navigational facilities, it requires the contracting parties to make such offenses subject to severe penalties and establishes the same extradition-or-prosecution system for offenders as in The Hague Convention.

— The Organization of American States Convention (Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance): Signed in February 1971, it entered into force in October 1973 (the United States is a signatory but not a party). With its emphasis on the prevention and punishment of crimes against persons to whom the State owes a special duty of protection under international law, it was a precursor of the U.N. convention concerning the protection of diplomats, cited below. It also employs the Hague Convention extradite-or-prosecute formula.

— The United Nations Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons Including Diplomatic Agents: Signed in December 1973, it requires the contracting States to establish certain specified acts against protected persons (or against the official premises, private accommodations, or means of transport of such a person), as crimes under internal law. Once again, the Hague Convention's extradite-or-prosecute formula applies.<sup>11</sup>

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— European Convention on the Suppression of Terrorism: Signed and entered into force 4 August 1978. It is very strong in its wording and states that none of the many acts (hijacking, kidnapping, use of bombs, grenades, letter bombs, etc.) “shall be regarded as a political offence or as an offence connected with a political offence or as an offence inspired by political motives.” While Austria, the Federal Republic of Germany and Sweden readily signed, France, Italy, Norway and Portugal all attached reservations concerning the determination of a “political” offense.<sup>12</sup>

— Convention Against Taking of Hostages: Drafted by the United Nations during the first week of December 1979, it gives the nations that adhere to it a choice of prosecuting those who seize others with the intention of forcing a government to act or sending them back for prosecution in their native land. The Convention will come into force after 22 nations sign it. One article was contested by the Soviet Union and its East European allies. This specifically provides for the prosecution of a person who takes hostages but spares him from being sent home if extradition is requested to punish him for “race, religion, nationality, ethnic origin or political opinion.” The Soviets offered a counter proposal but it was defeated by a vote of 103 to 10.<sup>13</sup>

Although the above conventions reflect some international concern, they do not constitute effective constraints on terrorist activity. Many States, including most of those that have been particularly active in supporting revolutionary or national liberation groups, are not yet parties. Further, the conventions lack teeth in that all make the extradition or prosecution of terrorists subject to discretionary escape clauses and none provides for the application of punitive sanctions against States that simply refuse to comply at all.

Another aspect that makes defining terrorism difficult, other than the involvement of varying nationalities and cultures, is that terrorism may be committed for several purposes.<sup>14</sup> First, individual acts of terrorism may aim at wringing specific concessions, such as the payment of ransom or the release of prisoners. Second, terrorism may attempt the gaining of publicity. Third, terrorism may target the causing of widespread disorder, demoralizing society and breaking down social order. Fourth, terrorism may be aimed at deliberately provoking repression in hopes of inducing the government to “self destruct.”<sup>15</sup> Fifth, terrorism may also be used to enforce obedience and cooperation. Sixth, terrorism is frequently meant to punish. Terrorists often declare that the victim of their attack is somehow guilty of something.<sup>16</sup>

One fundamental aspect intimately related to the term *terrorism* is that it is a “bad” word.<sup>17</sup> No one desires to have the label applied to his activity. The employment of such terms as *freedom fighter* or *liberator* are attempts to mitigate what is in fact an ugly profession. If what terrorism stands for were basically “good,” the problem of definition would be easier.

To do unto others what is comprised in terrorism is recognized everywhere as being bad—unless, like war, it can be justified. Terrorism, so defined, is not something that in all conscience can be allowed of as being right and proper, unless there is a massive justification for it—in which case it is not terrorism!<sup>18</sup>

Here we encounter the fine line between terror and terrorism and the attempts to legalize or justify the former while proscribing the latter. Terror practiced by a government in office appears as law enforcement and is directed against the opposition. Terrorism, on the other hand, implies open defiance of law and is the means whereby an opposition aims to demoralize government authority. While the terrorist group may make no pretense at legality, legitimate government must at least formally adhere (or give the appearance of adhering) to the law. In the absence of directly supporting legislation, governmental terror is made to appear justified by declaring a state of emergency and the issuing of decrees.<sup>19</sup> From a legal point of view “there is nothing strange or incongruous about the dualism with which the phenomenon of terrorism is viewed.”<sup>20</sup>

Another example worth noting relates to an identical set of physical facts that can be criminal or noncriminal according to its association with “a specific mental element.” Murder and justifiable homicide are good examples. What is good or evil about the matter is not dependent upon the physical aspects of the case itself but rather on the way it is perceived. “The true struggle over definition in the area of terrorism is fundamentally between those who claim an exception at law for certain manifestly harmful conduct and those who will not admit it.”<sup>21</sup> When viewed this way, in terms of individual crimes, these acts, in and of themselves, are not terrorism. Terrorism is more the *why* of an act than the *what*.<sup>22</sup>

What about this legal definition of terrorism?

Terrorism involves the intentional use of violence or the threat of violence by the precipitator(s) against an instrumental target in order to communicate to a primary target a threat of future violence. The object is to use intense fear or anxiety to coerce the primary target to behavior or to mold its attitudes in connection with demanded power (political) outcome. It should be noted that in a specific context the instrumental and primary targets could well be the same person or group. . . . The crucial factor is that the task of deciding between the permissible and impermissible labels of a particular coercive process should be guided by community expectations and all relevant policies and features of context.<sup>23</sup>

Terrorism, like beauty, remains in the eye of the beholder.<sup>24</sup>

These efforts to reach an operational definition of terrorism are put forth not as an exercise in semantics but to illustrate the difficulty that surrounds this particular term. Further, they are an attempt to arrive at a readily workable definition that is more than just one writer’s view of the phenomenon. Studies of terrorism must try, when possible, to develop more precise language.

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Common use of terms is a prerequisite for expanding knowledge. With this as a goal, the following definition is proffered:<sup>25</sup>

Terrorism is a purposeful human political activity directed primarily toward creation of a general climate of fear designed to influence, in ways desired by the perpetrator, other human beings and, through them, some course of events.

Terrorism poses an unacceptable affront to the principles on which an organized society rests. It is expressed through the employment of various criminal acts calculated to harm human life, property or other interests. Terrorists seek to arrogate to themselves and use the powers normally reserved to the State.

If this is an acceptable definition, types of terrorism need to be differentiated. The term *international terrorism* is frequently mentioned in the literature. This should be clearly distinguished from *transnational terrorism*. International terrorism ought to be employed carefully and applied to groups or individuals *controlled* by a *sovereign State*.<sup>26</sup> The term should not imply the existence of a “terrorist international”<sup>27</sup> in the sense of a central body coordinating the activities of terrorists in different countries. No evidence in this regard has been discovered.<sup>28</sup>

Transnational terrorism is carried out by basically *autonomous nonstate actors*, whether or not they enjoy some degree of support from sympathetic States.<sup>29</sup> The difficulty surrounding an accurate definition of terrorism presents itself again in dealing with topologies.

To find a solution to this dilemma we would best concern ourselves with the nature of the *act* as opposed to the nature of the group. A transnational terrorist act, then, may be viewed as one:

1. committed or taking effect outside the territory of a State of which the alleged offender is a national; and
2. committed or takes effect:
  - a. outside the territory of the State against which the act is directed, or
  - b. within the territory of the State against which the act is directed and the alleged offender knows or has reason to know that the instrumental target against whom the act is directed is not a national of the State;<sup>30</sup> or
  - c. the instrumental target is a national of the primary target State but is a different nationality from that of the offender; and
3. is intended to damage the interests of a State or an international intergovernmental organization;<sup>31</sup> and
4. is committed neither by nor against a member of the armed forces of a State in the course of military hostilities.

Before ending this definitional attempt, two concepts should be briefly addressed, namely; *nonterritorial terrorism* and *domestic terrorism*. The term nonterritorial came about because researchers found other terminology lacked the needed precision to provide effective analysis. Nonterritorial terrorism is defined

as “a form of terror not confined to a clearly delineated geographical area.”<sup>32</sup> Today’s terrorist is seen as having the potential for striking virtually anywhere at will. Brian Jenkins made reference to this when he described terrorism as “. . . a kind of warfare without territory, waged without armies as we know them. It is warfare that is not limited territorially; sporadic ‘battles’ may take place worldwide. It is warfare without neutrals, and with few or no civilian bystanders.”<sup>33</sup>

While this effort removes barriers encountered in trying to “squeeze” a group into either the international or transnational definition, it, in a sense, removes too much and is too broad.

Domestic terrorism is activity by a State’s nationals attempting to influence that State’s behavior. All activity takes place within that State. The activities of the Symbionese Liberation Army is an example of this phenomenon. The George Jackson Brigade, active during the period 1975 through 1978, is another illustration. This particular group grew out of an unsuccessful prison reform movement and focused on the commission of urban operations directed against the “fascist” U.S. Government. Of the 28 actions (bombings and robberies) conducted by the group, 23 were against business, utility and commercial targets and the remainder against government or police facilities. The Puerto Rican Armed Forces of National Liberation (FALN) have operated both within Puerto Rico and major cities of the United States. The group is the most active of the so-called nationalist groups seeking an independent Puerto Rico. Since its founding in 1974, the FALN has carried out over 60 bombing operations. Within the United States, five persons have died and 75 have been injured.<sup>34</sup> The scope of these attacks could be viewed as limited and it may appear that the United States would not be vulnerable to a serious transnational attack within its boundaries. However, despite the growth of modern weaponry and the increased sophistication of defense planning, highly industrialized nations remain quite fragile. In fact, the highly technological, exposed and interdependent automated systems so essential in our modern society provide many prime targets for terrorist groups. Commercial aircraft, natural gas pipelines, electric power grids, offshore oil rigs, and computers storing government and corporate records are examples of sabotage-prone targets whose destruction would have more serious effects than their primary losses would suggest. Social fragility is reflected in the blackout that occurred in New York City (13 July 1977). The disproportionately high damage caused by uncontrolled looting and arson, resource shortages, and loss of public confidence, attests to urban vulnerability. On that day lightning completely disrupted the Consolidated Edison System, immobilizing ten million people. Subways and elevators came to a halt. Airports and television networks were forced to close down. Thousands of looters surged through the streets, resulting in 3,300 arrests and injury to nearly 100 policemen. It was estimated that the cost of the damage would be \$150 million.<sup>35</sup> If the blackout lasted 4 or

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5 days, it is easy to picture New York almost completely paralyzed with numerous incidents of looting, arson, and panic. The point here is that an “act of nature” with the aid of human inefficiency produced a 2-day siege—a quite small but trained paramilitary force could take the city of New York or any other large metropolitan area off line for a considerable period of time.<sup>36</sup>

A poignant encapsulation of the “decade of dismal terror” has been presented by J. Bowyer Bell in his recent work, *A Time of Terror*.<sup>37</sup>

All now know the long and grotesque litany of massacre. Lod-Munich-Khartoum-Rome-Athens-Vienna. Now millions are familiar with the luminous dreams of the obscure South Moluccans and the strange Japanese Red Army, with the fantasies of the Hanafis and the Symbionese Liberation Army, and with the alphabet of death—PFLP, FLQ, IRA. Carlos-the-Jackal is a media antihero, and Croatia is now found in the headlines instead of in stamp albums. Anyone can be a victim, can ride the wrong airline, take the wrong commuter train or accept the wrong executive position abroad. While opening mail, passing a foreign embassy, standing in an airport boarding line or next to a car, or attending a diplomatic reception, any of us may draw a “winning” lottery ticket in the terrorist game. And everyone is the target of the television terrorists, choreographing massacres for prime time. After each crafted incident, terror still produces intense anguish and indignation, a plea if not for vengeance then at least for effective action. The target-audience has not become inured to violence. Repetition has established ritual, not ennui. Sophocles never pales nor, so far, has the murder of innocents, brought to us personal and close-up by the media.

Faced with what has been and recognizing what may well be, an attempt to clarify, through a definitional process, the nature of terrorism has been presented. I hope it will be subjected to scrutiny and criticism as we seek to agree on terminology free of confusion and complexity.

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Major Farrell wrote this paper while attending the College of Naval Command and Staff, Naval War College.

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### Notes

1. Jenkins, *International Terrorism: A New Kind of Warfare*, Rand Report P-5216 at 1 (June 1974).

2. *Id.*, at 3-4. To illustrate this, one has only to recall the Symbionese Liberation Army. Through the news media everyone became familiar with the seven-headed cobra symbol and heard audio tapes of the group's demands. A significant number of FBI agents and policemen were mobilized to track down the group. Patty Hearst's kidnapping added greatly to the notoriety as the group was viewed nightly by millions on network news. However, it has subsequently been determined that the group had only a dozen or so members at its height of strength. At its demise it had to its credit one murder, one kidnapping, one bank job and a few stolen cars. The difference between actual violence and the amplified effects of the violence is most notable. See also David Anable, “Coming to Grips with World Terrorism” *Christian Science Monitor*, 19 December 1975, p. 3, where terrorism is described as the “weapon of the weak . . . whose shock waves then buffet millions.”

3. Cooper, *What is a Terrorist: A Psychological Perspective*, 1 *Legal Med. Q.* 18 (1977) as reprinted in U.S. Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Laws and Procedures, *The Terrorist and His Victim*, Hearings (1977).

4. *Id.*

5. Johnson, *Perspectives on Terrorism*, in LAQUEUR, *THE TERRORISM READER* 269 (Laqueur ed. 1978).
6. Laqueur, *Terrorism—A Balance Sheet*, *id.* at 262-263. Presumably Eskimos would be immune from any inclinations in this direction.
7. Dugard, *International Terrorism: Problems of Definition*, *International Affairs* 67-69 (January 1974).
8. Louis Hoffächer, "The U.S. Government Response to Terrorism," *Vital Speeches of the Day*, 15 February 1975, p. 266. While the speech is slightly dated, it still holds true.
9. United Nations, *YEARBOOK OF THE UNITED NATIONS: 1970* at 790 (1971).
10. *Id.*
11. Milbank, *International and Transnational Terrorism: Diagnosis and Prognosis*, U.S. CIA Research Study PR76 10030 27 (April 1976).
12. ALEXANDER, *CONTROL OF TERRORISM: INTERNATIONAL DOCUMENTS* 87-109 (1979). This compilation contains the text of treaties dating from 1902 dealing with extradition of those who commit terrorist or terrorist-like acts. It also contains U.S. Resolutions and International Civil Aviation Organization Resolutions.
13. *The New York Times*, 9 December 1979, p. 12.
14. Jenkins, *International Terrorism: A Balance Sheet*, in ENDICOTT & STAFFORD, *AMERICAN DEFENSE POLICY* 184-186 (4th ed. 1977).
15. Brian Crozier, Director of the Institute for the Study of Conflict, London, in testimony before a U.S. Senate subcommittee, indicated that there were two main categories of terrorism: disruptive and coercive. The aims of disruption are: self-publicity, to build up the movement's morale and prestige; to discredit and demoralize the authorities; and to provoke the authorities into taking excessively harsh repressive measures, likely to alienate the population and force a rising spiral of official expenditure in arms, lives and money, resulting in public clamor for the abandonment of counteraction. On the other hand, the aims of coercive terrorism are: to demoralize the civil population, weaken its confidence in central authority and instill fear of the terrorist movement, and to make an example of selected victims by torture or death to force obedience to the leadership of the movement. U.S. Congress, Senate, Committee on the Judiciary, *Terrorist Activity-International Terrorism*. Hearings 181 (1975).
16. Jenkins makes this point most clearly with an illustration from the massacre at Lod Airport in 1972. He states that with terrorism there is a stronger connotation of guilt and punishment than in other forms of warfare or politics and a narrower definition of innocent bystanders. The victims of the Lod incident, many of whom were Christian pilgrims from Puerto Rico, were said by the terrorist to be guilty because they had arrived in Israel on Israeli visas and thereby had tacitly recognized the State that was declared enemy of the Palestinians and, by coming to Israel, they had in effect entered a war zone. What was being said was not that the victims were innocent bystanders unfortunately caught in a crossfire; neither was it saying it would seek and kill all those holding visas from the State of Israel. The organization was saying that those who happened to get shot—just because they were there—were nonetheless guilty or they would not have been shot. Stated another way, they did not become victims because they were enemies, but rather they became enemies because they happened to be victims. Jenkins, *supra* n. 14 at 186.
17. International Association of Chiefs of Police, Inc., Final Report, *Needs Assessment Study: Terrorism in Dade County, Florida* at 10 (Miami, Fl: Dade-Miami Criminal Justice Council, July 1979).
18. *Id.*, at 11. The governments of Mexico and Brazil have not frequently used the labels "terrorist" and "political" for the urban terrorists. They use instead "criminal" and "bandit," hoping to deprive the terrorists of any glamour. Such a tactic makes any system of repression easier to justify, should the need arise. PARRY, *TERRORISM FROM ROBESPIERRE TO ARAFAT* 524 (1976).
19. Hardman, *Terrorism*, *THE ENCYCLOPEDIA OF THE SOCIAL SCIENCES* v, xiv, at 576 (1964).
20. International Association of Chiefs of Police, Inc., at 12.
21. *Id.* at 14.
22. One of the potential dangers that is embodied in the European Convention of 1978 cited above is its potential for not concerning itself with the "why" of a particular act. Blanket prohibition may be an overreaction and exemplify deterrence through "overkill." The several attached reservation tend to endorse this view.
23. Paust, *A Survey of Possible Legal Responses to International Terrorism: Prevention, Punishment, and Cooperative Action*, 5 *Ga. J. Int'l & Comp. L.* 434-435 (1975).
24. Numerous other definitions, or attempts at definition, are found in many of the works cited in this article. Others of interest are Bouthoul, *Definitions of Terrorism*, in CARLTON & SCHAEFER, *INTERNATIONAL TERRORISM AND WORLD SECURITY* 50-53 (1975); Fromkin, *The Strategy of Terrorism*, *Foreign Affairs* 690 (July 1975); SCHREIBER, *THE ULTIMATE WEAPON: TERRORISTS AND WORLD ORDER* 20-37 (1978).
25. This definition closely resembles the one put forth on page 42 of the study by the International Association of Chiefs of Police, Inc. One of the major differences is the insertion of the word "political" between the words "human" and "activity." My reasons for doing this is to avoid admixing terrorism with gangland intimidation or similar acts. Terrorism is directly concerned with the exercise of, or the attempt to

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exercise, public powers or to influence the allocation of values by a ruling body. For those who may be interested in an excellently presented review of definitional efforts in this regard, see the cited study.

26. *Supra* n. 11 at 9.

27. This was stated by Brian Crozier as part of his testimony before the Senate subcommittee in 1975 and all indications are that it is equally true today.

28. While a central authority may be missing, there are many indications of cooperation between groups and open support from governments who support their objectives. A good example of this is the case of the Japanese terrorists who carried out the Lod Airport attack. They had received training from Syria and Lebanon, received money passing through Germany, received their arms in Italy, and carried out their act for the Popular Front for the Liberation of Palestine.

29. *Supra* n. 11 at 9. The author makes the following point:

Given the element of governmental patronage that is common to both, the boundary between transnational and international terrorism is often difficult to draw. To the degree that it can be determined, the key distinction lies in who is calling the shots with respect to a given action or campaign. Hence, groups can and do drift back and forth across the line. For example, even a one-time "contract job" undertaken on behalf of a governmental actor by a group that normally acts according to its own lights qualifies as international terrorism.

30. The person or person against whom the act is directed may be either the primary or instrumental target as indicated previously.

31. *Supra* n. 7 at 79. The basis of this definition was taken from Article 1 of the Draft Convention for Prevention and Punishment of Certain Acts of International Terrorism, submitted by the United States to the U.N. General Assembly, 26 September 1972. For a complete text see Alexander et al., eds., pp. 113-118. If we were to concern ourselves with the particular groups, we would seek to examine not only the site of the act but also such relevant aspects as the nationalities or foreign ties (i.e., training, funding, arms) of the group, sanctuaries, declared ideology and mechanics of the act's resolution. I am grateful for the assistance of Maj. Barton S.G. Edsall III, U.S. Air Force in "fine tuning" this section of this article. His "systems analysis approach" to each definitional attempt disclosed many initial weaknesses.

32. Sloan and Kearney, *Non-Territorial Terrorism: An Empirical Approach to Policy Formulation*, I CONFLICT 132 (1978). See also SLOAN, *THE ANATOMY OF NON-TERRITORIAL TERRORISM, AN ANALYTICAL ESSAY* (Gaithersburg, Md.: International Association of Chiefs of Police, 1978).

33. Jenkins, *supra* n. 14 at 4. The prolonged situation in Iran can be viewed (based upon available evidence) as initially beginning as mob action directed against the United States. However, as the incident progressed and governmental sanction of the activity was given, the act took on the flavor of international terrorism. In this sense the Iranian case can be viewed as evolving into a terrorist act inasmuch as the initial "purposefulness" is a matter of speculation.

34. *Risks International, Inc.*, North America at 16-17, 21-22 (August 1979).

35. *The New York Times*, 15 July 1977, p. 1; 22 July 1977, p. 12.

36. KUPPERMAN, *FACING TOMORROW'S TERRORIST INCIDENT TODAY 1* (October 1977).

37. BELL, *A TIME OF TERROR* 263 (1978).