Constitutions, Democracy, and the Rule of Law

Terror and Civil Liberties
October 17, 2003

Diego Gambetta, All Souls College, Oxford University
Of Truth and Terror: Through the Prism of 9/11

Selling Uranium on the Black Market

Diego Gambetta: I would like to thank very much the organizers, namely Akeel Bilgrami and Jon Elster for giving me this difficult challenge and for trusting me to rise to it more than I would have trusted myself. However, the challenge that I had was nothing with respect to the challenges that a group of mobsters had in the late 1990s in Italy. This was a strange group made up of Sicilian, Roman, and Calabrian organized criminals. That question was: How do you go about finding a buyer for eight bars of enriched uranium on the black market? I mean this is probably not a question many of you in the audience contemplated. And it's a difficult one fortunately.

These bars are steel cylinders, ninety centimeters long—three feet—each of which contains 200 two hundred grams of uranium. The bars I'm talking about were produced in the labs of the General Atomic in San Diego. And in 1971, they were sent, as a gift to Kinshasa to be used as nuclear fuel in a program rather unaptly known as "Atoms For Peace." Now according to Captain Roberto Ferroni of the Rome custom police, if they were blown up in Villa Borghese, which is in Rome, the center of Rome would become uninhabitable for a century.

Now from Kinshasa, the bars disappeared in 1997 when Mobutu's regime was overturned. They probably traveled with him to France. And after several sightings of these bars, they finally resurfaced in the hands of these 11 Italian mobsters about a year later. In the spring of '98, the mobsters thought that they at last found a buyer. The buyer introduced himself as "the Accountant." This was pre-Enron, so if you said, "Accountant," people trusted you, or you thought they did.

And he said that he was an emissary of an Arab country, and Islamic Jihad ultimately. Now the Accountant was, in reality, an undercover agent of the Italian
custom police. So the police were investigating the mobsters for other crimes and had intercepted their telephone conversation and had overheard them talking about nuclear stuff, and decided to investigate the matter.

Now the agent—the Accountant—brought with him an engineer who was allowed to test one of the bars and found that it did indeed contain uranium. So the police then pretended to transfer a sum of $12 million on a Swiss bank account after bargaining down the asking price that was twice as much, just in case anybody's interested.

And on the day that they had agreed to complete the transaction, the Mafiosi showed up but they came with a different bar that they had tested and failed to deliver the other seven bars. So quite characteristic, the Mafiosi cheated. But at that point, the cover was blown and the police could not wait any longer and had to arrest them. The current location of the seven bars is unknown. The 11 mobsters didn’t speak. They are in jail with relatively short sentences but they never said where the bars are. For all we know, they could be hidden in a stable in the mountains of Calabria or Sicily, which should perhaps be added to the Axis of Evil.

**The Terrorist Threat Dilemma**

Now the threat from weapons of mass destruction, or rather from some amateur variant of them, may not be where the coalition of the willing has been looking for but the threat is there. There is no doubt, I think, about some kind of threat. Eliza Manningham-Buller—with a name like this she couldn't be anything else but the head of MI-5—in June 2003, she said, "We have faced with the realistic possibility of some form of unconventional attack that could include chemical, biological and radiological, or nuclear attack."

She, however, she added that, "Before we become unduly alarmist, it is worth noting that the bomb and the suicide bomb remain the most effective tool in the terrorist arsenal." So before we get too alarmed, or too alarmist, I would like to review facts that could make us reflect a little bit. But first of all, if you look at terrorist acts, however you define them, 9/11 is what statisticians call an outlier, which is a very, very exceptional case in terms of magnitude. With respect not just to the distribution of any terrorist act around but also with respect to other actions attributed to al Qaeda.

The perpetrators themselves may be quite exceptional. There are not so many people around, I think, with Mohammed Atta’s traits, namely—highly skilled, methodically inclined, and ready to die. They have all these traits at the same time. And finally, it looks as if they were extremely lucky not to be detected in time.
The second point is that failed attacks also reveal that the terrorists intend to use low-quality technology, not anything... weapons of mass destruction of high quality or anything of the sort. There have been no cases of that kind. They may be in the distant future as Jim Fearon just said but we don't know. And they also exploit deranged individuals, marginal individuals, nothing of the caliber of Atta.

So there was the British ex-convict called Richard Reed who tried to blow up a plane by exploding his shoes. Then there was four Moroccan men arrested in Rome with a map of the Aqueduct and four kilos of potassium ferrocyanide, which was subsequently described by experts as a rather harmful substance when distributed through water. And there were 16 North African men arrested in Spain who were cited, even by Colin Powell in his speech to the United Nations, as an example of the links between bin Laden and Baghdad. In May, they have been released, found completely innocent, and are now suing the Spanish prime minister for slander.

What about the thing that really was hair-raising? Apparently? So last January, five Algerian men were arrested in a small London flat playing with a chemistry set trying to produce ricin. Ricin is a very poisonous substance extracted from castor oil for which there is no antidote. Tony Blair said that the find showed that, quote, "This danger is present and real and with us now. And its potential is huge." But the quantities of ricin found were tiny. So tiny, in fact, that last week they could no longer find them. In a few days the prosecution's case has collapsed completely and the men are now free.

So having said ... a lot of these are scares rather than facts. Having said this, I'm not trying to deny that there is a dilemma here and a serious one. And I think it is epitomized by the Ohio truck driver who was arrested in the U.S. I don't remember the month in which he was arrested but it's early this year. And he was said to be plotting with leaders of al-Qaeda to destroy the Brooklyn Bridge by using blowtorches to cut the suspension cables of the bridge.

Now I'm sure the New Yorkers here are thinking fondly of the time in which the only thing that criminals tried to do with the Brooklyn Bridge was to try to sell it to you. But still, as the New York Times wrote, very aptly, I think, "This case was a reminder of why the American authorities in the 1990s found it hard to take terrorist plots seriously, even after a number had been uncovered. It all just seemed pathetically amateurish and unthreatening."

However, the dilemma is there because as the same article in the Times concluded, "Now that we know what 19 young men with box-cutters can do, we cannot dismiss a truck driver with a blowtorch." So they could get lucky twice. And so it's clear that police and intelligence have to be on guard.

So the dilemma is there, although there are reasons to keep cool, as it were. And the importance of establishing the real size and the real kind of threat that we are
facing is crucial for fighting it effectively. And I will say something about this later if I get to that. It is also important, more relevant to the theme of the symposium because the bigger and the nastier the threat is portrayed to be, the harsher are the infringements to civil liberties that can be justified, and that we may be prepared to accept. So one way to defend them, other than appeal it to abstract principle, is therefore to be very, very alert to the forces that could unintentionally exaggerate and distort the threat.

So my paper, which is a bit longer than what I say here, is essentially an exploration of all the various ways in which the threat may be exaggerated. And I'm not referring to the deliberate exaggerations and, possibly, lies by both the U.S. and U.K. governments, which have been quickly exposed, as we all know. I'm not interested insidious mechanisms that under a serious terrorist threat can generate untruth, over and above the actor's will to deceive us. So I'm more concerned with government biases and bad information, than with bad character.

**Exaggerations of the Truth**

So let me consider a few of these effects that could exaggerate this truth. I mean, think first of all of a psychological effect, which affects us all. It has nothing to do with politicians or policy makers or anything like that. When something of the caliber of 9/11 happens, nasty events suddenly become salient. They appear on our radars. And people ... and we start to revise upward the probability that other attacks like this may occur again, and that we may even be the victims of them. So for instance, when the sniper in Virginia struck, people were terrified. Even though, as the rationally inclined pointed out, their chances of dying in a car accident were much greater than being shot by the sniper.

So for instance, in the *New York Times* poll of September 2003, two-thirds of the thousand New Yorkers who were interviewed said that they were still very concerned about another attack in New York, slightly more than felt that way a year ago. There is another partially related effect, namely that after a massive attack, as discontinuous as 9/11 with respect to previous terrorist acts, we feel inclined to infer that if that is possible, then anything is. So people don't only worry about a similar attack, they also worry about other attacks of similar magnitude.

Now, play a little mental experiment. Suppose that the 19 men had been stopped. This is a plausible counter factual; they could have been stopped. September 11 could have been foiled because of some lucky circumstance, thanks to a set of coincidences, which would be unrelated to the nature and the size of the overall threat. Had they been stopped and 9/11 not happened, the threat would not be any greater or any smaller than it is now because of that. Still, had it not happened, our perception of the threat would be infinitely more optimistic.
And I have a fact to show you that this is indeed what goes on in our minds. On Christmas Eve of 1994, four Algerian terrorists of the GIA hijacked a French plane in Algiers. They wanted to be flown to Paris. But because of insufficient fuel, the captain landed at Marseille, where French elite troops stormed the plane and killed the hijackers. The French interior minister, Charles Pasqua, claimed that the terrorists planned to fly the passenger jet to Paris in a suicide operation, either exploding it over the city or ramming into the Eiffel Tower.

At that time, it didn't happen. They were stopped. And Pasqua was almost derided for exaggerating the threat, which now retrospectively looks plausible. So psychologically, when we think about low-probability events, we are easily trapped between two extremes. We just do not think about them at all. In ex post, we may think about them too much.

**Political Calculations**

There is another effect that has to do with political calculations. Here again, I'm not referring to anything bad or that the politician may or may not do. But even if the huge political cost of an attack of this scale were to be repeated, it makes sense for policymakers to be overzealous in issuing public warnings. So before a terror event of 9/11 magnitude, there is an interest in playing these kind of threats down. You don't want to seen as a Cassandra. And you don't want to upset the citizens and the economy unnecessarily. But after 9/11, governments can get more support by playing the threat up and issuing constant warnings. Because if nothing bad happens, it will be seen as thanks to their policing efforts. And if something bad happens, they cannot be accused, at least, of not having done all they could, including informing us of the impending threat.

Now these incentives to do that is probably beginning to wane now. If nothing bad happens for long enough, any further warning begins to ring unduly alarmist, at which point the situation reverses back to the previous tranquil equilibrium, where people try not to sound the alarm bell too much. So politically too, as psychologically, there are two-prong pressure towards opposite states. Example, playing and ex poste overplaying of a threat.

But there is a lot more of importance that went on after 9/11. And the threat was assessed in very specific and very nonobvious ways by policymakers. As you all know, the first nonobvious choice was to define the response as a war, the war on terror. And this, as Nicholas Lemann has written, this idea has had a constraining force on how we think about the U.S. response. It is now difficult to think that this was not the sole, inevitable, logical consequence of the attacks. This idea just isn't in circulation.
Known Unknowns and Unknown Unknowns

Two further grand features were attached to that of war, each of which is again, not obvious. One is that this war is global. The word *global* recurs very much in this. And that it is of an uncertain duration. Yet another belief is that, held by the U.S. administration, is that not only 9/11 is in itself unprecedented, but that the further threats down the road are unprecedented. Namely, as Secretary Rumsfeld said, they are different that at any time of the history of the world. While the first thing is clear, that 9/11 was exceptional, it is not so clear the further threats it heralds are so unprecedented. At least it's not clear to me.

Another thing that Rumsfeld has been thinking about this is that the leap between terrorism and weapons of mass destruction, that the real situation about this link is worse than the facts show. And what he said at the press conference in June 2002 is worth quoting, because it shows what a dramatic mind set shift there has been as a result of 9/11. Rumsfeld said—and here I'm shortening a long and interesting speech he makes—he said, "All of us in this business read intelligence information." These are his words. "And we read it daily and we think about it. And it becomes, in our mind, essentially what exists. And that's wrong. It is not what exists. I found that there are very important pieces of intelligence information that countries did not know. They didn't know some significant event for two years after it happened, for four years after it happened, for six years after it happened. In some cases, 11, 12, and 13 years after it happened." It's not clear what information he had in mind.

And then he concluded, probably you all know what he said at this point, "What is the message there? The message is there are no knows. There are things that we know that we know. There are known unknowns; that is to say, there are things that we know we don't know. But there are also unknown unknowns. There are things we don't know we don't know."

Now, this assessment of the threat as unprecedented, large, and written with U U's, (unknown unknowns), gelled in the doctrine of preemptive war. And this I read from the National Security Strategy document, in which it said, "The greater the threat, the greater is the risk of inaction. And the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains, as to the time and place of the enemy's attack. To forestall such hostile acts by our adversaries, the United States will, if necessary act preemptively."
Preemptive Attacks

So the strengths of the risk of inaction in preemptive attacks, by definition, imply that wars can now be waged without a clear cassus belli. A threat does not need to be proved as true or even imminent to motivate a war. Now, if you were in the hot seats, after 9/11, I don’t know how you would have reacted. So I think we may like or dislike the current present administration, but we may not dislike it because we were sitting in that hot seat.

So it is an understandable way of responding to the trauma. It's totally unobvious. I mean, you could have responded in many other ways. But it's an understandable response to the trauma of 9/11. The question, however, is understandable or not, how conducive to rationality is this approach? What kind of decision, when you go around with these beliefs in your head, are you likely to take? Put them together in a list. Now we take them for granted. But if you put them in a list, this is the list. You are at war; try to really think hard about you having all the following beliefs: you believe you are at war; you believe the war is global; you believe it's going on for an uncertain amount of time, length of time; you believe you are at war against an enemy that you sort of know, but also against unknown unknowns, that the dangers are unprecedented, but in any case, very large; and that inaction is risky. And this justifies preemptive attacks.

I've been searching for a precedent. I've been searching for somebody who has in history gone around with this bundle of beliefs. And I haven't found anyone. Absolutely no one. The only thing you can think of are science-fiction characters or fiction characters. You may think of Don Quixote, for instance. He had beliefs of this kind, that he was at war with anybody, that dangers were everywhere.

So with a framing like this, it's very likely that you will generate, whether you are honest and truthful and all that—this is what I prefer to assume of everybody—so even if you honestly believe this kind of thing, you are likely to get into consequences which are inimical to rational action. As this approach undermines your ability to form well-founded beliefs about what is and is not true.

One thing that it does, is that it attracts bad reasons. Because if you have that kind of belief, you begin to think that any sign of threat should be taken as valid, even a flimsy one. And if you respond to any evidence of threat, what happens to you is that you find yourself with a lot of options. You don't know what to do. Should I attack A, B, C? Should I investigate C, D, or E? So this kind of worst-case scenario, “unknown unknowns” thinking, leads you to an indeterminate situation. You don't know what to do. It's not a prescription for action. So you end up like Buridan’s Ass, the ass that was presented with two equally attractive sacks of hay, and had to decide which one to eat first, and he died of starvation because he couldn't make up his mind.
If you don't want to end up like above-mentioned ass, you have to find ancillary reasons for doing something or other than not.

And these type of conundrums are typically a magnet for laws, which for whatever reason or passion nurture strong values on the value of doing X rather than Y. So religious believers, ideologues, expatriates, devotees of Leo Strauss, economic or political lobbies, legal supporter and what not, I mean, if conspiracies of these kind had any effect on deciding the war on Iraq, my impression is that this was because the new strategic mindset that followed 9/11 allowed them to do so. It was like an open net, anybody could say anything, because anything looked plausible and dangerous enough.

**Incestuous Amplification**

There are also “group think” effects, because when you have no evidence that it is better to do X rather than Y, what do you do? [If] you are a believer that X is better than Y, you tend to develop a sectarian mentality. And you tend to join with like-minded individuals. And you leave yourself open to an effect which has been defined as incestuous amplification, an effect which occurs when one only listens to those who are already in lockstep agreement, reinforcing said belief and creating a situation ripe for miscalculations.

And then when you have said beliefs about doing something rather than something else, when you have no real strong evidence and a lot of pressure to act and so on, you tend to become prone to you become prone to misreading the evidence, to wishful thinking and wishful reading of the evidence. And the many cases that have been described as exaggeration and lies by government, some of them seems to me to be too *overstaggering* incompetence to be just ruses to fool us. It seems to me as if there was a genuine fervor to believe bad evidence and do that with a very rash kind of mind.

**Conclusion**

So in conclusion, it seems to me, at least, the war on Iraq seems to have been driven by backward-looking reasoning, rather than forward-looking calculations. And Secretary Rumsfeld again admitted that much when he told the Senate Arms Service Committee that, and I cite, "The coalition did not act in Iraq because we had discovered dramatic new evidence of Iraq’s pursuit of weapons of mass murder. We acted because we saw the existing evidence in a new light, through the prism of our experience of 9/11."

So how much should we really trust that prism? This is, in my view, an open question. And now you could hope that intelligence services are the guys to whom we should look up to. The guys that can square the circle between over-and underestimation. And they would tell us what the risks really are, who the
enemies really are. But as I have argued at length in the paper for this symposium, there are lots and lots of pitfalls in which even well-meaning spies incur, especially under pressure post-9/11.

Remember that during the Cold War they got many things wrong. And that there was something very clear that's observable and centralized to spy on. So imagine how much harder it is now to get something clear on this very difficult, dispersed, fragmented case of the terrorist threat. For instance, they also got, by the way, many more overestimates of Soviet threat than they got underestimates of Soviet threat. This is based on extensive analysis by Michael Herman, that is one of the top experts in intelligence services.

Now seasoned politicians know very well that intelligence reports should not be trusted blindly. Yet, in times of terror, that wisdom is easily forgotten. So combining the tendency of secret services to overestimate threats, add the psychological, the political, and other effects, which I didn't have time to mention. Add a sprinkle of unknown unknowns, and what you have are forces pushing together to saddle us with the burden of a high terrorist threat for years to come. Which is, by the way, self-fulfilling for us. And, which I, unfortunately, don't have time to mention.

So to help our minds hijacked daily by the fear of terrorism is surely better than being the victims of a real hijacking. However, we don't want to be scared unduly, ending our lives as a result. We may be prepared to put up with some infringements to our civil liberties, but we can do without those that come from an overestimation of the threat. Thank you.