

# CRS Report for Congress

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## Terrorist Attack on USS Cole: Background and Issues for Congress

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### Summary

On October 12, 2000, the U.S. Navy destroyer Cole was attacked by a small boat laden with explosives during a brief refueling stop in the harbor of Aden, Yemen. The suicide terrorist attack killed 17 members of the ship's crew, wounded 39 others, and seriously damaged the ship. Evidence developed to date suggests that it may have been carried out by Islamic militants with possible connections to the terrorist network led by Usama bin Ladin.

The FBI, Defense Department, and Navy launched investigations to determine culpability for the attack and to review procedures. A broad DoD review of accountability was conducted by a special panel. On January 9, 2001, the panel issued its report which avoided assigning blame but found significant shortcomings in security against terrorist attacks, including inadequate training and intelligence. On January 23, 2001, Senate Armed Services Committee Chairman, John Warner, announced intentions for the Committee to hold its own investigation. Issues for Congress include the adequacy of (1) procedures by U.S. forces to protect against terrorist attacks; (2) intelligence related to potential terrorist attacks; and (3) U.S. anti-terrorism policy and response. This report will be updated if major new developments warrant.

### Background

On October 12, 2000, the U.S. Navy destroyer Cole<sup>1</sup> was attacked by a small boat laden with explosives during a brief refueling stop in the harbor of Aden, Yemen.<sup>2</sup> The suicide terrorist attack killed 17 members of the ship's crew, wounded 39 others, and

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<sup>1</sup> The Cole (DDG-67) is an Aegis-equipped Arleigh Burke (DDG-51) class destroyer. It was one of four DDG-51s procured in FY1991 at an average cost of about \$789 million per ship. This is equivalent to about \$924 million in FY2001 dollars. The ship entered service in 1996.

<sup>2</sup> For background information on Yemen and a discussion of U.S.-Yemeni relations, see CRS Report RS20334, *Yemen: Democratic Development and U.S. Relations*, by Alfred B. Prados. Washington, 2000. 6 p.

seriously damaged the ship.<sup>3</sup> The attack has been widely characterized as a “boat bomb” adaptation of the truck-bomb tactic used to attack the U.S. Marine Corps barracks in Beirut in 1983 and the Khobar Towers U.S. military residence in Saudi Arabia in 1996.

The FBI, in conjunction with Yemeni law-enforcement officials, is leading an investigation to determine who is responsible for the attack. At least six suspects are in custody in Yemen. Evidence developed to date suggests that it may have been carried out by Islamic militants with possible connections to the terrorist network led by Usama bin Ladin.<sup>4</sup> In addition to the FBI-led investigation, Secretary of Defense William Cohen has formed a special panel headed by retired General William W. Crouch, former Vice Chief of Staff of the Army, and retired Admiral Harold W. Gehman, Jr, former commander-in-chief of U.S. Joint Forces Command. The panel, in a report released January 9, 2001, avoided assigning blame but found significant shortcomings in security throughout the region and recommend improvements in training and intelligence designed to thwart terrorist attacks. A Navy investigation, the results of which were released by the Commander of the Atlantic Fleet on January 19, 2001, concluded that many of the procedures in the ship’s security plan had not been followed, but that even if they had been followed, the incident could not have been prevented. Consequently, no single individual should be disciplined for the incident, i.e. blame must be distributed at a number of administrative levels. Members and staff have also held classified meetings on the attack with Administration officials.

## Issues for Congress

The attack on the Cole raises potential issues for Congress concerning (1) procedures used by the Cole and other U.S. forces overseas to protect against terrorist attacks; (2) intelligence collection, analysis, and dissemination as it relates to potential terrorist attacks; and (3) U.S. anti-terrorism policy and how the U.S. should respond to this attack. These issues are discussed below.

**Force-protection procedures.** Before it arrived at Aden for its brief refueling stop, the Cole, like all visiting U.S. ships, was required to file a force-protection plan for the visit. This plan was approved by higher U.S. military authorities, and was implemented during the ship’s visit. In accordance with the plan, the Cole at the time of the attack was operating under threat condition Bravo, which is a heightened state of readiness against potential terrorist attack. (The lowest condition of heightened readiness is Alpha; Bravo is higher; Charlie is higher still, and Delta is the highest.) This threat condition includes steps that are specifically intended to provide protection against attack by small boats.

Members of the House and Senate Armed Services committees and other observers have raised several issues concerning the force-protection procedures being used by the Cole and by other U.S. military forces and bases in the region, including the following:

- ! What were the elements of the Cole’s force-protection plan and how were these elements determined?

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<sup>3</sup> The cost to repair the ship has been preliminarily estimated at about \$243 million.

<sup>4</sup> See CRS Report RL30643, *Terrorism, Near Eastern Groups and State Sponsors*, by Kenneth Katzman for information on Bin Ladin’s network and links to Yemen.

- ! Did the Cole effectively implement all the elements of this plan? If not, why not? If so, does this indicate that the plan was not adequate for defending against this type of attack?
  
- ! Was the force-protection plan, including the use of threat condition Bravo, appropriate in light of the terrorist threat information that was available to military officials in the days leading up to the ship's visit? Was the ship's threat condition consistent with the very high threat condition being maintained at that time by the U.S. embassy in Yemen?
  
- ! What changes, if any, should be made in force-protection policies for ships and other U.S. military forces and bases overseas, particularly in the Middle East and Persian Gulf region? Given the need for Navy ships to periodically refuel and receive other services from local sources, as well as the potential difficulty of identifying hostile craft in often-crowded harbors, how much can be done to reduce the risk of future attacks like this one? What can be done to protect against more sophisticated terrorist tactics for attacking ships, such as using midget or personal submarines, scuba divers with limpet mines, or command-detonated harbor mines? Should the Navy reduce its use of ports for refueling stops and instead rely more on at-sea tanker refuelings? How many additional tankers, at what cost, might be needed to implement such a change, and how would this affect the Navy's ability to use such stops to contribute to U.S. engagement with other countries?

In addition to these issues, members of the House and Senate Armed Services committees at the hearings also raised an underlying question on whether the Cole's refueling stop was necessary from an operational (as opposed to political/diplomatic) point of view.<sup>5</sup>

**Intelligence collection, analysis, and dissemination.** Members of the Armed Services and Intelligence committees as well as other observers have raised several questions relating to the role of intelligence collection, analysis and dissemination in the Cole attack and in preventing other terrorist attacks against the United States. In some cases, these questions have been spurred by press reports about the existence of information and analyses from the U.S. Intelligence Community that, some argue, might have helped prevent the attack had it been given greater consideration or been

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<sup>5</sup> Defense Department officials testified that the refueling stop was necessary operationally because the Cole was making a 3,300-mile transit from the Mediterranean (where it previously refueled) to the Persian Gulf. Defense Department officials argue that it would be impractical to have enough tankers so that one could always be assigned to combat ships engaged in solitary transits. Since the end of the Cold War, though, the Navy has become more comfortable with the idea of breaking forward-deployed battle groups into small sub-formations, including solitary ships, to take better advantage of the modular flexibility of naval forces for responding to specific needs overseas. The policy issue might thus be as follows: Are the refueling-related risks created by (possibly-more-frequent) solitary transits combined with the 50-percent fuel policy properly balanced against the benefits of moving ships in this manner and preserving their projected tactical mobility upon arrival at the intended area of operation?

disseminated more quickly.<sup>6</sup> The details of these claims are currently under investigation by the Executive Branch and Committees in Congress. Questions include the following:

- ! Does the United States have sufficient intelligence collection capacity, particularly in the form of human intelligence (as opposed to intelligence gathering by satellites or other technical means), for learning about potential terrorist attacks, particularly in the Middle East or Persian Gulf? Does the attack on the Cole represent a U.S. intelligence failure, or does it instead reflect the significant challenges of learning about all such attacks soon enough to head them off?
- ! In the days and weeks prior to the attack on the Cole, was all the available intelligence information about potential terrorist attacks in the Middle East and Persian Gulf given proper weight in U.S. assessments of the terrorist threat in that region? Were reports providing information and analyses of potential terrorist attacks in the region disseminated on a timely basis to U.S. military and civilian officials in the region who have responsibility for providing advice or making decisions about ship refueling stops or other military operations?
- ! Was there adequate coordination, prior to the attack on the Cole, between the Defense Department [including the National Security Agency], the State Department, and the U.S. Central Command (the regional U.S. military command for the Middle East and Persian Gulf) in sharing and using available intelligence information and analyses on potential terrorist attacks?
- ! What actions, if any, should be taken to improve U.S. intelligence collection and analysis, particularly as it relates to potential terrorist attacks on U.S. assets in the Middle East and Persian Gulf or elsewhere?

**U.S. anti-terrorism policy and potential response.** Beyond these more specific issues, the attack on the Cole poses several additional potential issues relating to U.S. anti-terrorism policy in general. Some of these issues highlight dilemmas and concerns inherent in policies designed to prevent or mitigate terrorist acts. These issues include the following:

***Why was Yemen chosen for refueling?*** U.S. Navy ships began making refueling stops in Aden in January 1999. Since then, Navy ships have stopped there 27 times to refuel, twice to make port visits, and once to take on supplies. Members of the Armed Services Committees and other observers have asked why the U.S. Central Command decided in 1998 to begin using Yemen for refueling stops rather than continuing

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<sup>6</sup> See for example, Scarborough, Rowan. Pentagon Analyst Resigns Over Ignored Warnings. *Washington Times*, October 26, 2000: A1; Becker, Elizabeth, and Steven Lee Myers. Pentagon Aide Quits, Warnings Ignored, He Says. *New York Times*, October 26, 2000; Suro, Roberto, and Vernon Loeb. U.S. Had Hints Of Possible Attack. *Washington Post*, October 26, 2000: A 32; Gertz, Bill. NSA's Warning Arrived Too Late To Save The Cole. *Washington Times*, October 25, 2000: A1.

to use nearby Djibouti on the Horn of Africa (which U.S. Navy ships had used for refueling for several years) – and why Central Command continued to use Yemen this year for refuelings when an April 2000 State Department report on worldwide terrorism characterized Yemen as a haven for terrorists but did not mention Djibouti. Members and others have asked whether the risk of a terrorist attack against a U.S. ship in Yemen was properly balanced against the political/diplomatic goals of improving relations with Yemen and encouraging its development toward a stable, pro-Western, democratic country that does not support terrorism and cooperates with U.S. efforts to contain Iraq. In response, General Tommy R. Franks, the current Commander-in-Chief of U.S. Central Command, stated the following regarding the process that led his predecessor, General Anthony C. Zinni, to the decision to use Yemen for refueling stops:

The decision to go into Aden for refueling was based on operational as well as geo-strategic factors and included an assessment of the terrorist and conventional threats in the region. As you know, the Horn of Africa was in great turmoil in 1998. We had continuing instability in Somalia, the embassy bombings in Kenya and Tanzania, an ongoing war between Ethiopia and Eritrea, and an internal war in Sudan....As of December 1998, 14 of the 20 countries in the USCENTCOM AOR [U.S. Central Command area of responsibility] were characterized as “High Threat” countries.

Djibouti, which had been the Navy refueling stop in the Southern Red Sea for over a decade, began to deteriorate as a useful port because of the Eritrea-Ethiopia war. This war caused increased force-protection concerns for our ships, as well as congestion in the port resulting in operational delays. The judgment at this time was that USCENTCOM needed to look for more refueling options, and Aden, Yemen was seen as a viable alternative. At the time the refueling contract was signed, the addition brought the number of ports available in the USCENTCOM AOR to 13. Selection of which of these ports to use for a specific refueling operation involves careful evaluation of the threat and operational requirements.

The terrorism threat is endemic in the AOR, and USCENTCOM takes extensive measures to protect our forces.... The threat situation was monitored regularly in Yemen and throughout the AOR. The intelligence community and USCENTCOM consider this AOR a High Threat environment, and our assessments of the regional threat and the threat in Yemen were consistent in their evaluation. We had conducted a number of threat assessments in the port, and throughout the area. However, leading up to the attack on USS Cole on 12 October, we received no specific threat information for Yemen or for the port of Aden that would cause us to change our assessment. Had such warning been received, action would have been taken by the operating forces in response to the warning.<sup>7</sup>

***Anticipating new modes of terrorist attack.*** Truck bombs have been used to attack U.S. targets for at least 17 years. Did U.S. intelligence and counter-terrorism agencies anticipate or consider sufficiently plausible the possible use of the maritime equivalent of a truck bomb against a U.S. Navy ship in a harbor? If not, what changes, if any, should be made to improve the ability of U.S. intelligence and counter-terrorism agencies to identify and give sufficient prominence to modes of terrorist attack that have

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<sup>7</sup> Opening Remarks of General Tommy R. Franks, Command In Chief, U.S. Central Command, Before the United States Senate Armed Services Committee, 25 October 2000. This statement is posted on the Web page of the Senate Armed Services Committee under the hearing in question.

not been previously used? Should U.S. officials reach out more to non-governmental organizations and individuals for help in this regard?

***Protecting against threats posed by persons with legitimate access.***

What is the best way to defend against terrorist attacks by persons with legitimate access to U.S. installations or forces? The Cole was refueled by a private Yemeni ship supply company that had advance information on the ship's itinerary. Although it now appears that the attack may have been carried out by persons with no connection to this firm, the attack still raises questions about the security implications of relying on private foreign companies to refuel U.S. Navy ships. What steps can be taken to reduce the risk posed by relying on such firms? Should, for example, the State Department's Anti-Terrorism Assistance program (ATA) be enhanced so that it can better assist foreign governments, when needed, in personnel screening and security procedures?

***The role of the FBI in overseas counter-terrorism investigations.*** Some observers have asked whether (or under what circumstances) it is appropriate for the FBI, traditionally a domestic U.S. law-enforcement agency, to take a *de facto* lead role in overseas investigations of terrorist attacks. Although the FBI's investigative skills are critical to such investigations, some observers argue that other skills outside the FBI's area of specialization, including having an in-depth understanding of foreign countries and cultures and the diplomatic ability to ensure host nation cooperation, are equally important components of such investigations. Clearly, small nations may feel overwhelmed by large numbers of FBI agents and the political sensitivities of their insistence on questioning local witnesses/suspects. Conferees on the FY2001 Foreign Operations Appropriations bill (H.R. 4811) made \$4 million for counter-terrorism training in Yemen contingent on FBI certification that Yemen is fully cooperating in the Cole investigation.

***Insuring coordination of any retaliatory response.*** An important challenge facing U.S. counter-terrorism officials is to ensure that U.S. actions for military/economic retaliation for terrorist attacks are adequately planned. The need for maintaining secrecy in planning military actions can discourage interagency coordination, which in turn can create a potential for making a planning mistake. Some observers argue that the U.S. cruise missile attack on what some believe was a legitimate pharmaceutical factory in Sudan in response to the 1998 embassy bombings in East Africa was a mistake caused in part by lack of interagency coordination that deprived decisionmakers of important data which might have influenced the target-selection process.<sup>8</sup> If it is determined that the attack was linked to Bin Ladin, a major issue is how the U.S. responds and prevents further attacks from a network that is believed responsible for several anti-U.S. attacks since 1992. The U.S. retaliatory attack on Afghanistan in August 1998, a response to the East Africa Embassy bombings, did little to damage Bin Ladin's network or his ability to plan attacks.

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<sup>8</sup> For a discussion of the bombing response and its policy implications, see CRS Report 98-733, *Terrorism: U.S. Response to Bombings in Kenya and Tanzania: A New Policy Direction?* by Raphael Perl. Washington, 1998. (September 1, 1998) 6 p.