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# Revisiting the United States Hostage Negotiation Policy: An Academic Imperative. Part I

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Title: Revisiting the United States Hostage Negotiation Policy: An Academic Imperative. Part I

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IBPP Note.-----The following article was written by Dr. Ayla H. Schbley. Dr. Schbley is Visiting Assistant Professor, Criminal Justice, School of Community Affairs, Wichita State University. Dr. Schbley has had experience in military special operations and with the United States (US) Drug Enforcement Administration and other US intelligence agencies. Dr. Schbley also has been an editor of *Terrorism: An International Journal*.

Abstract. To get hostages released without harm requires a national policy committed to that principle. With that in mind, there needs to be an understanding of the perpetrators' "objective view" of reality. These views have political, economic, psychological, cultural, ethno-religious and perceptual dimensions. Those multivariate dimensions of any hostage situation mandate policies that should be based on law enforcement and military perspectives, in order to be flexible enough to permit their consideration and continuously evaluate their national and international implications.

Such policies and outlooks on hostage negotiations would curtail the Oliver North- and Poindexter- like incursions into Iran or the need for Giandomenico Picco or Terry Waite. It would also produce seasoned law enforcement and foreign service officers' staffing liaison missions versed in hostage takers' cultures, belief systems, and operational codes. Understanding these cultures, ethno-religious imperatives, and emotions in hostage negotiations provide a relatively reliable insight into both "the affective state" and potential volatility of each hostage situation. The United States is in dire need for a national policy that would seek to supplement intelligence sharing and military retaliation with international law enforcement cooperation in order to anticipate perpetrators' behavior and determine which of their " buttons to press or avoid pressing" in order to secure the safe and expedient release of hostages while containing their menace.

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It is time for researchers in conflict and terrorism to provide the needed literature and comparative analyses necessary to reformulate coherent antiterrorism and hostage negotiation policies. Such policies would not only win the approval and admiration of the United States (US) Congress, practitioners, and the American people alike, but the international community as well (Busy 1990). The US, obsessed with its tough-on-terrorism rhetoric, has lost sight of the real issues instigating most hostage-takings (Stossan 1997). This loss of sight is predominately due to a reactive policy with a zero tolerance label. It is also due to a lack of comparative research assessing national and international law enforcement cooperation and policy on hostage taking and a hegemonic leadership committed to preempting terrorism (Downie 1992, The President of the United States 1987).

Bombing terrorist training facilities in Afghanistan, Tripoli and Khartoum, while providing weapons to Hezbollah, Abou Sayaf, and Al' Qaeda via Iran, Libya, and Afghanistan, is anything but an antiterrorism and/or hostage negotiation policy. The US Anti-Terrorism and Hostage Negotiation Policy as outlined in the preamble of the classified National Security Decision Directive 138 is not only outdated but

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impractical, cumbersome, reactive, naïve, and counter-productive (Hoffman 1999b, 1997, 1996, & 1992 ; Richman 1990).

Although terrorism and hostage-taking are inherently immoral, they are the byproduct of terrorists' commitments to resolve perceived inequities and/or communicate divine grievances. The belief that the US derives its "moral authority" to target individual terrorists from its intention to reestablish the "Moralpolitik" and crush terrorism militarily, not through international law enforcement cooperation, is the problem not the solution (Appleby 2000, Teson 1994).

Even though we have more presidents than ever before who have been victims of terrorism, have campaigned to develop anti-terrorism measures, and have chaired special task forces for combating terrorism, we find that our nation's present 400-plus-page hostage negotiation policy may be summarized by the sentence "We will not negotiate with terrorists."

The US lacks the stamina to employ a policy that reflects the real world. Instead, it implements policies based on abstract theories and/or the exceptional circumstances of other countries (Ezekiel 1991, Vaughn-Jr 1989). The US needs a hostage negotiation policy that will not only resolve crises but also will preempt and/or deter future acts of terrorism and hostage taking.

We need a hostage negotiation policy based on international law enforcement cooperation. Although we need a policy based on investment in international law enforcement strategies and liaison missions, what we have implemented and keep on budgeting (over \$ 30 billion/year) is a policy based solely on international military intelligence cooperation with foreign oppressive regimes. These military associations may be not only counterproductive but also behind subversives' retaliations. The road that has led to the erosion of British, French, German, Irish, Italian, and Japanese civil liberties--limitation of movement, communication, assembly, speech, the press, mail, and even email--is due to the militarization of domestic counter-terrorism units. This road, which has most likely been paved with the latter nations' elites' good intentions, must not be the path to the erosion of our democracy.

These statements must not be construed in any way as justification for terrorism or empathy with terrorists. Nevertheless, they are poignant indicators of our misguided interest in curbing terrorism that has led to our present precarious predicament as the prime target of international terrorism as hostage pools (Hoffman 1999 & 1997, Fuselier 1986).

In this researcher's opinion, the formulation, passing, and implementation of the Boland and Clark Amendments as viable anti-terrorism/hostage taking policies or the misappropriations for the 1996 Defense Against Weapons of Mass Destruction Act--viz., the Nunn-Lugar-Domenici Amendment--are indicators of our decision-makers' diffusion of their responsibilities by expenditures (Ezekiel 1991). This ongoing gestalt switch, away from conventional threats and international law enforcement cooperation, may be attributed to the lack of ongoing policy assessments and comparative policy analyses dealing with terrorism. For example, a survey of 76 academic and US government publications on international terrorism published from 1985 through 1996 suggests that the US has yet to reach a sufficient output on counter-terrorism/hostage negotiation policies and their cross-national comparative analyses (Fitzgerald 1998, Heymann 1998, Parker 1994, Ezekiel 1991, English 1989).

Our multi-cultural communities in the United States have endured thousands of hostage-taking incidents and waves of domestic terrorism. As a result, decision-makers have implemented workable solutions that have proven efficient and effective in the eyes of the court as well as the American public.

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They have nourished the evolution of domestic counter-terrorism/hostage taking policies into crisis containment and management policies and procedures. These domestic encounters and counter-procedures are an ample and vital source of information readily available for analyses and consideration (U.S. Congress 1995).

Hostage negotiation is hostage negotiation--be it with a barricaded person in a bank seeking a "ticket out" or terrorists in an airplane seeking political asylum and/or recognition (Rogan, et al., 1995). The US Federal Bureau of Investigation (FBI) Critical Incident Response Group (CIRG) and its Critical Incident Management Teams (CIMT) training dictate that negotiators must avoid intimidating, demeaning, lecturing, criticizing, and evaluating subjects (Fuselier 1986 & 1981). This encourages negotiators to create an atmosphere of empathy and respect. It is only in such a climate hostage-takers will feel safe enough to consider alternate perspectives and become receptive to positive suggestions from negotiators (Rogan et al., 1997; Noesner et al., 1997).

The conscientiousness and proper motivation of our law-enforcement officers, with whom we have entrusted our domestic security, have produced viable solutions to negotiating crisis situations without compromising public safety or the integrity of our communities (Rogan et al., 1997; Koch, 1990). Their cooperation with their foreign counterparts, if we to encourage it via resource reallocations, would nurture such cooperation and our trust in the latter's capabilities.

The one sentence policy--"We [the US] will not negotiate with terrorists"--must not be the policy. It has been our experience that it cannot be the policy (Strossan 1997). In the fall of 1984 and 1986, the U.S. conducted secret negotiations with the Iranian government to release the 244 US hostages in Iran and, then, the six hostages in Lebanon. It was done without provoking the taking of additional hostages and threatening the security of Americans worldwide (Hoffman 1999b, 1996; U. S. Congress 1995; Olson 1989).

The impact of hostage negotiations is far reaching. In fact, hostage negotiations may have dictated the outcomes of two US Presidential elections and have been an Issue in several others (McCauley 1991). It is argued that one of the reasons the citizens of the US voted the Kennedy Administration into office was due to the failure of the Eisenhower's to negotiate the release of a U-2 pilot out of Russia. Conversely, the Carter Administration was voted out of office for failing to negotiate the release of the US Embassy Staff out of Iran (Richman 1990).

Recognizing hostage taking as a misguided communication of grievance with the US--will assist us in preserving what we value the most--viz., the life and security of our citizenry. Hostage negotiation does not imply giving in to terrorists or impeding our national security, pride, and dignity (Hoffman a1999 & 1996, Murray 1990). The unenviable life-on-the-run of Mougriah, Salameh, and Bin Laden does anything but compel the uncommitted to take on the US. However, if our national elite applies the Buddhist's "Mindfulness" to the formulation of our hostage negotiation policy as a means to defuse conflict situations and looks past "the immediate intentions of an aggressor to the underlying cause of the violence in question "the disturbing emotion that prompted the person to act violent," they may break the cycle of violence and address the disordered conditions that provoked aggression against the United States in the first place (Appleby 2000, p. 94; Juergensmeyer 2000; Koch 1990).

In his report, the Deputy Attorney General Philip Heymann stated the following:

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"Hostage negotiation crises pose great dangers and require skills that are not routinely available to law enforcement agencies. The critical elements needed are trained and experienced negotiators, supported by pertinent research on successful techniques in similar situations, who can attempt to achieve a peaceful resolution and behavioral science experts who can advise the tacticians and the negotiators about the aspects and assist them in developing strategies? " (p. 5).

The overwhelming peaceful resolutions of over 10, 234 domestic hostage situations per year in the United States provide us with tried and proven methods and techniques essential for formulating hostage negotiation policies and communicating with hostage takers (Karmen 1996). These are poignant testimonies to the effectiveness of nontactical approaches for resolving crisis situations.

Such policies and approaches have mandated the empowerment of the negotiators with the needed and necessary knowledge, communication skills, resolution strategies, information on hostage taker emotionality and anxiety, rapport (relationship) building strategies, psychological profiling, and cultural diversity as it affects negotiation (Heymann 1998 & 1993, White 1993). Not only the experiences of those responsible for our internal security, but also those of France, Belgium, Italy, Spain, and Sweden, support such exigency (Hoffman 1999a, 1998; Heymann, 1998, Teson, 1994). The policies of the latter European communities have prompted cities such as New York and Los Angeles to take decisive actions. These cities created model hostage negotiation teams, such as the "Talk To Me" and "Crisis Intervention" teams that gave origin to the FBI's CIRG teams (Azrin 1994). It is a case in point when local initiatives instigated progressive national reaction.

France, Italy, Germany, and Sweden have even negotiated with Hezbollah in Beirut, where the United States failed so miserably (Hoffman, 1999a). The policies of those European countries have empowered them to secure the freedom of their citizenry and to maintain antiterrorism vigilance without incurring additional hostage taking. Their policies are based on the logic that once communication channels have been established with a terrorist cell, the venue of hostage taking will become counter-productive (Hoffman a1999, Lanceley 1981).

Such an outlook on hostage negotiations would prohibit the Oliver North- and Poindexter- like incursions into Iran from occurring. It would also produce seasoned Law Enforcement and Foreign Service officers--staffing permanent liaison missions, that are versed in hostage takers' cultures, belief systems and operational codes (Plutchik 1993, Cohen 1991). Such foreign missions would permit the study and understanding of their host cultures, religions, and emotions needed in hostage negotiations and can provide relatively reliable insight into both the affective state and potential volatility of a given situation.

Such armaments of understanding and knowledge about terrorism and hostage taking would preclude the need to carry cyanide pills. It would permit us to police not terrorize our citizens, those of our global village and their uncommitted adversaries. Such approaches to the resolution of hostage taking crises may alleviate our dependency on the United Nations and/or religious emissaries, such as Mr. Giandomenico Picco and Terry Waite, to free our citizens and/or communicate our commitment to their safety and security (Kor 1991, Richman 1990). They could include Expressive and/or Communication-Based methods that may be as effective in international as in intranational hostage-taking situations due to hostage takers primary motive, self-interest (Rogan et al., 1997; Post, 1990).

Research on terrorism and political violence could benefit from assessing the relevance of the psychophysical and psychosocial theories of emotion in our field of study. They have demonstrated links

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between affect and personality traits, whereby personalities of hostage takers are derived from a mixture of emotions and emotional experiences (Miller et al., 1992).

Researchers could benefit from the crisis negotiation literature, which identifies causal relationships between antecedent stressors, language intensity, antisocial personalities of the paranoid schizophrenic, the manic-depressive, the intermittent explosive personalities, the borderline personalities, and potential motivations for terrorism. Some of this literature is predicated upon the assumption that individuals possess certain characteristic personality styles that are stable over time. Future research may find that once the personality type of a terrorist cell leader is correctly identified an appropriate negotiation strategy can be implemented (Rogan & Hammer 1995, White 1993, Plutchik 1993, Magai & Hunziker 1993, Borum & Strentz 1992, Averill 1992, Miller & Leary 1992, & DiVasto et. al. 1992).

To be able to negotiate across cultural divides; to understand the cult process in the recruitment of terrorists; to identify the personality traits of a cell leader; to perceive the situation from the perpetrators' objective view of reality, including its political, economic, psychological, cultural, ethno-religious and perceptual dimensions; and to communicate with empathy are not only necessary but also should be mandated. This is so in order to "shift the interaction with a perpetrator from crisis bargaining to normative bargaining" and denotes a shift from an "irrational, emotional, imbalanced and feeling-based confrontation to a rational, structured, thoughtful, and rule-governed problem solving" (Donohue et al., 1991, p. 138). This shift mandates experience, education, and training that the Oliver Norths don't have and, thus, cannot apply. Communicating with Abdul Khaalis, Al Saiid Naser, or Omar Abdel Rahman--whom are permanent residents of our Super-Max federal penitentiaries--would necessitate no more expertise and know-how than communicating with their associates and/or followers in Cairo in order to safeguard our citizens (Karmen 1996, Cohen 1991, Birdwhistell 1968). Nevertheless, history has demonstrated that we are able to masterfully manage those in New Jersey where our citizens are the perpetrators of violence, thanks to our law enforcement capabilities, and deplorably bungling the second where they are its victims and those of our military intelligence efficiency. Caring for our victims of terrorism such as missionaries Mark Rich, Dave Mankins, and Rick Tenenoff should be accorded equal, if not higher level of importance than their victimizers and those who dare to trespass against them.

It is this author's opinion that hostage negotiation does not jeopardize the future safety of Americans abroad--as assets for negotiation, it does, in fact, protect them (Anderson 1993). Equally important, it provides future terrorists with an alternative to killing. It also provides an opportunity for our intelligence agencies not only to properly identify them, but also to properly trace their financial infrastructure and neutralize their future threat.

This researcher is not suggesting the US forgo tactical military-information warfare, transnational cooperation, and/or intelligence technological innovations necessary to maintain its upper hand in low-intensity/asymmetric conflicts (Uyeda 1995, Hoffman 1992). Without question, these tools are intrinsic and essential to combating terrorism. This author is suggesting a bona fide marriage between US domestic and international resources to combat terrorism, not just mere representation at the Center for Terrorism Control and its Global Response Commands. He is suggesting that we speak softly before we deploy our reactive and/or special operations forces; permit our law enforcement agencies to handle hostage negotiations first, for they are most apt to place the interest of our own people above all others; represent their best interests; and demonstrate our commitment to their safety by exhausting all possible civil and politically acceptable options/ mechanisms before launching our cruise missiles.

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To protect US citizens is to allow our law enforcement agencies to open channels of communications with those who dared to trespass against them and with the latter's countries' law enforcement agencies. Those agencies may not be as corrupt, objectionable, self-preserving, counter-productive, or controversial as those foreign counterterrorism entities.

To enforce foreign law enforcement cooperation with incentives is to get not only resolution, but also real time intelligence and a chance to know our adversaries. "To know us is to love us," and to know hostage takers is to be able to preempt their aggression (Post 1990). However, we must not recognize publicly terrorists' efficiency, for we would confirm their effectiveness and/or insight copycats. Thus, in order to keep our citizens safe, we must keep their terrorists closer, without disclosing their standing (Colter 1998).

We must fight terrorism within its most rudimentary precept. In this endeavor, we must use our domestic law enforcement resources, for their efficiency and effectiveness will reduce cost and save lives. The involvement of law enforcement agencies would permit us to choose the time, place, and mode of retaliation. We must recapture these exigencies, the selection of when and how to retaliate, which have traditionally been guarded by terrorists and counterterrorists as their domains (Colter 1998). In this contemporary global village of ours, law enforcement agencies are and will be able to "bag the bums," follow the money, exercise vengeance, seize assets, restrict fund raising, and make examples when and where we deem convenient.

If Israel's Shin Bet and Mossad can reach out and touch a cell leader through his cell phone, or in his motorcade, thus curbing the affinity of those who want to be, then our military and civilian agencies should be willing and able to do so. Our military have been able to intercept them in mid-air, over the Mediterranean, some 5,000 miles from our shores. But only our civilians have been able to lure them into our courts and prisons. Both organizations have what it takes. What is needed is their resolution to do it within the right intensity, time, and place.

Terrorists win by forcing us to react through our military forces only (Post 1990). They win, when we allow our military agencies to limit civilian's input. This military control will lead to the enactment of Marshal Laws, as England has, and the restriction of our citizens' liberties, movement, and freedom of speech. Simply put, terrorist's gains will erode not only our most basic sense of security, but also our democracy.

Hostage negotiations encompass communicating to terrorists not only the US's concern for the safety of our citizens and for the perpetrators' own communities, but also for our commitment for a speedy resolution of the crisis and also for the likelihood of their future apprehension (Cohen 1991). The percentage of our resources dedicated to address these low-intensity conflicts is nothing more than a measure of the US's commitment to combat terrorism. This thirty billion dollar budget is a sizable measure of the intensity of our commitment to our civil liberties, to our citizens' sense of security, and to debilitate those who undermine them (Hoffman 1990, Downie 1992). For those who are most committed will always win.

In our global community, terrorists achieve their ultimate goal by capturing the media, not hostages (Strossan 1997, Hoffman 1990). In this zero sum environment, every minute of media exposure, due to delays in liberating hostages reiterates terrorists' gains (Murray 1990). Thus, terrorists win the moment US citizens become aware of their presence. The impact of such engagement increases exponentially every day thereafter (Teson 1994, Post 1990).

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We have what we need and terrorists worldwide know it. That's why we must speak softly by involving our civilian law enforcement agencies. Not only do we carry a big stick, but also the cross of democracy, the emblem of hegemony, the social conscious, and the obligations of our global community. (Keywords: Bin Laden, Boland and Clark Amendments, CIRG, Culting Process, Fadlalla, Hos-tage Negotiation, Mindfulness, Moralpolitik, Mougnyah, Salameh, Shin Bet.)