

GETTING TO YES WITH TERRORISTS

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INTRODUCTION

Since the attacks on New York City and Washington, D.C., there has been a flurry of activity aimed at combating terrorism¹ at home and abroad. There is no indication that terrorist attacks on the United States will cease, and there is, furthermore, no indication that the approach to terrorism in this country is likely to change. However, in order to adequately cope with many terrorist situations, our perspective must evolve.

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1. The term "terrorist" is correctly provocative, but incorrectly pejorative. When Ronald Reagan described the Contra Sandinista movement in Nicaragua, he used the term "freedom fighters," which, after its use in this "newspeak" context, is useful only for political cartoons. See Ronald Reagan, Remarks at the Conservative Political Action Conference (Mar. 1, 1985), in RONALD REAGAN, SPEAKING MY MIND: SELECTED SPEECHES 271 (1989). The English language does not provide us with a non-pejorative term for a non-conventional combatant engaged in covert, guerilla, or psychological warfare, and I am unwilling to engage in the practice of creating a new term. Therefore, "terrorist" it is, and "terrorist" it must be. I merely caution the reader that I do not use this term pejoratively and, at least for the duration of this study, I ask the reader to not take it as such.

This study will examine the crisis situations of hostage and terrorist activities, as well as the applicability of negotiation theory to them. It will examine current law enforcement and military responses to these crises and the negotiation theories utilized. There will be a particular focus on what I believe to be an underlying weakness in all the theories, which is a neglect or misapplication of political and cultural specific factors to these negotiations.

Most governments and mainstream media sources characterize the careless bank robber, caught off-guard who holds customers hostage, and the Tupac Amaru rebel who seizes diplomats in order to promote a political cause as the same – criminals. American law enforcement subscribes to the theory that both situations should be dealt with identically.² This is not the point of departure for this study. Characterizing a terrorist as a mere criminal puts a negotiator at an immediate disadvantage if he wishes to negotiate effectively.³

A basic tenet of guerilla warfare is that when you are confronted with a superior enemy, seize that which he holds dear and he will crumble.⁴ Whether it is an airliner, a cruise ship, hostages, or a sense of safety, groups and individuals use terrorism and hostage situations in furtherance of this ancient principle. Terrorists typically use modern compact explosives and frequently act against targets that are vulnerable because of their advanced technology (e.g. airplanes). This creates the impression that terrorism is a relatively new phenomenon. Nothing could be further from the truth.

Terrorism is not new. Armies have tried to strike terror into the hearts of their enemies since armed conflict began. The reasoning behind this was that the terrified enemy would either not fight at all or do so poorly because of fear and a sense of hopelessness. In short, terror was a means whereby the enemy's behavior could be modified.⁵

This is the position of the United States Army. However, in its program to combat terrorism and in the majority of governmental propaganda, the Army's position changes when unconventional armies employ terror as a tactical device. It characterizes those who use terror as surrendering "any

2. See G. Dwayne Fuselier & Gary W. Noesner, *Confronting the Terrorist Hostage Taker*, at <http://www.emergency.com/host-tkr.htm> (July 1990).

3. This is not to say that I argue for a different treatment of terrorists if they are apprehended, nor do I endorse the current governmental response of treating them as common criminals. The sole reason for drawing the distinction is to promote more effective interest-based negotiation with political terrorists.

4. This theory was originally propounded by Sun Tzu, but it is found in writings by Ho Chi Minh and Mao Tse-tung, both of whom employed it with great success. See SUN TZU, *ART OF WAR* 220 (Ralph D. Sawyer trans., Westview Press 1994).

5. *The Army's Program to Combat Terrorism*, para. 3, at http://www.uwosh.edu/departments/military_science/spring/402-40.html (last visited Dec. 1, 2002).

claim to moral justification for their acts.”⁶ I do not challenge this assertion, but I challenge characterizing the use of a car-bomb to achieve a political goal as any less morally justified than the employment of a missile, a bomber, tanks, or a large standing army of foot soldiers. I do not assert that killing for political objectives is justified, nor do I assert that it is unjustified, but I tacitly reject the notion that it is justified so long as the killer has the economic means to purchase a long-range bomber. Therefore, in order to properly study this field, and in order to properly negotiate with someone engaged in these practices, moral objectivity must be maintained. From the perspective of this study, an organized army that bulldozes civilian homes to further its nation-state’s political objectives and the underground operative who furthers his politics by planting a car bomb in a civilian area are equally morally unjustified.

I. HOSTAGE SITUATIONS

The Federal Bureau of Investigation (FBI) defines a “hostage” as “[a] person held and threatened by a subject to force the fulfillment of substantive demands on a third party.”⁷ Law enforcement scholarship on the subject typically requires that the victim be held in a location known to law enforcement for it to be characterized as a hostage situation and not a kidnapping.⁸ Both of these views are unnecessarily myopic. In a terrorist situation, the “hostage” need not be a person. Terrorists may, for example, threaten the safety of a city, or threaten to destroy an object of great importance to their adversary. In addition, holding hostages at an unknown location may place the terrorist in a position of greater power over the negotiators by removing the possibility of imminent tactical intervention.

6. *Id.* para. 9.

7. G. Dwayne Fuselier, *Hostage/Barricade Incidents: High Risk Factors and the Action Criteria*, para. 35, at <http://www.textfiles.com/law/hostage.law> (Jan. 1991).

8. See generally Theodore B. Feldmann, M.D., *Psychiatric Consultation to Police Hostage Negotiation Teams*, 19 AM. J. FORENSIC PSYCHIATRY, 1998, at 27 (characterizing these situations as always containing the element that a person or persons is held in a place known to law enforcement officers).

Regardless of the location of the hostages or their form, making a distinction based on these factors is counterproductive.⁹

Motivations for hostage taking are traditionally categorized by the FBI as "(1) to effect an escape from an interrupted criminal act, (2) to elicit sympathy for radical causes, and (3) to embarrass governments and force a change in domestic or foreign policy."¹⁰ My study does not specifically address category one hostage situations, but these events do share the important characteristic that any hostage situation must be recognized as an act by a party to enhance its negotiating power in a situation of great disparity in economic, political, military, or mass-communicative power.¹¹ Understanding the motivation for holding the hostage as an attempt to equalize an otherwise insurmountable balance of power is the first step in understanding the interests of the hostage takers.¹²

Step two is being able to understand that terrorist situations are not criminal situations, but are paramilitary political events. The New York City Police Department (NYPD) was a pioneer in the creation of specific hostage-negotiation teams, but the fact that its theories were developed from a law enforcement perspective places negotiators at a strong disadvantage if they seek to resolve terrorist situations without the use of immediate force, and wish to work toward prevention of such activities in the future. The NYPD program is built on two basic premises: "(1) the hostage has no value to the hostage-taker other than serving as a tool or device to attract an audience and gain attention, and (2) the prevention of violence is in the interest of both police and the hostage-taker."¹³ This is an example of "expressive approach"

9. It is useful, however, to make a distinction between a hostage situation and a barricade situation, in which the individual has no demands, has merely retreated to a barricaded position, and refuses to surrender. See generally Theodore B. Feldmann, *Dealing with Large-Scale Hostage and Barricade Incidents: Implications for Negotiation Strategies and Training*, in COLLECTIVE VIOLENCE: EFFECTIVE STRATEGIES FOR ASSESSING AND INTERVIEWING IN FATAL GROUP AND INSTITUTIONAL AGGRESSION 335 (Harold V. Hall & Leighton C. Whitaker eds., 1998).

10. *Id.* at 336 (citing G. Wayne Fuselier, *A Practical Overview of Hostage Negotiations (Part I)*, 50 FBI LAW ENFORCEMENT BULL., June 1981, at 2-11).

11. See generally ROGER FISHER & WILLIAM URY, *GETTING TO YES: NEGOTIATING AGREEMENT WITHOUT GIVING IN* 177 (Bruce Patton ed., Penguin Books 2d ed. 1991) (1981) (addressing questions about power in negotiations).

12. See generally Vittoriofranco S. Pisano, *The Italian Experience*, in TERRORISM AND PERSONAL PROTECTION 64 (Brian M. Jenkins ed., 1985). "[A] kidnap situation enables the political terrorist to seize the initiative and to impose, regardless of the outcome, some form of a dialogue as a co-equal with the institutions he is attempting to subvert." *Id.* at 64.

13. Feldmann, *supra* note 9, at 337.

terrorist negotiation, which also assumes the premise that if the hostages are killed, the terrorist must assume the consequences.¹⁴

A basic principle of psychological warfare is the economy of kill one to influence one thousand.¹⁵ For a committed political operative engaging in psychological warfare, the death of the hostages, and, thus, the death of the actor is not necessarily a negative consequence.

II. THE GOALS AND DYNAMICS OF THE HOSTAGE NEGOTIATOR

The “textbook” goals for governmental hostage-negotiators are: (1) establish contact with the terrorists; (2) elicit situation specific information, such as “the number of hostages and hostage-takers, demands, illness or injury to the hostages, and motivations for the incident; and [(3)] to conduct a meaningful dialogue with the hostage-takers which will result in . . . [the] safe release of the hostages.”¹⁶

These goals may be useful when the hostage-taker is a convenience store thief, caught in the act and holding the clerk in the walk-in cooler; but in a political hostage crisis, they will actually work against the true interests of the polis.¹⁷ Additionally, a governmental directive issued by the United States Army states that:

14. See generally Harvey Schlossberg, *Police Response to Hostage Situations*, in CRIME AND JUSTICE IN AMERICA: CRITICAL ISSUES FOR THE FUTURE 209 (John T. O'Brien & Marvin Marcus eds., 1979).

15. “Kill one man, terrorize a thousand” is inscribed on the wall of the United States Mariner Sniper School at Camp Pendleton. Tony Perry, *A Sniper at Peace with His Duties*, L.A. TIMES, Jan. 22, 2000, at A1. This statement is also attributed to Mao Tse-tung. See Stuart J. Sweet, *Baghdad Math: Is Taking Iraq Bullish or Bearish?*, National Review Online, Oct. 11, 2002, at http://www.nationalreview.com/nrof_sweet/sweet101102.asp.

16. Feldmann, *supra* note 9, at 337.

17. I use the term *polis* instead of *government* because the interest of the government may be the immediate defeat of the terrorists and the resultant shoring up of its military or law enforcement control. However, the interest of the citizenry is a lasting end to unpredictable violence. In addition, sometimes the political interests of the terrorists may be of direct benefit to the citizenry whereas their defeat would benefit only the security forces. See, e.g., Pisano, *supra* note 12, at 77. Pisano describes the Red Brigades kidnapping of Ciriaco De Mita, former president of the Italian region of Campania (akin to a state governor in the United States), who was abducted and tried for deficient provision of assistance to poor communities following an earthquake in Naples, Italy. See *id.* at 77-78. When the government agreed to pay the “fine” of requisitioning apartments for the displaced, subsidies to the local unemployed, a payment of 1.450 billion Italian Lire, and publication of the record of the trial, De Mita was released. See *id.* Given governmental intransigence prior to the kidnapping, the diversion of funds to corrupt sources, and the resultant widespread suffering in Naples, the number of citizens aided as a result of this affair at least permits us to raise the question as to whether the action was more representative of the needs of the polis than the apprehension of the perpetrators.

All terrorist actions are criminal and intolerable, whatever their motivation, and should be condemned Concessions will not be made to terrorist extortion, because to do so invites further demands Even in an internationally recognized war or conflict (conventional, limited, or civil war), a terrorist act is a criminal act. Only combatants can legitimately attack proper military objectives Terrorists, by definition, do not meet the four requirements necessary for combatant status (wear distinctive insignia, carry arms openly, commanded by someone responsible for their actions, and conduct their operations in accordance with the law of war).¹⁸

Establishment of contact is usually a valid goal. Negotiation cannot take place without it. The intelligence gathering functions of goal two are important, but they speak from a law enforcement perspective, which examines the crisis as merely a breach of the peace to be contained or extinguished, which in turn is in conflict with goal three: conduct a meaningful dialogue. Meaningful dialogue cannot be established with a committed political operative when that operative is viewed as a common criminal and when the primary objective of one-third of the negotiation is based on gathering information to use in a tactical assault. If the point of departure of a negotiator is that his adversary is not negotiating from a position of legitimacy, the underlying ideological and political conflict can never be taken adequately into account. Without this, meaningful dialogue cannot be established and regardless of the outcome of the situation at hand, no foundation for peace can be built.

Furthermore, the hypocrisy of the United States Army's criteria for defining combatants damages the legitimacy of the government negotiator in the eyes of a political operative. If the President may call in an air strike from a plane flying at 50,000 feet, what difference does it make that the pilot is wearing a distinctive insignia? The difference between remote delivery of a destructive weapon from a stealth bomber or from a rental van is nonexistent. Reliance upon this foundational philosophy increases the necessity of the government to resort to its Best Alternative to a Negotiated Agreement (BATNA), which is a tactical intervention, and the resultant necessity of the terrorist operative to exercise his – the killing of the hostages or destruction of the seized or threatened objective.

Negotiations from this point of view can possibly solve the positional-based objectives of freeing the captives or neutralizing the threat of future destruction, and even the apprehension of the terrorists. However, the interest of the polis – greater social justice and enduring peace – cannot be achieved with a SWAT team. Government philosophy like this is precisely the reason that Waco and Ruby Ridge ended in disaster and embarrassment for the

18. *The Army's Program to Combat Terrorism*, *supra* note 5, paras. 33, 35.

government and brought about future violence in the form of the Oklahoma City bombing.

III. THE NEED FOR POLITICAL RELATIVISM AND THE DEATH OF ALDO MORO

Both of the NYPD's premises¹⁹ are true in the case of a bank-robber caught in the act, who holds hostages in an attempt to escape. However, the inherent value of a political kidnappee may be more than mere media attention. The 1978 Aldo Moro kidnapping²⁰ is an example of the greater inherent value in a hostage than that of a mere media prop, and debunks the theory that a hostage taker has the avoidance of violence as a key interest.

Moro was the former premier of Italy "and incumbent president of the Christian Democratic Party,"²¹ Italy's ruling party at the time.²² His abductors, members of Italy's *Brigate Rosse* (BR)²³ sought the release of thirteen confederates who were on trial.²⁴ Moro's prominence as a political figure certainly played into the theory that he was chosen to attract an audience and gain attention; in fact, the eyes of the world were on the BR for Moro's fifty-four days of captivity.²⁵ However, a fact that is ignored by most sources is the fact that the BR held a "people's trial," found Moro guilty, and executed him.²⁶ It is impossible to say for certain what the outcome would have been had the Moro kidnapping gone unnoticed by the media, but it is highly likely that the BR would still have convicted and executed him. A number of other BR kidnappings resulted in verdicts favorable to the captives, who were released unharmed, thus lending legitimacy to the claim that these trials were not a ruse for murder.²⁷

Ciro Cirillo, president of the Campania Region (akin to a state governor in the United States) was abducted and tried for deficient provision of assistance to poor communities following an earthquake in Naples, Italy.²⁸ When the government agreed to pay the "fine" of requisitioning apartments

19. See *supra* Section I.

20. See Pisano, *supra* note 12, at 74.

21. *Id.* at 73.

22. See *id.* at 75.

23. In English, and better known to the American media, it translates to "Red Brigades." See *id.* at 65.

24. See *id.* at 74.

25. See *id.*

26. See Pisano, *supra* note 12, at 74. The BR were Marxist-Leninist influenced, and the crimes they accused Moro of were Marxist in nature, not criminal in the American sense.

27. See *id.* at 78.

28. See *id.* at 77-78.

for the displaced, subsidies to the local unemployed, a payment of 1.450 billion Italian Lire, and publication of the record of the trial, Cirillo was released.²⁹ Giuseppe Taliercio, "manager of the Montedison petrochemical plant . . . [was sentenced to death for] 30 years of antiproletarian activity, [during which] he personified the role and the functions of the imperialist personnel that plan and carry out the restructuring at the service of the multinationals."³⁰ General James Lee Dozier, Deputy Chief of Staff for Logistics and Administration of NATO's Southern European Land Forces,³¹ was tried for his part in "the imperialist state of the multinationals."³²

An American law enforcement officer may disagree with the assertion that the Moro case was an apprehension, trial, and sentencing of a criminal. He may further dispute the legitimacy of a so-called "people's trial." However, a hostage negotiator dealing with a situation such as this must suspend his faith in our system and must, at least in the context of the negotiation, recognize the competing system of values as valid and legitimate.

Jeffrie Murphy inquires into Marxist criminal theory in a persuasive argument that claims that "[c]riminality has two primary sources: (1) need and deprivation on the part of disadvantaged members of society, and (2) motives of greed and selfishness that are generated and reinforced in competitive capitalistic societies."³³ Therefore, many crimes, excluding of course crimes of passion, jealousy, personal hatred, or insanity, are the result of the condition of the underclass – a necessary component in a capitalistic society – or are the result of members of any class simply exemplifying the values exhorted by a capitalist society. He goes on to state that eighty percent of the 1.3 million criminal offenders handled each day by some agency of the United States correctional system (in 1973) are members of the lowest fifteen percent income level, which places them below the poverty line.³⁴ Murphy further analyzes our society by asking whether it is perverse justice to punish someone for acting with greed, selfishness, and indifference to one's fellow citizens when the whole society encourages these motivations. "There is something perverse in applying principles that presuppose a sense of community in a society which is structured to destroy genuine community."³⁵

29. *See id.*

30. *Id.* at 78.

31. *See id.* at 80.

32. Pisano, *supra* note 12, at 65. Dozier's holding cell was found and raided by Italian commando units who released him prior to the final disposition of the BR trial. *See id.* at 78.

33. Jeffrie G. Murphy, *Marxism and Retribution*, 2 PHIL. & PUB. AFF. 217, 234 (1973).

34. *See id.* at 237.

35. *Id.* at 239. The Marxist perspective would seem to be most persuasive when used as an argument against prosecuting white-collar criminals and the politically corrupt – hardly a position in which a Marxist would voluntarily find himself.

A negotiator with a Marxist influenced terrorist must, at the very least, recognize that this is the point of departure for a leftist terrorist operative. Arguing with a terrorist over ideology, or holding onto your own system of beliefs, when it is the clash of beliefs that causes the situation, will be as fatal to negotiations as not speaking the terrorist's language.

IV. CULTURAL AWARENESS AND CRISIS NEGOTIATIONS

The October 1997 issue of *Negotiation Journal* addressed cultural sensitivity in negotiations through a story about a dinner party.³⁶ An American invited two Western couples and two Japanese couples to dinner. The American expected that since he had offered the invitation, he would pay. When the bill came, everyone offered to pay their share, but after some resistance, the Western couples accepted his hospitality, but the Japanese pressed on due to cultural constraints that would cause them to lose face in front of their wives if they did not pay. However, if the American accepted their money, the other couples would be embarrassed. A little cultural homework could have avoided the whole situation.³⁷

In this situation, the stakes were low, embarrassment in front of a few friends, all of whom could eventually be made to understand that the intention was to be polite, not insulting. In the end, the interpersonal relationships were likely to be strengthened, not weakened. Had this been a business meeting, it could easily be a catalyst for the destruction, or at least a slight rusting, of the chances of landing a valuable contract. A similar faux pas in a crisis situation could result, in an extreme case, with the death of a hostage.

The "culture" that is important in crisis/terrorist situations is what is called "subjective culture." Subjective culture is the "norms, values, and meaning of behaviors, emotions, and attitudes of a group of people."³⁸ Subjective culture is that which the crisis negotiator must focus upon because "culture is the way in which . . . people solve[] problems."³⁹ Edward Hall developed a theory of distinguishing cultures based on their predominant communication style.⁴⁰ He ranked them on a scale of high to low context.

36. See generally Robert B. McKersie, *What Would You Do about the Bill For Dinner?*, 13 *NEGOTIATION J.* 315 (1997) (explaining this cultural faux pas).

37. See *id.* at 315.

38. Mitchell R. Hammer, *Negotiating Across the Cultural Divide: Intercultural Dynamics in Crisis Incidents*, in *DYNAMIC PROCESSES OF CRISIS NEGOTIATION: THEORY, RESEARCH, AND PRACTICE* 105, 108 (Randall G. Rogan et al., eds. 1997).

39. FONS TROMPENAARS & CHARLES HAMPDEN-TURNER, *RIDING THE WAVES OF CULTURE: UNDERSTANDING CULTURAL DIVERSITY IN GLOBAL BUSINESS* 6 (2d ed., McGraw Hill 1998) (1994).

40. See Hammer, *supra* note 38, at 109.

High context cultures are ones in which the message communicated is more dependent upon the physical context of the communication, but less is in the explicit and expressed word content of the message.⁴¹ In contrast, low-context cultures place a higher value on the words and a lower value on the surrounding circumstances.⁴² In Hall's example, the United States, Germany, Sweden, and England are low-context cultures, while Arabic, Asian, and Latin peoples are more likely to communicate in a high-context fashion.⁴³ "[H]igh-context [cultures] value tactfulness, indirect speech, and ambiguity of expression."⁴⁴ Meanwhile, low-context cultures prefer a subject to say exactly what they mean.

Given the fact that the vast majority of the world's people exist in high-context cultures, western crisis negotiators should be prepared to cope with not only the differences in negotiation style, but also with the added stress and agitation that will necessarily arise when the two forms of communication clash. As stress increases, low-context negotiators become increasingly reliant on direct communication, but the high context individual will move more toward non-confrontational techniques.⁴⁵ The result is that a low-context negotiator reacting to increased stress can appear to a high-context negotiator as desiring a move toward escalation of the conflict while the low-context negotiator can interpret the increasing vagueness and indirectness of the high-context negotiator as insincerity.⁴⁶

The Freeman standoff and the Atlanta and Oakdale prison riots are examples of crises in which the culture of the subject was of great importance, and proper attention to cultural variances helped to achieve peaceful settlements.⁴⁷ In Jordan, Montana, although the government and the Freeman were all Americans, the governmental employment of James "Bo" Gritz, a right-wing activist, was extremely well advised.⁴⁸ Gritz was able to "speak the language" of the Freeman, and return to the FBI with information that would not have otherwise been available.⁴⁹ When the Freeman finally surrendered, it was due to a proposal by outside right-wing foundation members – valuable resources since the Freeman did not recognize the authority of the United States government.⁵⁰

41. *See id.* at 109-10.

42. *See id.* at 110.

43. *See id.*

44. *Id.*

45. *See id.*

46. *See* Hammer, *supra* note 38, at 110.

47. *See* Feldmann, *supra* note 9, at 340-41, 345-47.

48. *See id.* at 346.

49. *See id.*

50. *See id.* at 346-47.

The 1987 Atlanta and Oakdale riots were prison uprisings by detainees from the Mariel boatlift of 1980.⁵¹ Through open-minded observation, the negotiators were able to overcome cultural differences between the two parties. For example, the Cubans initially used heated rhetoric, emotional outbursts, and threats to kill all the hostages. Once the negotiators realized that these were more expressions of posture and bravado, and not concrete threats, their potential for increasing volatility was dissipated.⁵² The most important cultural difference discovered at the Marielito uprisings was the fact that the Cubans placed little value on bilateral exchanges, but placed great value on unilateral gestures as evidence of good faith.⁵³ To them, once a step was unilaterally taken, the other side was obliged to reciprocate.⁵⁴

CONCLUSION

“If history teaches anything it teaches self-delusion in the face of unpleasant facts is folly.”⁵⁵

In the Marielito uprising and the Jordan, Montana standoff situations, the FBI demonstrated an adaptability to cultural differences that could potentially have derailed the negotiation process. Their cultural flexibility demonstrated a retreat from the “my way or the highway” approach present in most official United States government literature on the subject.

Unfortunately, the United States government has not yet adopted such broad-mindedness politically. In order to promote more effective terrorist situation negotiations, three major steps must be taken. First, an interest-based approach that recognizes that each event, even if it appears unrelated, is in fact part of a greater matrix of political actions. The interest is in the elimination of conflict, not the rescue of hostages and the apprehension of their captors, however desirable those goals may be. Second, negotiators must be drawn from or trained in the socio-political world view of the terrorists. Understanding the political desires and cultural points of departure of your adversary is invaluable in not only creating rapport to diffuse the situation at hand, but also in working to prevent future occurrences. Third, negotiators,

51. See *id.* at 340. While this uprising did not have the organized political slant that this study focuses on, it did have a political element to it. Regardless, it is illustrative of cultural differences and their importance in crisis negotiation.

52. See *id.* at 341.

53. See Feldmann, *supra* note 9, at 341.

54. See *id.*

55. President's Address to Members of Parliament, 18 WEEKLY COMP. PRES. DOC. 764, 765 (June 14, 1982).

and the commanders under which they serve, must accept the fact that political terrorists are not common criminals. They are combatants, and are as justified to deliver an explosive device or commit political kidnappings as our own government is in bombing foreign cities in the name of foreign policy, or seizing politically embarrassing figures during an election year.⁵⁶ Deluding ourselves into a belief that “our way” of making war is somehow more legitimate than “their way” is as much folly as ignoring the fact that there are cultural differences to be overcome in communicating with foreign actors.

56. See, e.g., Gary Webb, *Dark Alliance: The Story Behind the Crack Explosion*, at <http://home.attbi.com/~gary.webb/wsb/html/view.cgi-home.html-.html> (This is a reproduction of the Dark Alliance website, an online version of a series the author wrote for the San Jose Mercury News in 1996) (last visited Dec. 1, 2002). General Noriega was a close partner with the CIA during George H.W. Bush's tenure as director of that agency. See *id.*; Robin Wright and Ronald J. Ostrow, *Noriega's U.S. Intelligence Ties Could Vex Prosecution*, LOS ANGELES TIMES, January 16, 1990, at A1. Some critics see George H.W. Bush's decision to initiate operation “Just Cause” as unjust given the fact that Noriega's involvement in the international drug trade clearly had the CIA's blessing, if not their direct involvement. See, e.g., Webb, *supra*; Wright, *supra*; George McGovern, *A Betrayal of American Principles*, THE WASHINGTON POST, January 16, 1990, at A23; Christopher Drew, *Sensitive Favors, Double-Dealing Mark Noriega's Long Ties to U.S.*, CHICAGO TRIBUNE, January 7, 1990, at 12.