

Preliminary Report

Public Responsibility and Mass Destruction: The Bioterrorism Threat

Critical Incident Analysis Group
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The urgent need to develop a national strategy to deal with the increasing potential threat of the use of biological weapons in a terrorist strike against the United States is becoming a clear and necessary priority for national leadership.

A recent conference sponsored by the Critical Incident Analysis Group of the University of Virginia, held April 2-3, 2001, focused on "Public Responsibility and Mass Destruction: the Bioterrorism Threat." Presentations at the conference were consistent in warning that despite a publicly documented vulnerability to this increasing asymmetric threat, the United States has no national strategy or plan for dealing with a potentially catastrophic terrorist event, no national structure for carrying out such a strategy, and no established procedures to help national leaders prepare to guide the country through such a crisis. ¹

A biological attack, in particular, poses a special concern, because such an event would almost certainly have more serious national and international ramifications than a comparable attack with any other weapon, and because managing a biological crisis raises uniquely difficult and complex issues beyond those faced in other large-scale disasters.

Participants in the Virginia consultation have commissioned this brief position paper to underscore these concerns and to urge national attention to this priority through the establishment of an executive authority charged with anticipation, preparation and response to these threats and challenges. Further, this paper will focus future efforts by CIAG and other partner entities.

1. Recommendations

In its second annual report to the President and Congress, the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, chaired by Gov. James S. Gilmore III of Virginia, declared: "The United States has no coherent, functional national strategy for combating terrorism," that the federal government's programs for combating terrorism are "fragmented, uncoordinated, and politically unaccountable," and that the executive branch and Congress "have not paid sufficient attention to state and local capabilities for combating terrorism and have not devoted sufficient resources to augment these capabilities to enhance the preparedness of the nation as a whole." Presentations at the April 2001 conference reinforced and amplified with specific examples these warnings sounded by the Gilmore Commission.

CIAG endorses the general principles embodied in the Gilmore panel's recommendations: that the national leadership should adopt a new, coherent strategy for responding to threats or attacks involving weapons capable of mass destruction and disruption, and that a new national authority

should be created with adequate resources and powers to develop that strategy and carry it out if that becomes necessary.

CIAG further recommends that national leadership should immediately convene a panel to address the special issues posed by the release of a biological agent. This panel would be charged with making specific recommendations focusing on (1) the national and international implications for the United States and (2) the means to mitigate harm to the well-being of the nation and its citizens.

There is no reliable way to predict when, how, or if such an event will occur, but the technology of mass destruction and disruption using biological agents exists, and there are those in the world angry enough and fanatical enough or violent enough to use it. We should not let ourselves be ruled by our fears, but we cannot responsibly ignore the danger or fail to take steps to meet it.

2. The threats we are concerned with are characterized by these criteria:

- They are manmade and deliberate with a potential to target human, agricultural and animal populations;
- They threaten or inflict casualties in very large numbers: deaths, injuries or illness at a level that would almost certainly overwhelm local or state health or agriculture systems unless their efforts can be quickly reinforced with massive additional resources and medical and veterinary personnel; these additional resources themselves will then be subject to quarantine and possible infection;
- They may require imposing isolation or quarantine restrictions to prevent infected persons or animals from spreading disease or to allow for administration of appropriate medical countermeasures; even if such measures might lead to exposure of unexposed persons or animals who happen to be within the contaminated area;
- They cause or pose a risk of panic and disruption of economic and community life on a scale that would significantly threaten public order;
- They threaten or cause economic damage grave enough to cause widespread hardship and serious harm to the national economy, and the disruption of global financial stability;
- As a result of all or some combination of these factors, they have the capacity to weaken democratic institutions and beliefs, undermine legal protection of civil liberties, and damage the relationship between the American people and their government and its ability to provide international leadership.

3. The unique nature of bioterrorism

Bioterrorism, or the deliberate release of biological agents for purposes of disruption and destruction, is different from other means of asymmetric mass destruction. A national plan must consider the special character of such an attack and the additional elements that will be needed for a successful response. Factors to be considered include:

- The primary responders to an attack by chemical, radiation, or conventional weapons will be public safety agencies -- fire departments, police, hazardous material control teams. In a biological attack, the health or agriculture systems will have the leading role. This does not necessitate a separate leader at the national level, but extensive public health input will be needed in developing a strategy for mass-destruction events involving biological agents. In the absence of an existing national plan, hospitals and county and state health agencies around the country are developing separate protocols for bioterrorism preparedness. Any federal preparedness plan will have to address these efforts.
- Mitigating the effects of a release may require isolation or quarantine of those exposed or potentially exposed to a disease agent. The number of individuals to be isolated may be

extremely large and their confinement may be for an extended time, depending on the incubation period for a specific agent. It may be necessary to prohibit all entry or exit from the area of an incident, even if such measures cause the yet unexposed to be exposed. It is even conceivable that the United States mainland will have to be closed to all international travel. This scenario may sound over-dramatic; however, the present struggle with foot-and-mouth disease in Europe shows that draconian measures can become part of potential responses and cease to be far-fetched.

- The available medical countermeasures for some of the most probable biological agents are not in routine clinical use. Therefore, medical personnel treating bioterror victims may have to use medicines whose safety and efficacy are unproven or supported only by limited data. Special legal instruments may be needed to permit use of these medicines in a crisis. Not only legal but substantial ethical and moral concerns as well will arise from the need to treat large numbers of people who are not only endangered by the target disease but may be at risk from the use of the medicine itself.
- Because an introduced disease can be spread from the point of release by people who are infected but do not yet show symptoms, the response by health and public safety authorities may have to extend to a large geographic area -- moreover, an area whose exact boundaries may not be known immediately or for some time after an attack. This will raise management and logistical problems well beyond those with other mass-destruction weapons, whose effects will occur in a much more easily predictable area.

4. Structure and Responsibilities of the new national authority

The new national authority that should be created to meet the threat of catastrophic attacks can be an agency, a designated official, or an inter-agency task force. However it is designed, we believe it must be part of the political structure, in the executive branch of the federal system at a very senior level. It must be responsible and accountable for properly preparing for and managing potentially catastrophic events. It must have budget authority and clearly defined powers. Its senior leadership must have direct and immediate access to all relevant information from the intelligence community, and to the President and the Vice President of the United States during any emergency.

The new authority's mission will be to develop a comprehensive, national plan for analyzing threats, anticipating and preventing attacks if possible, and coordinating and directing the efforts of the many governmental (local, state, national and international) and non-governmental agencies that will become involved if such an event occurs.

The national plan must provide a strategy for successful response while preserving democracy, and it must engender public support for its objectives. A partial list of the new body's activities would include:

- development of policy;
- analysis of relevant intelligence information;
- promoting additional intelligence collection and other research on potential threats;
- public information and education;
- identification of resource needs;
- recommendation of budget priorities;
- developing relationships between public and private sector interests; and
- devising and conducting training exercises, including those that prepare the highest officials for possible incidents.

A particularly important task of the new authority will be to maintain liaison with relevant government and non-government agencies abroad. Biological and other potential weapons of

mass destruction are not limited by international boundaries, and neither are those -- whether organized groups or angry "lone wolves" -- who might use them.

Also vital will be the task of building public understanding and support. Establishing credibility with the public and with the news media before an event occurs is the best way to avoid inaccurate, panicky, irresponsible reporting when the crisis comes. The process of developing a plan should be conducted as openly as possible and a special effort should be made not only to inform the public and media as a plan takes shape, but also to include media representatives in realistic training exercises. Further, this approach should help identify key resources that can deliver reliable and authoritative data and advice in the event of a bioterrorism incident.

In developing its plan, the new authority should take into account that a traumatic event can take a heavy psychological toll not only on victims, but also on the public safety and other emergency personnel who are the front-line responders to a crisis. Plans for dealing with a major terrorist incident should have a component on meeting the psychological needs of those victims and responders.

5. Issues and Challenges

The problems the new authority will have to deal with are knotty, and because (fortunately) the country has no experience with events of this character, there are (unfortunately) very few models that can be useful in developing new strategies. Among the many difficult administrative, legal, and philosophical issues that will need to be addressed--and that may require new regulations or laws--are such questions as:

- Reconciling and coordinating the tasks, responsibilities, powers, and jurisdiction of literally hundreds of federal, state, and local agencies;
- Reinforcing the health care (or agricultural/veterinary/fisheries) system to deal with mass casualties;
- Resolving legal uncertainties and establishing clear and effective procedures to impose and enforce quarantine regulations and the need for mass prophylactic treatment;
- Clarifying legal and other issues connected with the use of U.S. military forces within the United States to help maintain civil order and meet a public health emergency;
- Dealing with extraordinarily intensive media coverage and finding ways to inform the public honestly but without contributing to panic;
- Reconciling emergency medical and public health procedures or safeguards against bioterrorism with constitutional protections of privacy.

6. The critical role of training and exercises

We believe it is essential for the new authority not only to develop a plan, but also to make sure that those who will carry it out are as well prepared as humanly possible. To this end we strongly urge a program of realistic role-playing exercises. To fully serve their purpose, these exercises must have the participation of the ultimate decision-makers -- those who not only have to control the immediate crisis, but will have to lead and reassure the rest of the nation as well. Conference participants were especially concerned to highlight the unquestionable importance of exercise and training by those occupying the highest offices. This has not often been done in the past, and it is urgent that this be done now and in the future, given the complexity of the threat. Further, since news coverage has such a critical role in shaping an event's impact on the public life of the nation, training exercises should also include broadcast and print media representatives.

7. Concluding statement

CIAG's concerns go beyond the issue of dealing with the loss, or potential loss, of life and property, resulting from a catastrophic terrorist attack. In such an event, the structures, values, traditions, and principles of a democratic society will be put at risk too. As well as considering how to prepare for and respond to the immediate emergency, we also have a responsibility to think about how we can best protect those structures and values, preserve civil society and constitutional rights, and maintain the mutual respect and trust between the government and governed that is essential for a living democracy.

We believe that the level of public trust in its leadership will have an enormous, perhaps decisive, impact on the government's ability to manage a crisis successfully and on our society's ability to survive it without serious damage to democratic institutions and beliefs. It should also be self-evident that once a crisis begins, it will be too late for leaders to start trying to build that trust. For that reason, thinking about how to plan for a catastrophic event should be a compelling reminder that the time to keep the public's trust is before that event occurs. A broad commitment to policies of responsibility and openness by the national leadership, in all aspects of governing, may not appear in so many words in any specific disaster plan. But it is vital to our preparation, just as it is in all aspects of national policy and leadership.

Note

1. The Critical Incident Advisory Group (CIAG) is an interdisciplinary applied-research and advisory consortium, at the University of Virginia in the School of Continuing and Professional Studies. Its participants include law enforcement agents and officials, public and mental health specialists, legal experts and practitioners, policymakers and analysts, scholars from both sciences and humanities, military leaders, and journalists. Drawing on this wide range of perspectives, CIAG seeks to analyze, anticipate, prevent, and mitigate the kind of traumatic events that can threaten the structures and beliefs of a democratic society.