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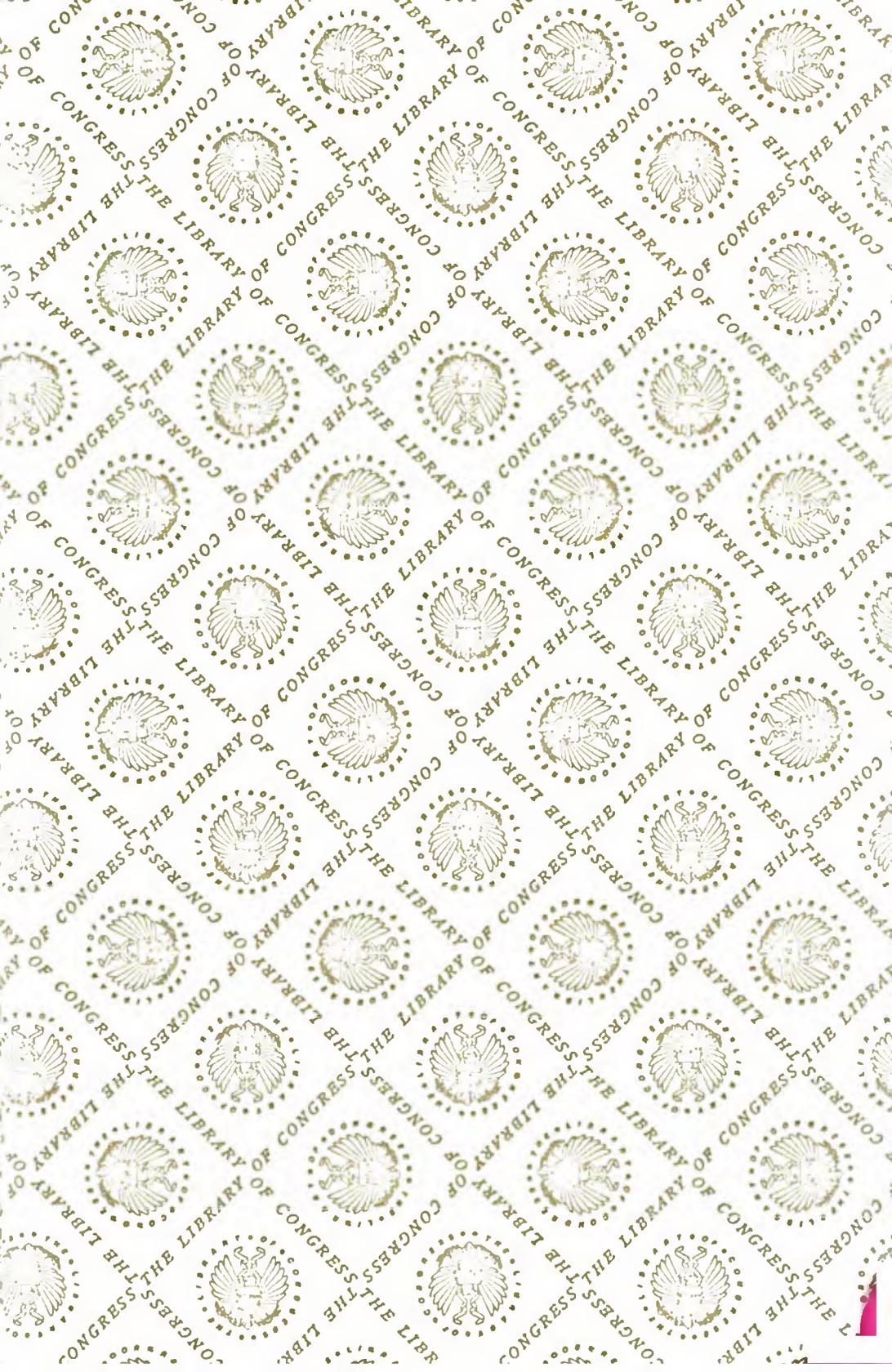
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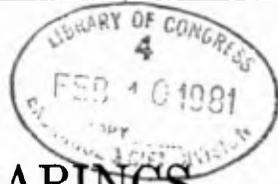




# FEDERAL CAPABILITIES IN CRISIS MANAGEMENT AND TERRORISM

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## OVERSIGHT HEARINGS

BEFORE THE

SUBCOMMITTEE ON

CIVIL AND CONSTITUTIONAL RIGHTS,

OF THE

COMMITTEE ON THE JUDICIARY,

HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

FIRST AND SECOND SESSIONS

ON

FEDERAL CAPABILITIES IN CRISIS MANAGEMENT AND  
TERRORISM

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APRIL 5, 1979, AND MAY 19, 1980

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# FEDERAL CAPABILITIES IN CRISIS MANAGEMENT AND TERRORISM

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THURSDAY, APRIL 5, 1979

U.S. HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CIVIL  
AND CONSTITUTIONAL RIGHTS,  
COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met at 1:45 p.m. in room 2226, Rayburn House Office Building; the Honorable Don Edwards (chairman of the subcommittee) presiding.

Present: Representatives Edwards, Drinan, Volkmer, Matsui, and Hyde.

Staff present: Leo M. Gordon, counsel; Thomas M. Boyd, associate counsel.

Mr. EDWARDS. The subcommittee will come to order.

Today we continue our work on the subject of terrorism and crisis management and our Government's efforts to minimize such occurrences.

Our hearings during the 95th Congress developed the issues as viewed by a number of the responsible Federal officials and local police agencies. What we learned was that the agencies recognize the problem and are constantly developing the mechanisms to deal with such incidents.

Our Federal structure is such that numerous agencies have varying roles and that coordination between such agencies and local officials is a critical element. We will continue to monitor this Government's efforts to keep abreast of the problem.

Today, we are most fortunate to hear from a gentleman with an international perspective of this most troubling type of criminal activity. Dr. Richard Clutterbuck's reputation for analyzing this phenomenon is unquestioned, as he has approached this subject with a commonsense attitude, reflected in his writings, which are familiar to this subcommittee.

As an example of Dr. Clutterbuck's attitude toward this problem, I will again offer a quote from his article in the *New Yorker* magazine, which stated in part:

The way to tackle the disease (referring to terrorism) is, first of all, to have a society that moves, one that responds to changes and aspirations and standards of living, as opposed to a rigid society.

This view reflects, I trust, this country's concern that we not overreact to such events, if they occur, and that our fragile freedoms are best preserved by an open, positive and progressive government which responds to needs. If we can anticipate and respond, we will reduce the need to react to events that should not occur.

Dr. Richard Clutterbuck currently is a senior lecturer in politics at the University of Exeter in Devon, England. Prior to that, he served in the British Army and retired in 1972 with the rank of major general. During his service in the British Army, Dr. Clutterbuck became one of its leading experts on guerilla warfare and terrorism. To date, Dr. Clutterbuck has published 8 books and some 50 articles on the topic of political violence.

Dr. Clutterbuck, we welcome you here today and appreciate your taking the time from your schedule to give us your perspective on this subject, which troubles the entire family of nations.

We are delighted, and unless my colleagues desire to take a moment, we will go ahead.

Mr. Hyde?

Mr. HYDE. No, thank you.

Mr. EDWARDS. You may proceed at your due time, and I apologize in advance in the event the bells ring again. I hope they will not, but they are out of control.

**TESTIMONY OF DR. RICHARD LEWIS CLUTTERBUCK, SENIOR LECTURER IN POLITICS, UNIVERSITY OF EXETER, DEVON, ENGLAND**

Dr. CLUTTERBUCK. Mr. Chairman, it is a very great honor for me to be here, and especially as a visitor, to be asked to testify on what I think is a very vital subject.

What I have done is to pick about 15 points which with the assistance of counsel—I have had duplicated, and I will introduce each of these points for about a minute, and then invite you, sir, to come back, if you wish, on whichever subjects you would like to question me on.

It seemed better than giving a lecture on any particular subject.

Now, the first point is how I would define "terrorism" and the characterization of it. I define it as the use or threat of violence for a political end. But it was better defined by a Chinese philosopher in the days of Confucius: "Kill 1, frighten 10,000."

The only change I would make to that is that Confucius did not have television. If he were doing it now, he would say: "Kill 1, frighten 10 million."

The other point is that part of the aim is to frighten the authorities and the public into doing what they would otherwise not wish to do.

I think a categorization is often overemphasized as between, say, internal, international, et cetera. I believe that there are a number of characteristics, all of which overlap each other. If you like, we can have a spectrum and the terrorist can be at any point on any one of these spectrums, without reference to where he is on any one of the others.

The first one is between—at one end of the spectrum, the ethnic or nationalist groups, like the Palestinians; and at the other end of the spectrum, the purely ideological.

The second range of characteristics goes between those with a domestic objective and those with an international objective. But sometimes they have both, and they might be at any point with a mixture on the spectrum.

The third is the degree to which they have a popular base, like the PLO, down to the other end of the small, elitist groups that have no popular base at all, like, I would suggest, the FALN in this country,

the Red Army Faction in Germany, the Japanese Red Army, and the Red Brigades. Their popular base is very small.

And the fourth range is as between criminal, purely for criminal gain, at one end of the spectrum, and for political aims at the other. Once again, they can be combined. And political groups often use criminal groups to provide the infrastructure which they lack and the expertise which they lack, and this has been particularly so in Italy. This could easily happen in the United States where organized crime is very sophisticated, and if ever a relationship did grow up between one of your political terrorist groups and an organized criminal gang—as between some of the movements in Italy and the Mafia—this could be a worry.

Now, the roots of ethnic terrorism, I suggest, are quite self-evident, whether one agrees with them or not. If a minority ethnic group or a minority religious group wishes to carry its protest to the extent of violence, this is something which at least does not need much explanation.

The one that does require explanation is the intellectual terrorist, because, with very few exceptions, the terrorists in the world, the overwhelming majority have had a university education or at least started one and dropped out. The last time I checked in Germany, only 9 percent could be classed as manual workers, and the other 91 percent all at least started university work. They were the more educated in the community.

The same applies to your own terrorist groups and always has in my lifetime, and to such as we have had in Great Britain—the IRA is a rather special case, which we could talk about, if you wish, later—in Italy and in Japan.

I think the question we have got to ask is: Why do they throw away the chance of changing society with their brains—because they have good brains or they would not have gotten into the university otherwise, and those brains have been trained by higher education. Why do they throw away that capability and take to the gun?

I think it tends to begin at universities, and it is very noticeable. That those who enter into revolutionary activities are very, very seldom the sons or daughters of manual workers. They are almost always the sons and daughters of people from comfortable homes and above-average incomes. I think, therefore, that they have safety nets at universities, which means that they can experiment with perhaps some of the wilder ideas in a way that a student who has had to battle his way in from a less promising start will be more reluctant to do.

I think they also reject the rat race. They reject the consumer society. At the same time, they want to call a tune to which others will dance. And they find at the universities that the revolutionary tune does get a response.

I think the reason they take to the gun is a gradual process, and as I shall bring out later when I talk a little bit about the German Red Army Faction, it is very rare for them to kill before their middle twenties. The average age of those on the wanted list in Germany is 27. None has ever killed anybody when he was under 25 years old.

What happens is that at the university they start with protest and demonstrations, which is a very proper, healthy, and essential part of the democratic society. But some become frustrated with their in-

ability to achieve by protest, and make the protest violent. That is the first stage.

The next stage is when they begin to damage, to smash and to burn. And the next stage is when they achieve nothing, they begin casual bombing, and casual bombing means casual killing.

And the next stage from that is selective killing, such as Hans-Martin Schleyer in Germany and Aldo Moro in Italy, and kidnapping, again, applied to both of them.

There is a sort of escalation which arises, I think, from frustration, despair at changing society through constitutional means. And when they despair of that, because they feel that the establishment controls the media, the establishment controls society, and they can never get the support of the public that they want to get, it is then that they turn to the escalation of violence and turn to the gun.

Now, a good friend of mine, Sir Geoffrey Jackson, who was the British Ambassador to Uruguay in 1971, was kidnaped and held for 8 months by just this kind of affluent, middle class, educated terrorist. And he told me in 1973, "If you are studying terrorism, I think you should keep a record of how many terrorists commit suicide."

He said the reason they take to the gun is because they despair of other methods. And when that fails, too, they will turn their guns upon themselves. You will see.

That was in 1973. In 1974, the first German Baader-Meinhof group prisoner committed suicide, and altogether six—most of the first generation, including Baader, Meinhof, Eanslin, have also done so.

I think that this, the German Red Army Faction, is the best example I can pick because there are many things in common with the highly successful and affluent German society and the highly successful American economy and society.

I think what has happened in Germany is not a reaction to shortcomings in their society. It is a reaction to success. It is a reaction to the fact that the economic success means that those revolutionaries, those educated, affluent university revolutionaries get less support from manual workers even than they do in the other countries; and also their political system, with their very effective, proportional representation system more or less guarantees that every government, of whichever party, is a center government—and probably a coalition government—and people on the extremes have no real hope of shifting either of the main political parties to extreme political views. Whereas in some countries, in Britain, for example, people on the extremes—both left and right—do have a real hope of shifting the policies of their party.

This meant that in Germany the political revolutionaries of this type despaired of change, because they were getting no sort of response from the people. And so the first generation—rather as I described—started burning in 1968, took to bombing in 1970, and then the first generation were arrested by the police.

There was a pause until 1974. Then a more lethal, second generation emerged and started selective killing. They too were broken up and arrested by the police.

And a third generation carried out these three very brutal murders in 1974 of Sigfried Bubach, Jurgen Ponto, and Hans-Martin Schleyer.

In 1978 they were quiescent. But I think a new process has started in Germany, a more broadly based protest, which I will very gladly

answer questions about, if you wish. Under the title of Revolutionary Cells, it has a much broader base, and has the support of more mature people—some of them are artists, television producers and the like, who were students in the late sixties and early seventies.

Amongst the sympathizers at universities, most of them, on leaving university, in fact, did go on to use their brains in the ordinary way. But a proportion dropped out of the society either then or—like Meinhof—later after she had earned her living as a radical journalist for 10 years, she decided to take to the gun.

The number who go on to the actual killing, the *hardeore*, has never been more than 50 or 100 at a time. And I think I am right in saying the same figure applies to the United States. It is around 50 people who are killing for political purposes. And I have said their average age in West Germany is 27 and always has been.

Now, I will later come back to the question of why I think it is that both in the United States and in Great Britain—it has not escalated beyond the bomb and casual killing stage, in other words, to selected killing—except by the IRA.

There was a killing of a Member of Parliament last week in Britain, and of the British Ambassador in Holland. There is every reason to believe those were carried out by the IRA and do not fit precisely into this model.

But I am trying to pick the model which is likely to apply to the United States, where there is no parallel with the divided situation of Northern Ireland.

Now, I will turn to the effect on a democratic society. I believe that the accusation that Germany is a repressive society is not borne out by facts. I have been there four times in the past 12 months, the most recent being last week. I believe that the measures they have taken have been both justified and effective, when you consider that they have been hunting for 50 needles in a haystack with 60 million pieces of hay.

They have investigated people's backgrounds before they go into a government employment, but there is nothing improper in that. I think perhaps it would have been better to have different grades, as we do in Britain, but nevertheless they have got to investigate before they know whether the person is likely to be dangerous or not.

They have undoubtedly made some mistakes, and they will admit this themselves. To say that someone cannot drive a train because he is a member of a Marxist group is absolutely ridiculous, and I think they realize this. Some official made a stupid mistake, and that has no doubt been put right. But by and large, although they have checked thousands, I understand that less than 100 people have lost their jobs, which is not very many when you consider that this is over quite a long period.

Now, in Britain we have had to introduce—after the IRA killed 40 people in England in 1974—the Prevention of Terrorism Temporary Provisions Act. And if any members are interested, counsel does have a duplicated copy of that act. The 1974 act was renewed in 1976, with very little change, by Parliament and it has just been renewed again in 1979.

Now, the other document that the members might like to look at—I regret to say I only have one with me because we have a strike in the Stationery Office in Britain—is a review by Lord Shackleton of the

operation of that act, which was done before the parliamentary debate on its renewal a few weeks ago. I took part in a discussion with Lord Shackelton and with others, including members of the judiciary, on the review of the act. If anyone wishes to raise that discussion, I will very gladly do my best to answer, though I am not a lawyer.

I think that the value of this act is borne out by the results, which are as follows: In 1974 40 people were killed by terrorist attacks by the IRA in England. None were killed in Scotland or Wales, and I am not talking about Northern Ireland, that is quite separate.

In England 40 people were killed in 1974, 7 in 1975, 1 in 1976, nil in 1977, nil in 1978, and the act was in fact renewed before the murder of Mr. Airey Neave, Member of Parliament, the Shadow Secretary of State for Northern Ireland in the Conservative Party, who was murdered last week in London. It has not yet been proved that it was the IRA, and it may have been a splinter group. We do not know yet.

Now, I think those figures, 40 down to 1, down to nil, do speak for themselves. One can argue that this would have happened, maybe, without the act. But I personally believe, the overwhelming majority of the public, believe, and certainly Parliament has believed that this should be renewed, and it has just been renewed.

The next thing I should talk about is more broadly on the dilemma of a democratic society. The simple answer of saying the liberal syndrome is wholly right or the conservative syndrome is wholly right is very simplistic, and I am sure it would be ridiculous to suggest that you felt otherwise.

Neither, obviously, is wholly right, and one has got to make a balanced judgment on the case and on the country and on the society concerned.

Similarly, it is nonsense to say that the majority must always prevail, just as it is nonsense to say that there should be total freedom for any minority to dictate, to ride roughshod over the majority. Minorities have rights, but there must be a balance.

A democratic society is much more vulnerable in the short term than an autocratic society. There is very little terrorism in Russia, and if there were, nobody would know about it, because it would never appear in the state press, or television, anyway. And the people involved might just disappear without a trace and no one would know.

On the other hand, a democratic society is, I think, most resilient in the long term. It is no coincidence that the two longest standing societies in the world, which have gone on without a change in government through unconstitutional means of any kind, the two longest standing societies in the world, are yours and mine. Ours dates from 1688—in 1988 we shall come up 300 years. And you, as you know, have just passed 200 years.

Of the autocratic societies that repress dissent, the longest standing in the world is the Soviet Union, which is 61 years old. It is significant that all the other societies that have been autocratic and repress dissent—Spain and Portugal, Latin American countries, and so on—all have had unconstitutional changes of government, every single one, within that period of less than 60 years, of less than a man's lifespan.

I think the reason is that a democratic society, with its democratic freedoms, is the more resilient, even though vulnerable in the short term.

Now I come to the dilemma of overreacting and underreacting. It is not simple. If a society overreacts, then the one-tenth percent who sympathizes with terrorists might rise to two-tenths or three-tenths, will double or treble, and the thing will become a much bigger problem. Also, that society will become more brittle and more vulnerable by repressive measures.

On the other hand, if we underreact and we allow terrorism to pay, in terms of blackmail and ransom and publicity and so on, and it is seen to pay by the terrorists, then, of course it will increase.

Can it be defeated? I would say never wholly, unless one uses the Russian method. One can compare them to wasps. You will never wholly wipe wasps from the face of the Earth. You wipe out one wasp nest and another assuredly will arise.

Terrorism pays in the short term, but does not pay in the long term. It has not brought back 1 square foot of Palestine for the Arabs. It has not brought the reunification of Ireland one step closer. Indeed, it has made it almost inconceivable, in the short term, anyway, whereas in 1965 it was extremely likely.

So as one group of terrorists discover that it does not pay, and as they are eroded and defeated, they will die out, and others will arise, and this may be happening in Germany, as far as we can see.

Now, in Russia, using the same analogy, they have wiped out the wasps, more or less, but if you use the kind of insecticide the Russians use to wipe wasps from the face of the Earth, you wipe out a lot of other things too and you do more harm than good. So in a democratic society, I suggest that it can be defeated. This is best done by good and effective police work, such as has been achieved in this country, which has led the world in two fields in particular.

One is the defeat of hijacking, which has been a fantastic achievement with 150 million passengers a year and 531 airports.

Equally in the field of kidnaping, the FBI has been remarkably successful, and in the completed cases, or in the cases of kidnaping between 1934 and 1974—which obviously includes the majority—there were 647 cases of kidnaping in those 40 years, and 90 percent of the kidnapers have been convicted.

Now, that is the key to deterrence. Conviction is the best deterrent, and the likelihood of being caught. As a result of this continuous success by the police, there is only 1 kidnaping for every 100 homicides, in the United States.

If the police—or, in the extreme, the Army cannot within their existing powers achieve this, then if necessary one must introduce emergency regulations, such as the Germans have had to introduce, and such as our own Prevention of Terrorism Act, and such as the Northern Ireland Emergency Provisions Act. That, if you wish, I will also talk about, its purpose is to deal with the intimidation of witnesses and jurists, because if a revolutionary or any other movement calculatedly tries to make liberal forms of law unworkable, the only recourse open to a democratic society is temporarily to suspend some of the liberal processes of law, to introduce those that will work. Otherwise the public will take the law into their own hands by forming vigilante groups, by forming counterkiller squads themselves. And that is the worst thing.

The vital thing is the police and military involved must act within their own laws. If they do not the temptation will grow for policemen to plant evidence. The next stage is to turn a blind eye to a killing of members of one rival group by another, and actually conniving at such killing. Once a police force has abandoned the strict principles of the rule of law, they may indicate to one group of terrorists or criminals that they will not interfere if they rub out a few particular people of another.

The next stage is that police actually begin to sponsor terrorist action, and then we are heading for a military coup, which has happened in a number of Latin American countries.

I do not suggest that is likely in either your country or mine. But it is a hazard.

Now, I would like to concentrate on three points which are on my list here, which I would very much welcome discussion about, if you wish to choose them, sir.

The first is that I think that society has got to move and be progressive. The second is that there has got to be a healthy intelligence organization as the first line of defense. And the third, that Government and Government agencies have got to become more expert in living with a free press, free media, free television.

To deal with the first, scientific and economic change is very rapid. It must be reflected in the adoption of political structures to accommodate such change. I believe that we in Britain have been slow to adapt our structures from the 19th century, and I would presume to say that there were some changes that might have been made in your own structure to accommodate change.

What was right in 1857 or even in 1951 is not necessarily right now. I think that it is the task of the political leadership to carry the public with it to accept and support and tolerate the progressive change that society needs.

The toleration of dissent is absolutely vital. It is what has kept our two societies from unconstitutional change and kept the level of violence low. But I suggest that we must never tolerate violence, and we must not allow it to succeed, and it is better for everyone to know that we are not going to allow it to succeed. In other words, we must not allow minorities to ride roughshod by the use of violence over the wishes of the majority.

The next that I mentioned was intelligence. I believe that a healthy intelligence system is the key to protection of the public in a free society. When you are hunting for 50 needles among 50 million pieces of hay, there is no hope at all unless the police and their agencies are looking in the right direction, and that can only come from informants who are in the environment of the terrorists.

The ordinary members of the public will never know, never see, never have any information. The police have got to be able to handle the delicate business of informers who are in the same part of society as the terrorists themselves, as they have always done in the criminal world.

Now, the gravest danger comes from trying to truncate or emasculate the intelligence organization in the name of freedom.

Coupled with this is the danger of discrediting it in the eyes of the public. And the third danger lies in releasing its information to such an

extent that none of the informants have any more confidence in the secrecy of the information they have given.

If somebody gets a hold of his own file, even though it did not contain the name of an agent who gave information, it is not very difficult to guess where the information must have come from. In any case the informant will certainly fear that. And once that fear becomes general, and they feel that the information they give is likely to be bandied around by people who do not need to know, then the intelligence organization will fail.

And I believe this is very, very dangerous and does put the public at risk.

In Italy, where I have also been three times in the past year, they did just that. First of all, they removed the heads of the intelligence organization. This may have been quite justified, because there was reason to believe that some of them were using their intelligence positions to further their own political views. But in so doing they threw the whole issue out the window and did not replace it with any other effective intelligence organization.

The second thing they did was to give, in 1976, every magistrate the right to demand any file for anyone whose case he was investigating, and of course there were enough crooked lawyers and crooked solicitors to make sure that if anyone really wanted to see his file, it was not difficult to do so.

This had the effect of causing the informants, the only ones who were in a position to have information and protect the public against terrorism, to become absolutely petrified of doing so. So intelligence totally dried up.

I spent a day with the carabinieri 1 week after Aldo Moro was kidnapped, before he was killed, and I can personally testify that they were absolutely hamstrung by lack of intelligence. They were hitting the air, and that is, I think, why so many lives have been lost. After Moro's murder they changed the rules, and no one can get hold of the file now without the approval of the Cabinet Committee on Terrorism which is headed by the Prime Minister.

How does one monitor an intelligence organization without compromising its contents? The monitors may be a congressional committee, or the Chief Executive and his immediate staff, or the Supreme Court, or a special judicial committee. Whichever of these is given the task, it should have the power to monitor the work of the intelligence organizations, but not having access to precise information about individuals, because the moment anyone other than the agents who are personally handling the informant has access to that information, the whole confidence of the intelligence organization's informants may be lost.

Now, if the Chief Executive or the senior judiciary members or members of congressional committees are themselves corrupt, you have something far more serious to deal with. If the democratic process has become as deeply flawed as that, you have a far bigger problem on your hands, and monitoring the intelligence organization would pale into insignificance in comparison.

The third point I mentioned was the media, and I started by saying that this game was to kill 1, frighten 10,000 or 10 million. The revolutionary knows this and studies it. He knows that, the television camera is like a weapon lying in the street that either side can pick up and use.

It is for Government agencies to use them positively, to trust the press until it is proved that they should not trust them, and to understand the motivation of the press. At the same time the media, I think, have got to be educated and, if they act in a way so reckless as to cause the death or risk the life of a hostage, for example, there should be legislation to make that a culpable offense.

Now, I will very gladly answer questions about that. If there were time, I would quote a case from New York, and I would quote two cases from Britain of the handling of the press.

I feel I should leave that point there, because it was such a big one. I should save the time for questions on it.

Another area in which I will gladly speak, if you wish, sir, is on the question of handling of kidnap negotiations by governments, by corporations and by families. I suggest they are very different, that governments generally should not give way, but should play for time and act flexibly. A good example was the Schleyer case, to which I will gladly speak, if you wish.

By contrast, corporations and families should not have their hands tied. They should be free to negotiate. They should be free to pay ransoms, because if you make a law inhibiting negotiations with kidnappers, then all you will do is to drive a family to act behind the backs of the police.

If that happens, then there will be no information, and no prospect of arrests; I suggest that such laws will mean nothing to anyone once their son or daughter has been kidnapped. They will do what they judge best.

I think that the FBI has followed exactly what I said, and have always brought the family into it and given them a free hand. That is why they have convicted 90 percent of the kidnappers in these past 40 years.

Now, regarding the future, I do not propose to talk about science fiction but what I would simply regard as common sense. I will look at why in the United States terrorism stopped at bombing.

The fact is that in Germany people who wish for radical change feel that they have no real hope of achieving it, through the existing system. Whereas in the United States and in Britain, they do feel that they have a real hope, that there is hope for change by constitutional means or by protest.

This could change overnight. You could go up the escalatory ladder if the Palestinians, in their bitterness over the U.S. part in the treaty, brought their terrorism into the United States, or if the more militant members of the Puerto Rican Independence Movement despaired of persuading the majority of their fellow Puerto Ricans to abandon the idea of statehood or commonwealth status. They might then, in desperation, start a terrorist campaign in mainland United States in the hope of sickening the U.S. people, Congress and Government of their connection with Puerto Rico.

So what are the prospects of this increasing? If it pays or seems to pay, it will increase. If it proves not to pay in the long term, one group will decline, but another, like wasp nests, will arise.

Generally, I think it will tend to increase, because society every year becomes more vulnerable, more complex. People and ideas travel, and international links between terrorist movements grow.

I think in assessing one of the future targets, one has got to look at what is going on to achieve the terrorist's ends best. And I suggest that the gun and the bomb are still simpler and more effective than, for example, the more sophisticated ideas like nuclear weapons. But a nuclear device is perfectly feasible for a terrorist. There is no unsurmountable technical obstacle to this.

A scenario would be someone to conceal a nuclear device in a crate of machinery. It would land up in a warehouse or a port with a radio control to set it off, and simply a message saying, "We have under our control a nuclear device which we will set off unless you release these prisoners."

Their main weakness is that if they did that and you called their bluff and they let it off, they would be finished politically, as far as the public is concerned, and I think they know it.

Second, I think that they would themselves be much, much more reluctant to set it off, so much more time would be available; also because it is a more complex operation, they would be much more likely to be caught.

So my own prediction is that we shall still see the gun and the bomb as being the main terrorist weapons, perhaps the only terrorist weapons.

Now, regarding future targets, sir, I would refer you to a quite excellent study which was done recently under the auspices of the American Society of International Law, which was discussed in the State Department in December at a conference which I was invited to attend. This was by Professors Evans and Murphy, called *The Legal Aspects of International Terrorism*. Counsel does know of this book and does indeed have a copy of it.

I will not go through all the targets they listed, because they did so fairly fully. In brief, they predicted that crowds, shopping centers, transportation terminals, et cetera, would be likely to be picked as targets. Individuals, especially in the car between home and work; aircraft hijackings; and they see every likelihood of the increase of the use of surface-to-air missiles, which has now been done twice in Rhodesia; the hijacking of ships at sea, which we have hardly seen at all yet; the possible hijacking of oil rigs; attacks on power stations, power grids, oil installations and pipelines, dams, natural gas installations, which would produce a very severe fire hazard; the poisoning of water and sewage; and possibly computer blackmail, that is to say, not lethal terrorism, but a threat of terrible damage to society, which is now possible through interference with or destruction of computer data.

As I said, chemical, biological, nuclear is certainly possible, but I think the stakes are too high, so I do not believe it is particularly likely that we shall move to this "super-terrorism."

But I would end by saying, sir, that terrorism will increase so long as it pays, and if it is seen not to pay it will at least be kept in check, if not decline.

Sir, that ends my testimony.

Mr. EDWARDS. Thank you very much, Dr. Clutterbuck. That is fascinating. I am sure we all got a lot out of it.

The gentleman from Massachusetts.

Mr. DRINAN. Thank you, Mr. Chairman. It was fascinating.

I wish, Doctor, that we had other witnesses as intriguing as you. I commend you upon your career and all that you have done for the elimination of this very important and agonizing problem.

Let me come to the law, if I may, and ask for an elaboration on English statute, the Prevention of Terrorism Act of 1976. You suggest, without quite saying so, that this was instrumental in cutting down the number of deaths in England due to terrorist violence.

I do not fully understand, Doctor, from this test here what precisely this act added to the English law prior to this time.

Dr. CLUTTERBUCK. What it added, sir, was, first of all, the power to examine at entry to British airports and British seaports, anyone entering from Ireland, north or south; and, if there was reason to suspect that he was involved in terrorist activities, to apply for an exclusion order. And I have a number of exclusion orders, if you wish. I have them here, available.

Second, and I suppose I should have mentioned this one first, the Irish Republican Army was made an illegal organization. So was wearing IRA uniforms or soliciting funds for it.

The most important provision was that someone suspected of either terrorist activity or contemplated terrorist activity, or assisting or supporting someone contemplating terrorist activity, could be detained prior to charge or without charge for 2 days, 48 hours, which is twice as long as the 24 hours they have in Germany. And if the chief constable requested it, for up to a further 5 days, it was within the power of the Secretary of State for Home Affairs to grant this extension up to a total of 7 days.

As a result of this, just as in Germany, the police have investigated a large number of people. Up to June 1978, which are the latest figures I have, 3,259 people were detained for questioning. Of those, 2,681 were released in less than 48 hours. In other words, there was no need to proceed or investigate further. Only again 578 were detained for more than the 48 hours.

The number actually convicted of crimes was very small, and the act has been criticized for this. The number charged under the act itself was 11 for offenses under the act, such as soliciting funds for the IRA and so on, and the number convicted of other charges, such as murder, firearms offenses, and so forth, who were initially detained under this system, was 50 convicted out of the 77 charged.

When you are looking for needles in haystacks, then I think you have got to be able to investigate any piece of hay that you feel that you should.

And I believe that this has played a major part in reducing the terrorism.

Mr. DRINAN. This is very interesting. Thank you.

In all of your scholarly investigations, Doctor, have you found any group anywhere that has threatened to occupy or has occupied a nuclear power plant, threatening to blow it up or cause some disaster to the community if they do not get their way?

Dr. CLUTTERBUCK. I haven't heard of one; no, sir.

Mr. DRINAN. Law enforcement officials, should think seriously of that possibility?

Dr. CLUTTERBUCK. I believe they should, because I believe it is the threat that could very easily be made, and it would be extraordinarily difficult to know whether the threat was an empty one or not. And I

believe that in view of the enormity of the possible danger, if you had a genuine psychopath who really was crazy and did not mind about the effect on the politics of his movement if he did set the thing off and cause massive deaths from radiation, it could be a very real hazard. I certainly agree, sir, that the law enforcement should allow for that possibility, and I would hope that it does.

Mr. DRINAN. Well, thank you. That thought came to me based upon an experience I had in Massachusetts over the weekend. One group, that is otherwise rational, suggested that they just take over the Plymouth nuclear plant.

I thank you very much, and I look forward to your new book, which was announced in the New Yorker. I think that it will be very illuminating on the subject of terrorism.

Dr. CLUTTERBUCK. It is out now, sir.

Mr. DRINAN. Counsel should get us all a copy.

Mr. EDWARDS. Is it still as cheap as that first one?

Dr. CLUTTERBUCK. Which one was that?

Mr. EDWARDS. The book that I read about—and you reduced the size, and it came down to a very little.

Dr. CLUTTERBUCK. A paperback. It came straight out—I do not know the American price.

Mr. EDWARDS. Everything costs at least \$10.

Dr. CLUTTERBUCK. The British price is about 2 pounds 95.

Mr. EDWARDS. The gentleman from Illinois, Mr. Hyde.

Mr. HYDE. That was "Across the River."

Dr. CLUTTERBUCK. That was a very early one, sir.

Mr. HYDE. I was most interested in your testimony, Doctor.

Our CIA, as I understand it, reports to about seven committees on the Hill, Appropriation Committees in the House and the Senate, and Intelligence Committees, Foreign Affairs Committees. And one of the problems has been to try and keep sensible, effective oversight, and yet narrow the range of accountability, so that compromises do not occur. The very phenomena that you mentioned is occurring right now with our FBI.

We were told this week that over 200 informants have just disappeared in terms of providing any information to the FBI, for fear of compromise, and because under our Freedom of Information Act people are able to get information from files. While the name of the informant may be excised, other circumstances are very revealing, especially when the person looking for the information has foreknowledge that the FBI employee does not have in making the excision. So it is a real problem. The confidentiality can no longer be guaranteed. So why would someone stick his neck out?

So we have to learn to deal with that. I am not sure we have yet.

Now, we have some FBI guidelines that were issued by a former Attorney General—and counsel or someone can straighten me out if I misstate them. But as I understand it, in surveilling or keeping an eye on an organization or a group that has not yet committed a crime, it is contrary to the guidelines to develop a new informant.

Am I correct, counsel? In other words, you can use information from a former informant, but it would be a violation of privacy.

Mr. EDWARDS. Unless they were connected with a foreign government.

Mr. HYDE. Unless they were connected with a foreign government.

Take a Puerto Rican nationalist group. They are not citizens of this country, and their rhetoric is quite inflammatory. Under our guidelines, we could not really put someone in that group or develop an informant. We would have to wait until something happened before any real surveillance of that organization could occur.

I think that is what is required in the guidelines, and I think it is wrong.

Could you comment on that?

Dr. CLUTTERBUCK. I think it is very dangerous. I read the testimony of my predecessor witnesses, the first year's, and I was very concerned to read that in fact. I believe that the intelligence agencies must be free to investigate what they feel needs investigating, because if they do not investigate it, how do they know whether anything needs investigating?

I think the problem and the dilemma—and I cannot suggest a simple answer to this—the problem has been that the intelligence agencies, be it the CIA or the FBI, must be answerable. But those who monitor its activities must have before them an absolutely opaque screen through which they are not able to penetrate and get the individual information of exactly the type you have described, because—if they get what they do not need to know, it is more likely to leak out.

But much more important, sir, is that the informants themselves will lose all confidence, and this is what has happened to many intelligence organizations, when they head toward the state of being ineffective, when the informants lose confidence.

Now, there is a theory that intelligence is a slightly improper activity. I would say this is absolutely nonsense, and it is the only defense of a free society against this kind of thing.

Mr. HYDE. You mean you would tolerate lying and deceit? I am saying that whimsically, of course. But we have responsible people in this country—NBC Radio had Philip Agee on the air from Germany, who has made a career of revealing the names of agents. And if you are behind the Iron Curtain, you are at risk of your life, and if you think your name is about to become public property, you are just not going to do it.

Yet there are people, responsible people, who think that is great, that this is the way to go.

Dr. CLUTTERBUCK. I am not sure I would class them as responsible people, sir.

Mr. HYDE. I would not, either. But Agee's book is sold in this country.

Dr. CLUTTERBUCK. I obviously cannot comment on Agee, although he was in England for a bit.

I think you used the word in a different sense. I think an agent is the official who handles an informer.

Mr. HYDE. "Informer" is what I meant to say.

Dr. CLUTTERBUCK. We talk about an agent and a handler, so I must avoid getting muddled on that in my own mind.

But the informant on the one hand who loses confidence, and in your parlance the agent, the handler of the information, also would

lose confidence, and I think if either of those lost confidence, I think it can disastrously prejudice the effectiveness.

Mr. HYDE. I remember a marvelous scene in the movie "The Day of the Jackal." Did you see the film?

Dr. CLUTTERBUCK. Yes, indeed. And read the book.

Mr. HYDE. I have not read the book, but I saw the movie. And the high government officials—whoever they were, sitting around the table. The intelligence man was able to identify who was leaking the crucial information, and of course he had tapped everybody's wires. If he had not, he would not have known which one. Now that would be just outrageous in this country. Daniel Ellsberg would sue and make a career out of suing if somebody dared tap his wires because of leaks of crucial information and national security information, and if someone dares suspect him—so we do not believe in preventive intelligence. We are going to react after the cataclysm, only we may not have any ability to react.

Dr. CLUTTERBUCK. Over the tapping business, after the death of Aldo Moro the Italians were very concerned and rightfully so, about the total ineffectiveness of their intelligence system, and they did authorize the police to tap.

Now, they had to report that they had tapped. It had to be notified, I think, to a magistrate. But nevertheless, they have the power to tap, and at once. In other words, they did not have to go through a long and complicated series of hearings in camera or otherwise, before they were able to tap, if they judged it necessary.

Suppose someone is kidnaped and the police get a frantic telephone message saying that, "We have just had a message saying that our dad has been kidnaped," "Our managing director has been kidnaped." They will be able to put their finger on certain people whom they think that the kidnapers are likely to telephone—the man's brother or wife, or whoever it may be.

Now, there is no question of suggesting that the brother or the wife or close colleague or the office is suspect. But if the police immediately put a tap on that, the fact that that person is rung, wholly innocent, on the telephone enables the police to get that crucial bit of information in minutes, which if they had to go along and get a magistrate's approval to do it, it would be too late.

Well, the Italians eventually did that, when the man considered likely to be the next president was kidnaped and eventually murdered. And I think they were right.

Mr. HYDE. My time is up, unfortunately.

Mr. EDWARDS. The gentleman from California, Mr. Matsui.

Mr. MATSUI. I am sorry I was not here when you began your opening remarks today. I did enjoy very much your comments and your testimony. It is very reflective, and it gives me a lot to think about.

There are a couple of areas I would like to get into with you, though. On the issue of the media, you mentioned the media should be held responsible in some way—I am assuming criminally—if they should in any way assist, inadvertently or otherwise, in the death or perhaps the bodily injury of a hostage.

Now, could you elaborate on that a little bit?

Dr. CLUTTERBUCK. Yes; I will. I was going to talk about that, and I looked at my watch and realized I was going overtime.

I will describe one particular example here in the United States which was told to me by a police officer who impressed me very much, Police Lieutenant Bolz, who was in charge of the hostage squad in New York.

There was a kidnaping, a straight criminal hostage situation, and they had identified the house where the hostage was held. The police were mounting an operation to do a rescue, so before their men began to storm the house, they place barriers on all the streets giving access, naturally, so that the public would not, wittingly or unwittingly, interfere or see the thing.

A local radio station very cleverly got hold of a street directory. They knew where this house was, and they telephoned in turn every number of every house that they thought could be overlooking this street. They said, "Are you Mister So-and-so? Can you see? Are you aware of this hostage situation?" One man answered, "Yes; I am across the street. I am watching it every minute."

The radio interviewer said, "Fine. Brother, you are on the air. What can you see? Describe it."

He said:

Well, I can see two policemen. They are working on the street there. They are two doorways down. They are hiding in the corner. There are two more policemen coming along the roof there. And there is a skylight, and I think they are getting to go next to it.

All of this with a radio set inside the house, with the kidnapers listening to it.

In my opinion, that was a piece of recklessness with lives of members of the public, which I considered to be criminal.

I am not a lawyer and I do not know what legislation you could introduce. But I believe that just as totally reckless driving is a crime, totally reckless use of the media like that is a crime. Legislation is needed.

That radio man must have known what he was doing.

Mr. MATSUI. I think that example is a very good one. I guess the problem is how we can define such a statute in a way that it would cover those kinds of things which are obviously outrageous, and at the same time exclude those things which are not, if the press is doing the proper functioning of reporting news in such a way that the public can be informed. I was hoping that you would have some proposal that you could assist us with in that area.

Dr. CLUTTERBUCK. I am not a lawyer, sir, but I would suggest that the approach should be just as with the approach of reckless driving, reckless misuse of the mass communication media.

Now, fortunately, in both our countries, we have a system of judge and jury trials, an adversary trial, whereby 12 good men and true, decide on their own judgment whether the person managing that radio station or their interviewer or producer did act in a way which any reasonable person would consider reckless with human life.

And I believe in that case, if I were a member of the jury on that charge, I would say "Guilty."

That is, I think, the approach.

Mr. MATSUI. I think the difference here is that England has a history of common law. We did, too, but we are now more statutory. We would rather embody it in a statute, rather than case by case. But I appreciate your comments.

If you should have some suggestions in terms of some language that would be helpful—perhaps you have already devised some.

Dr. CLUTTERBUCK. I have not, in fact. I fear that, not having law training, I might be on dangerous ground. I am speaking, rather, as a potential member of a jury and a member of the public.

It seems to me that one could draft something which we as members of the jury would be able to use our common sense over, to say that that was criminally reckless.

Mr. MATSUI. Well, I appreciate those comments.

Did you have input on this Prevention of Terrorism Act of 1976?

Dr. CLUTTERBUCK. I would not describe it as input, no, certainly not. My role was, when this Shackleton review was discussed, I was 1 of the 10, a group of 10 people, including an appeals court judge and a number of others, who sat around a table with Lord Shackleton and discussed the act and whether any measures were necessary or desirable to put before Parliament to make it.

Mr. MATSUI. I understand.

Under schedule 1, we have the IRA as one of the proscribed organizations. Were there any other organizations?

Dr. CLUTTERBUCK. I must quickly check.

Mr. MATSUI. I have only one on this schedule.

Dr. CLUTTERBUCK. I have not checked it, in fact.

Mr. MATSUI. How does an organization become a proscribed organization under this act?

Dr. CLUTTERBUCK. The Secretary of State may, by order, add to schedule 1 of this act any organization that appears to him to be concerned in terrorism in the United Kingdom or Northern Ireland. For example, there is some reason to believe that the murder of a Member of Parliament last week in London might have been carried out by another organization. It has been suggested it was the Irish National Liberation Army, which is believed to be a new offshoot from the Irish Republican Socialist Party, which itself is a breakaway from the official IRA.

Now, if it is considered that the defining of schedule 1 would not include the Irish National Liberation Army, then it would be in the power of the Secretary of State to place that on the list.

Mr. MATSUI. Now, if a person is a member of this organization, and the organization is under schedule 1, then under paragraph 2 of section 1, if that person wears an emblem, for example, of the IRA, then he or she would be subject to arrest, because that would be a crime under this act?

Dr. CLUTTERBUCK. Correct.

Mr. MATSUI. Has that been employed?

Dr. CLUTTERBUCK. Yes. I think only once, when there was a funeral at which a number of people were indeed dressed in uniforms which by common consent are recognizable, and the jury judged them intended to be recognizable as a member of the IRA.

And this again was a matter for the jury, and the jury in fact did find him guilty.

Mr. MATSUI. Were they obstructing traffic?

Dr. CLUTTERBUCK. No, I do not think so, no.

Mr. MATSUI. It was the act of wearing a band, more than any other act, that resulted in their arrest and eventual prosecution?

Dr. CUTTERBUCK. Yes, sir. The background is that after the Birmingham bomb, when 21 people were killed in 2 pubs in Birmingham—21 people and over 100 injured and 21 killed—the public feeling was so strong that if anyone was seen collecting money on behalf of the IRA or issuing IRA propaganda, or dressed as to show sympathy for the IRA, this was likely to cause a breach of the peace. And, indeed, one Irishman in Birmingham, had painted on the brickwork of his house the emblem that is used by people who have been in detention in Long Kesh, which is now known as the Maze Prison in Northern Ireland.

Now, this was in Birmingham where 21 young people had been killed, and it infuriated the members of the public, who during the next few days set that house on fire three times.

Now, I do not excuse this, but if you get the kind of feeling that you get in a city when 21 young people, mainly teenagers, are murdered by placing bombs in crowded pubs, cellars, with no escape from the blast, public feeling runs high.

Mr. MATSUI. It is a very complicated hearing.

Dr. CLUTTERBUCK. That is why they felt this was necessary to avoid—that kind of action.

Mr. MATSUI. What is your definition of “concern?”

The statute uses the word “concern” in here a lot. In other words, if the Secretary is satisfied that a person is or has been “concerned” with the preparation of or instigation of an act of terrorism, then that person comes with the proscriptions of the act.

Dr. CLUTTERBUCK. I think again this would need a lawyer to interpret, but I think what is meant is if he has—if he has given material assistance. Now, supposing, for example, there were propaganda leaflets being issued in a pub, and there was someone else who had been concerned not with actually handing them out, but someone who had been concerned with moving them or printing them or something like that. He would have been concerned in the act.

Mr. MATSUI. He would not be concerned?

Dr. CLUTTERBUCK. Oh, he would be concerned. Oh, yes. If he is a party to the act. Someone prints it and does not know what he is printing, no, perhaps I should say someone helping to distribute to, you know, to take them from the printing work and give them to somebody, well knowing—

Mr. MATSUI. In other words, it has to be some overt act? It cannot be this person, in other words, who is talking about doing it? It is not part of a conspiracy?

Dr. CLUTTERBUCK. He would not be convicted of contemplating doing it, but if the police believe that he is contemplating doing it, then they may, if they so wish—

Mr. MATSUI. I guess I am asking whether the concern is contemplation.

Dr. CLUTTERBUCK. No, it is more than that.

If, for example, you actually find a man and you stop him. He has got a suitcase, and there is an explosive inside of it with a fuse, you can detain that man, because you consider that he is in contemplation of putting that bomb in a pub, or something.

That is the difference.

Mr. MATSUI. I understand.

Well, I appreciate your comments very much, sir. Thank you.

Dr. CLUTTERBUCK. Thank you.

Mr. EDWARDS. Dr. Clutterbuck, we have a proposal, not before this subcommittee, but here in Congress that an ingredient be added to explosives, to dynamite, so there would be a possibility of identification after a bomb blast.

Has that idea been used in other countries, to your knowledge?

Dr. CLUTTERBUCK. I do not know of it having been used, sir, but I can say that I would strongly support it. I can see no kind of interference with civil liberty in this, whatever, and I believe it would be an excellent idea.

Mr. EDWARDS. I would support it, too. There was opposition developing, actually, from the National Rifle Association, that feels apparently that it is the first step toward registration of handguns.

I do not know, but it seems to make a lot of sense to me that you could identify where the dynamite came from, even in the rubble.

Dr. CLUTTERBUCK. Yes, absolutely. I think this is fundamental. I think it is terribly important.

Mr. EDWARDS. Now, I was interested in questions asked by Mr. Matsui of California about the Prevention of Terrorism Act. I am sure you understand that it could not possibly be enacted in the United States.

Dr. CLUTTERBUCK. Yes.

Mr. EDWARDS. There would be no chance. We would throw up our hands in horror at some of the sections.

Now, perhaps I do not know why—I think I do know why. Once we have gone down that path, there seems to be no end to it, and so we lean over backward the other way. We have such a complicated society.

Well, for example, if someone belongs or professes to belong to a prescribed organization, he is liable to summary conviction and imprisonment, and so forth.

Well, in the United States you can join any organization you want to join, and that is a constitutional right. Freedom of association is very sacred to us. Regardless of how awful the organization is, you can still belong to it.

Well, we constitutionally protect the Ku Klux Klan, for example, or any organization with which we might disagree, and which stands for violence in our society, so long as they do not do a violent act. Then the police step in, and we hope would arrest them.

I guess the thing that bothers me about the act is this: In our society we have got lots of problems. We probably have—and I am probably quoting you—in Detroit, Mich., which is perhaps—has the population of Northern Ireland—we will have in a single year four or five times as many murders as they will have in Northern Ireland, in a year of IRA activity. And yet, most of these are caused by young people, disadvantaged young people.

And yet we do not stop them on the street and search them or lock them up. But that would be one way to stop all the crimes in Detroit, Mich., or San Jose, Calif.—where I am from—just by locking up young people who are disadvantaged, who cannot cope because of their educational background, family structure, and so forth, or their race, cannot cope with the problems of America.

We certainly would not want to overreact to a few acts of terrorism. Some of our criminals in any city—New York, Detroit, Los Angeles,

Phoenix—are a thousand times more dangerous to the United States, to individuals, than the PLO or any other group of terrorists.

Dr. CLUTTERBUCK. Sir, your figure was indeed quoted from an article of mine in the *Washington Review*. This argument was about Northern Ireland. And I would be the first to agree that the kind of homicide in Detroit or, for example, in Washington, D.C. itself, are totally different in nature from those in Northern Ireland, which is one reason I kept off Northern Ireland today, because I do not believe that that kind of divided society and the problems that exist in Northern Ireland could possibly be paralleled in the United States, and therefore were not relevant to this discussion.

I am sure that those in Detroit are either straight criminal, or from pure social frustration of various kinds, and very few from political motives, whereas in Northern Ireland—I think the figure was 97 percent of the deaths were political in the years I quoted from, and only 3 percent were what you might call straight crime, if there is such a word, from normal criminal causes.

The second point I would make, though, is this: If you were to have a situation—and the likeliest one I can conceive would be if the relationship with Puerto Rico reached a stage whereby a majority of the people in Puerto Rico opposed, say, a movement for independence, but there was a very small number who felt so bitterly frustrated by the fact that the majority of the people—because I know for a fact that if the majority of the people in Puerto Rico wished for independence, they would immediately have independence.

But if there were a majority who did not, and a very frustrated minority who did, then it is not impossible that such a movement could start in a very small way as it did in Northern Ireland, where in 1969 the total number of people killed was 11. In 1970, I think it was about 25, whereas later we are talking about 470 and 296, and last year down again to 81.

But the point is, in the first 2 years of this, Northern Ireland did not reach its peak rate at once. It built up from violence on the streets, from the violence on the streets rather as I described, it built up until you had a situation in which people were being killed.

Now, if the IRA were to start a similar buildup in England, it is conceivable that some groups such as Puerto Ricans could start the same kind of thing here. If that happens, I personally believe one has got to ask what is the most fundamental freedom of all?

And I suggest that the most fundamental freedom of all is the freedom to live, and that one's family should live without the threat of death or kidnaping, detention, unlawful detention.

Now, if there is a very real threat of those things being done, either by criminals or by people for political motives, then I would have thought that to protect those fundamental freedoms, it is the duty of the legislators to introduce measures which will protect them.

Now, there is no question about the overwhelming support for this act amongst the British public, and amongst Members of Parliament. We are talking of way up in the 90 percents. I have not an exact figure available, but it certainly is—there was hardly a veto against it in Parliament or in public opinion polls.

Now, this was the case in 1974 when passions were high. But it is still the case, and was still the case when until last week nobody had been killed since 1976—the Prevention of Terrorism Act.

The public still remembers sufficiently freshly the horror of people being killed for political ends. And there was still overwhelming support.

Mr. MATSUI. Mr. Chairman, if I may—I was not going to respond to this act. But I just now want to ask some additional questions about it.

What is troubling me, you indicated that the basic freedom, the most important freedom, is the freedom to live without fear of being kidnapped and being held hostage, or just to live.

And you say there have been no deaths since the act has been enforced. But you have quoted 2,681 persons that were detained, held for 48 hours, and perhaps humiliated.

Dr. CLUTTERBUCK. Were less.

Mr. MATSUI. No. These people were, and they unfortunately lost a certain kind of basic right, freedom there, I would think.

Let me say this. I think hopefully you—I am sure you will because you appear to be that kind of a person—will be very careful about this act in the future, because if an organization that you happen to belong to in Britain becomes a proscribed organization, then it is a different situation altogether.

I think that is the concern that the chairman eloquently expressed, and that is the concern that I have also. That is why we feel that an act like this would not be enacted in the United States.

We also believe, you know, that each individual should have the right to live. But our concern also has to be addressed to the persons and organizations that may be subject to this act. That is the concern that I see.

How do you draw that line and keep a balance?

Mr. CLUTTERBUCK. Yes; I quite agree, sir, that the individual who is detained—and the figures you gave are those that were detained for 48 hours or less, as contrasted with those for more. In other words, they may have been only detained for a few hours or even 1 hour, and the police satisfied themselves there was no need to detain them. This was the total number that was detained under this act.

Now, my opinion is that when a society is being poisoned by violence, for political ends—which is far more poisonous than criminal violence—if I may explain for a moment what I mean by that, it is far more poisonous than criminal violence because of the small number of people affected by criminal violence—that is today, if your brother is murdered, you are concerned, your parents are concerned, your immediate neighbors are concerned.

If a political murder takes place, however, everybody in the whole society feels insecure, and the whole society feels a need for protective action, because nobody feels safe.

I mean, a normal criminal matter, or a murder from social frustration, or those causes, is something that involves the person concerned. But a totally innocent person killed for political reasons, I think, is a poisonous thing in a society.

Now, if one has to choose between the bottom end, in convenience, and the higher end, actual, temporary deprivation of freedom for 48 hours—I believe that one has got to put the freedom to live and the freedom not to be forcibly detained under the threat of death—those are more important.

Now, when I came into this building, quite rightly my bags were searched. When, in a couple of hours time, I take off in the aircraft, my

bags again will be searched. I have on occasion waited, for example, for a long search, not only in an airport, but other places where there was a backlog.

All of these things I think the public accepts when the ultimate freedom to live and move freely, without risk of being forcibly detained—when those are under threat we will accept some degree of inconvenience.

I am quite certain I would be angry if I were detained, and I would be very frustrated if I were detained, but I still believe that that is preferable to people's lives being at risk.

Now, it has got to be very carefully monitored, and if anybody abuses it, retribution must be taken.

But I still believe that if it is necessary—as in 1974 it was, and I suggest it is being proved again—it is obviously not for me to defend it here. It is of no concern, obviously.

Mr. MATSUI. Sir, let me give you a real case. During World War II we were at war on two fronts, in Europe and the Pacific coast. And at that time there were 110,000 Americans of Japanese ancestry on that coast. They were put in detention camps.

I was one of them, for about 4 years. We lost our property and our livelihoods, and everything else.

Would you describe that as an example of the Government having the right to protect itself in that situation?

Dr. CLUTTERBUCK. I think in a war—

Mr. MATSUI. You knew about that situation?

Dr. CLUTTERBUCK. Well, I did of course, because we had our Germans—there were no Japanese in Britain—certainly they were detained, and there were some, undoubtedly, very harsh cases.

The thing that slightly worries me is when you say you were deprived of all your property and livelihood. Now, I cannot believe that was intended and I am shocked to hear it.

Mr. MATSUI. I am sure it was not intended, but it happened.

Dr. CLUTTERBUCK. Yes, in the circumstances, in a war like that, it is not for me to speak to the justification for doing that in California, but I believe that public opinion would not have tolerated German nationals being free in the early part of the war. Later on a lot were released, in fact.

But in the early part of the war, I do not believe public opinion would have tolerated this.

I believe the danger is, if people feel under threat (and in war in 1940, we certainly did feel under threat in Britain) if you get that situation and the Government fails to take what the public regards as necessary action for its protection, the danger is that the public will take the law into its own hands.

If one is a true Democrat—

Mr. MATSUI. I read a case when I was in law school that said it is up to the Government to protect a person who was giving a speech in the middle of a park, and the fear, of course, was that he was going to be beaten up for giving this speech.

The Supreme Court held that it was up to the police to protect his rights to give this speech, and to keep the people who were about to attack him at bay.

Dr. CLUTTERBUCK. Was this during the war?

Mr. MATSUI. No; it was not during the war. This was in the 1950's. I would imagine that the same would apply today.

Dr. CLUTTERBUCK. In circumstances of war, if someone had stood up in Britain and had started speaking, commending Hitler and the Nazis, and defending what they had done, in suggesting that Britain should surrender and succumb to Hitler, I believe that public feeling would have been such that the police probably would not have been able to protect him.

Mr. MATSUI. No one should shout "Fire" in a crowded theater. We all agree with that. That is part of our lot too.

I have no further questions. Thank you, very much.

Mr. EDWARDS. Dr. Clutterbuck, I would not want, by my silence to indicate that I agree 100 percent with my friend from Illinois, Mr. Hyde. I will not go into it in great depth, about investigations, intelligence organizations in the United States, in particular the FBI—over which this particular subcommittee has jurisdiction.

We are very much a part of the process of requiring that the Attorney General issue intelligence-gathering guidelines. The FBI is very satisfied with them. Based on intelligence information, the Bureau can open a case, but must close it immediately if they do not find criminal intent or possibility of violence.

Then they have to get permission to keep these cases open.

In one audit done a number of years ago, we found over 200,000 open cases—open subversion cases—whatever you might call them—internal security cases in just 10 field offices of the United States. The intelligence organization, in this case the FBI, was running loose in the streets. It was investigating the Girl Scouts, the liberal Democrats, liberal Republicans. They had a huge file on Mr. Einstein. They had a huge file on Mrs. Roosevelt, the wife of the President of the United States.

Those cases have been reduced now to fewer than perhaps 200 throughout the United States, mostly terrorist cases. The FBI has been able to do much more valuable work in terrorism, espionage, in white-collar crime, Government corruption, and in organized crime, all of which we feel are priority items for police organizations, such as the FBI.

I am only pointing out that we think that these guidelines are working very well, although, of course, like in every democratic society, the committee has disagreements, although we understand each other's disagreements.

I do have one question about the organized, international network, if there is one. Several commentators have stated that there is an organized, international network among the various terrorist groups. Is that true?

Dr. CLUTTERBUCK. I would not put it in those terms, sir, no. I am sure that there is cooperation between many of the terrorist groups that we mentioned this afternoon, specifically between the German Red Army faction and the Japanese Red Army, the Red Brigades. There is absolute proof of cooperation between them.

My belief, however, is that cooperation is more on a bilateral relationship, as opposed to a conspiracy. I will quote two examples in which a lot of countries were involved, the first one was the Munich Olympics.

If I may, I will switch to a better case, the murder of a number of passengers at Lod airport is an even more impressive example. What happened is that three Japanese, who were members of the Japanese Red Army, went for training to Korea, where they were recruited by the Palestinians, and went for specific briefing and training in the kinds of weapons they were going to use in Lebanon.

From there they went to Germany, where they were equipped with false papers. From there they went to Italy, where they were equipped with weapons which were provided from Czechoslovakia.

They boarded an Air France aircraft. They took their guns out, and murdered 28 passengers, if I recall, at Lod airport.

Now, my point there is that to get those false papers, the machinery for getting the suitcases and guns into Rome definitely required an underground organization in all of those countries. And if one adds it up, there are six countries involved.

My point is that these movements can find such services as a safe house from which to operate, or to be equipped with guides, provisions of local currency, transport, cars, and so on. Those are provided, I suggest, on a fraternal basis.

When you are going to operate in a country, you have a point of contact which you use. I do not believe that in any of those cases, such as that one, was there any evidence of a central conspiracy.

Now, here one should look at the part played by the Soviet Union and the KGB if any. There is undoubted proof that they provided support for Carlos in some of his operations when he was commanding the PFLP, the European cell, and probably in the OPEC operation.

Now, although Carlos and his movement are far removed politically from the Soviet Union or its aims, the Soviet Union is quite prepared to exploit rather than sponsor any such movement or organization, if they think it will destabilize what they would regard as a target country, which they wished to destabilize. They are, I think, highly professional at the art of destabilization—and Carlos, of course, was an expert destabilizer, operating in France, Britain, and then later in Austria.

The fact that the KGB supported him was not, in my opinion, a proof that the thing was a conspiracy from Moscow. I am convinced that it was not, but simply that they were stirring up something that they thought they could exploit, which would have an effect which they desired in the target countries.

So I do not consider that there is a conspiracy. I do consider that there is a lot of fraternal cooperation and there is a lot of exploitation.

I do not know if I made it clear, sir.

Mr. EDWARDS. Thank you very much. Yes.

I recognize the gentleman from Missouri, Mr. Volkmer.

Mr. VOLKMER. Mr. Chairman, I am just sorry I was not able to be here for the first presentation. I had other duties over on the floor and therefore could not be here.

I just wish to say that I thank the gentleman for taking all of his time to be here, and I am just sorry I could not spend more time here.

Mr. EDWARDS. Mr. Matsui?

Mr. MATSUI. No further questions. Thank you, Mr. Chairman.

Mr. EDWARDS. Counsel, Mr. Boyd?

Mr. BOYD. Dr. Clutterbuck, you have indicated that revolutionaries prefer to resort to terrorism when they feel estranged from the society

in which they live. I assume you mean not only estranged personally but politically. And if that is the case, what type of civil liberty would they substitute in the society which would replace it?

Dr. CLUTTERBUCK. I am not sure about the word "estranged," I would not myself use the same word, but I suppose it is a fair enough word. My feeling is what they want to do is bring about changes in society, and they are frustrated about the opportunity within that society to do so, because they feel that they cannot get public support, because they think that public support is too heavily influenced by the establishment.

Now, I think you have hit on a very strong point here. Virtually every one of these groups that I mentioned, in the ranges of characteristics that I described in the beginning of my presentation, were all at the extreme elitist end. They were all small elitist groups, and elitists have great contempt for public opinion, and I am sure would have read more of Marcuse than I have, but he is quite specific about this.

He utterly despises the working class for their having been bought by the consumer society, and so on, and indicates that the new elite, the students, should take the lead in leading the working class by the nose to what they believe to be the right sort of society.

You could not be much more arrogant and elitist than that. And I think the answer behind your question, Sir, is the implication that if they did achieve the kind of society they want, it would be the most elitist society in any of the countries that we have spoken of, that has ever been seen.

Mr. BOYD. Thank you.

Mr. EDWARDS. Counsel, Mr. Gordon?

Mr. GORDON. I have a couple of short questions.

In West Germany, Israel, Holland, Great Britain, special anti-terrorism units exist within the army and the national police forces. How effective have these units been in resolving high-risk terrorist incidents? Do you believe it is advisable for the United States to establish and train such a unit? And are these units used in resolving domestic incidents?

Dr. CLUTTERBUCK. I think they are extremely effective. I know something of all three.

I know our own SAS. I have visited the German GSG-9, and I visited the man who handled the negotiations in Holland, and got to know him well, and he worked closely with the Dutch equivalent.

I think they are highly effective. They need a degree of professionalism, equipment and training, and dedication, which nothing other than a high degree of selection within the Armed Forces would produce.

I believe it is highly desirable for any country to have such a force. It is not extensive, because its numbers are small. But they are remarkably effective.

If I may describe what I mean by "selection," I will describe how the British SAS teams are selected. You start by the fact that they are all professional soldiers who joined the army as professionals.

The first stage is that they have to be selected after not less than 3 years. You cannot join the SAS: you join another regiment, and in that regiment, after 3 years in the infantry—or whatever it is you are

in—you are then eligible to apply. So you have become the cream of your regiment before you are even accepted as an applicant.

Ten such applicants apply for every one who is accepted by the SAS. They are put through the most stringent tests, psychologically and morally and physically. So from that cream you have the *creme de la creme*, and from that *creme de la creme* within the SAS—which you gather is a highly selective organization of very highly motivated people—to be selected for that team, with the training they go through, you are the *creme de la creme, de la creme, one more stage*.

Now, two members of the unit took part in the raid at Mogadishu but the whole lot wanted to go. You get a degree of motivation of people who are utterly confident and determine and prepared to die.

Now, the degree to attach the *creme de la creme, de la creme* for that, I think is intensely worthwhile.

The Dutch have certainly been used inside Holland. The Germans, to the best of my knowledge, have not been used internally, but they undoubtedly could be. They have certainly stood by, and I was taken to the places where they stood by, to release Hanns-Martin Schleyer, where they almost caught up with the enemy—the police only missed by a day. The GSG-9 would have been the people who would have gone in and rescued him.

The Dutch have been used, indeed on several occasions, three particularly. One, around 1974, but I believe you have a copy of my “Kidnap and Ransom,” sir, and the date was in that.

They were used again in the first train siege, although they did not actually attack, but they surrounded the train.

In the second train siege they were indeed used to assault the train, highly professionally. They were also used to assault the school and release the school teachers who were held there.

And more recently, a government office was siezed, in Assen, a provincial office, and a man was killed, and they feared another was going to be killed—they were within minutes of them being killed—so they went in with very great speed, a highly efficient operation. Really slick planning.

I think within an hour everyone was rescued. They were highly professional. They must be.

The process of selection of the *creme de la creme de la creme* is a matter of years before a man is really good enough for this sort of job. And having got him, he is one of the most vital men you can have.

The SAS do that sort of duty for about 6 months at a time.

And every 6 months they go back to normal duty, but they train with their weapons daily, and if they went in they would be highly effective.

I cannot too strongly commend the value of such teams, from my visits to Germany and to the Netherlands, and to my knowledge, to ours in Great Britain.

Mr. GORDON. Great publicity has been attached to the incidents at Cyprus, Entebbe and Mogadishu. What do you believe to be the advisability of using specially trained units in resolving international incidents such as these, and should the Entebbe-type missions be the rule or the exception?

Dr. CLUTTERBUCK. First of all, given the cooperation of the government of the territory concerned, I think it was wholly justified and

right to save lives in the way that they did. One man had already been killed, and they were right to go in.

Now, we get into a more dangerous area in Cyprus, where the Cyprus Government had not agreed to the Egyptians sending their people in. The Egyptians handled it very badly. I think they could undoubtedly have gotten agreement, or if not, gotten some satisfactory conclusion, because the people were on the verge of surrender.

In the case of Entebbe, the government of General Amin was categorically cooperating with people who were committing a criminal act. In those circumstances, in my opinion, the Israelis were justified in taking the extraordinary, hazardous action that they did, which might have ended in a fiasco. They were justified in doing so.

I greatly admire not only the courage of the soldiers that took part, but I also greatly admire the political courage of the Government. Had it been a fiasco, it would have been disaster for that Government, in the eyes of the world.

They did do it. They did rescue their hostages. The great majority of lives were saved. And I believe, in those circumstances, it was justifiable.

But on your last point, sir, the question of whether it should be the exception rather than the rule; undoubtedly it should be the exception rather than the rule, and only if the government on whose territory the attack has to be made, has clearly proved that it is detaining people at the risk of their lives, unlawfully, then it has committed an act of war, which I believe it is justifiable to respond to as an act of war.

But I believe that will be, and should be, very, very rare.

Mr. GORDON. One final question. Ambassador Anthony Quinton of the U.S. State Department, testified before this subcommittee that "one man's terrorist is another man's freedom fighter." Would you be kind enough to comment on that statement?

Dr. CLUTTERBUCK. I think it is absolutely true, and if I may quote a number of examples, the first is, of course, that the IRA now would regard themselves as a resistance movement, and approximately 1 percent, I would say, of the Catholic population in Northern Ireland would regard them as freedom fighters.

There was a time when that 1 percent was more like 10 percent. Now, I think that the overwhelming majority of the Catholic population is totally disenchanted with them and wishes to see them go away. But as far as that 1 percent is concerned, they certainly do regard them as freedom fighters.

To come nearer home, I believe that during the German occupation of France, Holland, and Norway, the French, Dutch, and Norwegian resistance fighters were using methods which could be described as terrorist methods. They were using very similar methods to those which terrorists use now.

They were trained by the British, and no doubt by others too. They were trained and supported and provided with weapons for those things, and undoubtedly were regarded by the majority of the population of France, Norway, and Holland as freedom fighters. They were undoubtedly regarded by the Germans as terrorists.

So I think the answer is yes, yes, that is true.

Generally, the number of people who regard themselves as freedom fighters, except in a war situation, is very, very small, even in a situa-

tion like Northern Ireland. And in the case of Germany, the figures that I quoted in my testimony, around 10,000 out of a population of 60 million probably regarded the Red Army Faction as freedom fighters.

The remainder of the 60 million—which is what? 6,000 to 1?—regard them as terrorists, and only 1 in 6,000 may regard them as freedom fighters.

Mr. GORDON. Thank you very much.

Mr. EDWARDS. Dr. Clutterbuck, we are approaching the end. Our job in this subcommittee is not only to make certain that the various government agencies within the United States have the capacity to meet the challenge of the terrorist incidents, but also to try to discern what our society can do to prevent the increase in the United States of incidents of terrorism.

It seems to me that some of the countries that do have too much terrorism—such as Italy and France, for example—do some things differently, that we would not possibly do in the United States.

For example, at the University of Rome, I understand that 250,000 students will try to attend the university when the facilities can only accommodate 30,000 or 40,000 students. At the Sorbonne, the classes are overcrowded. They suggested that students not even go to class, but just pick up the syllabus.

Well, I was much impressed—as I was with all of your writing that I had the privilege of reading—that you said, and I quote you again, “The way to tackle a disease”—referring to terrorism—“is first of all to have a society that moves, one that responds to change, and has operations and standards of living, as opposed to a rigid society.”

Do you still think—although you wrote that a number of years ago—that that is good advice to give the people of the United States?

Dr. CLUTTERBUCK. Oh, yes; most emphatically. I believe that is good advice to give to any democratic society. I think it is fundamental.

But in encouraging it to move, I would suggest that there are two vital things. One is not to permit violence to succeed in making changes in a society that the majority of the people do not want. But second, going along with that, insure that the political leadership of the country carries the public with it in bringing about that change. And I suggest that they will carry the public with them only if their measures do protect the public, members of the public, either from losing their lives or their families' lives, or their liberty, or from having changes forced upon them because the government or the administration or the legislature is frightened to stand up to the threat.

And my belief is that if the political leadership of a democratic society is weak and fails to take the necessary action to deter and punish violence, and not to permit violent people to ride roughshod, in this context, and if violence is allowed to prevail, then I believe that the major danger is that we'll prejudice the prospect of carrying the public with us on the necessary progressive changes in the society that are relevant to the changes that are going on.

Mr. EDWARDS. I certainly agree with you, and I am sure that you mean by that in the prevention of violence, by a government such as the United States, that constitutional liberties of the people, individual people, are protected, because they can and must comply with the law, the highest rule of the land, and the Bill of Rights. And these are very precious rights.

We would rather have a certain amount of terrorism than give up our civil rights.

Dr. CLUTTERBUCK. I am sure that that is right, sir.

The question to ask, really, is How much is society prepared to tolerate? There has certainly been no political terrorism in this country which has brought about a degree of loss of life which would infuriate the public at large that they would demand a major infringement of civil liberties to protect them.

But if, for example, the use of the nuclear—either radiation contamination or the actual explosion of a nuclear device—happened in the United States, I believe then that public demand in this country—and I think any country—for really decisive action to prevent that happening again, would be such that people would say, “We are prepared to accept some temporary suspension of liberties in order to protect us from that.” Just as to quote the parallel, the Prevention of Terrorism Act and 21 people being killed in one night, because of the circumstances of it, and because of the aim of it, the public would not have tolerated anything else.

The public demand was for something to be done, and all the pressures on Members of Parliament were for something much more stringent than was actually put in the act.

I think the government was right in infringing liberties, or restricting liberties by just the minimum necessary to satisfy what the public demanded. But I believe if you were getting hundreds or thousands of people killed in the United States, then I believe you would have to take account of the wishes of the public in strengthening this balance between protecting their lives and liberty—in the sense of unlawful detention, kidnaping—and protecting their civil rights. I believe most of the people would welcome this act, this temporary provisions act. I believe that temporary provisions of that nature are fully justifiable. And if the death and deprivation of liberty is high enough, the public would demand it, and should have a right to it.

Mr. VOLKMER. I hope it never comes about, because I agree with the chairman.

What bothers me is that the temporary nature would become permanent.

Dr. CLUTTERBUCK. I don't think that need be so. The date, on which it has been reviewed, gives an indication. It was passed in November 1974. It was renewed in 1976, and was renewed a few weeks ago.

I presume, therefore, that the 1976 renewal did not become law until 1977. But I think it has to be renewed every 2 years or so in Parliament.

How come I believe—

Mr. VOLKMER. Once the step is taken, it is so easy to take the second step.

Dr. CLUTTERBUCK. It is, I know. I think one has got to rely on the democratic process to handle that and make a temporary provision, and then relax if necessary. After all, we have done that in war again and again and again, and it would have been terribly easy to keep all kinds of regulations which we had in the war, and which governments might have found convenient to keep, perhaps censorship of the press. I think it would be a disastrous misstatement.

Mr. VOLKMER. Well, we did have certain things continue in this country long after the war.

Dr. CLUTTERBUCK. If I may say so, sir—

Mr. VOLKMER. You are relating terrorism to a war in a sense.

Dr. CLUTTERBUCK. Yes. I think if you get a situation, such as the Birmingham situation, and such as arose just before Christmas, there were a number of other large bombs in London, and only a few days ago, last week, there was another such attack which, if the bomb had gone off 30 yards later, if his car had got up out of the sunken ramp, and had blown up on the surface, out in the street in Westminster, there would have been massive casualties. I do not believe the public is going to stand for those sort of casualties, and I do not think the public would stand for the suspension of this act for a moment. I am sure the public would not wish it.

Mr. VOLKMER. Thank you.

Mr. EDWARDS. I do not want to be prickly or to beat a dead horse, whatever we might say on this particular subject, we are very sensitive to the subject we are talking about, because the experiences we have had in the United States—our Bill of Rights was not designed for the protection of the majority. Our Bill of Rights is designed to protect the insecure, the powerless, the odd, the unattractive, the radical of the left or the right. We have had such unfortunate experiences in our country when we have allowed majorities to run riot.

We have 11 States of the old South. We are all good friends with them now, but during my early terms here in Washington, 95 percent, at least, of the power structure, the white structure, wanted to behave in a particular way toward black people.

But Congress said, "No, you cannot do it. The minorities shall be protected by the Bill of Rights."

So the majority had to give in. We are certainly not going to give that up. But I hope that you understand this in your lectures in the United States. We are dedicated to what we call the criminal standard, and that is, that a person in the United States, before the police can put him in jail or arrest him, or perhaps even interrogate him under certain circumstances, there must be probable cause that he has committed or was about to commit a crime.

The minute we go into what he thinks, what organizations he belongs to, we begin to run afoul of the basic constitutional freedoms.

Dr. CLUTTERBUCK. If I may very briefly come back on that, I apologize if I am flogging a dead horse too.

But my feeling is that a minority, or a member of a minority should forfeit his rights, to a degree, when he uses violence against any member of the public, or if he uses—or if he deprives any member of the public, under the threat of death.

Mr. EDWARDS. I think we agree.

Dr. CLUTTERBUCK. I also feel that this act is specifically designed to permit the detention for questioning, not detention without trial—except for questioning—but for a longer period than normally necessary, only because, insofar as they are considered likely to commit or—

Mr. EDWARDS. I am reminded by counsel that you have an airplane to catch. It has been very worth while. We could spend many hours with you, Dr. Clutterbuck. We are immensely grateful to you for coming here. You made an excellent contribution to our deliberations, and we thank you very much.

Dr. CLUTTERBUCK. Thank you, sir, very much.

[Whereupon, at 3:45 p.m., the hearing was adjourned.]

# FEDERAL CAPABILITIES IN CRISIS MANAGEMENT AND TERRORISM

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MONDAY, MAY 19, 1980

U.S. HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CIVIL  
AND CONSTITUTIONAL RIGHTS,  
COMMITTEE ON THE JUDICIARY,  
*Newark, N.J.*

The subcommittee met at 10 a.m. in room 730 of the Peter W. Rodino, Jr., Federal Building, Hon. Don Edwards (chairman of the subcommittee) presiding.

Present: Hon. Peter W. Rodino, Jr., chairman of the House Judiciary Committee.

Also present: Hon. Diego Asencio, Hon. Anthony Quainton, Mr. Charles P. Monroe, Mr. Carter Cornick, and Col. Clinton Pagano.

Staff present: Joseph L. Nellis, general counsel, and Leo M. Gordon, counsel.

Mr. EDWARDS. Today we are going to continue our hearings on the subject of Federal capabilities in crisis management and terrorism. These hearings were initially requested by our distinguished chairman, the Honorable Peter W. Rodino, Jr., who, by his presence here today, once again demonstrates his support for the important work of this subcommittee.

The hearings of the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee have shown that this country has been spared the agony of many other nations which have experienced an increase in terrorist activity. Part of the reason for this is that our citizens continue to believe in the process for change in our society.

I hope that we can continue to explore and understand the root causes of this international problem. This continuing review of our Government's preparations for such events may help to assure that we remain relatively free of these incidents.

Our distinguished witnesses bring a number of different perspectives to this phenomenon we call terrorism. Ambassador Asencio will give us the human and, from his point of view, all too personal experience. Ambassador Quainton will update us on the current Federal Government readiness and Colonel Pagano will advise us of the local problems anticipated in this area. Gentlemen, we look forward to hearing your testimony.

We also have the pleasure of the chairman of the House Committee on the Judiciary, the Honorable Peter W. Rodino, Jr., whose interest in this subject should be a source of pride to our committee and I am sure to the people of this great city.

Mr. RODINO. Thank you very much, Mr. Chairman.

I commend you and your very distinguished subcommittee of the House Judiciary Committee for its valuable work in the area of civil and constitutional rights.

I welcome you to my district, to the great city of Newark and to this Federal Building in which I take pride in being designated as the Rodino Building.

It is with great pride too that I welcome an old friend and constituent, a man whose son I was privileged to nominate to the U.S. Military Academy, and, has achieved a distinguished career, my good friend, Diego Asencio. The last time he visited me was prior to his being held a captive and a hostage, and prior to his recognition, by the people of the world for his efforts during that terrible period when he was held hostage.

At that time he came to my office in Washington to discuss the problems that he was experiencing as the Ambassador of the United States to Colombia. Before that I knew he was performing great services for our country as the Ambassador from the United States to Portugal which was a more secure post. Unfortunately, he has had this terrible experience. I am sure that his insights, his reactions, and his testimony as to the reactions of the victims and the captors, and a description of the role that he played are going to be valuable to our work.

Mr. Chairman, as you well know the Subcommittee on Civil and Constitutional Rights has jurisdiction over the matters that deal with terrorism and internal security questions.

As a matter of fact, when the House Committee on Internal Security was abolished, its jurisdiction over matters affecting the internal security of our Nation was transferred to the Committee on the Judiciary because of the responsible manner in which it conducted its business. In accordance with the oversight responsibilities created by such transfer, the committee has ably provided the Congress and the American people with an overview of the subject of crisis management and terrorism. Our focus has been and will continue to be on the Federal Government's capabilities to deal with and respond to domestic incidents of terrorism.

I am greatly concerned that we, as a nation, recognize the danger of terrorism and be prepared to deal with it. Yet, I am no less concerned that the Government's response to this growing epidemic of violence come within the framework of our cherished constitutional protections.

Isolated instances of terrorism are reaching serious proportions internationally. Terrorists see that one act of violence can greatly impact large segments of a society.

Our outrage and reaction to their acts of violence must not strain our patience or strangle our reason. It is Congress' duty to find ways to protect society but within the restraint characteristic of our principles of law.

During the 95th and 96th Congresses, the Subcommittee on Civil and Constitutional Rights, which you chair, conducted a series of hearings on the Federal Government's preparations for handling a domestic incident of terrorism. At the conclusion of the initial set of hearings the subcommittee issued a very valuable staff report describing this effort.

The work to date has revealed that the executive branch of our Government has indeed taken this responsibility in a most serious manner. A flexible but coordinated structure exists to deal with these crises so that the experts in Government can quickly respond to such incidents.

The relationship between the news media and law enforcement during such events was also explored. The consensus of both the media and law enforcement was that voluntary, flexible guidelines for the reporting of such incidents was a desirable goal. We will encourage both groups to continue this cooperative effort.

We must continue to profit from other nations' experiences to assure that our Nation has the capability and the will to effectively discharge its responsibilities.

Mr. Chairman, under your able leadership we have learned of the necessity of continued vigilance in this area while assuring that our Government honors Constitutional safeguards in the protection of our fellow citizens.

Again, it is a great delight and personal privilege and an honor for this committee to have as one of its witnesses, our first witness, the Honorable Diego Asencio, Ambassador to Colombia, a fellow citizen of New Jersey and a modern American hero.

Diego, I look forward to your testimony this morning. Thank you for coming.

Thank you, Mr. Chairman.

Mr. EDWARDS. Thank you, Chairman Rodino.

Mr. Ambassador, you may proceed.

#### **TESTIMONY OF HON. DIEGO ASENCIO, AMBASSADOR TO COLOMBIA**

Mr. ASENCIO. Mr. Chairman, Chairman Rodino, I certainly welcome this opportunity to appear before your subcommittee but I am particularly appreciative of this opportunity to come back to my own hometown and to testify before my very own Congressman. I'd like to discuss my recent experience as a hostage in the 61-day seizure of the Dominican Republic Embassy in Bogota by the Colombian M-19 movement.

The successful resolution of this situation, including the safe release of all of the hostages, was the product of close cooperation between the Colombian Government and those governments whose diplomatic representatives were held hostage. All of the affected governments considered the Colombian Government to be responsible for the negotiations and gave it their full support. The Government of Colombia dealt with the situation in a steady and firm manner—seeking to minimize the gains of the terrorists while at the same time remaining keenly aware of the safety and well-being of the hostages.

The policy of the U.S. Government in dealing with this situation was the right one. Its full backing of the Colombian Government as the sole responsible negotiator was welcomed by the Colombian authorities and enabled them to act in a firm manner knowing they had our full support. The U.S. Government made clear that it would not pay ransom or give in to the terrorists' demands. It supported the Colombian Government's refusal to release prisoners or to pay

ransom. There is no doubt in my mind that it is essential to minimize terrorists' gains if we are going to discourage attacks of this type in the future.

There was a unique aspect to this terrorist incident—senior diplomats of many diverse countries were held hostage. Some of us among the hostage ambassadors endeavored to influence the course of the negotiations, using our combined diplomatic experience to suggest to the Government of Colombia, to the terrorists and to our own government's approaches which could bridge differences or break negotiating impasses. In particular, I feel we were able to influence the thinking of the terrorists, who, because of their lack of sophistication in international relations, welcomed our suggestions or point of view. I am convinced that the employment of our combined diplomatic skills contributed in an important way to the Colombian Government's ability to successfully end the siege.

This incident in Bogota, as well as many others around the world, points up the need for American posts abroad to be prepared for similar attacks in the future. I was interested to learn from the terrorists in the Dominican Embassy that they had contemplated an assault against my residence in Bogota. However, after having surveyed the security measures in force around my residence they decided it would be too risky to attempt to seize it. As you know, the M-19 attacked the Dominican Embassy instead, which had very little regular security and unfortunately lacked special protection for their national day reception when the attack occurred.

This incident dramatizes the need to have adequate protection of diplomatic missions, particularly when they are in high threat areas such as Colombia where a number of terrorist groups are active. Security in the American Embassy was tight before the incident and has been further strengthened since then. I am confident that we are well prepared to deal with an attack such as the one against the Dominican Embassy. We are very appreciative of the support and funding that the Congress has provided to meet our needs in this area.

I also believe it is very important for all official Americans serving abroad to have as much preparation as possible before they depart for post. U.S. Government personnel and their dependents need to prepare for the violent environment in which they may have to serve and to be aware of ways to avoid becoming the target of terrorist attacks. They also need to know what to expect and how to react in the event they are taken hostage. The State Department is in fact training more and more of its personnel in these skills.

Again, I welcome this opportunity to be a witness before your subcommittee in my hometown and I am prepared to answer any questions which you may have.

Mr. EDWARDS. Thank you, Mr. Ambassador.

Mr. Rodino.

Mr. RODINO. Thank you very much, Mr. Chairman.

Mr. Ambassador, since you did experience an act of terrorism, would you characterize the kinds of groups that were involved in the takeover of the particular embassy as mostly idealistic intellectuals, frustrated working class or lower class individuals, or nationalistic freedom fighters? Is there some characteristic that distinguishes different terrorist groups?

Mr. ASENSIO. Yes. Mr. Chairman, I divided the terrorists into three groups.

Generally you had hardened professional revolutionaries who were rather difficult to talk to, and very well trained militarily. There was also a large group of young idealistic university students, very articulate and rather attractive. Then there was a separate group of what I would classify as adventurers, in the sense that if they hadn't belonged to this organization they would be holding up a bank or something of that sort. They were distinctively middle class.

In fact, when they made remarks on our bourgeois origins—they looked bourgeois to me—I told them that I was a son of a worker in Newark, N.J., and this took them aback.

One of their principal characteristics was their openminded approach to dialog and discussion. We had a number of ideological debates.

It is a Marxist organization that they belong to but a nonorthodox, nationalistic one.

Mr. RODINO. Mr. Ambassador, with your experience as such would you be able to characterize the kind of terrorists involved in the takeover into Iran?

Mr. ASENSIO. I was told about these terrorists by a group of Colombian students who had called them in Tehran from Bogota.

I got the very distinct impression from hearing of their jargon that they were certainly not the Muslim nationalists that one would have expected from reading material from the media.

As a matter of fact, they had all the jargon and buzz words that one comes to expect from radical groups—"Yankee Imperialism, the multinationals, the monopolists, the nationalization of the means of production." They struck me as being radically inclined.

Mr. RODINO. As such, is it more difficult to deal with that kind of a group than the kind of group that seized the Dominican Republic Embassy?

Mr. ASENSIO. The success we had in dealing with this group has to do with the cultural factors more than anything else. These were Latins, these were Colombians, they had all the virtues and disabilities that that implies.

Being a Latin myself and a Hispanic I was able to talk to them. I knew exactly where they were coming from. I was aware of their history, their literature, and their political doctrine and I thus was able to speak to them on a level that they were perfectly able to grasp.

Now, presumably, if someone were an expert in Iranian affairs something similar could be done there.

But I suspect from what I have seen of the material on both cases, that the people I was dealing with were more humane and more open to dialog and were sufficiently nonorthodox so that they were not completely blinded by their political philosophy.

Mr. RODINO. You do not have to tell us any specifics, but based on your experience in Colombia, have you been called upon by the President of the United States to make recommendations as to how to deal with the hostage situation in Tehran?

Mr. ASENSIO. No, sir, I have not. In my considered opinion my experience perhaps gives me a unique ability to counsel hostages, I am not sure it really gives me the ability to counsel Presidents on how to handle hostage situations.

Mr. RODINO. Well, Mr. Ambassador, I don't know, I heard you during the time we spent in my office and I think that you had a very, very keen insight in how to deal with hostage situations. I am sure that your advice and your counsel would be valuable and I wonder why it has not been sought.

Mr. ASENCIO. Let me say, Mr. Chairman, that I was extensively debriefed by the security people and by my Bureau. If there were any insights that would be useful to people who handle this type of situation some were present and were listening to what I had to say.

But there is a problem, again, a very sharp difference between the Colombian situation and the Tehran situation. That is, in Colombia we did have a friendly government that was very anxious to resolve the hostage situation, was very anxious to arrive at a solution, and I am not sure that is the case in Tehran.

Mr. RODINO. Since you have touched on that, do you believe then that is the factor that really creates the obstacle to being able to resolve this problem?

Mr. ASENCIO. I think it is certainly one of the elements at arriving at the solution.

Mr. RODINO. Can we ask you, Mr. Ambassador, if you care to comment, how you view it, whether or not this situation which seems to go on and on and on is going to have any resolution at all.

Mr. ASENCIO. Well, Mr. Chairman, I mentioned in Washington shortly after my arrival that no Foreign Service officer can really feel free while his friends and colleagues are being held prisoners elsewhere, specifically in Tehran.

But there is no question in my mind that a traditional solution while the Iranian Government is opposed to solving the problem is just beyond the question.

Mr. RODINO. Let me depart from that and ask you one final question, Mr. Ambassador. Having observed Latin-American terrorists firsthand, do you believe the United States faces increasingly greater risks from domestic terrorist groups such as the Puerto Rican terrorist organization, known as the FALN, and the Cuban terrorist organization, Omega 7?

Mr. ASENCIO. It would seem logical to arrive at such a conclusion. It seems it runs in cycles. Certainly, it is a fad.

It's a very cheap enterprise, it doesn't require enormous resources. You can choose a target of opportunity.

It's very difficult to defend against across the board. The whole point of U.S. policy is to try to make this sort of enterprise not worthwhile, to avoid trafficking in diplomats or any other people that invariably get tied up in these things. But the number of embassy seizures that have occurred in Central America and South America recently would indicate that we are, perhaps, at the beginning of a cycle.

Perhaps this is engendered by the very situation in Tehran. Certainly the media covered this extensively and it is bound to give the kooks ideas on the subject.

Mr. RODINO. Thank you very much, Mr. Ambassador.

Mr. EDWARDS. Mr. Ambassador, I certainly say Amen to what Chairman Rodino said about the value of your experience. We hope that you share that experience in writing about it and in counseling

our law enforcement community and indeed our Government and firms that have people overseas.

I understand that over 37 percent of the terrorist incidents that take place against Americans overseas involves corporate businessmen and they need lots of help too.

In connection with the last question that Chairman Rodino asked you, in the newspaper over the weekend I saw a statement and I would like you to comment on it.

"The relative absence of political terrorism in the United States in recent years has been attributed in large part to our social and political safety valve." Is that a true statement in your view?

Mr. ASENSIO. It is certainly a very good general statement, Mr. Chairman. Ironically, the curious situation in Colombia, for instance, about which I can speak with some authority, is that it is one of the more democratic, more representative governments in the Southern Hemisphere. So presumably there you have the safety valve one would expect of a representative society.

In addition to that, the terrorists, I believe, were attempting to recoup some serious losses that occurred during the past year. One of the reasons for that takeover of the Embassy was to deal for their members who made up their general staff, all of whom were in jail. The organization is really in trouble, so perhaps this situation in Colombia didn't fit this particular statement very well. But, certainly, in the medium and long term, that has to be true, it just makes so much sense.

Mr. EDWARDS. Well, do groups in Colombia have the right to demonstrate, and are they protected by the police in public demonstrations and marches?

Mr. ASENSIO. Yes, sir, they can apply for permission to demonstrate, although there have been some incidents.

I recall, for instance, that about 3 years ago there was a general strike which was handled rather roughly.

Mr. EDWARDS. Are there any political prisoners?

Mr. ASENSIO. No; the strike was actually against the rate of inflation.

Mr. EDWARDS. What happened to the terrorists, where are they now?

Mr. ASENSIO. I saw them last in Havana. They were talking about going back to Colombia to continue the fight. Some of them were talking about going on to the Middle East where apparently someone had offered haven but it wasn't clear what country that was.

Mr. EDWARDS. Were they arrested in Havana and sent back to Colombia?

Mr. ASENSIO. No, sir.

Mr. EDWARDS. Why not?

Mr. ASENSIO. As I understand the negotiations that occurred between the Cuban Government and the Colombian Government, there was a specific point at issue and that was that the terrorists were insisting on taking the hostages to the Middle East.

This concerned me a great deal principally for one of the reasons I mentioned earlier. I could talk to these terrorists, I could certainly talk to the Cubans, but what would I say to somebody in the Middle East?

This was of great concern to a number of my colleagues, such as the Egyptian and Israeli Ambassadors, and the Papal Nuncio. All were

very concerned about this and an attempt was being made to arrive at an arrangement whereby the hostages could be released early.

At this point the Cuban Government offered, in effect, a kind of sanctuary and an arrangement whereby a Cuban plane would pick up the hostages and the captors in Bogota. The captors would be disarmed aboard the plane and then they and the hostages would be taken to Havana and liberated there. So I think it was part of the deal. Now, that doesn't answer the question as to whether there was any support for the hostages from the Cubans.

All I could tell you is that I was in Havana very briefly because people were waiting for me. I know that as we got off the plane the hostages and the captors were applauded by the crowd at the airport and I think the applause was for the captors.

Mr. EDWARDS. Whenever I travel overseas everybody thinks that all Americans traveling overseas are CIA agents. Did the dialog with your captors lead you to believe that was their perception about Americans overseas?

Mr. ASENSIO. No; I think in this case they were relatively sophisticated and unorthodox in their approach to problems.

Let me give you a rather curious example. When they talked about the Yankee imperialism and the control of the society by monopolists and so forth, I presented a thesis for them because we had long discussion sessions on this subject.

I presented the thesis to them that a better argument could be made that Latin America, if anything, was suffering from U.S. neglect and if the level of U.S. investment in Colombia were higher everybody would be better off.

I was rather surprised at the reaction, one of them got up and said:

I agree with you, and what's more, when we come to power we are going to promote U.S. investment because in order to socialize this society you need a broader industrial base than we have. Once we have that industrial base then we will nationalize.

I said "Well, you have chosen a rather curious way to go about doing this." This is a rather unorthodox and relatively sophisticated thought, so they really are not looking for anything.

They weren't angry at us. They described it as our being the "ham in the sandwich." Their argument was with the Colombian Government. It was a battle among the Colombians. They were trying to publicize a given situation in Colombia and we just happened to be handy.

Mr. EDWARDS. They had their guns right there?

Mr. ASENSIO. Yes, sir, their grenades and their dynamite.

Mr. RODINO. Mr. Ambassador, in your experience do you feel that the present policies and methods, for dealing with terrorist incidents are responsive to being able to resolve these blowups as they occur?

Mr. ASENSIO. We must make it very clear, Mr. Chairman, that it isn't worthwhile to deal in this sort of situation.

Mr. RODINO. When you said "it isn't worthwhile," what do you mean?

Mr. ASENSIO. You can't get money, you can't get prisoners released, you can't attain your objectives through these means. This is the only short-term solution to the problem. The long-term solution is the one Chairman Edwards outlined, that is, of course, to improve the fabric of society. But that is the long-term solution. In the short term the

only way to prevent this sort of activity is to make it expensive for the terrorists to engage in this sort of operation.

Our no ransom policy and resistance to the exchange of prisoners was a signal that other terrorist groups must heed.

They did attain something. They received a lot of publicity and this is a problem. The media all over the world covered this event and this was to be a net gain for getting across their point of view.

Mr. RODINO. Do you think this could be one of the reasons the Tehran situation may be going on for an indefinite period, because of the tremendous amount of publicity that has been associated with that incident?

Mr. ASECIO. I am afraid that has been an inescapable conclusion.

Mr. RODINO. What is the answer to that?

Mr. ASECIO. Well, the answer is too horrible to contemplate and I am not going to advocate muzzling the press. Besides, I am a "free press" man, I don't think there is an answer to that one.

Mr. RODINO. Well thank you, Mr. Ambassador.

Mr. EDWARDS. We all have freedom of speech, even if we are in Government, don't we, Mr. Ambassador?

Mr. ASECIO. Yes, sir.

Mr. EDWARDS. Then we should be able to suggest to Walter Cronkite that he does not have to end his program with "This is the 280th day of captivity for the American hostages." I do not think that is the best idea in the world. Yet, he is free to do it, do you understand?

Mr. ASECIO. Right.

Mr. EDWARDS. Mr. Nellis.

Mr. NELLIS. Thank you, Mr. Chairman.

Mr. Ambassador, could you tell us anything at all about any intelligence that you may have had prior to this incident taking place that might have made you apprehensive about going to the Dominican Embassy?

Mr. ASECIO. We did have some low-grade intelligence that some form of combined operation was planned but it wasn't totally precise as to what exactly it might have been.

Also, I understand, a report did reach the Colombian Government and was published, if I am not mistaken in a London news magazine. It said that terrorists were shopping around for an embassy to raid. But that report did not come to my hands before the event.

Mr. NELLIS. Mr. Ambassador, then do you have some suggestions about the lack of good intelligence being transmitted to our embassies about the possibilities of such takeovers?

Mr. ASECIO. I would think that it's essential to, particularly in a high threat situation, to have a very well-developed intelligence capability on terrorists' activity.

There is no question at all in my mind that is essential not only from a purely political point of view but also as a safety measure and from the standpoint of security.

Mr. NELLIS. Since your return have you taken any satisfaction from what you have learned about our activities on that relationship in the State Department?

Mr. ASECIO. I gathered we were going in that direction and I have been trying to get them to go better and faster.

Mr. NELLIS. One other question, Mr. Ambassador, about the terrorists, did they threaten your life immediately, were they the

kind of people that showed their guns immediately and tried to put you under their control as quickly as possible?

Mr. ASENSIO. Let me give you a description of how it went. Two Colombian couples dressed in ordinary street clothes came into the Embassy and started to shoot up the ceiling. Then another 12 of them in jogging suits ran in from the avenue. I would estimate that in the first half hour some 150 shots were fired.

Mr. NELLIS. Into the ceiling?

Mr. ASENSIO. No, no. This is when the police on the outside reacted and a shootout occurred.

I, of course, headed for the floor and I say that I managed to produce the most sincere act of contrition in my career. I found, amazingly, that it works, because I was spotted very early and I was forced toward the door where most of the rounds were coming, and told to shout for a cease-fire. I had to stand up to do this and bullets were still ricocheting around, but I was able to do this with relative equanimity.

After that, I was taken to the back of the house for the same procedure and eventually a cease-fire did occur.

The next day, some curiosity seekers or perhaps journalists attempted to reach the Embassy. I was made to stand on top of a desk before a large window and shout again. Then they shot off a couple of rounds in the vicinity of my right kneecap, which was also rather interesting. Of course they made no bones about the fact that if there were an attempt to take over the Embassy, I would be the first to go. Also, they said that they had the place wired with dynamite and that if it looked as though they were about to fall, they would blow up the whole place.

So there was a very distinct threat situation, I felt. The first 3 days I was convinced that I was dead. There was no doubt in my mind at all. After that, the negotiations started and, as I have mentioned in my testimony, we participated rather directly in those negotiations. Once we started to talk I figured that they were in my field now and I became more optimistic that there was a more probable way out of the situation.

Mr. NELLIS. Mr. Ambassador, is there anything that the Colombian Government did or didn't do that you would recommend for our Government in such a situation?

Mr. ASENSIO. Their willingness to talk to these people was crucial. This is still a matter that's debated among the doctrinists in this area, but it would have been a much more difficult situation if they hadn't been prepared to negotiate.

The approach of the Colombian Government and its President was to get off the thought of the exchange for bodies and money, and into another area. This was a guarantee that the terrorists' friends in jail would receive a fair trial and the human rights violations would be investigated through the agency of the Organization of American States (OAS). This was a brilliant thought because it led to the solution and in effect it came out in favor of motherhood and virtue.

Mr. NELLIS. Apparently it convinced some of them.

Mr. ASENSIO. Well, actually we used the argument that if they really considered themselves a serious alternative to the Colombian Government that they had to be a little more statesmanlike. In this case the alternative was something that might have helped to transform the

society. Eventually they agreed because it was obvious that they were not going to get their prisoners or any substantial amount of money.

Mr. NELLIS. Was their highest concern to kill you or to talk to you?

Mr. ASENSIO. Their motto was to win or die. We spent many hours trying to convince them winning was better.

Mr. NELLIS. Thank you.

Mr. EDWARDS. Mr. Rodino.

Mr. RODINO. Mr. Ambassador, one final question. Was it important that you were able to communicate with one of the individual terrorists who seemed to be the head of the organization in order to be able to finally negotiate as you did? I mean, was there such a thing as a leader among the terrorists, was there one individual that was able to influence the others so you knew that once you were able to discuss things somewhat rationally with him or her, that you were on the road to resolving the Embassy seizure?

Mr. ASENSIO. Yes, Mr. Chairman, there was that situation and of course the leader of the group was the Commander One as he styled himself. We not only worked on him extensively but also lobbied extensively with his cohorts. We know they had periodic meetings to discuss the situation and to try to arrive at positions. We would argue extensively with Commander One, with the guerrilla negotiator who was actually doing the negotiating and then we would go around to individuals and present them with the argument for our position so that when they had their meetings they had a full point of view as to what was involved.

There is no question that we were also able to take advantage of the various personalities that were present in the situation. Some of them were anxious to leave, others were tougher, and we were able to use these situations as a means of persuasion.

Mr. RODINO. Mr. Ambassador, I have heard time and time again, people reporting on the relationship between the hostages and their captors, that somehow the hostages feel either ingratiated or grateful to the captors for any little act of kindness or something that shows that "Well, we are not going to kill you now". Does something like that really take place and how do you account for it?

Mr. ASENSIO. This is the so-called Stockholm syndrome, Mr. Chairman, where I understand some bandits went into a bank and held hostages. Those hostages became convinced that their captors were protecting them against the police. This is how I understand the doctrine or how it was started.

The problem with that doctrine—and I have talked with a number of governmental psychologists that have been studying this matter—is that there have been a number of corollaries that have made a dazzling axiom out of a rather plain statement of facts. My understanding of the doctrine is that hostages generally hope that their captors achieve their objective because this will get them out of hock.

That seems to me to be just common sense. A very ordinary statement, and doesn't involve either adopting a political philosophy or falling in love or anything of that sort. The Stockholm syndrome, as it is now bruited about in the media and other areas is probably highly overstated. I was very sensitive to this aspect.

I have read about these things and have studied them. I was looking for this situation. I was very, very interested in seeing what the reac-

tions were. This was a great clinical experience among other things and I wanted to see what the hostages would do, what the terrorists would do and I found no particular situation that would fit that description, except for the fact that obviously a number of people hoped that the thing would be resolved speedily and on terms that were acceptable to the captors. That seems to me to be a very un-extraordinary statement.

Mr. RODINO. Thank you, very much.

Mr. GORDON. Mr. Ambassador, two questions. What was your view as to the impact of the terrorists-hostage incident on the Colombian political situation and second, could such an incident have a similar impact in the United States?

Mr. ASENCIO. It had a very, very drastic impact.

As I mentioned earlier this particular organization had received some very, very heavy blows in the past year. They had lost most of their general staff, their principal leaders were in hiding or out of the country and everyone assumed that at least as far as its municipal apparatus it had been dismembered. Obviously, this wasn't the case. They still had the capability of pulling off at least one spectacular operation and as I said, it's a low resource situation so it didn't take very much.

There's no question that we were concerned about the impact, particularly on the Colombian military, and how that might affect the Colombian political scene. Fortunately, there was no effect in that area.

The military loyally supported the government and followed the direction of the civilian leadership who were able to restrain those who might have wanted to charge in and get everybody.

My principal point is that the organization is not dead and this has to have a political impact. But it wasn't severe as one might have assumed.

Mr. GORDON. Finally, were there any discussions among the terrorists about having colleagues in arms here in the United States or any possibility of such colleagues coming to the United States to press their point against the Colombian Government?

Mr. ASENCIO. No, none at all.

Mr. EDWARDS. If there are no further questions, we thank you very much, Mr. Ambassador, for your very valuable testimony and we congratulate you for your splendid work. We are proud that you could be here today. The subcommittee will recess for 5 minutes.

[A brief recess was taken.]

Mr. EDWARDS. The subcommittee will come to order.

Our next witness is Mr. Charles P. Monroe, Inspector-Deputy Assistant Director for the Criminal Investigative Division, Federal Bureau of Investigation.

Appearing with Mr. Monroe is Mr. Carter Cornick. Mr. Monroe, would you be kind enough to identify Mr. Cornick's job with the Bureau?

It is very nice to have you here. I feel like it is old home week because many years ago I was an agent across the River in the New York office just before World War II.

I understand you do not have a prepared statement. Would you like to make some opening remarks?

**TESTIMONY OF CHARLES P. MONROE, INSPECTOR-DEPUTY FOR  
CRIMINAL INVESTIGATIVE DIVISION, FBI, ACCOMPANIED BY  
CARTER CORNICK, SPECIAL AGENT, FBI**

Mr. MONROE. Yes, I would, Congressman.

Mr. EDWARDS. Please proceed.

Mr. MONROE. Carter Cornick is accompanying me here today. He is a special agent in the Criminal Investigative Division at FBI Headquarters. His area of specialization is terrorism, and I thought you might be interested in his being here today, therefore, he accompanied me on this trip.

In my role as the Deputy Assistant Director of the Criminal Investigative Division in the FBI I have under me as one of my responsibilities the terrorism program—the FBI counterterrorism problems. I have several other programs in addition to terrorism under me. It is a program that is of course one of the highest priorities that the FBI does have. When terrorism occurs there is no other priority at that time. It is a program that we devote a lot of time to, a lot of manpower to, a lot of study to. It is a program that the Attorney General considers to be of extremely high priority as does our Director Judge Webster.

The FBI has been designated to be the lead agency in the United States in the counterterrorism field.

Mr. EDWARDS. Excuse me, can you hear in the back?

The court reporter cannot hear you, would you move your microphone closer.

Mr. MONROE. As the Deputy Assistant Director of the Criminal Investigative Division under my direct supervision is the terrorism program, the program that we use to cope with counterterrorism techniques and counterterrorism problems. Should of course there be a terrorism attack occurring in the United States that would be a matter that would receive our highest attention.

Those terrorism attacks rank as high priority: It is an area we devote a lot of man-hours, a lot of training, a lot of study, a lot of time to.

It is an area that Judge Webster, the Director of the FBI, and Attorney General Civiletti give considerable attention concerning the situations that could arise.

We also in the FBI are fully aware of the fact that even though we have been designated the lead agency in the counterterrorism field, we know that we are hopeless without the complete cooperation of the State and local and other Federal agencies that are involved.

I have with me here today Special Agent Carter Cornick who is one of the terrorism experts in the FBI whose area is the field of anti-Castro Cuban terrorism, an area I thought perhaps the subcommittee may be interested in hearing about. Although we are not prepared with an opening statement we are willing to testify before the subcommittee and we will welcome your questions.

Mr. EDWARDS. We're glad to have you both here.

Mr. Rodino.

Mr. RODINO. Thank you very much. I recently read in the press that in New York City a terrorism force has been established and it's

been established in conjunction with the FBI. Is this now a standing operation, that the FBI in various cities of the United States is establishing these task forces?

Mr. MONROE. No, sir; it is not. The FBI and New York City Joint Task Force which has been established is the first such task force established. At this point we have no idea whether there will be a need for further task forces.

The idea of this is to have dedicated manpower, 11 FBI agents and 10 New York City police officers who will concentrate on the terrorism problem, primarily the Omega 7 problem that is existing in the New York City area.

I would point out that there is an understanding at this time that were the FBI—that if there is a need in the New Jersey area, if there is some information in the New Jersey area we will coordinate with our special agent in charge of it, Robert McCarthy, of Newark, here, and they could conceivably come over here and work. It's a trial basis. There was a need there and we feel there was a way to solve it.

Mr. RODINO. Is that from the invitation of the local communities or the State agencies that the FBI comes in and establishes such a force?

Mr. MONROE. Well, in this case, because in most of the terrorism acts that do occur, there is joint jurisdiction, the thinking of both the FBI and the New York Police Department and the appropriate officials was that this would be the right way to solve this problem.

While there is no such formal agency in New Jersey there is a very close relationship with the local and especially the State people with our own FBI and it's not formalized, I would say the results are going to be quite similar, just the manpower is not going to be dedicated as a task force. I think should the need arise we are receptive.

Mr. RODINO. Mr. Monroe, you talk about the high priorities that both Director Webster and Attorney General Civiletti have given to this kind of activity. Would you be able to tell the subcommittee whether or not the Federal Bureau of Investigation presently is able to deal with the threat of terrorism in the United States wherever and whenever it might arise?

Mr. MONROE. I would think that as we see the terrorism threat now we are equipped. As we perceive it, as we see the problems coming up, Attorney General Civiletti has made public statements in testimony to that effect. I certainly support that. I think we have the manpower, I think we have the training for a foreseeable terrorist attack.

Mr. RODINO. How many acts of terrorism have taken place in the United States in the last 18 months?

Mr. MONROE. Last 18 months, 1979 alone there were 53. I would have to estimate, around 75 in the last 18 months, sir.

Mr. RODINO. Do you reasonably believe in the light of that fact that the number is going to grow?

Mr. MONROE. It is hard to predict such things but I would think there is a trend, that terrorism does seem like it will be on the upswing, if not the number of incidents, in the degree of violence.

Take the Puerto Rican situation—

Mr. RODINO. You think that is going to increase?

Mr. MONROE. I would think so, yes, sir.

Mr. RODINO. Therefore you are saying that the Bureau is equipped to predict with some degree of certainty whether or not there is going to be an upswing or not and the degree of that upswing?

Mr. MONROE. It's not a very accurate prediction, sir, it's a following of the trends. Some intelligence we do get based on the conditions that might cause a terrorist incident. I wouldn't consider it a very accurate estimate but I would say based on what I see we will see an upswing, yes, sir.

Mr. RODINO. Based on your testimony, are you saying to this committee that the FBI is presently conducting a program for Federal, State, and local law enforcement officials on the principles applicable to dealing with terrorist activities?

Mr. MONROE. Yes, we are through a combination of means, through—

Mr. RODINO. Not just through the task force?

Mr. MONROE. No, through some training seminars that we are providing for them or are doing jointly with them because there are areas they have the expertise that we may not have.

In addition to that we are having regular meetings where any information that can be disseminated, keeping in mind privacies where there is an interchange of relevant, pertinent information in addition to training, joint investigations.

Mr. RODINO. Prior to the Lake Placid winter Olympic games, there was much concern as to whether or not there might have been some terrorist activities taking place. Was the FBI at that time in the state of preparedness for such?

Mr. MONROE. We were heavily involved during that period. We were part of a joint task force at the winter games as we were at the Pan Am games in San Juan and will be at the Olympics in Los Angeles in 1984.

Mr. RODINO. I was going to ask you about that, you anticipated my question.

Mr. MONROE. But we were part of a joint task force. The primary responsibility of course was to the New York State Police, but we spent over \$1.6 million in our operation up there in manpower, equipment, training, housing, and we were ready, we think, for any terrorism that might have arisen.

Mr. RODINO. Thank you, very much.

Mr. EDWARDS. Thank you, Mr. Chairman.

Well, I want to compliment the FBI on the work they are doing in this important area.

I got the official statistics Friday, in 1979 there were 52 terrorist incidents which included 30 bombings, et cetera, that is down from 1978 and is a sharp decrease from the 111 incidents in 1977.

However, for fiscal year 1981 the FBI budget for antiterrorist work is \$9,976,000 which is a decrease of \$30,000 from fiscal year 1980. Why are you going to spend less money on antiterrorism in the coming year than you did this year?

Mr. MONROE. That is based primarily on statistics, sir. For those who analyze budgets, the primary data is statistics. It's hard to justify something that might happen. There is a trend going down and the trend does not justify our saying based on speculation, based on accurate statistics that we need more money—I think that the money we

are asking for this year is realistic. Based on the data available we should have the money there.

I also know that if the need arises, some emergency, that money would be available if it is a crisis that none of us saw.

Mr. EDWARDS. Well, the subcommittee certainly approves the way you are handling your work in this area because you are doing it while respecting the Attorney General's order on the guidelines for the gathering of intelligence information. You don't have miles and miles of files on suspicious Americans as perhaps the Bureau did a number of years ago.

Mr. MONROE. That is correct, sir.

Mr. EDWARDS. Is that causing you any difficulty in having certain drastic restrictions on your collection of information? You just can't keep somebody who is suspicious and who somebody said might be a bomber indefinitely under your surveillance?

Mr. Cornick, are you running into problems with the restrictions that the Attorney General has put on the collection of information?

Mr. CORNICK. Mr. Chairman, I think to put that in its proper perspective, it is necessary to say our main effort has been through our attempts to penetrate, neutralize, and isolate these terrorist groups through the use of informants.

The groups themselves, particularly the ones which I think we are here to talk about this morning, are well established; their goals are well known; their modus operandi is reasonably known and to that extent our focus is naturally toward these particular groups because they are the ones who are responsible for the wanton, criminal acts such as murders and bombings.

In that regard, I might say that our main thrust or our main efforts have been toward these people. So therefore, we have not run into the problem of the suspicious individual, that is, the problem of the isolated, singular incident where we would be restricted under the present guidelines.

Quite frankly the guidelines in our particular field have not hindered us in the recent past. We cannot, of course, sit here and predict that we will not have a reoccurrence of the singular, isolated incident where you find it necessary to maintain a particular surveillance capability on a group that is not established or does not fit within the domestic guidelines.

At this point in time, given the guidelines as the way they are and given our efforts, I think we are generally in complete focus.

Mr. RODINO. To be more specific would you say that the Freedom of Information Act and the Privacy Act interfere in any way with the ability of the FBI to deal with the threat of terrorism?

Mr. CORNICK. Yes, sir. I assume that the—when you refer to the FOIA and the Privacy Act—that is altogether a different area.

I understand that Colonel Pagano from the New Jersey State Police has some information for you this morning on the FOIA aspects of this. From my very specific area, if you will, we did run into some problems with FOIA particularly with regard to the *Letelier* case.

There have been some disclosures which were rather unfortunate; fortunately they did not hurt the overall investigation although some of them were quite sensational at the time and required some inquiry. But from our particular area we find that many people, such as witnesses as in the *Chesimard* case where criminals have open access to

their files and their access is intended for one sole purpose and that's to identify informants who are giving information.

I think, Congressman, yes, that is quite a problem.

Mr. NELLIS. Thank you, Mr. Chairman.

Mr. Cornick, I take the real objective of the FBI in this area is to prevent acts of terrorism.

Mr. CORNICK. Yes, sir.

Mr. NELLIS. To prevent terrorism and to prosecute those responsible for those incidents that have already occurred. However, to the extent that you can prevent such acts, this Nation is better off, than prosecuting the terrorists after the event has taken place.

Mr. CORNICK. That is definitely true.

Mr. NELLIS. If that is the fact, surely the most particular aspect in this area is intelligence, whether you gather it through an informant or other means. Are you getting intelligence information from the State Department and from other sources that will enable you to follow through on a potential incident here in the United States?

Mr. CORNICK. Mr. Nellis, let me answer that question by again going to a specific example—I think we would be better off by treating the question in that vein.

We found that during the investigation of the assassination of Orlando Letelier—we found an almost—well, really a sense of cooperation which I was really quite struck with. Both the State Department and the other agencies with whom we dealt on an executive level could not have given us better or more complete cooperation. There was a free interchange of information on both sides, and I think that the results were self-explanatory.

On a general side I think we might say that we have excellent relationships with other intelligence gathering agencies; and within their legislative mandate there is an interchange of information, with regard to American citizens there are certain prohibitions, as you are well aware.

However, I would say that, if, for example, there is information obtained in a foreign country which indicates a criminal act will be performed in the United States, we have had excellent cooperation. Mr. Nellis, there is no other way to phrase it. Many times the information is not specific. I think, as Ambassador Asencio pointed out, most of the time the information that we receive is certainly general.

Mr. NELLIS. Well, I am glad to hear it. I am sure the subcommittee is glad to hear that there is good cooperation between the agencies because it is difficult to perceive any success in antiterrorist investigations and indictments in this country without that kind of cooperation. Do you agree?

Mr. CORNICK. Yes, sir, absolutely.

Mr. NELLIS. Mr. Monroe, let me ask you a question on another subject. Most of these terrorist groups that I read about or hear about are small in number, that is to say they don't command large armies of people. Is it difficult to infiltrate these small groups through undercover means?

Mr. MONROE. That's an excellent point, sir. The smaller the group, the more they notice a stranger and for us to first of all have an undercover agent or to have an informant attempt to penetrate them is extremely difficult. They suspect a stranger.

The other alternative I guess is to find a weak member of that group, if we can identify that member, and try to work on that person to try to help us.

This is one of the problems of guerrilla organizations. They purposely have small cells and it works against our trying to break them up. We have had some success, despite this problem.

Mr. NELLIS. I would be very unhappy if the FBI didn't have success.

In view of the fact that there are small groups are you able to use other means, without identifying them, that would enable you to identify events that might lead to a terrorist incident?

Mr. MONROE. That's extremely difficult. I can't think of a good example. If we would have the probable cause to get a court-approved wiretap, certainly, but that is certainly difficult to get, and it should be difficult to get.

The rules should be restricted so we don't abuse the wiretap or the placing of microphones in a meeting hall or something. It is extremely difficult and many times we don't have the immediate information, and the event does happen and we have to investigate after the event.

Mr. NELLIS. It is about the most secret conspiracy that you try to pierce, is it not?

Mr. MONROE. Yes, I would put that right up there.

Mr. RODINO. No further questions.

Mr. GORDON. Mr. Monroe, very often terrorist incidents occur and State and local law enforcement officials are the first ones on the scene. Are there any mechanisms in place or any guidelines which Federal authorities use to determine whether an incident should be handled strictly by local authorities or by the FBI?

Mr. MONROE. Good question, Mr. Gordon. In almost every terrorist incident the local law enforcement is going to be there first. They have the manpower, the officer on the beat, the officer in the precinct, they are going to be there. We are going to be there shortly thereafter and in most of the major cities, I would say all of the major cities we have enough meetings, enough conferences that we have discussed beforehand that there is an understanding between the local law enforcement and the FBI as to who is to be in charge in what type of a situation. In most of these, as I alluded to earlier, there is joint jurisdiction.

You will see us cooperating very closely and any questions of jurisdiction generally have been resolved prior to the incident. I know of no problems that exist because we have talked this problem over so many times that I can't anticipate a problem in the future.

Mr. GORDON. These State and local officers that get to a scene of an incident first, are they sufficiently briefed and well trained so that they do not make a mistake which would cost the lives of the hostages?

Mr. MONROE. I am afraid the only answer is yes and no. I am envisioning where a rookie police officer has something happen in his precinct and he and a couple of other relatively inexperienced people go there and shortly thereafter a few brandnew FBI agents arrive. I can see that as a scenario. The problem will be resolved but it is going to take a little bit longer.

Mr. GORDON. Can you briefly give the subcommittee a description of what took place with regard to the West German Council in mid-1978? Did your contingency plans with the Chicago police authorities work out sufficiently well to enable you to handle the situation without too many problems?

Mr. MONROE. On that one thing, when the takeover did occur the Chicago Police Department were the first on the scene, although we did have a couple FBI agents there very shortly. But with available manpower it was the Chicago Police Department's operation from the very beginning.

Then we got our appropriate people, our hostage negotiating people up there, we got our SWAT people up there. We started a liaison with the State Department because there was going to be an international incident. We responded to that as similarly as we would any other terrorist situation.

The local police did respond, did a good job, secured the perimeters, got the intelligence, and then we came in and with our area of expertise and worked it out very well.

Mr. GORDON. Just a last question, does the Bureau have effective procedures for dealing with media coverage of terrorist incidents? Has there been sufficient dialog with the media community so there is a good understanding of where each side is coming from?

Mr. MONROE. That's a very difficult problem. Before coming to the FBI I worked for a television studio so I can see two sides of this problem. But, we have—I guess we all learned a lot from the Hanafi incident in Washington, D.C., where there was some difficulty—I am sure the press sees it differently, but as a result of that, certain television networks, especially CBS and later NBC, formulated some guidelines, how they wanted their people to behave in a terrorist type situation.

There have been meetings within the broadcast industry to try to resolve this problem. We have participated, the FBI, in seminars throughout the United States where we have tried to work out the problem on a local basis. It is a problem that has not been fully resolved.

I think that the broadcast industry recognizes the problem. They recognize their role, they recognize how they could jeopardize an incident and also they have certainly the right to inform the public.

It is a problem. We've come a long way but we haven't resolved it.

Mr. NELLIS. Is the FBI engaged in screening any of the Cuban emigres down in Florida to determine whether terrorists are being transported to the United States?

Mr. MONROE. Yes; we have an extensive screening process down there with other agencies and we are looking for terrorists, espionage agents, and criminals, and other undesirables.

Mr. NELLIS. Do you have enough information to be able to identify these people? I trust they are not coming into this country with their wallets saying I am a member of Omega 7?

Mr. MONROE. I will say we don't have enough information, but we are doing the best we can.

Mr. EDWARDS. Thank you, Mr. Monroe and Mr. Cornick. I appreciate your testimony.

Our next witness is Hon. Anthony Quainton, Director, Office for Combating Terrorism, Department of State.

Ambassador Quainton has testified before at meetings of this subcommittee and has rendered valuable services. We commend you for that service. You may proceed.

Mr. QUAINTON. Thank you very much.

Mr. EDWARDS. Without objection, I would like to submit for the record material delivered to me by the Ambassador entitled "Seizures and Diplomatic Situations," April 30, 1980. Thank you for this information. It will be made a part of the record.

**TESTIMONY OF HON. ANTHONY QUANTON, DIRECTOR, OFFICE FOR COMBATING TERRORISM, DEPARTMENT OF STATE**

Mr. QUANTON. Thank you very much, Mr. Chairman.

It is a great privilege to testify in front of your committee concerning the continuing threat of international terrorism. I am pleased to be able to discuss with you the U.S. Government's antiterrorism program as it has developed over the last year.

As you know this is a very serious problem for the U.S. Government. Over the last 12 years we have recorded over 3,300 acts of international terrorism. Almost 4,000 innocent people have been injured; 2,700 have been killed.

The victims have been Prime Ministers and Ambassadors, school children and teachers, businessmen, and farmers. No group has been immune; no continent has been untouched; no country has gone unscathed. Terrorism has undermined and threatened the international order built on a common commitment to peace, security, and the rule of law.

Terrorism is a major issue for the United States. There were 293 acts of terrorism last year of which 77 were directed against Americans. Over the last 18 months one U.S. Ambassador has been killed in Afghanistan; Diego Asencio was taken hostage in Colombia; our diplomats seized in Tehran; a Peace Corps volunteer held captive in El Salvador; U.S. businessmen kidnaped in Honduras and El Salvador; seven U.S. soldiers murdered in Turkey. Just in the last year alone terrorist violence has become a part of our daily lives.

Against that background of violence we have been working to build upon the widespread agreement that terrorist acts are inadmissible, irrespective of the causes in which they are used. We have given high priority to the question of adherence to the key anti-terrorist conventions and these adherences continue to increase.

There are now 108 parties to The Hague Convention Against Aircraft Piracy, 105 to the Montreal Convention Against Aircraft Sabotage, and 44 parties to the New York Convention on the Protection of Diplomats. Most specifically the United Nations by consensus, without objection of any country, opened for signature a convention outlawing the taking of hostages under all circumstances. We were among the first to sign this convention and are actively urging others to do the same. We are preparing the necessary documentation to seek ratification of this convention by the Senate in the near future.

Here in the United States since 1972 we have had an active program of counterterrorism. Because we have been so frequently the target of terror violence we have had to respond. We have not stood silently by while terrorists have attempted to disrupt economic and social activity. We have not complacently allowed terrorists to sow the seeds of distrust and fear. We have had a program of action which has concentrated on prevention and deterrence as well as effective

crisis management. We would try to define a policy which makes clear our opposition to terrorism and our determination to combat it.

Ambassador Asencio mentioned in his testimony this morning that the heart of our policy is the commitment to oppose terrorist blackmail. We as a government will not pay ransom. We will not release prisoners and although we care, and care very passionately, about the lives of anyone caught in a terrorist incident, we also care about the risk to others in the future.

Were the United States to pay ransom thousands of other Americans around the globe would be at risk. We have conveyed to other governments, other countries, our hope that they will adopt similar policy stances. It is only when all governments come to this same conclusion that terrorism doesn't pay and can't be allowed to pay that terrorists will know that they cannot hope to gain from their violent acts. Unfortunately in the last decade, more often than not the terrorist has won; each victory has provided a new incentive for future acts.

But obviously, it is not sufficient to have a vigorous and clearly stated policy. It must be backed up by concrete actions. We must have good intelligence; we must have sound physical security; we must have the ability to respond quickly and effectively in a crisis.

A critical element of any counterterrorist program is intelligence. If we can be forewarned of terrorist plans, we can take measures to thwart those plans. When a terrorist act takes place, we need to know as much as possible about his modus operandi, his personality, his propensity to kill. With that knowledge we can begin to resolve the incident. As you have already heard this morning, we are giving high priority to the intelligence needs of our counterterrorist program. However, we will never have all the information we would like, for terrorist groups are hard to penetrate and our resources are limited.

Because we know that we will not always have forewarning of a terrorist act and that we will not always know when a terrorist will strike, we have also had to take defensive measures. We are all accustomed to the screening required before boarding an aircraft. The purpose is to deter and to apprehend potential hijackers. In very large part we have succeeded. In the last 6 years, we have seized over 19,000 weapons at U.S. airports. While it is hard to be precise as to how many hijackings have been avoided, the best estimate of officials of the U.S. Government is that perhaps 100 hijackings have been thwarted.

Similarly, we have improved security at our Embassies abroad. Bulletproof glass, closed circuit television, armored vehicles for our Ambassadors have become standard features. Frankly it is not easy for a small group of terrorists to seize one of our Missions. Obviously, a mob of thousands as in Tehran or Islamabad can overcome an Embassy. But not since 1976 has a small terrorist group taken one of our missions. Other countries are only just coming to realize that they too must take the same measures. Since the beginning of this year in Latin America alone, eight Embassies have been seized or assaulted in six different countries. None of those Embassies was American. Our security has paid off in making American Embassies a difficult target for terrorist groups. But we cannot be complacent. Even with good intelligence and the best security the terrorists can sometime succeed and we have got to be ready when they do. Effective contingency planning and crisis management are essential.

To maximize the U.S. Government's response to terrorism, the State Department's Office for Combating Terrorism has become the focal point for coordinating the interagency structures established in 1972 and reformed in September 1977 to cope with the problem of both domestic and international terrorism. During the last 3 years the Working Group on Terrorism, created as I said in 1972, now with 28 Federal Government agencies, the National Governor's Association, the National League of Citizens, and the Washington Metropolitan Police, and the Executive Committee on Terrorism composed of 10 key agencies, including the FBI, have made tremendous progress.

In August 1978, the Working Group on Terrorism established several subcommittees to focus attention on the major issues relating to terrorist activity. Most of the Working Group's activities are now carried out at the committee level, while the Working Group as a whole meets periodically to coordinate and review the progress which they have made. Individual committees have active work programs. They have assessed physical security at U.S. Government installations both at home and abroad and have updated contingency plans. They have also evaluated and proposed new international initiatives, reviewed proposals for research and development, and developed guidelines for a coordinated public affairs response by Federal and local agencies during a terrorist incident.

During 1979, the Executive Committee concentrated its attention on interagency policy issues and the Federal Government's crisis management capabilities. It has, for example, inventoried Federal antiterrorism training capabilities and is studying broader policy questions relating to the provision of such training. It has reviewed the U.S. Government's handling of specific terrorist incidents in the last year, including several major hijackings. It has taken an active role in the security preparations for the Pan American Games and the Lake Placid Olympics.

But we haven't just been looking at the traditional kinds of terrorism, we have also taken an interest in the broader questions of vulnerability. The FBI and the Coast Guard are looking at the vulnerability of the maritime environment to terrorist attack. Other agencies are assessing threats to energy-related installations. The threat credibility assessment system for handling nuclear extortion has been refined. In sum we are not merely content to deal with the conventional terrorism of the past—hijackings, kidnapings, and hostage barricade incidents where we have learned a lot and have become more experienced but we are also looking to the future to insure that we are prepared should the terrorist change his tactics or his targets.

When we are faced with an actual terrorist incident, as you know, Mr. Chairman, it is obviously not possible for 31 agencies to manage the conduct of events. Neither the Working Group nor the Executive Committee is charged with the management of specific terrorist incidents. Instead there are three lead agencies with special responsibilities: the Department of State for foreign incidents, such as the one in Bogota, and international hijackings; the FBI, Department of Justice for domestic incidents; and the Federal Aviation Administration for hijacking incidents taking place in American jurisdiction.

These three agencies concentrate the entire Federal response. When crisis decisions are needed, the Special Coordination Committee—SCC—of the National Security Council is convened. It is

the designated group in the executive branch to which the President has given the responsibility for dealing with crisis situations, including the management of terrorist incidents. While lead agencies carry out operational requirements, the coordination of policy decisions is handled by the SCC.

Here in America typical terrorist acts have been bombings, hijackings, and extortion. In major incidents of a terrorist nature the FBI is always involved. The FBI routinely deploys SWAT and other special capabilities. The same is true in hijackings. Our experience has been extremely positive. The FBI and the FAA have demonstrated on numerous occasions their ability to manage incidents quickly, quietly, and effectively. More terrorists than ever before are behind bars; investigations are continuing in many other cases.

Notwithstanding the existing cooperation of law enforcement agencies at the Federal level, we need and are building closer liaison, exchange of information, and working relationships between Federal and local governments. Just last week the National League of Cities organized a conference in Washington with our support and encouragement to sensitize mayors to the issues of crisis management in terrorist incidents. The mayor of Newark was one of those that participated in that conference.

The National Governors Association is equally trying to make sure that Governors and States are able to deal with the problem of terrorism. Fourteen States are now reviewing the vulnerabilities of key economic facilities, such as pipelines, transformers and power generator plants. A manual on domestic terrorism and the resources which are available to combat it has been prepared by the National Governors Association.

In Washington we are committed to the principle that the Federal, State and local governments must work together. The ultimate objective in this cooperative effort between Federal and local agencies is a partnership based on better understanding of each other's problems and a mutual respect for each other's capabilities.

In sum while the problem of dealing with terror remains a serious and difficult one, antiterrorism initiatives are being taken by law enforcement and operational agencies at all levels of Government. We are working to bring about an even greater capability to predict, prevent, deter and respond to any terrorist attack. I assure you, Mr. Chairman, we have made progress using the existing coordinating structures which we have. We intend not to be complacent but to continue to refine these structures and these techniques and upgrade our resources to insure that we are able to combat domestic and international terrorism.

I would be happy to answer any questions which you, Mr. Chairman, or members of the subcommittee may have.

Mr. EDWARDS. Thank you very much, Mr. Ambassador.

Mr. Rodino.

Mr. RODINO. Thank you, Mr. Chairman.

Thank you very much, Ambassador Quainton.

Ambassador, how would you compare our response capability in dealing with terrorism with that of other countries, such as Great Britain and West Germany?

Mr. QUAINTON. I think our capacity to respond is second to none.

We have some unique issues which countries such as France or Great Britain do not have to address. Like West Germany, Canada, and Australia, we face the problems of management of a federal system which imposes the need to have special coordinating structures involving the State and local governments.

We are the only Government besides the Government of Israel which has a central coordinating office devoted to dealing with terrorism as a functional problem. In other countries by and large this issue is handled on an ad hoc basis. There is no central point where you can bring together the same resources which we can.

In recent years, we have developed a whole range of domestic capabilities, communications, police units, military units, which from my personal observation I would say are second to none.

Mr. RODINO. Is there a continual exchange of information between the United States and other countries that have similar problems concerning the movement and activities of terrorist organizations?

Mr. QUANTON. There is indeed, Mr. Chairman. Not only do we exchange information through diplomatic channels but also through established liaison channels.

I personally frequently travel to countries in Europe and elsewhere that have terrorist problems. There is a very high degree of recognition in all the governments that I have had anything to do with that this is a problem which cannot be solved alone. You have got to be prepared to share information, to cooperate in apprehending criminals, and to indict and prosecute them.

No one country can rid our world of the terrorism phenomenon. I have been very impressed by the openness and the receptivity which I have encountered when I've traveled. This is confirmed by my colleagues from various agencies who serve abroad about the reception which they have received when they have taken up this issue.

Mr. RODINO. Mr. Ambassador, I would like to focus on the possibility or probability of some terrorist group wanting to blow up something like the Hoover Dam. What kind of a response is there on the part of our Government?

Mr. QUANTON. In terms of the disruption of normal economic activity in our Government something like that would obviously have enormous, catastrophic consequences if it were to be carried out.

With the creation of the Federal Emergency Management Agency a little more than a year ago, we have taken a step to bring together disaster planning and our response to disasters. I think it is going to be a very important agency. FEMA is very concerned about how we can protect major installations. It is not that they are unprotected but we cannot assume that well armed people with careful planning could not breach security at one installation or another.

I cannot judge whether a particular powerplant or dam will be vulnerable. If they were attacked there is no doubt in my mind that we would use the coordinating structures that we have got. The FBI, or Department of Energy, if it were a nuclear site, would be able to move very rapidly to mobilize the necessary resources to these sites.

I cannot say how we would handle an evacuation which is a disaster management problem, far beyond terrorist management. I have a strong sense from my colleagues who deal with emergency management that these issues are a very high priority for them.

Mr. RODINO. Do all the member agencies of the Interagency Working Group on Terrorism have a policy office similar to that of the Department of State?

Mr. QUAINTON. No. A number of the key agencies of course do have terrorism offices such as those with lead agency responsibilities, the FBI and the FAA.

In other agencies there are divisions in the post office or the Department of Energy, concerned with physical security. Security is a major part of the problem. They may also have units that deal with particular kinds of crisis management; many have operation centers which go around the clock from which they can take an active role in any incident which affects their responsibilities.

But I don't think that every one of these agencies need to have additional subunits with this particular functional responsibility. Terrorism is only one of many acts they have to deal with. I don't think they necessarily should have specific terrorism units except where they are necessary, as in the State Department, the FBI, the FAA, and so forth.

Mr. RODINO. Final question, has the interagency working group made any provisions for the passing of intelligence information on to local authorities so they could be better prepared to handle suspected terrorist activity? Does such a policy exist?

Mr. QUAINTON. This would not necessarily be an appropriate policy issue for this very large group of agencies to address.

The exchange of information between the Federal Government and local law enforcement has primarily been handled through the FBI, but other agencies with intelligence, such as the Bureau of Alcohol, Tobacco and Firearms or the Secret Service have very close liaison relations.

For example, one of the problems that we occasionally face is the lack of national security clearances at the local level. As a result there are sometimes some inhibitions. On the other hand, where we have intelligence which relates to a specific threat (and we get such information from time to time, fairly frequently, in fact, both in the foreign and in the domestic context) I know of no case in which that information has not been shared immediately with anyone with a need to know; whether that is a local law enforcement unit or whether it is a corporation or an airline or an individual. If we know, if we have intelligence which reflects a threat to life or to property, we will convey that information to the people that can use it to prevent the terrorist act from taking place.

Mr. RODINO. Thank you very much.

Mr. EDWARDS. Mr. Ambassador, how many people do you have working for you?

Mr. QUAINTON. There are nine of us in the office, myself and eight others.

Mr. EDWARDS. How is that broken down?

Mr. QUAINTON. There are six officers and three staff personnel. The five officers that work with me each has a region of the world which he follows very closely to be up to date on the terrorism situation as it may affect our national interests in one region or the other. They also have functional responsibilities.

Two officers deal very extensively with the press and with Congress, to make sure that we are informing people of what is going on, and that there is an exchange of information of the kind there ought to be.

Another officer deals primarily with the military and the Department of Energy, areas where there are national security implications.

Another deals with security and intelligence agencies. We try to give our staff both functional and geographic responsibilities so that they can handle all aspects of the problem.

We are coordinators. We are not directors of the business of other agencies which have legitimate statutory authorities which they carry out in a competent way.

Mr. EDWARDS. You wouldn't have anything to do with the example that Chairman Rodino mentioned, that would be the possible blowing up of a dam in the United States?

Mr. QUANTON. Not directly. I would not have a crisis management role unless it was an act carried out by a foreign group or by a group operating in this country with foreign connections.

Although the State Department has no direct involvement, the working group which I chair is concerned with domestic and foreign policy issues, with vulnerabilities, with security and with the whole range of protective measures that we take here and abroad. In that sense I am personally involved and my staff would be as well.

Mr. EDWARDS. Did you read in yesterday's New York Times the article by John E. Karkashian, a former deputy director of the State Department's Office for Combating Terrorism?

Mr. QUANTON. That article was mentioned to me before I testified, I have not seen it.

John was my deputy throughout the first 18 months that I was on the job.

Mr. EDWARDS. He said: "Our deterrent policy appears to be based largely on the belief that if we simply keep repeating that we will not accede to terrorist blackmail, the wish will become the fact."

That is very critical of your activities, how do you wish to base your observations on that statement?

Mr. QUANTON. I think I tried to say in my testimony, Mr. Chairman, that a policy of this type does have a deterrent effect.

If terrorist groups came to believe that everytime they took an American diplomat hostage it would be worth \$5 million out of the public treasury we would have a lot more events. As I tried to make very clear, we don't just stand behind a series of statements written in letters of gold. We are doing something! We are doing something physically in terms of security and in terms of crisis management. That's important. You don't have a policy if you say "Well, I don't know what I am going to do the next time there is a terrorist act. Maybe this time we have to pay ransom." I think we have thought it through in a way that meets the interest of the public, of our Government, and of our employees.

Mr. EDWARDS. Well, even if the Government doesn't pay huge amounts in ransom, certainly private American industry does.

In Argentina, terrorist groups got into their hands about \$150 million and in El Salvador \$50 million was paid for the release of executives of corporations, American and others.

Are you trying to be of some help to American corporations overseas?

Mr. QUANTON. This is one of the most difficult areas in which we have to operate. Corporations work freely abroad. Their individual decisions whether or not to pay ransom are not controlled by U.S. law. It is not illegal for them to pay ransom.

They have the lives of their employees at stake, and they have to be concerned about them as we have to be concerned about the lives of our employees when they are taken hostage. We try to help them in whatever way is appropriate without getting directly involved in any ransom decisions which they may make.

There is, as you rightly observe, Mr. Chairman, a difference here between the Government's policy, which is a no ransom policy, and the private sectors which is the reverse.

The U.S. Government has different interests to protect. They must be protected. They are much more sensitive interests. In our consideration of national interest, we have to worry about national honor.

I think one has also to say in looking at the issue that the fact that private business pays ransom, as it often does, contributes to the coffers of terrorist groups which continue to attack our interests. This is not necessarily something that adds to the peace and stability in the world that we are all committed to.

Mr. RODINO. Would you yield?

Mr. EDWARDS. I'll yield, yes.

Mr. RODINO. You say you don't interfere, recognizing what you have just said, don't you think it is your responsibility then to try to discourage such payments because it reflects the interest of the United States ultimately?

Mr. QUANTON. We can draw these considerations to the attention of corporations, but in all cases that I have had the chance to observe they are going to give the highest priority to the life or lives of their employees.

Mr. RODINO. We do too but as you say, one is interrelated with the other. The interest of the national Government is important. Of course, you recite honor. That is something that all of us hold dear, and there are lives that are at stake, and we have heard the President talk continually about the safety of the hostages, the hostages in Tehran.

You consider that as a basic, don't you?

Mr. QUANTON. I do indeed.

Mr. RODINO. Well, if you think the policy that we are pursuing of not paying ransom is a good one, and in light of the fact that private industry has probably contributed to an increase in the number of kidnaping terrorist activities by paying ransom, then don't you think it is our responsibility to discourage such payments as strongly as we can? After all, there are interests, especially when these are people who are acting in their private capacity as U.S. citizens in other countries where we have great stakes?

Mr. QUANTON. Certainly within our capability we could point out the costs and the consequences and discourage them, but we cannot control what private industry does in this area. I am not sure that they would necessarily accept dictation from the United States on this issue even if we tried to give it to them.

It may be that we should be taking a more active role in discouraging private ransom abroad, but that decision would have very considerable consequences in terms of lives. Our hesitation has been because of our concern, that we not rule out options that are going to prevent people from getting killed. That's always a very tough call.

We just don't want to preach empty statements that are going to result in people getting killed, that is rhetoric without substance behind it.

We are trying to work out a strategy which preserves our legitimate interest in saving the lives of people caught up in these most terrible and damaging of incidents and at the same time which does not compromise the basic interests of the United States.

Mr. RODINO. Thank you.

Mr. EDWARDS. The White House retains a veto on anything you want to do; is that correct?

Mr. QUANTON. Absolutely. As in any other area of government the ultimate policy decisions flow from the political leadership, and the White House. Where we have major issues which cannot be resolved, through the process of coordination—we go to the National Security Council if it's a crisis kind of problem.

Mr. EDWARDS. Thank you.

Mr. RODINO. Thank you, Mr. Chairman.

Mr. Nellis.

Mr. NELLIS. Mr. Ambassador, was your office in any way involved with the Colombian Government during the recent takeover in which Ambassador Asencio was involved?

Mr. QUANTON. Not in the sense of personal contact between those of us on the task force in Washington and officials of the Colombian Government in Bogota.

I and others were in touch with the Colombian Government representatives in Washington. Our Embassy in Bogota was in daily touch with the very highest levels of the Colombian Government. We were aware of those contacts and made suggestions about the content of messages which might be passed to the Colombians. It was a very intense relationship.

Mr. NELLIS. Would you say that your office made major contributions to the resoluteness with which the Colombian Government resisted the demand of the terrorists?

Mr. QUANTON. Certainly it was the task force under my direction which proposed and set out the various options which we could pursue. We helped formulate them, but the ultimate decisions, consistent with our longstanding policy of relying on the host government, were of course taken at the policy level of the Colombian Government.

I think they were the right decisions. Ambassador Asencio suggested in his testimony that we supported the Colombian Government in its basic stance.

Mr. NELLIS. I am a little puzzled as to what your office does. If you don't take a lead role in the actual case of two terrorist incident and you don't take a lead role in the domestic—

Mr. QUANTON. We did take a lead role. All the coordination, without exception between the Colombian and the U.S. Governments, was done in the task force which I directed.

We were responsible for the preparation of policy papers, of analyses, of advice. My deputy went to Bogota to work with the Embassy.

Mr. NELLIS. So you were involved?

Mr. QUANTON. In every aspect. There was no aspect of the incident of which I was not informed or which I did not have a major input.

Mr. NELLIS. But as to the Colombian Government itself that was handled through the Embassy in Bogota; is that correct?

Mr. QUAINTON. That is correct. That would be the normal procedure for dealing with foreign governments.

Mr. NELLIS. Finally, Mr. Ambassador, does the State Department have any role at the moment in helping to identify Cuban terrorists that might be coming over as supposed Cuban refugees?

Mr. QUAINTON. Well, the State Department is not an intelligence gathering organization nor does it assess intelligence on individual terrorists.

Obviously when we get information we share it with the Intelligence community, but we are not directly involved in the screening of those who have entered the United States.

In other circumstances where the initial processing is by the Department of State—which was never possible in the Cuban situation—we would always review our very extensive lookout systems, both computerized and noncomputerized, to attempt to identify people with violent or terrorist connections so that the possibility of their entering the United States would be forestalled.

Mr. NELLIS. Are you saying that you don't have such information about Cuban terrorists?

Mr. QUAINTON. We have information about Cuban terrorists.

Mr. NELLIS. Is that information available to the FBI as it screens these people?

Mr. QUAINTON. Yes. Let me just describe briefly the lookout system which applies to people coming into the country. It is a very complex one.

The first point at which foreigners come into contact with the United States prior to entry is an American embassy or consulate.

We review our computer holdings which contain thousands of names of persons known to have terrorist connections to see if the applicant is one of them.

The second contact is at the port of entry where first the Immigration and Naturalization Service and then the Customs Service put the same names through their computer systems. The names of terrorists are mutually exchanged between those three agencies.

The information may come from a variety of other sources including the FBI or other intelligence agencies. But at each one of these stages the responsible Federal agency has the opportunity to check that there is no terrorist coming into the United States—

Mr. NELLIS. Excuse me. That occurs where there is a regular influx as distinguished from the situation in Miami. What I really want to know is are there names in your computer system that could be used by the FBI in helping them to identify potential terrorists coming in?

Mr. QUAINTON. Everybody on coming into Miami is being screened in the first instance by the Immigration and Naturalization Service. They have all the information that everybody else has.

Mr. NELLIS. I don't believe that is the case.

Mr. QUAINTON. I believe their names are being checked against all the lookout systems which they have and if someone is identified from the lookout wing, criminal or terrorist background, then the FBI would be informed.

Mr. NELLIS. Thank you, Mr. Chairman. Thank you, Mr. Ambassador.

Mr. EDWARDS. Mr. Ambassador, I would hope that in your handling of future incidents of terrorism, that your advice will always be not to politicize them and to play them in as low a key as possible.

Mr. QUAINTON. I would fully agree, Mr. Chairman. I think that one of the helpful aspects of the Bogota incident was that this incident did not become a major public affairs press problem. We were able to handle it calmly, quietly, patiently, firmly, with the cooperation of our Embassy in Bogota, with the fine work that Ambassador Asencio did and the coordinating task force which we automatically set up.

Mr. RODINO. No further questions.

Mr. EDWARDS. Thank you very much. It's been a pleasure to have you.

Our last witness today is a very distinguished person, and it is my pleasure to yield to the chairman of the committee for purposes of introducing the witness.

Mr. RODINO. Thank you very much, Mr. Chairman.

I am delighted to welcome my friend, Col. Clinton Pagano, director of the New Jersey State Police.

His record as the head of our New Jersey State Police is well known. He serves the State of New Jersey extremely well. The fine job he does is done not only as a person who understands what law enforcement is, but as one who also understands the rights of the individual. I think that his fairness in the handling of the problems that confront the New Jersey State Police is unique. His actions are those that commend Colonel Pagano to the people on this subcommittee because Colonel Pagano is indeed involved. I am delighted to welcome him as a friend and as one of the finest and most respected officials of this great State of New Jersey.

#### **TESTIMONY OF COL. CLINTON PAGANO, DIRECTOR, NEW JERSEY STATE POLICE**

Mr. PAGANO. Thank you very much, Mr. Rodino.

I am not really up to snuff on the format. I have a prepared statement, if you would like I would read it into the record.

Mr. EDWARDS. Without objection it would be accepted in the record. Colonel you may proceed.

Mr. PAGANO. The police in this Nation are witnessing unprecedented levels of terrorist threats and violence, both nationally and on an international level. In dealing with these terrorist/hostage situations, it becomes the responsibility of the lead enforcement agencies to develop, maintain, and continually update programs designed to thwart, or counter, such activities.

Here in New Jersey, Governor Brendan Byrne has decreed that the division of State police is the "lead agency for all emergencies," to which the State is called upon to act. With this in mind, I would like to discuss the various ways which we have prepared to meet the challenges imposed by the threat of terrorist violence. Of course, I should point out that our success as the "lead" agency very often depends on the cooperation received from allied agencies at the Federal, State, and local level. We function in three general areas when you speak in terms of terrorism.

Recognizing the need for training as far back as 1976, the New Jersey State Police applied for and received a Law Enforcement Assistance Administration grant, which allowed our training academy to conduct management seminars on terrorism.

The initial program which commenced on October 11, 1976, stressed training of command and supervisory level police officers in the area of civil disorders. The students comprising the first six classes were picked from targeted areas in New York, New Jersey, Pennsylvania, Puerto Rico, and the Virgin Islands. We also included Federal agencies such as the FBI, Secret Service and the military, in our training methods.

Starting class No. 7, our training responsibility shifted from the pretargeted areas to a national responsibility. Students such as Deputy Chief Robert Rabe of Washington, D.C., who was responsible for ending the Hanafi Muslim siege, were trained at our course and utilized our information with great success. Lecture material ranged from areas such as hostage negotiations and dignitary security to trends in terrorist activity and transnational terrorist groups.

Thirty courses were given and approximately 1,000 students trained. The New Jersey State Police comprised approximately 6 percent of that figure. Course costs for the 30 classes was approximately \$666,000.

The terrorism and hostage negotiation program was terminated in June 1979, due to a shift in training priority by the Federal funding agency, but the experience we gained continues to prove invaluable in the training of our own technical emergency and mission specialists.

Incidentally, in listening to the testimony of the Ambassador, I find a lead myself. We recently had an inquiry from Mayor Gibson, I am meeting with him tomorrow morning, on why we terminated our course.

I think I see that he attended the State Department briefing or one of their seminars and I am sure at that time that they discussed this training.

Our second area of responsibility I captioned as a technical emergency and mission specialists, our TEAMS people. I avoid the word, Mr. Congressman, "SWAT." I don't use the word. I never evacuate people, I relocate people. It has a benefit, really.

The emergency management section of the New Jersey State Police has recently put into effect a concept of a mobile, highly trained and discipline paramilitary reserve force which is capable of responding to police actions across the entire spectrum of violence. This program enables the State police to provide cohesive response units which are designed to maximize the division's effect with a minimum number of men.

These units are composed of 10 men and a sergeant/supervisor assigned to each of our tactical patrol units in north, central and southern New Jersey. The unit's members are assigned to the respective troops until called upon in an emergency, at which time they are directly responsible to the emergency management section. Personnel assigned to these units, in addition to being in top physical condition, must be able to perform and qualify in: Scuba diving; rappelling and heavy duty rescue techniques; recognizing and handling explosive devices; first aid; chemical agent handling, such as gas, gas guns and

pepper fog generators; hostage negotiations, which is very important to our topic; weapons and tactical squad maneuvers.

The TEAMS approach is how we are preparing to minimize the effect of terrorist acts once they are committed. As you know, terrorists unfortunately do not develop their plans out in the open, and, therefore, the only other effective way to deal with them often depends on the efficiency of intelligence information. The New Jersey State Police relies on the division's central security bureau to develop information on terrorist activity.

The mission of the central security bureau is to identify, prevent, reduce and control the activities of those persons and/or groups engaged in social political criminal activity (terrorism) in the State of New Jersey. This bureau is in constant contact with Federal, county and local agencies to effectively identify and monitor the activities of suspected terrorists and terrorist groups.

The goals of the central security bureau are the development of strategic and tactical intelligence assessments and the investigation of social/political crimes (terrorist acts), for the protection of our citizens. To accomplish this goal, the bureau is designed to perform joint criminal intelligence/investigative responsibilities in the area of social/political criminal activity.

Allow me to draw your attention to two specific situations which are of particular concern to the New Jersey State Police. I heard the statistics mentioned before from Mr. Chairman. As Omega 7 is concerned we have had seven—sorry, Mr. Chairman, I couldn't count, six incidents since 1975; five bombings and one murder in the State of New Jersey directly attributable to this group, Omega 7, an anti-Castro movement which has emerged in the United States as a result of the Cuban revolution in 1959. The movement utilizes terrorist tactics in order to gather support for their cause.

In the past few years, the movement has broadened their scope of operations and has become quite active in the Cuban exile communities of New York and New Jersey.

An anti-Castro organization assuming the name Omega 7 has claimed responsibility for at least 30 terrorist incidents since 1975 in these areas. Many of these incidents have occurred in the New York/New Jersey metropolitan area.

Alleged members of Omega 7 have been implicated in several assassinations, although bombings are most frequently utilized by members of Omega 7 to gain attention. Targets of violence are usually perceived by the terrorists as being pro-Castro or sympathetic to communism.

Information available indicates that Omega 7 may be a "phantom organization" comprised of anti-Castro activities rather than an organized terrorist organization. The label Omega 7 may be utilized by the terrorists in order to confuse law enforcement authorities investigating the anti-Castro movement.

My second real concern, Mr. Chairman, is in the prisons of the State of New Jersey, because terrorists seem to key on prisons for recruiting purposes. It's the place where violent people can be indoctrinated in violent causes. The most alluring aspect of this recruitment effort is that a violent criminal, by accepting the terrorist doctrine as his own, is suddenly transformed into a revolutionary, he proclaims

himself a "political prisoner" who is in the vanguard of the revolution. He no longer identifies with the common criminal.

For most who accept the label "political prisoner" it is merely an escape from the doldrums of incarceration; however, the problems they create while in a custodial situation are very real. New Jersey has experienced successful and attempted escapes and I use the word "escape" advisedly, there have been rescues in most instances that have resulted in death, the wounding of prisoners and officials and the taking of hostages. Those who planned these escapes consider themselves revolutionaries who use terrorist tactics in their self-declared war against the U.S. Government.

Inmates who declare themselves "political prisoners" claim to be "prisoners of war" and have warned, "take care lest the prisoner of war becomes a prisoner at war."

I mention these two situations to point out that these are the type of activities which we, in the State police, are called upon to defend against in carrying out our previously mentioned responsibilities.

I clearly recognize the need for every police agency to plan and be ready to respond to terrorist acts, but I believe that prevention is still better than cure as stated in the summary of the Task Force Report on Disorders and Terrorism, published by the National Advisory Committee on Criminal Justice Standards and Goals:

The dangers to the United States and its fundamental freedoms come not from intelligence activity itself but from badly regulated and badly supervised intelligence activity. The potential danger to the domestic peace from having no intelligence activity at all is as frightening to contemplate as it is ludicrous to suggest.

The intelligence capability to respond to terrorism must be increased, not diminished, but the increase must be accompanied by a greater oversight and accountability so that these necessary activities are conducted within the bounds of the country's Constitution, laws, and traditions.

Finally, let me reemphasize that the healthy spirit of cooperation which exists between the New Jersey State Police and Federal authorities, particularly the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, and Firearms in the Treasury Department, has done much to increase our preparedness in combating terrorism. I'm looking forward to the continuance of these relationships and the success of our joint efforts in this and other areas of mutual concern.

I would point out too, Mr. Chairman, that a good deal of the lead in what we are doing comes directly from Governor Byrne, who is chairman of the Task Force on Disorders and Terrorism mandated in his preamble; the heavy emphasis must be placed upon social programs in order to reduce community tensions.

Noncriminal and nonviolent alternatives must be provided to those for whom protest has become an essential criterion to social change.

Thank you. If you have any questions, I will be glad to answer them.

Mr. EDWARDS. I think we should make that statement of the Governor's a part of the record. Without objection, it would be made part of the record.

I want to compliment you on your concern in your testimony, and the work that you are doing and the points of view that you expressed. They are very, very helpful and we are delighted to have you as a witness.

Mr. Rodino.

Mr. RODINO. Thank you, Mr. Chairman.

I too, Mr. Chairman, wish to compliment Colonel Pagano for his concern. This is the reason why I prided myself on welcoming him. His kind of outlook, and approach to the problem of terrorism is indeed a healthy one and certainly I think it is the kind of thing that we appreciate.

Colonel, in view of the fact that you placed some emphasis on social programs as a necessary part of all of the concerns that we have and that social programs somehow are neglected, is not the atmosphere created for some people to engage in terrorist activities in our urban areas? With the Federal Government now being in the type situation it is in, particularly with respect to the cities, with a heavy concentration of population where there is heavy unemployment, and where there is all of the climate that breeds the kind of concerns that you expressed; does that now cause you some unease? That strikes as a likely possibility, given the fact that the State of New Jersey, and especially cities like Newark, Trenton, and Camden, are going to be badly affected by some of these cuts in some of these social programs that affect minorities, blacks, and others.

Mr. PAGANO. Yes, it does make me uneasy, Mr. Chairman, obviously by the very nature of my vocation. I am not a social activist of sorts although it is part of my makeup because I am a citizen of this Nation.

I represent the largest law enforcement agency in our State and we are known as a very strong, capable organization, but you don't administer in a vacuum, either.

You understand the needs of the community and I think that, given what we are seeing occurring right today in Miami, it may be a precursor of difficulties that may come because of frustration and a need to vent rage. I didn't come here to testify about rioting in the streets but the social climate is one that I think causes everyone including myself to want to do everything that we can to find better alternatives to rioting in the street and terrorism and fighting and carrying on.

I think that we do, as an agency, exercise to a maximum those resources that we have and we have developed programs that have been ongoing for years that are designed from bringing people out from that center city to send them back in such a way as to give them a message of what goes on in the rest of this State and one way or the other ease the tension.

Basically, I am a law enforcement officer, but by the same token, you don't enforce the law if you don't have to and you don't have to arrest people for violence in the first place if you can prevent that violence.

Mr. RODINO. That is a commendable attitude, Colonel. We have heard testimony from Ambassador Quinton on the flow of information from the Federal Government down to the local and State agencies that may be involved concerning terrorist activities. I understand from your statement that you seem to be satisfied with the flow of information. Can we conclude that from your testimony?

Mr. PAGANO. With some small differences. The flow of information down is excellent. The cooperation between the State police and the FBI and of other Federal agencies is excellent.

Our coordination of local agencies in this area is optimum.

Our difficulty as was outlined or was testified by one of the witnesses, is not from the top down but from the bottom up. I didn't come as prepared as mentioned to discuss FOIA but I am not unprepared, either. I just don't have the statement with me.

I mean, that we have great difficulty in our prisons. We have had a number of murders, most significant probably in the area of a terrorist relationship was the activities of the Black Liberation Army, a terrorist internal—not an international but internal group and a national group.

They murdered one of my troopers. We convicted them for those crimes, they were placed in our prison system. During the course of their incarceration there were a number of murders. We have had assaults in the New Jersey State Prison, the maximum institution for the State, we first thought we had a riot, we found out through investigation that was an attempted rescue of Clark Squire, one of the BLA members.

Not too long thereafter, after a long litany of efforts to have a prisoner, a dangerous prisoner placed in a different institution, we had a second attempt, and this was the rescue of Joann Chesimard, and we are still actively engaged with the Federal and local authorities in New York and wherever in an effort to recapture and bring her back into custody.

I am going around the barn, what I am trying to get at, after her rescue we examined her cell, we found 327 documents all of which were FBI reports, all of which were obtained by her through FOIA. Our mission is to recapture her, bring her back into custody, and we examined these documents.

But I was of the opinion immediately on seeing that night that these documents had done great damage to the law enforcement effort. I had an analysis done of these documents and this analysis was thereafter provided to the Bureau, to the Director, Mr. Webster, Judge Webster, and to Attorney General Civiletti so that he understood, too, some of the net effects of having this particular type of information made available to a prisoner, a person in whom we have an interest in protecting the public from, and I say in this analysis that not only is this particular individual, Joann Chesimard, able to conclude the identification of informers who provided information that made it easy to detect her activities, she went, as I can see, to the very heart of the operations of the Bureau and other enforcement agencies. She learned our techniques, she learned how to anticipate what we would do.

I think far more than that it presents a danger to those informers, these people who have cooperated, and they are not all criminal types, some of them are altruistic, honest citizens.

It presents a threat to their safety, and more than that in those instances where she can't identify the individual specifically she can pick the individual out of a group of maybe three or four and that particular situation presents a threat to not only the person who provided information but three or four or five people who have never said a word to the police. We have difficulties with it.

I am not opposed to FOIA, I think in a constitutional setting people have a right to know and even a prisoner has a right to know but there is also a balance as was mentioned here today to meet the needs of both the society and both constitutional need of the prisoner and those

suggestions made by the Bureau at this point, to modify FOIA, are supported by my organization and myself personally.

Mr. RODINO. Colonel, we have talked about the role of the media in in a terrorist incident and the fact that sometimes the media may influence a prolonging of the incident by the terrorists. Would you characterize the media as an actor or observer in the situations? Do you think that what we have heard is saying that maybe the media ought to itself stop, look and listen?

Mr. PAGANO. I think this has been alluded to by several of the witnesses here today. Without question the terrorist type is desirous of having his particular ideology exploited and made known, and he is looking for attention, and as a technique in controlling a situation involving a group, a terrorist type group, you have to in some ways control the press and at least control the flow of information so the credible information is given out and so not too much information is not going to be given to aid and abet the continued activities of the person that you are trying to interrupt, the terrorist.

To characterize the media is somewhat difficult to do; in my own mind they are a bunch of cops without guns; that's the problems we have. We are of the same makeup, they are aggressive, they are inquisitive, they are suspicious, they are cynical, they're much the same as police types and we have to kind of regulate one another once in awhile.

Mr. RODINO. Having said that, have you tried to maintain a dialog between yourself and the news media insofar as this kind of activity is concerned?

Mr. PAGANO. I don't have any difficulty there, Chairman, because I have said it so often to these type persons where they understand where I am coming from and I understand where they are coming from and in many instances they provide for my needs and vice versa. If I have a riot at a prison I provide for their needs but I don't ever hope to intercede or to interrupt the free flow of that information that the press is entitled to but from time to time there is information that they are not entitled to and sometimes we are obstructed from and they can be obstructed from us. But we haven't had any fights yet.

Mr. EDWARDS. This committee does not have jurisdiction over the Freedom of Information Act. That is within the jurisdiction of the Committee on Government Operations of the House of Representatives. However, we do have an interest in it as you very properly pointed out. So this oversight of the Government is very important. It is public oversight, but it certainly should not be used in the way you described. We thought we had safeguards built into the act so that that type of information would not be available to inmates; however, the act is going to be reviewed, and I am sure that a very hard realistic look will be given to that problem.

Mr. PAGANO. It is under review now, Congressman.

Mr. EDWARDS. I have no further questions.

Mr. Nellis.

Mr. NELLIS. Colonel, you provided us with a list of the six incidents. Were all these crimes solved?

Mr. PAGANO. I don't really think that any of them have been solved, that's one of the true fashions of these terrorist type activities. It's been testified here that they are very difficult to penetrate, and they are. This is not to say that the State Police in cooperation with the

Bureau in several large cities are not actively investigating these incidents and other incidents because we are.

I think that I would be remiss if I were to go into any of those details. They are active cases going on but the matter is a matter of intervention, interpretation, and trying to thwart, trying for crime prevention.

Mr. NELLIS. Colonel, of course what I have in mind, this type of incident of terror—unless there is a termination of the incident by the State police, or the FBI, there is never a solution unless an informant comes forth later on.

I see you have one murder and that has been unsolved as well.

Mr. PAGANO. That's right, it is presently under investigation.

Mr. NELLIS. May I ask this question as to the course of these investigations leading toward a solution of these terrorist activities, is the FBI working with you side by side?

Mr. PAGANO. Without question, in current cases and in the past we have had an excellent relationship with the FBI.

I think here in New Jersey we have had a better coordination of State police, FBI activities than any other jurisdiction that I am aware.

We have just completed two extensive organized crime cases where we worked very closely and we have the cooperative efforts here in the area of terrorist activities, terrorist groups.

Mr. NELLIS. Are the State statutes against terrorism better in terms of prosecution than the Federal statutes?

Mr. PAGANO. In many cases, yes, because they go to direct acts of criminality, murder, arson, some of those activities are blanketed under several Federal acts but by and large we zero in and want to zero in on those activities that appear criminal.

Mr. NELLIS. In those cases, States prosecution is far preferable to Federal prosecution?

Mr. PAGANO. That is correct, and U.S. Attorney Del Tufo with our Attorney General Degnan, Bob McCarthy, myself and the prosecutors of this State had just completed a plan to provide for those cross-jurisdictional problems. I think that New Jersey is the first State to submit a plan of this type.

What we are really trying to do is prosecute effectively but not cloud the issue by cross prosecution, provide a vehicle, provide a plan to delegate the prosecuting authority cooperatively among all parties, all the agencies, and I think it will work.

Mr. NELLIS. I am sure it will.

Thank you, Mr. Chairman.

Mr. GORDON. Earlier this morning the representatives of the FBI alluded to the task force that they have set up with New York City to deal with terrorism. Based on my research, the northern operations of Omega 7 are primarily concentrated in the Hudson County area. Have there been extensive discussions by your office with the Bureau and New York City officials regarding coordination of law enforcement activities on how to deal with this particular group?

Mr. PAGANO. Yes, there has; specifically we have not delegated a task force, we have not outlined people but we have functioned with the task force mentality for as long as I have been superintendent and I think that any information that's developed in New York will feed back to the area here and right down to ourselves and the local people involved.

Mr. EDWARDS. Thank you very much for the excellent level testimony, and my thanks to the other witnesses. My thanks to the city of Newark for the hospitality to the subcommittee today.  
[Whereupon the subcommittee adjourned.]

#### REPORT OF THE TASK FORCE ON DISORDERS AND TERRORISM

Disorders and terrorism are not phenomena new to the United States. However, social turmoil on the domestic scene and in other countries in recent years has produced a significant increase in the number of civil disorders and terrorist acts. As pointed out by the Task Force on Disorders and Terrorism, there are qualitative differences between what has traditionally occurred in this country and what has occurred elsewhere. Here, more often than not, antisocial or violent acts have been designed to modify the existing system as opposed to overthrowing it. While it is dangerous to generalize or to be complacent when discussing subjects as significant as these, it nevertheless is important for the distinctions to be noted, as the Task Force has done, because the nature of the standards and goals proposed for dealing with these matters is directly affected by such distinctions.

On a worldwide basis, there have been so many acts of violent terrorism in recent times that the very term has the capacity for creating an exaggerated response even among the citizenry of the United States. It is of course true that one need go back just a few years to find numerous airplane hijackings, bombings and riots in major American cities. Thus, it would be naive to assume that such things are indigenous to other countries and atypical in this one. What seems most important is that the problem be placed in proper perspective, that as a people Americans neither overemphasize nor underestimate the threat or the degree of difficulty associated with controlling the menace.

In an orderly and balanced approach, the Task Force has produced standards that deal with virtually every facet of the matter of disorders and terrorism. There are explicit proposals for training police and law enforcement agencies in preventive measures that can be taken against mass violence, for the tactical management of disorders, and for the deterrence of terrorism as well as the evaluation of threats of acts of disorders and terrorism. There are very detailed plans that the police in States and municipalities will find most useful during times of rioting or other extraordinary social upheavals. The Task Force has written extensively on the role the courts should play during and after such occurrences, including recommendations on how to deal with trials of cases arising out of incidents of terrorism. There are also suggestions for the news media to follow in the reporting of occurrences and of the trials that follow. The number of prison disorders in recent years has produced a response from the Task Force in terms of institutional conditions and correctional objectives, particularly with respect to persons convicted of terrorist acts.

What is very strongly stressed in this report is the need for community response and responsibility. It is pointed out that law enforcement is indeed the shield of the community against attack. The police thus need strong public support in order to perform their tasks adequately, and the private sector cannot remain passively neutral to the threat of terrorism. The ultimate conclusion is that, in addition to specific ways and means of dealing with disorders and terrorism, what is most important is that effective preventative measures are formulated so that the problem can be dealt with before it arises, wherever and whenever possible.

As with so many other facets of the law enforcement problem today, the recommendation of this Task Force is that heavy emphasis be placed upon social programs in order to reduce community tensions. Noncriminal and non-violent alternatives must be provided to those for whom protest has become an essential criterion to social change. The responsibility for creating the nonviolent atmosphere is upon all aspects of society: the legislature, the courts, the police, and above all, the private citizens. This report will play a vital role in the future control of violence and terrorism. The Task Force has met the challenge and has presented a sensitive well-balanced and reasoned approach that will be invaluable in the formulation of specific plans and proposals in the future.

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