

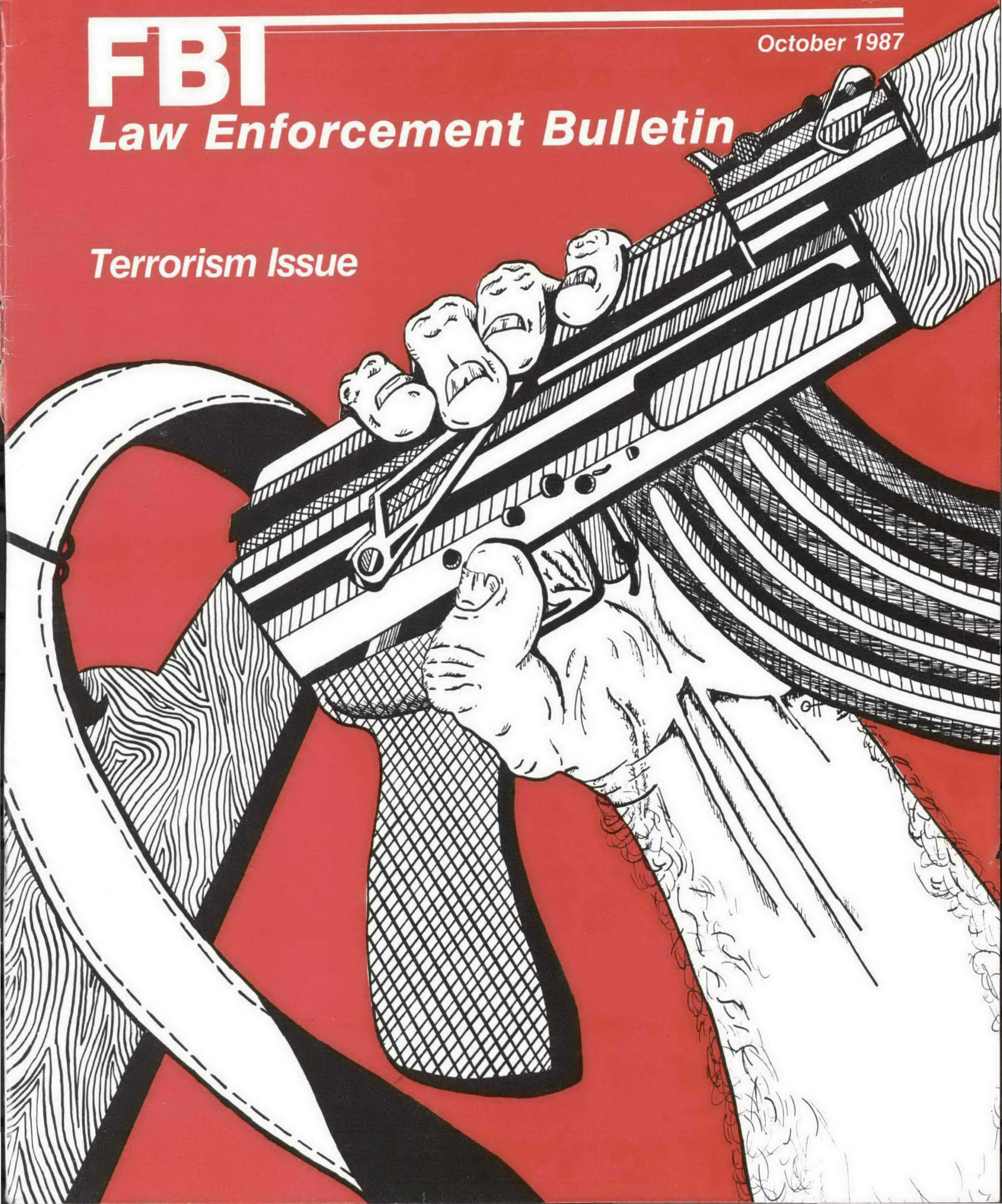


October 1987

# FBI

## *Law Enforcement Bulletin*

### *Terrorism Issue*





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October 1987, Volume 56, Number 11

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# FBI

## Law Enforcement Bulletin

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John E. Otto, Acting Director

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# Terrorism Today

**"... all levels of the law enforcement community must work together to ensure success against terrorists."**

By

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There is little doubt that today terrorism has become both a major concern for the United States and a major issue within the U.S. law enforcement community. During the past several years, bombings, assassinations, and armed robberies, which have captured the attention of both the media and the citizenry, have been committed against Americans in the United States and elsewhere by terrorist groups and individuals. These acts have been perpetrated for a variety of causes, ranging from a desire to destroy capitalism to retribution against historic enemies.

Terrorism is a form of organized criminal behavior, but it is unlike other crimes that we have experienced because terrorist crimes are allegedly committed for political purposes. Terrorism has been called a new form of warfare, but instead of standing armies, terrorism is committed by individuals or relatively small, but compact, groups. No major outlays for supply and logistic expenses are needed, and terrorists operate clandestinely. Terrorists in this arena call themselves many things—urban guerrillas, warriors, or freedom fighters—but they are nothing more

than criminals. These individuals are involved in criminal activity and the FBI pursues its counterterrorist responsibility within the law enforcement context, with prosecution of criminal activity its primary goal.

Terrorism is a worldwide problem. Fortunately, the United States has not experienced the same level of activity — and deadliness — of terrorism as elsewhere in the world: in Europe, in the Middle East, in Central America. Law enforcement at all levels, Federal, State, and local, must work together to ensure that terrorism does not become an even more significant factor tomorrow than it is today.

## Overview

The FBI is the lead Federal law enforcement agency in the U.S. Government's fight against terrorism, both international and domestic. Domestic groups are those which operate entirely within the United States or Puerto Rico and which generally direct their activities against our Government or some element of our society. International groups are those with some degree of foreign direction or support or

whose activities transcend national boundaries.

The mission of the FBI in counterterrorism is to both prevent incidents, where legally possible, and to react effectively after incidents occur. In an effort to prevent terrorist activity, the FBI collects information on individuals, groups, associations, movements, and support structures, when we have information that they are involved in illegal activity in support of terrorism. This serves not only to aid prosecution, but it builds the intelligence base which makes the prevention of terrorist acts possible. The reactive phase consists of an effective and timely investigative response to a terrorist act.

As a result of the FBI's counterterrorism effort, ably supported by a number of other agencies and departments, the number of terrorist incidents in the United States has declined during the past several years, from 51 in 1982, to 13 in 1984, to 7 in 1985. During 1986 there were 17 confirmed terrorist incidents in the United States. Although there was an increase during 1986, 11 of the 17 incidents were committed by





EAD Revell

two groups on two dates. The number of active groups and the relative terrorist threat in the United States has not increased. There has not been a terrorist act committed by an international terrorist group in the United States since 1983. During this same period, the number of terrorist incidents prevented rose from 3 in 1982 to 23 in 1985. An additional 8 preventions were recorded during 1986.

During the past 2 years, indictments or convictions have been obtained against individuals belonging to a wide range of domestic groups engaging in terrorism. Included among these were persons responsible for the 11 bombings claimed by the United Freedom Front; bombings, including the one of the U.S. Capitol, claimed by the Armed Resistance Unit; murders and robberies by the Aryan Nations and its affiliate group, the Order; and bombings, rocket attacks, and robberies by the Puerto Rican group EPB-Macheteros. At least 14 bombings planned in the Washington, DC, area and the northeastern United States were aborted because of the arrests of some of these individuals.

During this same period, planned acts of international terrorist activity prevented through investigative activity included attempted assassinations of the Prime Minister of India, a high-level Indian Government official, cooperating

witnesses in the Aryan Nations case, and Libyan dissidents residing in the United States.

### Domestic

In the domestic arena during the past 2 years, there has been a resurgence in violent activity by Jewish terrorists that has been directed principally against Arab-American elements and individuals allegedly tied to World War II Nazi activities. Several deaths have resulted from these attacks and these matters are being afforded the highest investigative priority.

Right-wing extremist groups, some of which have engaged in paramilitary tactics and survivalist training, pose a significant threat to law enforcement personnel, to ethnic minorities, and to government buildings. These groups, such as the Aryan Nations and the Sheriff's Posse Comitatus, espouse philosophies that are violent, racist, and antigovernment. There is also evidence of communication between these groups, and possibly, a coordination of efforts.

Left-wing extremists, which include black, white, and Puerto Rican elements, are also of concern. These groups seek change through revolution, for example, "independence" for Puerto Rico, the overthrow of capitalism and "imperialism," or the establishment of a black nation within the United States. The May 19th Communist Organization, the Prairie Fire Organizing Committee, the Armed Forces of the National Liberation, the Organization of Volunteers for the Puerto Rican Revolution, the EPB-Macheteros, and the Republic of New Afrika/New Afrikan Freedom Fighters are just a few of the organizations which espouse such philosophies.

Although severe setbacks have been dealt to both left- and right-wing groups during the past 2 years as a re-

sult of arrests and convictions, these organizations have a demonstrated ability to regroup following a period of adversity. Supporters or members still at large have the capability and the potential to carry out additional terrorist activities.

### International

Of the international groups active in the United States, the FBI is most concerned about those associated with Libya and Iran. Both countries have large student populations in the United States which are well organized through societies and clubs and have the potential to serve as an infrastructure to support terrorist activity. The vast majority of these students do not and will not support terrorism; however, a minority within these groups have demonstrated a fanatical dedication to the regimes that control Libya and Iran and these governments have sponsored terrorism. Syria also has been a proponent of state-sponsored terrorism. To date, their activities in the United States have been confined primarily to monitoring and countering dissidents; however, this could well change due to an increasingly vigorous American response to terrorism abroad.

Our Government's military actions against Libya have resulted in threats by Colonel Qadhafi and Palestinian terrorists to export terrorist violence to the United States itself. These threats are taken seriously by the FBI and the U.S. intelligence community. Fortunately, these threats have not developed into terrorist attacks in the United States.

Other international groups, such as Sikh and Armenian extremists, continue to pose a serious threat to Indian and Turkish interests in the United States.

The threat to Americans traveling overseas and to American personnel



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***"Right-wing extremist groups, some of which have engaged in paramilitary tactics and survivalist training, pose a significant threat to law enforcement personnel...."***

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and interests abroad has increased as well. Groups which pose the greatest threat include Palestinian or Arab commando groups, such as Abu Nidal, Hizballah, and the 15 May Organization; shadowy associations, such as Islamic Jihad (Holy War), which is actually a concept or philosophy rather than an organization; and Libyan-sponsored elements. These have been responsible for a cruise ship hijacking (*Le Achille Lauro*) and several airline hijackings (TWA, Pan Am, Egypt Air) during which American citizens, simply because they were Americans, were singled out and murdered. These groups have also been responsible for the bombing of the La Belle Discotheque in West Berlin, West Germany, which was frequented by U.S. Army personnel; for the bombings of the American Embassy and Marine Corps compound and the kidnaping of American citizens in Beirut, Lebanon; and for the assaults at the Rome, Italy, and Vienna, Austria, airports.

In addition, American military personnel and facilities in Europe, especially West Germany and Italy, have been subjected to attacks, mostly by bombing. These have been carried out by domestic groups in those countries, such as the Red Army Faction in West Germany and the Action Direct in France. The threat level to our military and diplomatic personnel in these locations remains high.

Because of the attacks against American citizens, especially the hijackings, Congress passed the Comprehensive Crime Control Act of 1984. Chapter XX of the act deals with hostage taking. Pursuant to this act, if a hostage taking occurs outside of the United States, Federal jurisdiction can be asserted if at least one of these factors is met:

- If the perpetrator or any of the hostages are American na-

tionals;

- If the perpetrator is subsequently found in the United States; or
- If the U.S. Government is being compelled to take certain actions.

In addition, the Omnibus Diplomatic Security and Antiterrorism Act of 1986, which was enacted in August 1986, created a new section of the U.S. Code which expands Federal jurisdiction in matters of extraterritoriality to include homicide, conspiracy to commit homicide, or physical violence committed against a U.S. national abroad as part of a terrorist endeavor. This statute was applied for the first time in the September 5, 1986, hijacking of Pan Am Flight 73 in Karachi, Pakistan, in which two U.S. nationals were killed.

The FBI has been given the responsibility to conduct investigations when violations of these laws occur. Following the June 1985, Athens to Rome TWA hijacking and the October 1985, *Le Achille Lauro* affair, FBI investigative teams interviewed hostages, crews, and hijackers and conducted forensic examinations at the crime scenes. Arrest warrants have been issued by the U.S. Government for the hijackers in several of these incidents. The FBI undertakes an investigation within a foreign country only with the authorization and support of the host government.

#### **Vice President's Task Force**

The Public Report of the Vice President's Task Force on Combating Terrorism mandates a coordinated, national response to terrorism. Law enforcement agencies in the United States responsible for acting against terrorism must be prepared to coordinate their efforts with appropriate Federal, State, and local authorities. As law enforcement professionals, it is incumbent

upon us to ensure that we will be able to manage, cope with, and resolve terrorist incidents involving U.S. citizens.

The Vice President's Task Force makes specific recommendations for our national response to terrorism. These recommendations include establishing additional reward incentives for information on terrorists and initiating legislation which will prevent terrorists from abusing the Freedom of Information Act. In light of these and other recommendations contained in the Vice President's Report, it is evident that all levels of the law enforcement community must work together to ensure success against terrorists.

#### **Cooperation/Coordination**

On the Federal level, cooperation between Government agencies in terrorism matters has never been better. Through the medium of interagency policy coordination groups, such as the Interdepartmental Group on Terrorism and the Interagency Intelligence Committee on Terrorism, working relationships and policy coordination have been considerably strengthened. Further, the lead agency concept with the U.S. Department of State having responsibility for coordination of counterterrorism abroad and FBI responsibility in this country has worked quite well, particularly during significant events.

During incidents, the lead agency establishes and maintains a working group to discharge its primary responsibilities and also to coordinate with other agencies. Accordingly, the State Department and FBI, as well as various other agencies, maintain communications with each other during incidents through operations centers which are staffed around the clock.

Because the primary goal of the U.S. Government is to prevent terrorism in the United States and against



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***"Where persistent terrorist problems exist, chiefly in our major cities, formal joint task force relationships are created...."***

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U.S. citizens and facilities abroad, the FBI created a special Headquarters unit to work with other elements of the U.S. Government to identify possible targets and make plans responding to specific perceivable threats. This unit works closely with entities such as the Department of Defense and the Department of Energy on prioritization of locations and facilities that present the greatest potential risk, for the purpose of contingency planning in the event of a terrorist attack. To assist in this contingency planning, the FBI has signed a Memoranda of Understanding with the Nuclear Regulatory Commission and Department of Energy with regard to threat, theft, or sabotage in the nuclear industry and response to an incident involving an improvised nuclear device. We are also developing joint contingency plans with State and local agencies in the vicinity of nuclear facilities.

The FBI also works closely with such agencies as the Bureau of Alcohol, Tobacco and Firearms, the Customs Service, the U.S. Secret Service, and Immigration and Naturalization Service where the jurisdictional interests of those agencies are involved. The FBI's cooperative efforts with State and local law enforcement agencies have been greatly enhanced in recent years. For special events, such as Olympic Games, World Fairs, and political events, antiterrorism working groups and operations centers are formed. Participation of State and local authorities is sought and a Memorandum of Understanding is signed. In order to facilitate exchange of information, security clearances are often given to State and local officers. In terrorism investigations where the FBI has concurrent jurisdiction with local law enforcement agencies, the FBI establishes direct liaison channels with the

local authorities to assure a coordinated response to the incident as well as coordination of the investigations.

Where persistent terrorist problems exist, chiefly in our major cities, formal joint task force relationships are created. The purpose of these task forces is to maximize interagency cooperation and create a close-knit, cohesive unit capable of addressing the most complex problems facing Federal, State troopers, and FBI Agents. All involved agencies participate equally in the formulation and implementation of investigative strategies. This approach has been so successful that plans are being formulated to create new task forces in order that the scarce resources of both Federal and local agencies can be put to more effective and efficient use.

Experience has shown that the pooling of personnel and resources on joint task forces in major metropolitan areas achieves results. However, because terrorists have the capability of striking anywhere in the United States, the concept of complete cooperation and coordination engendered by the task forces should be enlarged to ensure sufficient and timely dissemination to other local law enforcement agencies. General information on the terrorist threat is routinely disseminated; however, specific information on FBI terrorism investigations often cannot be disseminated to local agencies unless there is a specific need because of restraints placed upon the FBI by Federal statutes, Federal rules of criminal procedure, the Attorney General's guidelines, or other agencies' dissemination restrictions.

As the lead Federal agency in terrorism investigations, the FBI has a responsibility to ensure that local law enforcement officers are receiving pertinent information regarding terrorist activities in the United States. Special

Agents in Charge of local FBI field offices routinely meet with their local counterparts to maintain a continuing dialogue. Publications such as the *FBI Law Enforcement Bulletin* and speaking engagements by FBI officials are also designed to disseminate information.

However, to facilitate increased dissemination of terrorist-related information to State and local law enforcement officers, additional procedures are being established. Increased direct contact on the management level between the FBI and local police is being encouraged. FBI participation in both international and local forums is continuing to ensure the flow of information to authorities who need it. The FBI advocates and supports enhanced cooperative efforts both nationally and internationally as the best and most effective means to combat the threat of terrorism.

### **Conclusion**

Terrorism is indeed a global problem. As professional law enforcement officers, it is our duty to use all available foreign and domestic channels, such as Interpol and the FBI's National Crime Information Center (NCIC), to ensure that the appropriate authorities have access to information which may help prevent or resolve a terrorist incident. Information available through non-operational channels should also be more fully exploited. One of our strongest tools in the fight against terrorism is the sharing of information. We must all continue to identify areas where information can be shared and then establish the necessary channels to ensure that it is.

**FBI**



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# Domestic Terrorism in the 1980's

***"Symbols, such as double lightning bolts and swastikas, which were used by Hitler's Nazi regime, are often worn by members of the Aryan Nations and other right-wing neo-Nazi extremist groups."***

The United Freedom Front ... the Armed Forces of the National Liberation ... the Armed Resistance Unit ... the EPB-Macheteros. These are some of the names that have become synonymous with terrorist activity in the United States and Puerto Rico during the 1980's. These groups are domestic; they are not funded, directed, controlled, or supported by foreign sources. They, and other groups of similar philosophies and ideologies, are responsible for more than 125 terrorist incidents and numerous other terrorist-related acts since 1980. Bombings, armed robberies, murders, and arsons are some of the criminal acts that have been attributed to them.

The 1980's followed 2 turbulent decades when domestic terrorist and extremist political activity in the United States reached levels not previously recorded in American history. The 1960's, for example, were dominated by violence generated by racial hatred, campus unrest, and urban disorders. The 1970's were dominated by antiwar and anti-imperialist attitudes which resulted in a wave of terrorist bombings. Many of the issues and values that impacted on these times changed little and once again have become factors in the 1980's. Although the majority of the in-

dividuals responsible for the post-1980 terrorism were not directly responsible for the violence of the 1960's and 1970's, many can trace either their group's beginnings or their own individual involvement in a movement to this period.

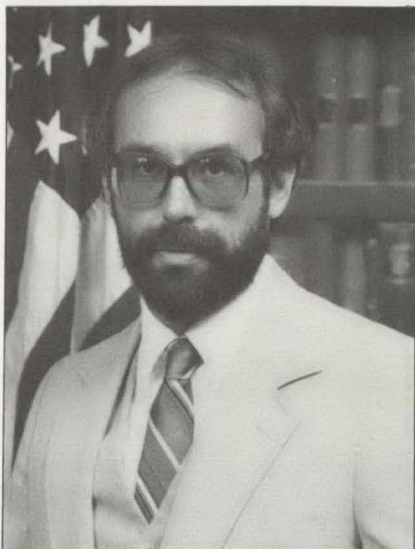
## Perspectives

At the beginning of the 1980's there was a certain attitude among law enforcement about the threat of terrorism in the United States. This was based upon the most recent activity, or lack of activity, by the various domestic terrorist factions.

The early-to-mid-1970's were marked by the bombing attacks by such leftist groups as the Weathermen or Weather Underground Organization and the New World Liberation Front. By the end of the decade, however, these activities had become sporadic at best (six terrorist incidents in 1978, one in 1979, and none in 1980). Most of those responsible for the terrorism from these elements were either in custody or they had disappeared and their locations and activities were unknown. Once regarded as a most serious domestic security threat, the "white left," because of a lack of identifiable terrorist activity,

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was considered to have all but ceased to exist as a problem by 1980. This same opinion was held of black and right-wing elements, neither of which was known to have been actively engaged in terrorist activities during the latter part of the 1970's and into 1980.

In contrast, violence-prone, pro-independence elements of the Puerto Rican independence movement were considered the most viable domestic security threat at the beginning of the 1980's. Approximately 100 terrorist incidents were attributed to Puerto Rican elements in the United States and Puerto Rico between 1977 and 1979, and there were 12 such incidents in 1980. Also considered a threat, but less so than the Puerto Ricans, were the Jewish terrorists, who were responsible for 16 terrorist incidents in 1978 and one in 1979.

But appearances are not always as they seem. The fact is that all factions—right and left, black and white—were very much active during the late 1970's and into the 1980's, even though not all were involved in identifiable terrorist activities such as bombings. Left-wing elements, for example, had begun to reorganize. Sometimes black and white extremists worked together committing robberies. In addition, some right-wing groups that became of interest to law enforcement during the 1980's were organized during the late 1970's.

It was not until late 1981, however, that law enforcement began to refocus its thinking in domestic terrorism because of one event. On October 20, 1981, a Brinks Armored Car Service truck was robbed of more than \$1.5 million at a bank in Nanuet, NY. A Brinks guard was killed and another wounded during the robbery. Participants in this crime included black males, who actually committed the robbery, and white

males and females, who acted in support roles. The suspects fled the scene in a van but abandoned it nearby for a U-Haul truck. Other suspects accompanied the robbers in a tan Honda automobile.

Police stopped the truck near the entrance to the New York State Thruway in Nyack, NY, to question the driver. Several black males jumped from the back of the truck firing automatic weapons; two police officers were killed and another was wounded. One suspect who had been in the cab of the U-Haul, a white female, was arrested at the scene. Other suspects escaped on foot or in commandeered vehicles.

The Honda and another car sped away from the shooting scene and were pursued by police. During the chase, the Honda crashed and its occupants, a black male, a white male, and a white female, were arrested. The other car was later found abandoned.

The individuals arrested on October 20th were identified as Kathy Boudin (at Nyack), and Judith Clark, David Gilbert, and Samuel Brown (in the Honda). Another suspect, Samuel Smith, was killed in a gun battle with New York City Police Department officers 3 days later, and a second suspect, Nathaniel Burns, was arrested. Several safehouses in the New York City metropolitan area were searched as a result of leads generated by these arrests. Weapons, bombing components, radical literature, and other items were recovered at some of these. Others were implicated in the robbery, including Mutulu Shakur, Marilyn Jean Buck, Donald Weems, Sylvia Baraldini, and Susan Rosenberg, among others.

This event changed many opinions in the law enforcement community toward leftist terrorist activity. It showed that many of the radicals from the



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***"Violence prone pro-independence elements of the Puerto Rican independence movement were considered the most viable domestic security threat at the beginning of the 1980's...."***

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1970's, who had disappeared and were thought to no longer be involved in the "movement" were, in fact, still very much active. It also showed that black and white elements were cooperating. Members or associates of earlier groups, such as the Weather Underground, the Black Liberation Army, and the Black Panther Party, and contemporary groups, such as the May 19th Communist Organization and the Republic of New Afrika, were associated with the events of October 20, 1981. Many of the individuals associated with the Brinks robbery were also connected to other armed robberies in the New York City metropolitan area and elsewhere.

#### **White Leftists**

During the 1980's, white leftist terrorism again became a factor after several years of relative inactivity. Since 1981, leftist terrorists have been responsible for 21 bombings or attempted bombings. The most active period was during 1983 and 1984 when white leftists claimed 16 of the 26 terrorist acts committed in the United States.

The radical left bases much of its philosophy on the teachings of such historical revolutionaries as Karl Marx, Lenin, and Chairman Mao. They perceive that many ills exist in the United States, both socially and politically, which they blame on the U.S. Government. They also view the Government as being capitalistic, militaristic, and imperialistic.

The solution, according to the radicals, is to destroy the cause of these problems—the system—by any means possible. A violent popular uprising, a revolution, must occur. They realize, however, that they cannot accomplish this alone. The New Left Movement advocates violent revolution, as opposed to nonviolent change by working within the system. To this end, the radicals,

who often view themselves as urban guerrillas, have instituted an armed campaign against the state. These philosophies are little different from those espoused by the leftist groups of the 1960's and 1970's.

These radicals have chosen symbolic targets for their attacks—military facilities, corporate establishments, the U.S. Capitol Building. Through communiques, New Left groups have claimed credit for attacks, as well as provided reasons for them, thus delivering a message to the American people: Opposition to South African apartheid policies and to American corporate and governmental support of that regime, opposition to American military presence in Latin America, opposition to American corporate exploitation in Southern Africa and other parts of the world, etc. There is little difference between these demands and those of the 1970's. The reasons for the attacks have basically remained the same; only the names and places have changed.

The New Left terrorist organization most active during the 1980's was the United Freedom Front (UFF). This group, which was organized in early 1981, claimed responsibility for 10 bombings and 1 attempted bombing between December 1982, and September 1984. The UFF was comprised of four white males and three white females. A black male was also a member of the group, prior to the onset of its bombing campaign. All of the UFF members had ties to radical movements of the 1960's and 1970's. Several members were also engaged in armed attacks against the system during the 1970's.

In addition to the bombings, UFF members were implicated in and/or convicted of other criminal acts, including the murder of a New Jersey State policeman in December 1981, and the

attempted murders of two Massachusetts State policemen in February 1982. The group also reportedly committed armed bank robberies from Connecticut to Virginia to sustain themselves. They lived under a variety of false identities and usually resided in rural areas, moving regularly. Prior to a criminal act—a bombing or a robbery—group members conducted lengthy and extensive surveillances of the target and surrounding areas. There are no indications that the UFF was connected to other leftist terrorist or extremist groups, except through ideology.

Following intense investigation, five of the UFF members were located and arrested in the Cleveland, OH, area during November 1984. The remaining two members were arrested in Norfolk, VA, during April 1985. Automatic shoulder weapons, handguns, bombing components, and communiques were found in the group's safehouses. Trials have been held in New York and Massachusetts and convictions have been handed down. Other trials are anticipated in the future.

In addition to the UFF, other New Left groups were actively engaged in bombings between January 1983, and February 1985. These included the Red Guerrilla Resistance (four bombings), the Armed Resistance Unit (three bombings), and the Revolutionary Fighting Group (one bombing). Although the identities of all group members are not known, all three groups may be one and the same.

Several other New Left organizations active during the 1980's are the Prairie Fire Organizing Committee (PFOC) and the May 19th Communist Organization (M19CO). The history of these groups dates back into the 1970's to the Weather Underground Organization (WUO), which broke apart in 1976 because of internal dissension. Some former WUO members wanted to con-



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***"The most violent far right group active during the 1980's has been the Order, an offshoot of the Aryan Nations."***

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tinued the struggle alone and adopted the PFOC name, which had been the name of an aboveground WUO support organization. These individuals resided principally on the west coast. Other former WUO members wanted to interact with other radical elements in the struggle and adopted the M19CO name. These individuals were generally located on the east coast. Neither group was more radical than the other, as both were still deeply committed to the cause. Each had aboveground members whose activities generally were nonviolent, and underground members whose identities and activities were not known to law enforcement. Other former Weathermen, including Bernardine Dohrn, Kathy Wilkerson, and Bill Ayers, resurfaced to face charges.

At the beginning of the 1980's, neither the M19CO nor PFOC were known to be involved in criminal activities, but it soon became apparent that some reputed members were involved in criminal conduct. Susan Rosenberg, for example, was a participant in the October 20, 1981, Brinks robbery, during which she and her associates acted in a support role. A fugitive, she and M19CO member Timothy Blunk were arrested in New Jersey during November 1984, in possession of weapons and explosives. Although the explosives were linked to dynamite used by a Puerto Rican group in bombings during December 1982, an exact connection between the two factions has not been determined. Blunk and Rosenberg were convicted on charges of violating Federal weapons statutes during May 1985.

Also during May 1985, M19CO associates Marilyn Buck, Linda Evans, and Laura Whitehorn were arrested in New York City and Baltimore, MD. Materials seized at a safehouse in Baltimore included bombing components, weapons, false identifications, and a

target list and surveillance notes for possible bombings.

Neither the M19CO nor the PFOC has claimed credit for a terrorist act. During the 1980's, members of these groups have participated in legal political activities, such as attending rallies and demonstrations and supporting captured leftist terrorists.

#### **Puerto Rican Leftists**

The actions of Puerto Rican terrorists revolve around attempts to gain independence for Puerto Rico through violence. They consider their activities to be acts of war, and when captured, they consider themselves to be prisoners of war.

The wave of attacks by Puerto Rican groups during the 1970's has carried over into the 1980's. Since 1980, Puerto Rican terrorists in the United States and Puerto Rico have been responsible for more than 70 terrorist incidents. Included in these are bombings, assassinations, armed robberies, and rocket attacks. Targets have been military facilities and personnel (especially in Puerto Rico), U.S. Government facilities, and corporate interests. Seventeen of these attacks occurred in the continental United States.

The Puerto Rican group most active in the continental United States during the 1980's has been the Armed Forces of the National Liberation, or FALN. Since 1974, this group has been responsible for more than 100 terrorist attacks in the United States; however, the group has claimed only 10 bombings since 1980. All of these occurred in 1982, when the last FALN-claimed acts occurred. The FALN was also responsible for takeovers at campaign offices of former President Jimmy Carter and Vice President George Bush during March 1980.

Eleven FALN members were arrested in Evanston, IL, during April

1980, planning an armored truck robbery. An FALN leader, Oscar Lopez, was arrested in Glenview, IL, during May 1981. He was subsequently convicted of seditious conspiracy, armed robbery, and weapons violations. Four other FALN members were arrested during June 1983, in connection with a plan to free Oscar Lopez from jail. Following these arrests, several FALN safehouses were located and searched. Dynamite, weapons, bombing materials, and bulletproof vests were seized. A second plot to free Lopez during 1985 was interdicted and resulted in indictments of several persons, including Donna Jean Willmott and Claude Marks, who are Top Ten fugitives.

Another Puerto Rican organization that has been active in the United States during the 1980's is the National Liberation Movement, or MLN. This is an aboveground support group for the FALN. MLN members have been involved in legitimate political activities, such as staging and attending pro-independence Puerto Rican rallies and demonstrations and showing support for jailed FALN members. They have not been involved in known terrorist related activities.

Terrorist groups in Puerto Rico, in contrast, have been far more active committing violent acts than have those in the continental United States. Between 1968 and 1978, for example, slightly more than 200 attacks occurred in Puerto Rico. Since 1980, 56 of the more than 70 terrorist acts committed by Puerto Rican groups occurred in Puerto Rico, approximately 75 percent of the total number of Puerto Rican terrorist incidents since 1980.

Of these 56 terrorist acts committed in Puerto Rico since 1980, nearly 40 have been credited to two groups—the EPB-Macheteros and the Organization of Volunteers for the Puerto Rican



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Revolution (OVRP). Both of these groups emerged during 1978, when they claimed joint credit for a theft of explosives from a public works warehouse in Puerto Rico.

Most of the attacks attributed to the Macheteros and the OVRP were conducted alone; however, several acts were committed together or with other groups. A majority of the attacks were bombings or attempted bombings; others included shootings, robberies, and two light antitank weapon (LAW rocket) attacks. While Puerto Rican interests have been targeted in most of these incidents, U.S. Government facilities and military facilities and personnel have been attacked with greater frequency since 1983.

Possibly the most spectacular attack to occur in Puerto Rico during the 1980's took place on January 12, 1981. The EPB- Macheteros destroyed nine A-7D Corsair Attack jet fighters at the Puerto Rican Air National Guard base in San Juan. Damage was estimated at approximately \$50 million. The Macheteros claimed credit for the attack in a communique, and they sent a video tape, showing members constructing the explosive devices, to a local television station.

Two other attacks by the Macheteros used a light antitank weapon. During October 1983, the group claimed credit for an attack against the Federal building in Puerto Rico, in support of the people of Grenada. During January 1985, the Macheteros and the OVRP claimed joint credit for a similar attack against the U.S. courthouse in Old San Juan.

During September 1983, a \$7.2 million robbery occurred at the Wells Fargo terminal in West Hartford, CT. An employee at the terminal, Victor Gerena, eluded capture and reportedly was granted asylum in Cuba. Gerena is currently a Top Ten fugitive. Nearly 2

years later, during August 1985, 17 persons were indicted for their role in the robbery. All were leaders or members of the Macheteros or they were associated with the group in some other way. On August 30, 1985, 14 of those indicted were arrested in Puerto Rico, Mexico, Massachusetts, and Texas; 18 Macheteros safehouses in Puerto Rico were also raided and 37 searches were conducted of houses, automobiles, etc. Numerous documents, weapons, and bombing paraphernalia were found.

Until the August arrests, the EPB-Macheteros was considered the most significant terrorist threat in Puerto Rico. The group's ability to operate was severely disrupted because of the arrests, but it was not completely broken. The group has been credited with eight terrorist attacks in 1986. All but one was jointly claimed with the OVRP and the Armed Forces of National Revolution (FARP); however, the Macheteros' name may have been included in these as a statement of solidarity. These attacks occurred on October 28, 1986, at various military installations and facilities throughout Puerto Rico. Two bombs detonated and three other live devices were rendered safe. Five additional devices had functioned but did not detonate, due to inadequate main charges. The Macheteros initially claimed credit for the attacks in a telephone call and provided instructions to locate a communique which attributed the attacks to the FARP/OVRP/Macheteros. On November 4, 1986, the Macheteros also provided authorities with the location of a device that was found and rendered safe.

Because the OVRP jointly claimed credit for the October 28th attacks, for two other attacks in 1986, for two attacks in 1985 (one jointly claimed with the Macheteros), and for five attacks

during December 1984, this group is currently considered the most significant terrorist threat in Puerto Rico.

### **Black Groups**

There have been three terrorist incidents attributed to domestic black groups in the United States during the 1980's. All of these 1983 acts were the result of a religious rivalry. In addition, as least one other terrorist incident was prevented by arrests in 1984, and a possible terrorist plot was prevented during August 1986. Some black groups, however, have been involved in criminal activities, such as murder and armed robbery.

The three terrorist incidents were attributed to the group Fuqra, a black Islamic religious sect headquartered in Detroit, MI. In order to further its religious goals, Fuqra seeks to purify Islam by eliminating rival religious sects, such as the Ahmaddiya Movement in Islam (AMI). During August 1983, several terrorist acts occurred against the AMI in Detroit: The AMI secretary was killed; firebombs were thrown at the home of the AMI treasurer but the bombs did not ignite; and an AMI temple was burned. Fuqra was implicated in these attacks because the bodies of the arsonists, Fuqra members, were found at the temple. They had become trapped setting the blaze and died. The gun used to kill the AMI secretary was found on one of the bodies.

In addition, a possible terrorist plot involving a black street gang was prevented in August 1986, when several members of the street gang, the El Rukns, were arrested in Chicago. Group members had in their possession numerous weapons, including an inert light antitank weapon that had been sold to them during an undercover operation. This group, which has loose ties to black Islam, is a violent criminal organization involved in narcotics traf-



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***"Another far right-wing faction of interest to law enforcement during the 1980's are the tax protest and antigovernment groups."***

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ficking and other illegal enterprises. Some group members allegedly have met with operatives of the Libyan Government. The El Rukns apparently were seeking to commit a terrorist act in return for money. No act, however, has yet occurred.

Black religious cult-type groups, such as the Yahweh Church or Black Hebrews, have also been active in criminal activity during the 1980's. The Yahweh Church is a national organization headquartered in Miami, FL. Its leader is Hulon Mitchell, Jr., also known as "God" and "Moses Israel." This is a violent, black supremacist organization that claims that whites are devils and that a race war will occur in the near future. The group advocates the violent elimination of all forms of government in the United States, as well as white society. Mitchell has stated that all who speak out or act against the church should be beheaded.

Much of the activity of the group is directed toward fundraising, distributing propaganda, etc. Some members, however, have reportedly been involved in murders, beatings, and arson attacks. Arrests have been made in connection with some of these crimes.

In contrast are other black groups which are politically oriented, such as the Republic of New Afrika (RNA). The RNA calls for the creation of an independent black nation out of Alabama, Georgia, Louisiana, Mississippi, and South Carolina. The group itself is set up as a shadow government with a president, a vice president, a minister of defense, a minister of justice, etc. Another RNA goal is that the U.S. Government pay all black citizens \$10,000 for their ancestors' slave labor. The RNA publicly espouses the peaceful attainment of these goals; however, RNA leaders also publicly advocate support of revolutionary groups which preach

violence. There have been no terrorist acts claimed by the RNA.

A militant group with views similar to those of the RNA is the New Afrikan Freedom Fighters. During October 1984, nine persons associated with this group were arrested in New York City. They had been planning to blow up police cars and then kill police officers as they ran out of a nearby police station. This was to be a diversion to effect the escape of Nathaniel Burns, a participant in the October 1981, Brinks robbery. Searches of their safehouses yielded weapons, ammunition, and explosives. During August 1985, eight of the nine were convicted of various firearms violations and other charges.

Another militant faction with views similar to the RNA is the New Afrikan People's Organization (NAPO). The stated objective of this group is to win independence for New Afrika and establish a socialist republic. This, according to the organization, can be accomplished through a people's war. Several RNA leaders and key members are NAPO national leaders.

Some members and/or associates of black leftist groups were involved in the October 1981, Brinks robbery. Marilyn Jean Buck, for example, the only white Black Liberation Army member, was a participant. Chokwe Lumumba, the RNA minister of justice, has been the defense attorney for several defendants in the Brinks robbery case. Jeral Wayne Williams, also known as Mutulu Shakur, who reportedly directed the robbery, was an RNA member. An FBI Top Ten fugitive, Shakur was captured during February 1986. Another RNA member, Cheri Dalton, is currently a fugitive wanted in connection with the October 1981, robbery.

#### **Right Wing**

Right-wing terrorism has become an area of focus for law enforcement

during the 1980's. Although belief in the white supremacist and antigovernment views of the far right is not illegal, the commission of violent acts to further these views is criminal. These acts have included bombings, armed robberies, assaults, and murder. Much of the rhetoric of the extreme right is particularly volatile and corrosive and is a motivating factor in this violence.

Unlike leftist terrorists, the terrorists of the far right do not leave communiques to claim credit or provide explanations. Therefore, an act that initially appears to be criminal may, in fact, be terrorist related. Although numerous violent acts have been committed by right extremists, the total number of terrorist incidents directly attributed to this faction has been few—two shootings (1981 and 1983) and four bombings and an attempted bombing (1986).

A basic belief of many right-wing extremists is the superiority of the white race. According to this view, blacks, other nonwhites, and Jews are inferior racially, mentally, physically, and spiritually. Much of this is based upon a racist, anti-Semitic religion, the Christian Identity Movement. This religion teaches that the white race is God's chosen race and that whites, not Jews, are the true descendants of Israel. Jews, instead, are of Satan's bloodline. According to Identity doctrine, the Bible is a history and guidebook of the white race that began with Adam. The appearance of the white race on earth (some 7,400 years ago) postdated black, Asiatic, and all other races.

One of the leaders of this philosophy is the Rev. Richard Butler of the Aryan Nations, Church of Jesus Christ Christian, which is headquartered near Hayden Lake, ID. His sermons, Identity propaganda, and other white hate and neo-Nazi literature and materials are



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distributed nationally from Hayden Lake by members of the group. Aryan Nations members maintain contacts with other far right groups. Symbols, such as double lightning bolts and swastikas, which were used by Hitler's Nazi regime, are often worn by members of the Aryan Nations and other right-wing neo-Nazi extremist groups.

Many followers of the Identity religion live on compounds in isolated areas. Bible readings are conducted and religious instructions are held. Paramilitary and survivalist training also occurs, however, and weapons and foodstuffs are often stored in preparation for the racial and social upheavals that, according to Identity doctrine, will precede the Second Coming of Christ. Some of the groups that are located on compounds include the Aryan Nations in Idaho; the Covenant, the Sword, the Arm of the Lord in Arkansas; and Elohim City in Oklahoma. Another group, the National Alliance, a less religious-oriented organization than the others, is also located on a compound in West Virginia. A several-day Aryan Nations Congress has been held at the Aryan Nations compound for all but one of the past several years. It is attended by members of a number of far right groups.

In addition to racist views, many right-wing groups also espouse anti-government sentiments. They refer to the Government as the Zionist Occupation Government or ZOG because they view it as being controlled by Jewish interests. Members of these groups engage in paramilitary and survivalist training, believing that the United States is headed toward a moral or economic collapse or a communist takeover.

The most violent far right group active during the 1980's has been the

Order, an offshoot of the Aryan Nations. Another name for the group is Bruders Schweigen or Silent Brotherhood. This group was founded by Robert Mathews, who was an Aryan Nations member. Order members were also members of other right-wing organizations and had become disenchanted with their respective groups' lack of action to further the cause. Among the groups represented in the Order were the National Alliance; various chapters of the Ku Klux Klan; and the Covenant, the Sword, the Arm of the Lord.

The Order was loosely based on a book, *The Turner Diaries*, written by National Alliance leader William Pierce under the pseudonym Andrew Macdonald. It is a futuristic account of racial warfare in the United States. In the book, an elite and clandestine force, the Order, spearheads efforts to destroy the U.S. Government to replace it with one based on white supremacy.

Members of the Order have been involved in numerous criminal activities since 1983, mostly in the northwestern United States. Included among these acts are counterfeiting; armed robberies with proceeds totaling more than \$4 million; assaults on Federal officers; bombings, including those against a Jewish synagogue and a Catholic priest; and the murders of a suspected informant, a Missouri State patrol officer, and a Denver, CO, talk show host.

Between October 1984, and March 1986, 38 members of the Order were arrested. On December 7, 1984, Robert Mathews was killed on Whidbey Island, WA, resisting arrest. Shoulder weapons, handguns, hand grenades and other explosives, money, ammunition, and possible target lists were recovered at various safehouses and other locations.

Another group that was involved in criminal activity is the Covenant, the

Sword, the Arm of the Lord (CSA). Beginning in 1980, some CSA members were involved in bombings, arsons, robberies, and the murder of a black Arkansas State policeman. During April 1985, the CSA compound was raided by Federal authorities. Military surplus equipment, shoulder weapons, a heavy machine gun, money, handguns, and grenades and other explosives were found in a search of the compound. A total of five persons were arrested, including four Order members, two of whom were fugitives, and CSA leader James Ellison. Other CSA members were arrested at a later time. Of the CSA and Order members arrested, all either pled guilty to charges or were convicted in Federal or State courts. As a result, the threat posed by these two groups has significantly decreased.

Another far right-wing faction of interest to law enforcement during the 1980's are the tax protest and anti-government groups. Organizations such as the Sheriff's Posse Comitatus (SPC) and Arizona Patriots view Federal and/or State authority with suspicion. They espouse parochial as opposed to national interests, and they desire that there be as little government involvement as possible in their lives. They advocate nonpayment of taxes and regard Federal and State laws as unconstitutional. The SPC, for example, views the local sheriff as the only legitimate law enforcement authority and the only legal elected authority, and it regards the justice of the peace as the highest court in the country.

The SPC, however, is the only tax protest group to which a terrorist incident has been attributed. This occurred during February 1983, in North Dakota when SPC members fired upon authorities attempting to arrest Gordon Kahl, an SPC leader, for tax evasion. A U.S. marshal and a deputy U.S. mar-



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***"During the 1980's, approximately 20 terrorist incidents and numerous other acts of violence, including extortion and threats, have either been claimed by or attributed to militant Jewish terrorists."***

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shal were killed. Kahl himself was killed during June 1983, by authorities trying to arrest him in Arkansas. A county sheriff was also killed at this time. Other SPC members have been arrested for weapons violations and assault. This group, which has autonomous chapters or adherents throughout the country, continues to be a threat because of its penchant for violence.

A favorite target of these anti-government groups is the Internal Revenue Service (IRS). The leader and several members of the group Committee of States were arrested during October 1986, in Arizona, California, and Nevada by IRS agents for threats made against IRS personnel. On December 15, 1986, eight members/associates of the Arizona Patriots, including its leader, were arrested in connection with a proposed armored truck robbery and other offenses.

Other white supremacist groups

active during the 1980's include the White Patriot Party, the National Alliance, the National Socialist White People's Party, the Christian Patriots Defense League, the Ku Klux Klan, and others. These groups hold many of the same racist and antigovernment values as the Posse Comitatus groups and the Aryan Nations, including the desire to create a separate nation out of five Northwestern States. They are engaged largely in demonstrating and distributing propaganda and they participate in paramilitary and survivalist training. Members, however, have been known to engage in destroying property and making threats against blacks, Jews, and others they regard as inferior. The leader of the North Carolina-based White Patriot Party, Frazier Glenn Miller, Jr., and his second-in-command were convicted of criminal contempt charges in July 1986, for engaging in paramilitary training. The

WPP was dissolved but some members reformed it as the Southern National Front.

A number of arrests involving right-wing extremists occurred in the spring of 1987. During April, Federal indictments were returned against Richard Butler of the Aryan Nations, Robert Miles of the Mountain Church of Michigan, and 13 others, representing such organizations as the Order, the SPC, various factions of the Ku Klux Klan, and the CSA. Among the charges in the indictments were seditious conspiracy, interstate transportation of stolen money, and attempted murder of a Federal official. Seven of the individuals listed in the indictments were already in prison on other charges; seven others, including Butler and Miles, were arrested on April 24, 1987; and one other individual, Louis Beam, remains at large, a Top Ten fugitive.

In addition to these arrests, on

## ***Terrorists on the FBI's Top Ten***



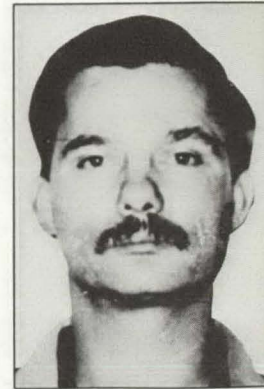
Claude Marks



Donna Willmott



Victor Gerena



Louis Beam



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April 15, 1987, Glenn Miller, formerly of the WPP, mailed copies of a letter that he had written to other right-wing extremists. In this letter, he declared war on ZOG and stated that he had gone underground. On April 30, 1987, Miller and three others were arrested in Ozark, MO; Miller was charged with violating terms of his parole. Among the materials recovered were weapons, including rifles, shotguns, and crossbows; pipebombs; homemade military-type hand grenades; ammunition; gas masks; money; and bombing paraphernalia.

#### **Jewish Extremists**

During the 1980's, approximately 20 terrorist incidents and numerous other acts of violence, including extortion and threats, have either been claimed by or attributed to militant Jewish terrorists. Groups claiming credit for these attacks have been the United Jewish Underground, the Jewish Defense League, the Jewish Defenders, and the Jewish Direct Action. Included in these attacks were smoke bombings, fire bombings, and pipe bombings. As a result of these acts, three persons were killed and many more were injured.

Persons, organizations, or other elements deemed anti-Semitic, or overly supportive of Arab efforts determined not to be in the interests of Israel, are targets of the Jewish terrorists. In the past, Soviet Government interests in the United States have been attacked in protest of the U.S.S.R.'s treatment of Soviet Jews, Arab interests have been attacked because of the anti-Israeli policies of various Arab states, and alleged ex-Nazi's have been attacked because of their reported participation in atrocities against the Jewish people during World War II. The two most recent incidents attributed to Jewish terrorists involved the throwing of a tear gas canister during

the performance of a Soviet dance troupe in New York City in September 1986, and an arson at Avery Fisher Hall in New York City prior to a performance by a Soviet symphony orchestra in October 1986. Most of the attacks by the Jewish terrorists have occurred in the New York City metropolitan area; however, attacks have also occurred in California, Washington, DC, and elsewhere.

A major pro-Jewish group in the United States is the Jewish Defense League (JDL). The slogan "Never Again" is the slogan of the JDL. This is a national organization with chapters in numerous American cities. Leaders of the organization have publicly advocated, encouraged, and applauded the use of violence against the enemies of the Jewish people. Although terrorist attacks have been claimed on behalf of the JDL, the violence appears to have been committed by a few of the more militant and hardcore members; the entire JDL organization should not be construed as being involved in these criminal acts.

#### **Conclusion**

During the 1980's, there have been approximately 125 terrorist acts attributed to domestic groups in the United States; of these, more than 50 occurred in Puerto Rico. Most of the activity took place early in the decade. For example, 74 terrorist incidents occurred between 1980 and 1982 but only 51 have taken place since. Puerto Rican groups accounted for 41 incidents during 1981 and 1982 but only 20 thereafter. White leftist groups accounted for 16 of their 21 incidents during 1983 and 1984 but none since. Between 1982 and 1985, the total number of incidents by domestic groups decreased from 35 to 7. During 1986 this figure rose to 17; however, it can be explained in that

there were two instances of multiple bombings that accounted for 11 of the 17 total incidents.

Much of this decreased domestic terrorist activity is the result of arrests made by Federal authorities, often coordinated with State and local officials through joint terrorism task forces. Nearly 100 fugitive terrorists, including several FBI Top Ten fugitives, have been apprehended during the 1980's; many have received lengthy prison sentences. This success has greatly diminished the operations of some terrorist organizations. In at least one instance, the entire group was arrested (the United Freedom Front). In other instances, the leadership structure and/or membership of a group was removed; many groups have had to reconstruct membership or leadership elements as a result.

The groups that commit terrorism, however, are far from being eliminated. Many support elements exist which, if given the proper circumstances, could become more deeply committed to their cause. Certainly, the issues that have generated terrorist activity remain. So long as these issues exist, terrorism, in the form of violent criminal acts to achieve these goals, will remain. The desire for Puerto Rican independence will surely generate future criminal acts by a fanatical few; the values of the left will largely continue unaltered, although specific issues may change; and the white supremacist attitudes of the far right will not likely fade.

Terrorism is cyclic in nature. Activities occur because of certain issues; when the issues fade or the terrorists are arrested, the activities will generally subside. But different issues will arise and different terrorists will come forth to commit new acts. And so the cycle continues.

**FBI**



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# ***The FBI and Terrorism***

***"Terrorism is the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives."***

By

STEVEN L. POMERANTZ

*Chief, Terrorism Section  
Federal Bureau of Investigation  
Washington, DC*

The American criminal justice system, like the American political system as a whole, is organized according to the principle of Federalism. In the United States, law enforcement authority is divided between the Federal and State governments. States, in turn, have delegated considerable authority to local governments. In order to ensure the American tradition of local self-reliance, jurisdictional boundaries between Federal, State, and local law enforcement agencies are defined by various statutes. In the event of concurrent or joint jurisdiction, cooperation between Federal and local agencies is established. This spirit of cooperation between all U.S. law enforcement agencies has proven to be a most effective weapon against crime.

At the Federal level of government, the FBI serves as the investigative arm of the U.S. Department of Justice. Presently, the FBI derives jurisdiction from more than 200 Federal statutes, collects evidence in cases in which the U.S. Government has an interest, and performs other duties as imposed by law or Presidential directive.

Information developed through FBI investigations is presented to the appropriate U.S. attorney or Department of Justice official who determines if prosecution or other action is warranted. In cases of concurrent jurisdiction where Federal prosecution is declined in favor of trial in State courts, the FBI makes available to the proper local authorities all evidence it possesses.

The FBI has assigned national pri-

ority to the major areas which affect U.S. society on a nationwide scale: Organized crime (including drug trafficking), foreign counterintelligence, white-collar crime, and terrorism. The FBI's Terrorism Program was elevated to a national priority status in October 1982, to ensure that sufficient resources are dedicated to countering the threat of terrorist violence. This move reflects the seriousness with which the American people view the problem of terrorism.

## **Definitions**

The FBI uses the following definitions in the administration and operation of the Terrorism Program. *Terrorism* is the unlawful use of force or violence against persons or property to





Special Agent Pomerantz

intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

The FBI describes terrorism as either domestic or international, depending on the origin, base, or activities of the terrorist organization. *Domestic Terrorism* involves groups or individuals who are based and operate entirely within the United States and are directed at elements of our Government or population. *International Terrorism* is described as terrorist activity committed by groups or individuals who are foreign-based and/or directed by countries or groups outside the United States or whose activities transcend national boundaries. A *Terrorist Incident* is a violent act or an act dangerous to human life in violation of the criminal laws of the United States or any State to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

#### Jurisdiction

The U.S. Government's response to terrorism is divided along domestic and international lines of authority. The U.S. Department of State is the lead agency for handling terrorist incidents affecting U.S. citizens which occur outside the United States. Within the United States, responsibility for managing the Federal response to acts of terrorism rests with the Attorney General. As the chief law enforcement officer of the Federal Government, the Attorney General coordinates all Federal law enforcement activity. He has designated the FBI as the lead agency for the operational response to terrorist incidents. The FBI's authority has been confirmed through National Security directives and Executive orders issued by the President.

#### Recent Legislation

In response to the recently increasing threat posed by terrorists against Americans and their interests abroad, the U.S. Congress has passed legislation defining certain criminal acts committed overseas as violations of Federal law. This legislation, which is included in the Comprehensive Crime Control Act of 1984 and the Omnibus Diplomatic Security and Antiterrorism Act of 1986, assists the U.S. Government's counterterrorist efforts by establishing Federal jurisdiction over crimes involving U.S. nationals which take place outside the United States. These acts are based on international law and will be invoked for serious crimes against U.S. persons or interests occurring abroad. Congress has also implemented the International Convention Against the Taking of Hostages. The convention requires that hostage taking be made a Federal offense. With certain limitations, the FBI will now have jurisdiction over hostage-taking situations both within the United States and in other nations when the United States is an involved party. With host country concurrence, the FBI may collect evidence in these international incidents for eventual prosecution in a U.S. court.

#### The Attorney General's Guidelines

FBI terrorism investigations are premised upon the fundamental duty of Government to protect the public against terrorism and criminal violence intended to destroy our constitutional system. While it is the responsibility of the Attorney General to ensure that every effort is made to protect U.S. citizens and property, it is also his responsibility to protect the rights of all individuals in the United States. To accomplish this, the Attorney General issues investigative guidelines. These guidelines, which are subject to continual review and revision, establish a



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***"To provide the President and the Attorney General with a civilian law enforcement alternative to the use of military force, the FBI has developed the Hostage Rescue Team..."***

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consistent policy concerning when an investigation may be initiated and what techniques may be employed while conducting the investigation. In recognition of differences between various groups, separate guidelines have been developed for investigation of domestic and international terrorist organizations.

International terrorists who may be operating in the United States are considered hostile foreign elements. Therefore, investigation of their activities is conducted under the Attorney General's Foreign Counterintelligence Guidelines (FCIG). The investigative activities authorized by the FCIG are combined with the special techniques allowed under the Foreign Intelligence Surveillance Act (FISA) to develop information on the identities, plans, and capabilities of international terrorists.

Investigations of domestic terrorist groups are conducted under the Attorney General's Guidelines for General Crimes, Racketeering Enterprises, and Domestic Security/Terrorism Investigations. Electronic surveillances in domestic cases are conducted pursuant to the provisions of Title III of the Omnibus Crime Control and Safe Streets Act of 1968. Under these guidelines, domestic terrorist groups are treated as criminal enterprises. Investigations are initiated when the facts indicate that two or more persons are engaged in an enterprise for the purpose of furthering political or social goals through activities that involve force or violence.

The Attorney General's guidelines permit the Government to actively combat terrorism while at the same time avoiding the repressive measures that the terrorists seek to provoke in their efforts to influence the Government.

As the lead Federal agency responsible for countering terrorism in the

United States, the FBI has the dual mission of both preventing and reacting to terrorist violence. The FBI's efforts to prevent terrorism involve collecting information, through legal methods, on terrorist groups which pose a threat to the United States. Once sufficient evidence of violations of the law is collected, the terrorists are arrested and prosecuted. Should a terrorist incident occur, the FBI responds by initiating an investigation of the crime using traditional law enforcement methods. In addition, the FBI can respond to, contain, and terminate terrorist attacks in progress by using its Special Weapons and Tactics (SWAT) teams, or when warranted, the Hostage Rescue Team (HRT) (see below).

The focus of FBI investigations of terrorist organizations is on the unlawful activity of the group, not the ideological motivations of the groups' members. Investigation concentrates on the entire criminal enterprise to obtain information on the structure of the organization, finances, geographical dimensions, membership, and past and future activities and goals. The purpose of the investigation is to gather evidence sufficient to sustain prosecution by the United States for criminal violations of Federal laws.

The FBI collects information on terrorist groups by using both standard and technical investigative techniques. Standard techniques include examination of existing records and forensic evidence, the acquisition of new data through interviews of witnesses and individuals otherwise involved, the use of undercover Agents and informants, and physical surveillances.

In cases where standard investigative techniques are insufficient, the FBI uses technical methods, such as court-authorized electronic surveillances, to gather information. The circumstances under which technical methods may be

employed are described in the Attorney General's guidelines and are regulated through executive, legislative, and judicial oversight. All investigations are monitored for compliance with the Attorney General's guidelines by the Terrorism Section of the Criminal Investigative Division located at FBI Headquarters in Washington, DC.

The Terrorism Section of the Criminal Investigative Division at FBI Headquarters provides management of all terrorism investigations being conducted by Special Agents in the field, as well as overall program direction and management of crisis situations.

#### **Program Direction And Crisis Management**

Program management involves the routine direction and control of ongoing counterterrorism investigations. While each Special Agent in Charge (SAC) is responsible for overseeing investigations in the area covered by his own field division, overall program policy and investigative procedures are set and monitored by program managers at FBI Headquarters. Since most domestic terrorist groups operate in broad geographic areas crossing field office boundaries, it is necessary that managers at FBI Headquarters coordinate investigative activity. Other program management responsibilities include evaluation, training, staffing, and funding.

Management in crisis situations is carried out both at field and Headquarters levels. Since 1972, each FBI field office has had a contingency plan to be put into effect should a terrorist incident occur. These plans require the immediate notification of FBI Headquarters, so that necessary coordination and control can be obtained through activation of the Emergency Operations Center (EOC). The EOC is staffed by FBI



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Headquarters Terrorism Program managers and is in direct contact with all law enforcement and intelligence elements considered necessary to resolve a particular crisis.

### **Special Events Management**

A special event is defined by the FBI as any major event occurring within the United States of such national or international importance which makes it an attractive terrorist target. Some recent special events, for which the FBI has assumed the primary responsibility for security and contingency planning, have included the 1984 Olympic Games held in Los Angeles, CA., the 1984 Democratic and Republican National Conventions, the 1984 New Orleans World's Fair, the 1985 Presidential Inauguration, and the 1986 Statue of Liberty rededication.

Within the Terrorism Section, responsibility for Special Events Management rests with the Counterterrorism Planning and Special Investigations Unit. The function of this unit is to coordinate all security and contingency planning activities associated with the particular needs created by the special event. The unit also provides continuous coordination between FBIHQ and the field office responsible for covering the event.

### **Terrorist Research And Analytical Center**

The Terrorist Research and Analytical Center (TRAC), within the Terrorism Section, supports FBI investigations by providing analysis of terrorist groups or events of interest to the FBI. The TRAC aids investigations through research and computer analysis in an effort to detect associations between groups and individuals, corroborate information received from sources, establish patterns of activity, identify

group leadership, and trace financial and support networks.

The TRAC also enhances the FBI's preventive efforts by determining trends in terrorist violence and by providing threat assessments, which allow the FBI to concentrate its resources on the most volatile individuals or groups before they act.

### **Training**

The FBI Training Division conducts specialized training in the theory and politics of terrorism at the FBI National Academy and in field schools throughout the country. This course explores the origins of terrorism and traces its development from early stages to a modern mode of conflict. Both international and domestic aspects of political upheaval are analyzed with emphasis placed on the social, economic, psychological, and political aspects and the impact of terrorism on world order. Regional, national, and global perspectives are examined in this course of instruction.

### **The Hostage Rescue Team**

The reactive portion of the terrorism program includes the FBI's response to high-risk terrorist takeovers and hostage and nonhostage barricade situations. To resolve these situations, special abilities, equipment, and techniques beyond those of local authorities or FBI SWAT teams are sometimes required. To provide the President and the Attorney General with a civilian law enforcement alternative to the use of military force, the FBI has developed the Hostage Rescue Team (HRT). The HRT exceeds the capabilities of a normal SWAT team in the areas of communication, command control, and the use of sophisticated electronics equipment. HRT personnel have expertise in handling several types of weapons and

in using explosive devices for breaching and diversionary tactics.

The FBI's HRT is an important element of the Federal Government's Crisis Management Program. It provides the means for a measured response to high-risk domestic situations. The HRT has been deployed in certain instances, such as the Los Angeles Olympic Games in 1984, and more recently in several major investigations, and its presence alone at the site has promoted the peaceful surrender of armed subjects on occasion. The HRT demonstrates the willingness and capacity of our political system to deal with terrorism promptly and in a lawful manner.

### **Cooperation**

Combating terrorism is the responsibility of all law enforcement agencies. In the United States, the FBI has joined with other law enforcement organizations to form joint task forces of the U.S. law enforcement community to focus on particular terrorist incidents or groups. Internationally, the FBI has Legal Attaches in countries throughout Europe, Latin America, Australia, and the Far East in order to facilitate the exchange of law enforcement-related information. In the international arena, cooperation through joint investigative efforts and regular exchange of information enables all law enforcement agencies and governments to more effectively combat terrorism.

Each nation must possess the willingness and capability to combat terrorist violence in order to ensure the safety of its own citizens and those of other nations. Today's terrorists pose a threat to all governments, but through cooperative efforts of law enforcement agencies, this threat can be dealt with successfully.

**FBI**



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# ***Irish Terrorism Investigations***

***"In spite of FBI successes, Irish nationals and sympathetic U.S. citizens continue to attempt to obtain weapons and money in the United States in violation of existing Federal laws."***

By

**J.L. STONE, JR., M.P.A.**

*Supervisory Intelligence Research Specialist  
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Within the parameters of the FBI's overall law enforcement mission, Irish terrorism investigations are addressed through a twofold approach—prevention and reaction. In this regard, FBI field divisions are prepared to assume either a preventive or reactive stance as the situation dictates. Given a choice, the obvious preference would be to prevent terrorist activity. Lawful intelligence gathering techniques, such as use of informants, undercover operations, and court-ordered electronic surveillance, are instrumental tools in this effort. Also of benefit are good working relationships with intelligence and law enforcement agencies at all levels, both in the United States and internationally.

The second approach involves traditional law enforcement activity after U.S. statutes have been violated. Principal emphasis here is on stabilizing the

situation, if necessary, and on arresting the perpetrators with the ultimate goal of prosecution and incarceration. Successes in terrorism investigations have resulted in a precipitous decline in the number of total incidents in the United States over the past several years.

The FBI has adopted a strategy of viewing terrorists, including Irish, to be individuals involved in criminal enterprises. This allows for investigations predicated on criminal activity rather than on political or ideological motivations. With this emphasis, there is less concern with why this activity is being employed than with the fact that crimes are being committed. Irish terrorism investigations involve identification of subjects and group leaders, development of associations, and tracing of financial and support structures. The focus is on the total network and the ob-

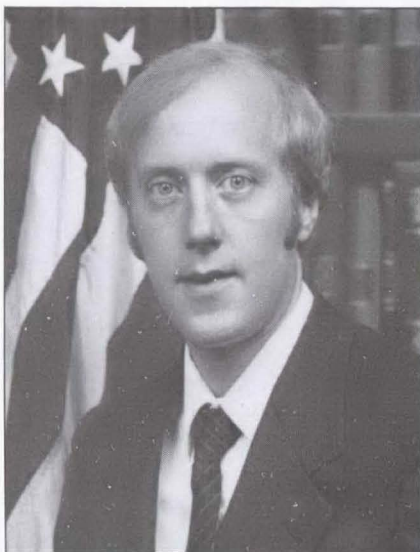
ject is to gather evidence for eventual prosecution.

As a result of this aggressive investigative effort, the FBI has been successful in a number of Irish terrorism investigations by obtaining indictments and convictions. Additional investigations are ongoing, which should lead to future legal action.

These investigations are focused on three principal areas of activity: (1) Involvement in weapons procurement in the United States and illegal transport of these weapons to Northern Ireland or the Republic of Ireland, (2) fundraising efforts in the United States with illegal transfer of this funding to Northern Ireland to directly support Irish terrorist elements operating there, and (3) identifying Irish terrorists who are in the United States illegally.

Irish terrorism matters are investigated under specific guidelines relating





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to international terrorism investigations. Criminal activity is investigated under the Attorney General's Guidelines for General Crimes, Racketeering Enterprises, and Domestic Security/Terrorism Investigations (1983). Electronic surveillances in criminal matters are generally pursued under the provisions of Title III of the Omnibus Crime Control and Safe Streets Act of 1968. These matters are also investigated under the Attorney General's Foreign Counterintelligence Guidelines (1983). Electronic surveillances are generally conducted according to the Foreign Intelligence Surveillance Act of 1978 (FISA) and are authorized by a specially constituted Federal court. While the primary purpose of these intercepts is the collection of intelligence data bearing on the national security, clear provisions are made for the use of evidentiary material in criminal prosecutions (see *United States v. Megahey*, 553 F. Supp. 1180 (E.D.N.Y. 1982), affirmed, 729 F.2d 1444 (2d Cir. 1983). Recent court decisions indicate that surveillances under FISA will continue to be valuable in both preventing and reacting to terrorist activity.

In all such matters, protection of individual and group first amendment constitutional rights is of paramount concern. For example, no case is initiated solely on the basis of membership in an organization or the donation of money to the organization or cause. In many instances, donors believe that this money is going for charitable causes (e.g., aid to support families of imprisoned Irish soldiers). Barring specific articulable facts which indicate that a group or individual's activities (collecting funds, weapons procurement, etc.) are criminal in nature, such as aiding

and abetting Irish terrorist elements, there is no basis for pursuing an investigation.

### **Major Irish Groups Active In The United States**

Investigations have shown that Irish group activity in the United States, in support of the Irish Republican Movement, centers around three principal elements: The Irish Republican Army or Provisional Irish Republican Army (PIRA) as it is often referred to, the Irish National Liberation Army (INLA), and the Irish Northern Aid Committee/Northern Irish Aid (NORAI). One other group with possible sympathizers in the United States, the Ulster Volunteer Force (UVF), is a "loyalist" and anti-movement element.

### **PIRA**

PIRA is a militant Marxist organization composed primarily of residents of Northern Ireland and/or the Republic of Ireland who are committed to achieving British withdrawal from Northern Ireland and the establishment of a united 32-county democratic socialist republic in Ireland. It is an extremely violent group, having committed numerous terrorist acts against the British military, Irish civilians, and those they perceive as upholders of British rule in Northern Ireland. One such act resulted in the death of a U.S. citizen in the December 1983, bombing of Harrod's Department Store in London. PIRA is extremely well-armed and well-organized. Investigation of PIRA activities in the United States has centered on individuals who are operatives or supporters of this organization involved in the acquisition of weapons or funds to procure them.



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***"Investigations have shown that Irish group activity in the United States...centers around three principal elements: The Irish Republican Army or...the Irish National Liberation Army...and the Irish Northern Aid Committee...."***

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#### **INLA**

INLA is essentially a Marxist-Leninist oriented group also dedicated to the formation of a united 32-county democratic socialist republic in Ireland. It subscribes to violence as a means of ousting the British from Ulster and overthrowing the Government of the Republic of Ireland. It is the military wing of the Irish Republican Socialist Party. Although activities often parallel actions of PIRA, there is no formal alliance between the two organizations.

#### **NORAI**

NORAI is the main Irish fundraising organization in the United States and purports to raise funds to support families of imprisoned PIRA and Republican Movement members. It was founded in 1970 by Michael Flannery and two Irish Republican Movement veterans of the 1919-1921 period. In January 1982, a U.S. court ruled that NORAI must comply with provisions of the Foreign Agents Registration Act (1938) and register as an agent of PIRA. FBI investigations have centered on individuals suspected of being couriers of funds to PIRA or actively aiding and abetting any Irish terrorist organization. NORAI is headquartered in New York City with chapters located throughout the United States.

#### **UVF**

On the other side of the spectrum, the UVF is a "loyalist" paramilitary organization which represents a working class response to what is viewed as a threat to Protestantism posed by Irish Republican terrorism and Roman Catholicism. The UVF was formed in 1966 by Protestant extremists opposed to improved relations between Northern Ireland and the Republic of Ireland. It took its name from the original UVF,

which was established by Sir Edward Carson in 1912 to resist the need for Ulster to participate in Irish Home Rule.

UVF sympathizers in the United States are involved, albeit sporadically, in rather low-level attempts to obtain weapons which would be used by UVF members in Northern Ireland against Republican elements. The UVF is largely sectarian and anti-Catholic in its motivation. In the United States, the UVF has been generally inactive. As an example of the UVF's participation in the problems of Northern Ireland, during the summer of 1984 in Belfast, the UVF was involved in an unsuccessful assassination attempt on Gerry Adams, leader of the Sein Finn, formerly the Provisional Sein Finn, the political wing of PIRA. There have been instances where weapons recovered in Northern Ireland, which have been attributed to the UVF, have been traced to the United States. Analysis indicates these weapons possibly originated in the mid-western United States. To date, there has been no prosecution of UVF operatives here.

#### **Summary Of Significant Activity In The United States**

The following highlights significant Irish terrorist activity in the United States and the FBI's investigative response.

##### **1981 - 1982**

—On September 30, 1981, William Joseph Quinn was arrested by the FBI in San Francisco, CA, and charged with violation of Title 18, USC, Section 3184 (fugitive from a foreign country). Quinn had been sought by British authorities for the 1975 murder of a constable in London and conspiracy to cause explosions.

In October 1983, in U.S. District

Court, Northern District of California, the presiding judge rendered a decision that Quinn should be released from custody. The judge made this ruling based on his interpretation that the extradition treaty between the United States and Great Britain did not cover what the judge defined as a "political murder," for which Quinn was being held. The U.S. Government immediately filed an appeal before the Ninth Circuit Court of Appeals, contesting the judge's decision and requesting that the decision be stayed pending further appellate proceedings. This appeal was subsequently granted and Quinn was not released from custody.

In February 1986, the Ninth Circuit Court of Appeals ruled that Quinn should be extradited to Great Britain. In July 1986, Quinn's attorneys appealed this decision to the U.S. Supreme Court. In October 1986, the Supreme Court denied to hear the appeal and Quinn was ordered extradited to Great Britain. Quinn was subsequently transported to London, England, formally charged and remanded to prison.

—From June 1981, through June 1982, the FBI initiated investigations against Gabriel Megahey and Andrew Duggan. Megahey had been identified as the leader of a PIRA cell in the United States with sole responsibility being the acquisition of weapons for PIRA. Duggan, a suspected PIRA member, was alleged to be involved in purchasing highly sophisticated electronic equipment for PIRA. Stemming from investigative information obtained and an undercover operation, Megahey and Duggan were arrested on June 21, 1982. Arrested concurrently were Megahey's associates, Eamon and Colm Meehan. These individuals were arrested as a result of a seizure of



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weapons at the Port of Newark on May 28, 1982. In May 1983, Megahey, Dugan, and Eamon and Colm Meehan were found guilty of violations of the National Firearms Act.

—Resulting from another undercover operation directed by the FBI, two INLA members, Colm Murphy and Vincent Toner, were arrested on July 21, 1982, for Federal firearms violations. The undercover operation was directed against INLA's efforts to procure weapons in the United States. During July 1983, both Murphy and Toner were convicted.

#### 1983 - 1984

—Joseph P.T. Doherty was arrested in June 1983, in New York City as an illegal alien (Title 18, USC, Section 3184). Doherty, a member of PIRA's infamous "M-60" Gang, had escaped from a Belfast, Northern Ireland, prison in September 1982, while awaiting trial for the murder of a British army officer. He was subsequently convicted and sentenced in absentia to life imprisonment. Information regarding Doherty's whereabouts in the United States was obtained from an FBI source. On December 13, 1984, the U.S. District Court for the Southern District of New York ruled that Doherty could not be extradited from the United States to answer charges in Ireland for the murder of a British army officer, as the offense was political in nature and not extraditable under the U.S.-Britain extradition treaty. He is presently being held without bond at Metropolitan Correction Center, New York, pending deportation and new extradition proceedings, based upon amendments to the U.S.-Britain extradition treaty which were adopted during June 1985.

—On May 17, 1984, Joseph Cahill and James Noel Drumm were arrested in New York City for entering the United States illegally (Title 8, USC, Section 1326). Cahill is considered the "godfather" of PIRA who has been extensively involved in weapons procurement on behalf of PIRA. Drumm has been described as the "money man" for PIRA and is known to be involved in the financing of weapons procurement activity. Cahill, following trial in New York, was deported to Dublin, Ireland, on July 2, 1984. Drumm agreed to voluntary deportation, which occurred May 18, 1984, the day after the arrest.

At the time of the arrest, both Cahill and Drumm had in their possession documentation which indicated they had entered the United States illegally on March 11, 1984, at New York City. For 2 months they were involved in numerous fundraising events.

—On July 27, 1984, Robert Emmett Hunter was arrested in Los Angeles, CA, for fraud and misuse of visas, permits, and other entry documents (Title 18, USC, Section 1546). Hunter is associated with PIRA and had previously been imprisoned on charges resulting from a bombing and possessing a firearm. A search of Hunter's residence revealed four blank birth certificates and additional documents relating to his illegal residency in the United States. On November 30, 1984, criminal charges against Hunter were dropped so that deportation proceedings could be undertaken.

—On September 29, 1984, a cache of firearms, ammunition, and explosives, totaling approximately 7 tons, was seized by Irish Federal Police on board the fishing trawler "Marita Ann" as it was heading for the port of Dingle on the southwest coast of Ireland. Five individuals, identified as Martin Ferris,

John Crawley, Gavin Mortimer, John McCarthy, and trawler owner Michael Brown, all PIRA members, were arrested. Subsequent information indicated that the cache had been off-loaded earlier from the trawler "Valhalla" off the west coast of Ireland.

On October 16, 1984, the "Valhalla" was located by the United States Customs Service (USCS) in Boston, MA. Interviews by the FBI and USCS of a "Valhalla" crew member clearly identified this vessel as the "mothership" involved in the PIRA weapons shipment. The "Valhalla" was allegedly loaded with weapons on September 13 to 14, 1984, at Gloucester, MA, and then sailed to the Irish Sea for offloading onto the "Marita Ann."

One of the five individuals arrested, John Crawley, was allegedly involved in PIRA activities in the United States. Crawley and six other individuals were indicted in April 1986, for violation of the Arms Export Control Act, Title 22, USC, Section 2778, the Export Administration Act, Title 50, USC, Section 2410, and various sections of Titles 18 and 26 USC. During May 1987, three of the individuals pled guilty to various counts of the indictment. These and the others are awaiting further legal proceedings in Boston, MA.

#### 1985 - 1986

—The continuing investigation surrounding the seizure of weapons at the Port of Newark on May 28, 1982, (*Megahey*, supra) determined that some of the weapons for this shipment were purchased by an individual using the name Robert Power.

A subsequent fingerprint analysis was done comparing the fingerprints of an individual named Liam Ryan of New York City with those developed from the





*Weapons seized during "Marita Ann" case*

Federal firearms registration form in the Megahey weapons shipment case. A match of the fingerprints determined that Ryan was the individual who purchased these weapons using the name of Robert Power.

Ryan returned to the United States from Ireland on April 14, 1985, and was arrested on April 24, 1985, in New York City for violation of Title 18, USC, Section 1001 (making false, fraudulent, and fictitious statements), stemming from

his weapons purchase in the above case. On September 18, 1985, Ryan pled guilty to one count of Title 18, USC, Section 1001 in the U.S. District Court, Eastern District of New York.

—Another investigation identified an individual named Sean Gerard Mackin, an individual considered to be an INLA member in the United States.

As part of the ongoing investigation, Mackin was arrested on July 16, 1985, by Immigration and Naturaliza-

tion Service (INS) and FBI Agents for violation of Title 8, USC, Section 1252 (overstay of B-2 visa). Mackin was released on \$15,000 bond on July 19, 1985, and is presently awaiting an INS hearing.

—Investigation by the Los Angeles FBI Office from February 1985, until June 1986, indicated that the INLA was using William Wallace Norton and his wife Eleanor Elias Norton to procure weapons in the United States. Norton, a



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***"This allows for investigations predicated on criminal activity rather than on political or ideological motivations...."***

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retired screenwriter for Walt Disney Productions, moved from Los Angeles, CA, to an area near Dundalk, Republic of Ireland, during March 1986. On June 5, 1986, the ship carrying Norton's vehicle arrived in Rotterdam and the vehicle, still in the shipment container, was off loaded and transported to LeHavre, France.

On June 11, 1986, at LeHavre, France, French authorities, based on information provided by the FBI, searched the vehicle and found 2 machine guns, 12 AR-15 rifles, 24 handguns, a rifle scope, silencers, and approximately 2,200 rounds of ammunition. Norton, his wife, and three Irish nationals, Sean Hughes (aka Anthony James Mackenzie), James Joseph McLaughlin, and Suzanne May, were arrested by French authorities and charged with arms trafficking when they attempted to take possession of the vehicle.

The Nortons are currently being held in France, without bond, on weapons conspiracy charges. On June 18, 1986, a U.S. arrest warrant was issued for Norton and a complaint filed in Los Angeles, CA, charging Norton with one count of violating Title 22, USC, Section, 227 B (C) (Willfully Exporting U.S. munitions without a valid license or written approval of the U.S. Department of State). Norton was also charged with violating Title 18, USC, Section, 922(E) (Knowingly Delivering a Vehicle Containing Firearms and Ammunition to a Common Carrier for Transportation in Foreign Commerce). Prosecution in this case is pending, but will be delayed until the Nortons stand trial in France.

—In March 1985, an undercover

FBI Special Agent (UCSA) was placed in contact with an individual named Jackie McDonald. McDonald in turn introduced the UCSA to Noel B. Murphy, an Irish citizen living in Boston, MA. During discussions between Murphy and the UCSA, Murphy expressed interest in purchasing automatic rifles for shipment to the PIRA. Negotiations between Murphy and the UCSA culminated with an agreement for Murphy to purchase 100 M-16 rifles at \$500 each, 1 Redeye surface-to-air missile at \$10,000, 5,000 rounds of .223 caliber ammunition, and two ammunition clips for each weapon. The total package price was to be \$60,000.

On May 15, 1986, the UCSA met with Murphy and Cairan Hughes, an Irish citizen who was responsible for getting the weapons shipped to Ireland, to finalize the deal. On May 20, 1986, the UCSA met with Murphy, Hughes, and five individuals subsequently identified as Roy Paul Willey, John Fitzgerald, James Boyle, Steven MacDonald, and Michael P. McLaughlin in a Bedford, MA, hotel. The UCSA, Murphy, and Hughes left the hotel and went to Hanscom Airfield to inspect the weapons. The other five subjects and two other UCSAs remained in the hotel room waiting for Murphy and Hughes to return. Upon arriving at the airfield, Murphy and Hughes were arrested. Simultaneously, the five subjects in the hotel room were arrested, and Jackie MacDonald was arrested at his place of employment.

On June 4, 1986, Federal grand jury indictments were returned charging all eight subjects with Conspiracy to Violate the Arms Export Control Act, Ti-

tle 18, USC, Section 371, Conspiracy to Violate Federal Firearms Laws, Title 18, USC, Section 922 (A) (4), and Title 25, USC, Section 5861 (D). Murphy and Hughes were also indicted for dealing in firearms and ammunition without a license and being an alien in possession of a firearm.

On October 2, 1986, McLaughlin pled guilty to one count of conspiring to violate the Arms Export Control Act. On October 7, 1986, Jackie McDonald and Roy Willey pled guilty to the same charge. On October 8, 1986, John Fitzgerald, James Boyle, and Stephen McDonald pled guilty to the conspiracy charge under Title 18, USC, Section 371. On October 23, 1986, in U.S. District court, Boston, MA, a jury returned guilty verdicts against Noel Murphy and Cairan Hughes on all charges except the indictment for being an alien in possession of a firearm.

### **Conclusion**

The FBI, through cooperation with other U.S. Government agencies and foreign police services, has enjoyed significant accomplishments against individuals procuring weapons and funds in the United States for use by Irish terrorist organizations. These successes, obtained by using both preventive and reactive investigative techniques, have produced a substantial decline in arms procurement activities in the United States by Irish nationals.

In spite of FBI successes, Irish nationals and sympathetic U.S. citizens continue to attempt to obtain weapons and money in the United States in violation of existing Federal laws. Consequently, the FBI will continue its investigative efforts into the activities of Irish terrorist organizations operating in the United States.

**FBI**



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# Narco-Terrorism

***"While there does not currently appear to be linkages between narcotics traffickers and terrorist groups in the United States, such a development is possible."***

By

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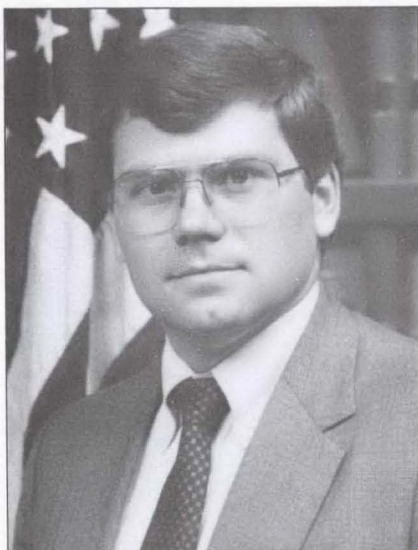
Narco-terrorism, the involvement of terrorist organizations and insurgent groups in the trafficking of narcotics, has become a problem with international implications. In Third World countries, narcotics traffickers, terrorist organizations, and insurgent groups are alleged to use the wealth they obtain from the sale of illegal drugs to exert economic, political, and military pressure on the governments of the countries in which they operate. The activities of these groups, particularly in Latin America, can threaten the stability of the various countries' governments, thus affecting U.S. foreign policy formulation and implementation.

While there are distinct differences between the goals of narcotics traffickers, insurgent organizations, and terrorist groups, there is generally a limited degree of contact and cooperation between groups active within specific regions. This is because insurgent and terrorist groups have some base camps and infiltration routes in remote rural areas where narcotics traffickers cultivate their crops. Relatively free movement is possible in these areas because of the limited central government presence. While insurgent groups and terrorist organizations do not always participate directly in the cultivation of narcotics, some have obtained money from the narcotics traffickers through extortion, typically by charging fees for protection of growing areas, processing facilities, or distribution routes.

Activities of drug traffickers and terrorist organizations in remote areas of Latin America and other Third World countries often have a direct impact on the United States. For example, during March 1984, Colombia's Special Anti-Narcotics Unit under the direction of Justice Minister Rodrigo Lara Bonilla stepped up its disruption and interdiction efforts against drug traffickers by raiding cocaine-processing laboratories in the southeastern plains region of Colombia. Approximately 10 metric tons of cocaine were seized and a number of workers were arrested. In retaliation for this action and his outspoken position on the corrupting influences of narcotics traffickers on Colombian politics and society, Lara Bonilla was assassinated by drug traffickers on April 30, 1984.

In order to enhance their image and demonstrate their commitment to fight narcotics trafficking, the Government of Colombia began to extradite Colombian nationals to the United States to stand trial on U.S. drug charges. The traffickers responded to the extraditions by accelerating their campaign of violence. In November 1984, a car bomb was detonated outside the U.S. Embassy in Bogota, killing one Colombian woman. The narcotics traffickers also threatened to kill 5 Americans for every Colombian extradited to the United States and 10 employees of a U.S.-based multinational corporation for every Colombian sen-





Mr. Boyce

tenced in the United States. Threats against the lives of the U.S. Ambassador to Bolivia and the former U.S. Ambassador to Colombia were also made. Then, in November 1985, the 19th of April Movement (M-19), one of the largest insurgent/terrorist groups in Colombia, made a raid on the Colombian Palace of Justice. During the raid, in which over 50 M-19 members and 11 Colombian Supreme Court Justices, including Supreme Court President Alfonso Reyes, were killed, a large number of extradition documents were destroyed. Although it has not been confirmed, there is speculation that the M-19 raid on the Palace of Justice may have been financed by Colombian narcotics traffickers in order to destroy extradition documents.

Thus, it appears that in Colombia there may exist a narcotics trafficker/insurgent group relationship. The terrorist-type activities of the narcotics traffickers and the suspected activities by an insurgent group at the direction of narcotics traffickers suggest a narco-terrorism relationship. Furthermore, it appears that at least on one occasion, the terrorist activities of a Colombian insurgent group were orchestrated to achieve a specific political objective, that being to stop the extraditions of Colombian narcotics traffickers to the United States. In this instance, the in-

surgent group may have supported the narcotics traffickers on the nationalistic grounds that Colombian citizens should not be forced to face judicial proceedings in the United States.

#### Activity In The United States

The FBI views terrorism as the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. Terrorist groups in the United States generally use violence to focus public attention on their political objectives or to secure money to continue operations. Narcotics traffickers, on the other hand, most often use violence to protect their areas of criminal enterprise and interest independent of the concerns or objectives of terrorist organizations. For instance, on February 22, 1986, Barry Seal, a narcotics trafficker turned government informant, was killed by Colombian narcotics traffickers in Baton Rouge, LA, before he could testify against Jorge Ochoa Vasques, a leading Colombian narcotics trafficker. Seal's murder was carried out to prevent him from testifying against Ochoa, not for ideological reasons. Consequently, this homicide is viewed as a criminal rather than terrorist act.

In the United States, contacts between terrorist groups and narcotics traffickers appear to be the result of the clandestine nature and criminal activities of both types of groups. Affiliation between narcotics traffickers and terrorist elements, such as is believed to exist in drug source countries like Colombia, are not known to currently exist in the United States. This may be because the United States is primarily a drug-consuming rather than a drug-producing country. Additionally, in the

United States, there is a law enforcement presence throughout the Nation. In countries such as Colombia, law enforcement officials may have only limited access to remote regions.

#### Past Linkages

It is possible that current allegations of narco-terrorist activity in the United States are based upon the activities of the now dormant Cuban anti-Castro group, Omega 7. During the early 1980's, members of Omega 7 collected money for a known narcotics trafficker. The agreement between Eduardo Arocena, leader of Omega 7, and the narcotics trafficker stipulated that Omega 7 should receive approximately 35 percent of the money they collected. After Arocena's arrest, in Miami, FL, during July 1983, a document found among his possessions indicated that the trafficker was owed more than \$6,000,000 by various individuals. Also found with the list were surveillance notes and photographs indicating that Arocena and other members of Omega 7 had collected information on individuals identified by the narcotics trafficker. In subsequent testimony, the narcotics trafficker stated that Omega 7 received \$150,000 for their services, although Arocena never turned over any collection money.

Since the narcotics-related activities of Omega 7 during the early 1980's, there have been no documented cases of a formal relationship existing between a known narcotics trafficker and terrorist group in the United States. Instead, there appears to be a blending of the common criminal activity of the two types of groups. Both narcotics traffickers and terrorist groups, because of their criminal activity and enterprises, operate in common criminal circles. Consequently, contacts that have occurred between some terrorist groups and some nar-



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***"... narcotics trafficking was being used as a method to finance a criminal enterprise;...the overthrow of the Government of Honduras."***

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cotics traffickers appear to be largely coincidental, resulting from the criminal activity and clandestine nature of both groups.

#### **Recent Activity**

Two recent cases, one involving the activities of the Provisional Irish Republican Army (PIRA) and a known narcotics trafficker and the other involving the sale of narcotics to finance an assassination attempt against the President of Honduras, illustrate the criminal relationship which can develop between narcotics traffickers and terrorists. These two cases also illustrate that each group used the criminal networks of the other in order to fulfill their specific objective. The affiliation between the groups apparently was strictly that of a criminal enterprise with no ideological motives involved.

During September 1984, the PIRA, a militant Marxist organization composed primarily of residents of Northern Ireland and the Republic of Ireland who are committed to forcing British withdrawal from Northern Ireland and establishing a united 32-county democratic socialist republic in Ireland, used a loose-knit criminal group based in Charlestown, MA, to attempt to acquire weapons and munitions. The group, lead by Joseph P. Murray, Jr., was involved in a variety of criminal activity.

During April 1986, Murray and six other men were indicted in Federal district court in Boston on charges of illegally exporting munitions to the Republic of Ireland. Murray was also indicted on charges of importing marijuana into the United States, although this activity was unrelated to the arms trafficking charges. During September 1984, Murray's group allegedly had 7 tons of munitions, valued at approxi-

mately \$1.7 million, loaded onto the merchant vessel Valhalla at Gloucester, MA. The weapons, including rifles, rockets, hand grenades, and 71,000 rounds of ammunition, were later transferred to the fishing trawler Marita Ann off the coast of County Kerry, Ireland. The Marita Ann, which was being used by the PIRA, was seized along with the munitions by Irish authorities on September 29, 1984.

Analysis suggests that Murray was not involved with the PIRA for ideological reasons. Rather, it appears that he was using his criminal contacts to secure the weapons in order to make a profit for himself. Furthermore, it appears that the only reason Murray was used by the PIRA was because of his established criminal contacts. These contacts provided the PIRA with access to individuals who had weapons for sale and were considered less likely to be controlled by U.S. Government authorities.

The PIRA and other Irish terrorist groups operating in the United States have had their arms acquisition networks penetrated and stopped by the FBI and other U.S. Government agencies a number of times in recent years. Usually, when attempting to acquire weapons, Irish terrorists will use sources, both reliable and unreliable, of trusted PIRA members. In a number of recent cases, the FBI, after receiving information that known Irish terrorists were attempting to purchase weapons, has been able to introduce an undercover agent as an arms broker to the middleman and foil the operation. Consequently, it appears that Irish terrorists, in an effort to prevent penetration by U.S. Government agencies, may be beginning to use established U.S. criminal networks, such as the Murray gang,

to acquire weapons. By using established, operating criminal groups, the PIRA probably believes it is reducing the likelihood of having an undercover agent involved.

In another investigation, it initially appeared that a narcotics trafficker-terrorist connection may have existed; however, subsequent analysis suggests that the activity was primarily that of a criminal enterprise being financed by narcotics trafficking. Investigation indicated that Faiz J. Sikaffy, a Honduran citizen living in Miami, FL, and several other individuals, including a Honduran general assigned to the Honduran Embassy in Santiago, Chile, were conspiring to assassinate Honduran President Roberto Suazo Cordova and take over the Government of Honduras. The conspirators were planning on selling 760 pounds of cocaine, valued at more than \$10 million, in the United States and then use the proceeds from the sale to purchase explosives and weapons to be used in assassinating President Suazo and overthrowing the Honduran Government.

In this case, narcotics trafficking was being used as a method to finance a criminal enterprise, that being the overthrow of the Government of Honduras. The individuals involved, although conspiring to commit what could be defined as a terrorist act, were not an established terrorist group. They were instead a group of individuals conspiring to commit a criminal act. This sort of activity appears to be the most likely type of narco-terrorism to take place in the United States. That is, a criminal or terrorist group financing their activities through the sale of narcotics, since narcotics trafficking would provide terrorists with the ability to raise large amounts of cash in a relatively short time.



## Observations

To define the Suazo investigation as a narco-terrorism case would be misleading because such a definition would not represent a joining of forces of narcotics traffickers and terrorists. This case does, however, represent a continuation of conventional techniques used by criminal elements to raise cash to finance their criminal activities. Both traditional and non-traditional organized crime groups have long been engaged in narcotics trafficking for profit. Although no terrorist group is known to currently be trafficking in narcotics in order to raise money, small-scale narcotics trafficking has been used by various criminal networks to finance their criminal activity.

It is not uncommon for both traditional and non-traditional organized crime groups to engage in narcotics trafficking. Narcotics trafficking provides these groups with a method of raising large amounts of cash in a relatively short time. Terrorist groups, however, may not wish to engage in such activity because of the adverse impact it could have on the public's perception of their cause. For instance, when it became publicly known that members of Omega 7 were working for a narcotics trafficker, much of the support they received from elements within the Cuban exile community in the United States ceased.

While Omega 7 was active, a significant portion of the Cuban exile community viewed their terrorist attacks against Cuban officials and Castro supporters in the United States as a continuation of the patriotic fight against communism. Elements within the exile community provided Omega 7 with support by contributing money for operations or merely denying knowledge of Omega 7 activities.

It appears that a large amount of Omega 7 funding initially was provided by Cuban businessmen in the United States. The businessmen established a network which would collect money, often in the form of "taxes," from segments of the Cuban community. Money would then be allocated to the various active anti-Castro groups, including Omega 7. In other instances, members of the Cuban exile community would support Omega 7 by merely denying knowledge of Omega 7 activities. This type of support usually came about either out of sympathy or fear of reprisal. Often, individuals who were believed to be in contact with Omega 7 members would intentionally supply misleading or incorrect information when interviewed by the FBI. Even when confronted with documentation, such as surveillance logs and photographs placing them in contact with Omega 7 suspects, the individuals being interviewed would disclaim association.

After it became known, however, that members of Omega 7 were collecting funds for a known narcotics trafficker, a significant portion of the support they received from the Cuban exile community was discontinued. The perception of Omega 7 within the exile community changed from one of fighters against Castro and communism to that of a criminal group taking direction from a narcotics trafficker. The exile community, which at one time lauded the activities of Omega 7, began to disassociate themselves from their activities, and some individuals began cooperating with law enforcement authorities against Omega 7.

## Conclusion

Narco-terrorism, the linking of narcotics traffickers and terrorists, may be

a problem in drug-source countries but does not appear to exist in the United States at this time. This may be because in drug-producing countries there is often contact between terrorists and narcotics traffickers in rural areas where narcotics traffickers cultivate their crops. However, in the United States, which is primarily a drug-consuming rather than drug-producing country, such avenues of contact and cooperation are not as likely to exist.

Recent cases in the United States involving contacts between established terrorist groups and narcotics traffickers or individuals involved in a criminal enterprise using narcotics trafficking to finance their criminal activity appear to represent a blending of the criminal activities of the two types of groups. Both narcotics traffickers and terrorist groups, because of their common criminal activity and enterprises, operate in criminal circles. Consequently, it appears that contacts between the terrorist groups and narcotics traffickers are coincidental, resulting primarily from the criminal activity and clandestine nature of the groups.

While there does not currently appear to be linkages between narcotics traffickers and terrorist groups in the United States, such a development is possible. Narcotics trafficking represents a way to raise large amounts of cash in a relatively short time. Consequently, terrorist groups might resort to this type of activity in order to finance their operations. This development, while possible, is considered unlikely. Should it become known that the terrorist group is engaged in narcotics trafficking, financial and moral support by community elements sympathetic to the terrorist groups goals would, in all likelihood, be withdrawn.

FBI



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# ***FBI's Expanding Role in International Terrorism Investigations***

By

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American experience with terrorism is not new. In the late 18th and early 19th century, the United States was confronted with Barbary Coast pirates who were seizing U.S. vessels and kidnapping seamen. After much inaction and payment of ransom demands on the part of the United States to these pirates, Thomas Jefferson took action to end this reign of terror against our ships and seamen. In 1805 on the shores of Tripoli, the U.S. Marines forced the reigning pasha to stop terrorist actions against U.S. ships and seamen. It had taken 11 years of terrorism before America listened to the warning of Thomas Jefferson in 1784, after the first hijacking of a U.S. vessel, "an insult unpunished is the parent of others." While this is not to suggest that force is the only method to combat terrorism, it does suggest that all legal means available must be used to pros-

ecute terrorists.

Today, the United States is making new inroads in its fight against international terrorism. Intelligence capabilities have never been more strategic, and Congress has given new impetus to law enforcement efforts to stem terrorism. This article addresses the new role of the FBI and its expanding investigative jurisdiction with regard to terrorism. This jurisdiction presents new demands and challenges for the FBI and the intelligence community.

Until recently, on-site FBI investigation of terrorist incidents abroad was rare.<sup>1</sup> Extraterritorial application by the FBI in Federal criminal law first began to expand in 1978 with the FBI investigation and eventual prosecution of Larry Layton for the death of Congressman Leo J. Ryan and the wounding of Deputy Chief of Mission Richard Dywer while they were visiting Jonestown,

Guyana.<sup>2</sup> On appeal from his indictment, Layton argued that he was not within the territorial jurisdiction of the United States at the time of the alleged acts. The district court concluded that a Federal crime was committed if the victim was an internationally protected person who, at the time of the offense, represented the United States in a foreign country, even though the offender was not within the "territorial jurisdiction" of the United States at the time of the offense and even where the crimes were committed outside the territorial boundaries of the United States. The *Layton* case provided some authority for the FBI to investigate crimes overseas and proceed with seeking an indictment, even in the absence of any reason to believe that any U.S. citizen was involved in the commission of the offense.<sup>3</sup>

By 1982, the U.S. Government's



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response to terrorism rested largely on the lead agency concept and the U.S. Department of State (USDS) was the lead agency responsible for managing terrorist incidents abroad, while the FBI had similar responsibilities for managing the response to incidents in the United States.<sup>4</sup> This lead agency concept took into consideration the fact that the lead agency would coordinate the U.S. Government's response to terrorism and recognized that many Federal agencies, plus local and State authorities, have responsibilities in the counterterrorism area.

However, a major difficulty in deterring terrorism by bringing terrorist fugitives to justice remained in distinguishing between actions in furtherance of legitimate national liberation movements and individual/group acts of terrorism whose sole aim is the indiscriminate killing of civilians. Historically, this lack of agreement between nations prevented the extradition of known terrorists for trial,<sup>5</sup> and in some cases, led to an accommodation to terrorist demands.

Despite these limitations, a variety of statutes did exist which gave the FBI some extraterritorial authority to investigate terrorist crimes committed overseas. Chief among these statutes were the following:

—*Aircraft Piracy and Related Offenses* (Title 49, U.S.C., App. 1472 i - n) wherein pursuant to the Hague Convention, the Federal Aviation Act of 1958 prohibited the seizure, by force or violence, of any aircraft within the special aircraft jurisdiction of the United States, interference with the flight crew while aboard such aircraft, the carrying of concealed weapons or explosives aboard such aircraft and the commission of certain crimes while aboard such aircraft. (Murder - 18 U.S.C. 1111;

Manslaughter - 18 U.S.C. 1112; Maiming - 18 U.S.C. 114; Rape - 18 U.S.C. 2031; Assault - 18 U.S.C. 113; and Robbery - 18 U.S.C. 2111)

This act gave the United States the authority to prosecute aircraft piracy outside the special aircraft jurisdiction of the United States as long as the offender is later found in the United States. The Federal Aviation Act authorized the government to seek the death penalty if the death of another person resulted from aircraft piracy as defined in this statute.<sup>6</sup>

—*Crimes Against Internationally Protected Persons* (18 U.S.C. 112, 878, 1116, 1201 (a)(4) wherein anyone who murders, kidnaps, assaults, or threatens certain internationally protected persons could be prosecuted by the United States, regardless of the nationality of either the victim or the offender, if the offender is present in the United States. The internationally protected person was limited to any Chief of State, head of government or Foreign Minister and their families when they are out of their own country, as well as any diplomatic personnel protected by the Vienna Conventions while they are overseas.

—*Crimes Against Select United States Officials* (18 U.S.C. 111, 351, 1114, 1201 (a)(5), 1751) The United States has jurisdiction to prosecute the murder, kidnapping, or assault of its major Government officials (The President and his staff, the Vice President and his staff, Members of Congress, Supreme Court Justices, the heads of Executive Departments and their seconds in command, the Director and Deputy Director of the CIA, and designated law enforcement officials).

—*Crimes Committed Within the Special Maritime Jurisdiction of the*

*United States* (18 U.S.C. 7, 113, 114, 1111, 1112, 1201, 2031, 2111) These statutes authorize the United States to prosecute the crimes of murder, manslaughter, kidnapping, rape, assault, or robbery committed on the high seas or any other waters within the admiralty and maritime jurisdiction of the United States that is outside of the jurisdiction of any particular state. This prosecutive authority exists regardless of the nationality of the persons committing the enumerated crimes if the crimes are committed against United States citizens or are committed on U.S. civil or military vessels.

—*Piracy* (18 U.S.C. 1651) Since 1819, the United States has had jurisdiction to prosecute anyone who commits the crime of piracy, as defined by the law of nations, on the high seas and is later brought to or found in the United States.

The foregoing statutes are still law and a few of these statutes have been used in indictments pending against the perpetrators of several recent international attacks against U.S. persons.

During 1983, several violent terrorist acts occurred, directed specifically at U.S. personnel overseas. On April 18, 1983, the American Embassy, Beirut, Lebanon, was bombed by an improvised explosive device deployed in a pickup truck killing 89 people, 17 of whom were Americans. On October 23, 1983, the 24th Marine Amphibious Unit which was assigned as part of the multinational peace-keeping force was bombed in Beirut, killing 255, 241 of whom were U.S. military personnel.

The Attorney General authorized explosives specialists from the Laboratory Division of the Federal Bureau of Investigation to provide on-site assistance in the collection and analysis of debris from these bombings. The tech-



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nical assistance had been provided at the request of the military. Materials recovered from the scene currently are in the FBI Laboratory for further examination and testing. The purpose of this forensic examination was to develop information concerning the perpetrators and the construction and deployment of the explosive devices used in the bombings. Experience gained from these incidents has revealed the importance of investigations in an effort to obtain evidence for prosecuting terrorists.

By 1984, the President and Congress reacted to these and similar acts of terrorism by passing new legislation, which was signed into law. On October 12, 1984, the President signed the Comprehensive Crime Control Act (CCCA) of 1984 establishing a new Federal statute, the Hostage Taking statute,<sup>7</sup> to implement the International Convention Against the Taking of Hostages,<sup>8</sup> which was ratified by Congress in 1981. The statute became effective on January 6, 1985, when the United States became a party to the convention after having deposited its instruments of ratification with the United Nations on December 7, 1984.

The statute provides that "whoever, whether inside or outside the United States, seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third person or a governmental organization to do or abstain from doing any act as an explicit or implicit condition for the release of the person detained, or attempts to do so, shall be punished by imprisonment for any term of years or for life." If the conduct of the offense occurs outside the United States, one of the following factors

must be present:

- 1) The offender or the person seized or detained is a national of the United States,
- 2) The offender is found in the United States, or
- 3) The governmental organization sought to be compelled is the Government of the United States.<sup>9</sup>

#### **New Era**

As a result of the new legislation, a new era began for the FBI of expanded involvement in the investigation of international terrorism because of congressional application of extraterritorial jurisdiction to these statutes. Within 2 years, FBI personnel were investigating a series of international terrorism incidents abroad in which extraterritorial jurisdiction was exercised. Among the most noteworthy were the following:

- 1) June 1985: Hijacking of TWA Flight 847 (Hostage Taking, Crime Aboard Aircraft, Air Piracy),
- 2) October 1985: Hijacking of Achille Lauro (Hostage Taking, Piracy),
- 3) November 1985: Hijacking of Egypt Air Flight 648 (Hostage Taking, Crime Aboard Aircraft, Air Piracy),
- 4) April 1986: Bombing of TWA Flight 840 (Crime Aboard Aircraft, Destruction of Aircraft),
- 5) September 1986: Hijacking of Pan Am Flight 73. (Hostage Taking, Murder of U.S. National, Attempted Air Piracy, Aircraft Sabotage).

In many of the foregoing investigations, indictments are pending against the persons allegedly responsible for the terrorist acts.

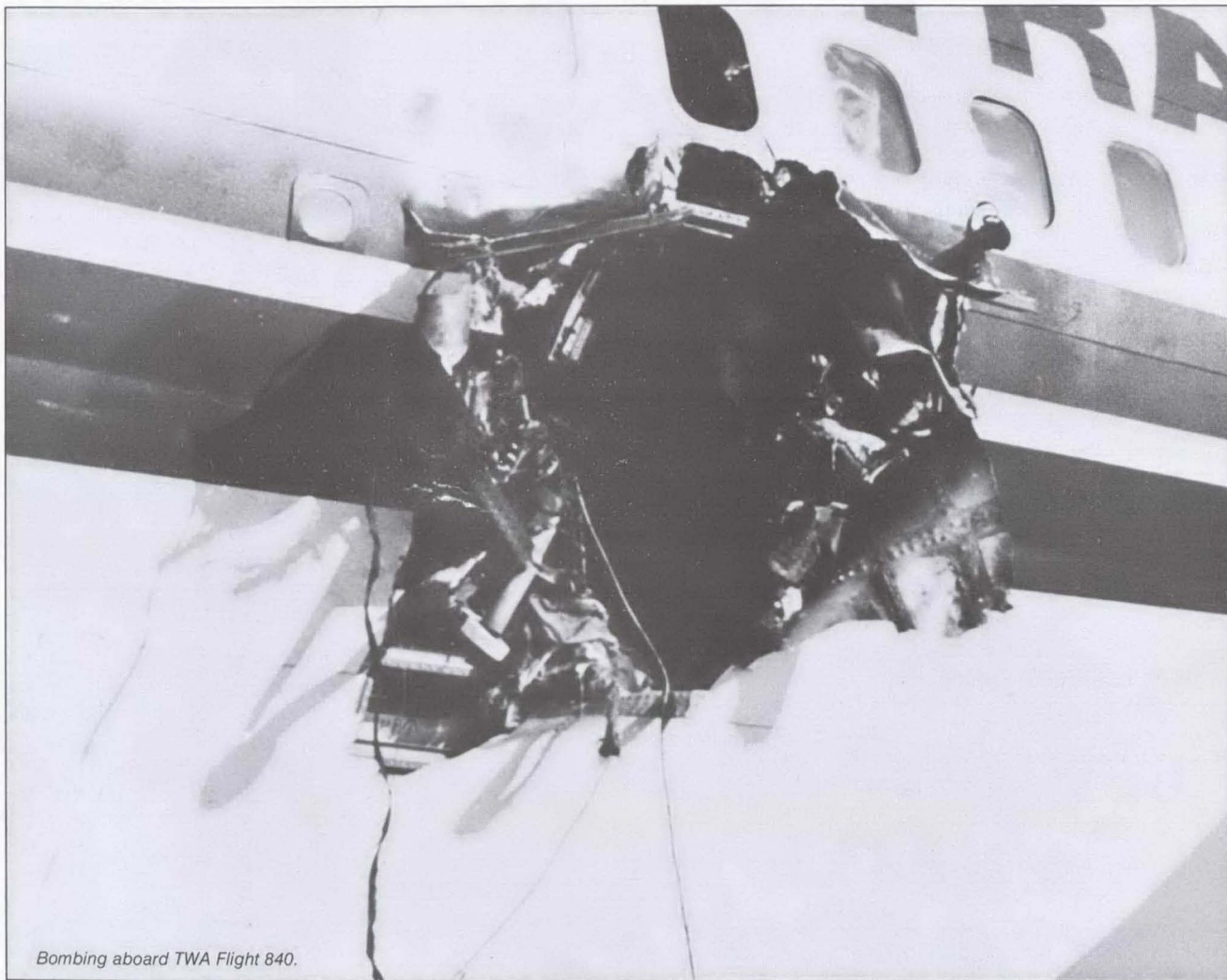
On August 27, 1986, the President signed into law the Omnibus Diplomatic Security and Antiterrorism Act (OD-

SAA) of 1986 (Public Law 99-399).<sup>10</sup> This act consists of 13 titles and is directed at providing enhanced diplomatic security, as well as combating international terrorism. Title 12 of this act creates extraterritorial jurisdiction for investigating any terrorist murder or manslaughter of and serious bodily injury on any U.S. national abroad. To ensure that this statute is used only for its intended purpose, this act requires that the Attorney General certify that in his judgment, such offense was intended to coerce, intimidate, or retaliate against the U.S. government or civilian population.<sup>11</sup>

All of the above statutes provide that where specified conditions are satisfied, charges can be brought against a perpetrator and arrest warrants issued, regardless of where in the world the particular violation occurs and that prosecution by the United States can take place in the event that the perpetrator can be brought within the territorial jurisdiction of the United States. Once a warrant is issued, it will constrain the movements of the subject of the warrant by preventing him or her from entering countries with which the U.S. Government has judicial assistance treaties. Consequently, should the subject ever be located in a country willing to extradite him, the legal mechanisms will already be in place. Once located, attempts would be made to bring the fugitive to the bar of justice in the United States through legal means, such as extradition proceedings. However, if the fugitive is brought within the jurisdiction by means other than extradition, the U.S. Government is not precluded from prosecuting the subject.<sup>12</sup>

It is recognized that the United States would probably not be able to extradite the perpetrators of terrorism offenses from some countries;





*Bombing aboard TWA Flight 840.*

however, it is possible that the United States would subsequently locate them in another country which would agree to release them to the United States either formally (i.e., pursuant to a bilateral or multilateral extradition treaty) or informally.<sup>13</sup>

The fact that the United States has laws granting extraterritorial jurisdiction does not imply that the FBI can become operational in a foreign country without

the permission of that government. Normal procedure in these matters is to obtain permission to deploy a team of FBI investigators through the State Department. Once permission has been received and the team is deployed, relations with authorities of the host country are normally effected through the U.S. Embassy. In all cases, the FBI carries out the investigation in these matters

with the support and the cooperation of the host government.

What is significant regarding the CCCA of 1984 and OSDAA of 1986 is that these laws provide for the prosecution of violators of Federal law in crimes committed outside the territorial jurisdiction of the United States. As such, investigations conducted considerable distances from our shores present



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unique problems entirely different from those previously encountered by the FBI. The FBI is now placed in the delicate position of establishing functional, logistical, and operational liaison between the investigative foreign law enforcement agency, the American Embassy, the Central Intelligence Agency and often, U.S. military intelligence in the country(s) in which these incidents occur. Often during these investigations, the FBI's duties and obligations mandated by law in criminal procedural matters are not fully understood by agencies outside the FBI.

The FBI's role in terrorism matters abroad is to investigate criminal acts found to be in violation of Federal criminal laws, to include collecting evidence which will ultimately bring a suspect to trial. This new legislation, for the first time, presents a situation where efforts can be made to prosecute individual terrorists of any nationality located in any country. The FBI is tasked with investigating these terrorist incidents abroad with the goal of building a case for prosecution. This has caused new challenges in the intelligence community, in that, no longer is our overseas mission only for intelligence gathering but also for prosecution. In this vein, certain constitutional procedural rights apply which previously were not applicable when only collecting intelligence information. For example, searches conducted by U.S. agents require fourth amendment restrictions; the fifth amendment self-incrimination provisions may attach to confessions; the CIA and U.S. military intelligence agencies have had to be apprised of the possible ramification of the Jencks Act<sup>14</sup> and the *Bruton* Rule,<sup>15</sup> wherein the possibility exists that the notes of interviews of subjects and witnesses, as well as the individuals mak-

ing the notes, could be subpoenaed by the defense for trial. U.S. intelligence agencies are understandably concerned at having the thrust of their questions and the intelligence on which these questions are based revealed in open court and possibly examined by hostile foreign intelligence services.

### Conclusion

It is clear that violent acts of international terrorism in the Middle East, Europe, and possibly the United States will continue at an increasing rate as the United States solidifies its position of not negotiating with terrorists and enacts antiterrorism legislation. Libyan and Iranian support of terrorism through surrogate groups has demonstrated that they have no hesitation in causing massive loss of life. The taking of American hostages for political gains will likely continue as long as any foreign government uses international terrorism as an important part of their foreign policy, and/or refuse to extradite the persons responsible for making war on U.S. citizens.

FBI

### Footnotes

<sup>1</sup>Evidence developed by foreign police agencies in FBI cases had been, on occasion, successfully introduced in courts of law in the United States, but generally that evidence collection effort was strictly voluntary on the part of the foreign local police and conducted within the parameters of both their willingness and ability to perform that effort as requested by the FBI. This voluntary assistance of foreign police created difficulties, since the method of evidence collection could neither be controlled nor supervised by the FBI.

<sup>2</sup>*United States v. Layton*, 509 F. Supp. 212 (N.D. Cal. 1981), appeal dismissed, 645 F.2d 681 (9th Cir. 1981), cert. denied, 452 U.S. 972 (1981).

<sup>3</sup>In *Layton*, the court stated that the Crimes Against Internationally Protected Person statutes were enacted to implement the Convention of the Prevention and Punishment of Crimes Against Internationally Protected Persons, 28 U.S.T. 1975, T.I.A.S. No. 8532. That convention indicates that the contracting states are to have jurisdiction over crimes against internationally protected persons when the victim is a representative of that country. (See Paragraph 1(c), Article 3 of the Convention.) The court concluded in *Layton* that in enacting legislation implementing the convention, Congress intended to meet all its obligations under the convention's terms.

<sup>4</sup>The basic authority for the conduct of investigations by the FBI is 28 U.S.C. Section 533 which provides, in pertinent part:

...;

"The Attorney General may appoint officials—

(1) to detect and prosecute crimes against the United States;

...; and

(3) to conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General."

This section is implemented by 28 CFR Section 0.85, which provides:

"The Director of the Federal Bureau of Investigation shall: (a) Investigate violations of the laws, including the criminal drug laws, of the United States and collect evidence in cases in which the United States is or may be a party in interest, except in cases in which such responsibility is by statute or otherwise specifically assigned to another investigative agency. . . ."

National Security Decision Directives designate the FBI as the lead agency within the Department of Justice for operational response for terrorist incidents which take place within U.S. territory. The lead agency concept was first implemented in 1982.

<sup>5</sup>From the early League of Nations resolutions in the 1930's to the reports and conventions drawn up and debated during the United Nations Sixth (Legal) Committee throughout the 1970's, the international community has been unable to define terrorism. See 29 U.N. GAOR 6th Comm. (1471st Mtg.) at 42. See also, Bouthoul, "Definitions of Terrorism," in *International Terrorism and World Security* (D. Carlton and C. Schaerf ed. 1975). The FBI defines terrorism as the unlawful use of force or violence against persons to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

<sup>6</sup>As to the death penalty issue, the Supreme Court struck down the death penalty provisions of many laws in *Furman v. Georgia*, 408 U.S. 238 (1972) and *Gregg v. Georgia*, 428 U.S. 153 (1976). Following the decisions of *Furman* and *Gregg*, Congress enacted the death penalty provision of the air piracy statute, taking into consideration these constitutional challenges to the death penalty statutes. To implement the death penalty provisions of the air piracy statute at this time, it is necessary to prescribe adequate procedures or guidelines for its enforcement. To date, no Federal guidelines have been established for the use of the death penalty in Federal cases. However, there is some impetus to have the U.S. Sentencing Commission draft standards for the imposition of the federal death penalty.

<sup>7</sup>18 U.S.C. Sec. 1203.

<sup>8</sup>International Convention Against the Taking of Hostages, 17 December 1979, U.N. GAOR (XXXIV), A/34/819.

<sup>9</sup>18 U.S.C. Sec. 1203.

<sup>10</sup>18 U.S.C. Sec. 2331.

<sup>11</sup>*Id.*

<sup>12</sup>The *Ker-Frisbie* doctrine holds that regardless of the manner in which the accused is brought within the jurisdiction of the court, the court will still exercise its jurisdiction over the accused. (See *Ker v. Illinois*, 119 U.S. 436 (1886); *Frisbie v. Collins*, 342 U.S. 519 (1952) *contra*, *United States v. Toscanino*, 500 F.2d 267 (2d Cir. 1974) (suggesting that outrageous means of bringing a defendant into a court's territorial jurisdiction might constitute a violation of "due process rights").

<sup>13</sup>It is not unusual for persons wanted in this country to be obtained from foreign nations by means less formal than extradition, e.g., deportation. Indeed, Larry Layton (supra) was not extradited, but rather merely placed by the Guyanese government on an airplane bound for the United States.

<sup>14</sup>18 U.S.C. 3500 *Jencks v. United States*, 353 U.S. 657 (1957).

<sup>15</sup>*United States v. Bruton*, 391 U.S. 123 (1968).



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## Unusual Pattern

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This interesting pattern is given the preferred classification of a tented arch and is referenced to a loop classification. The left delta is positioned on the only potential recurve and does not possess a recurve in front of it, thus precluding whorl consideration. The right delta does not possess a sufficient recurve required for loop interpretation. The resultant classification is tented arch with the loop reference dictated by the possibility existing in conjunction with the right delta.



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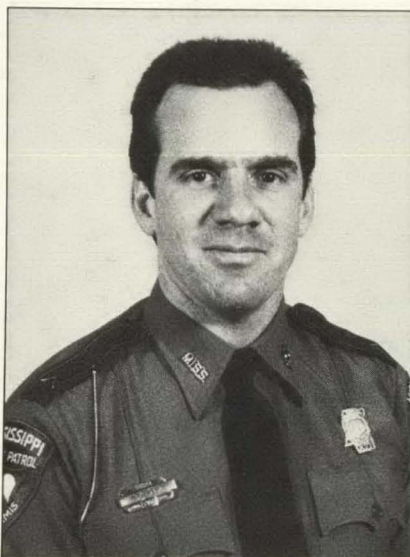
## ***The Bulletin Notes***

Trooper First Class John R. Kitch of the Mississippi Highway Patrol, Gulfport, MS, while on routine patrol on January 24, 1986, alertly observed an unknown individual harassing a parked truck driver. Trooper Kitch contacted the truck driver via CB radio and was advised that the individual appeared to be intoxicated or crazy.

As Trooper Kitch approached, the individual fled, and a high speed chase ensued through southeast Mississippi and into Alabama, where Alabama authorities had set up a roadblock. The individual was finally apprehended, and Trooper Kitch recovered a .25-caliber weapon at the scene.

The individual was identified as a subject wanted by Louisiana authorities on two unrelated murders committed on or about January 20, 1986, with a .25-caliber weapon.

The Bulletin joins Trooper Kitch's superiors in the Mississippi Highway Patrol in acknowledging this aggressive action.



*Trooper Kitch*