

National Advisory
Committee on
Criminal Justice
Standards and Goals

Disorders and Terrorism

NCJRS

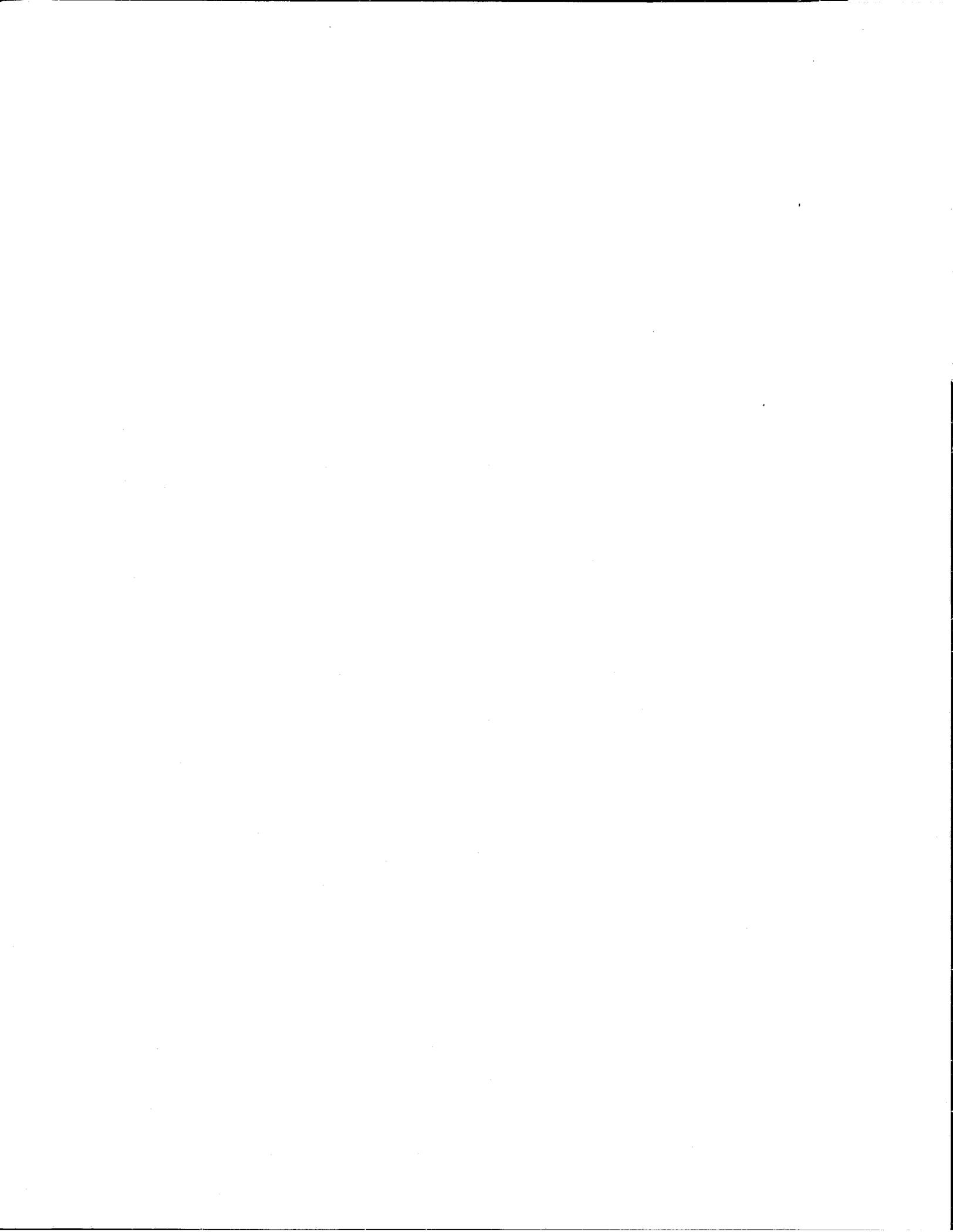
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Report of
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Disorders and Terrorism

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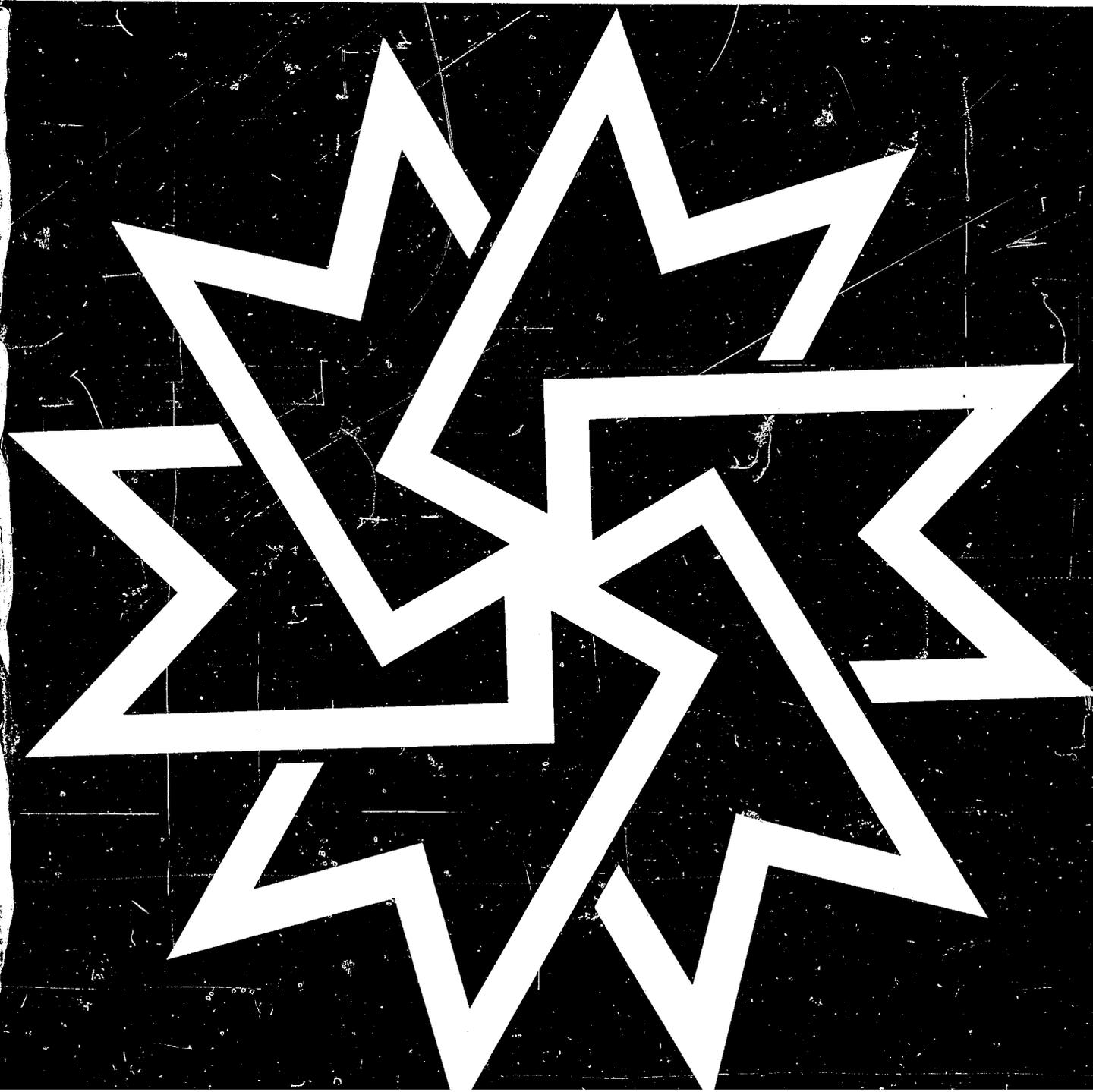




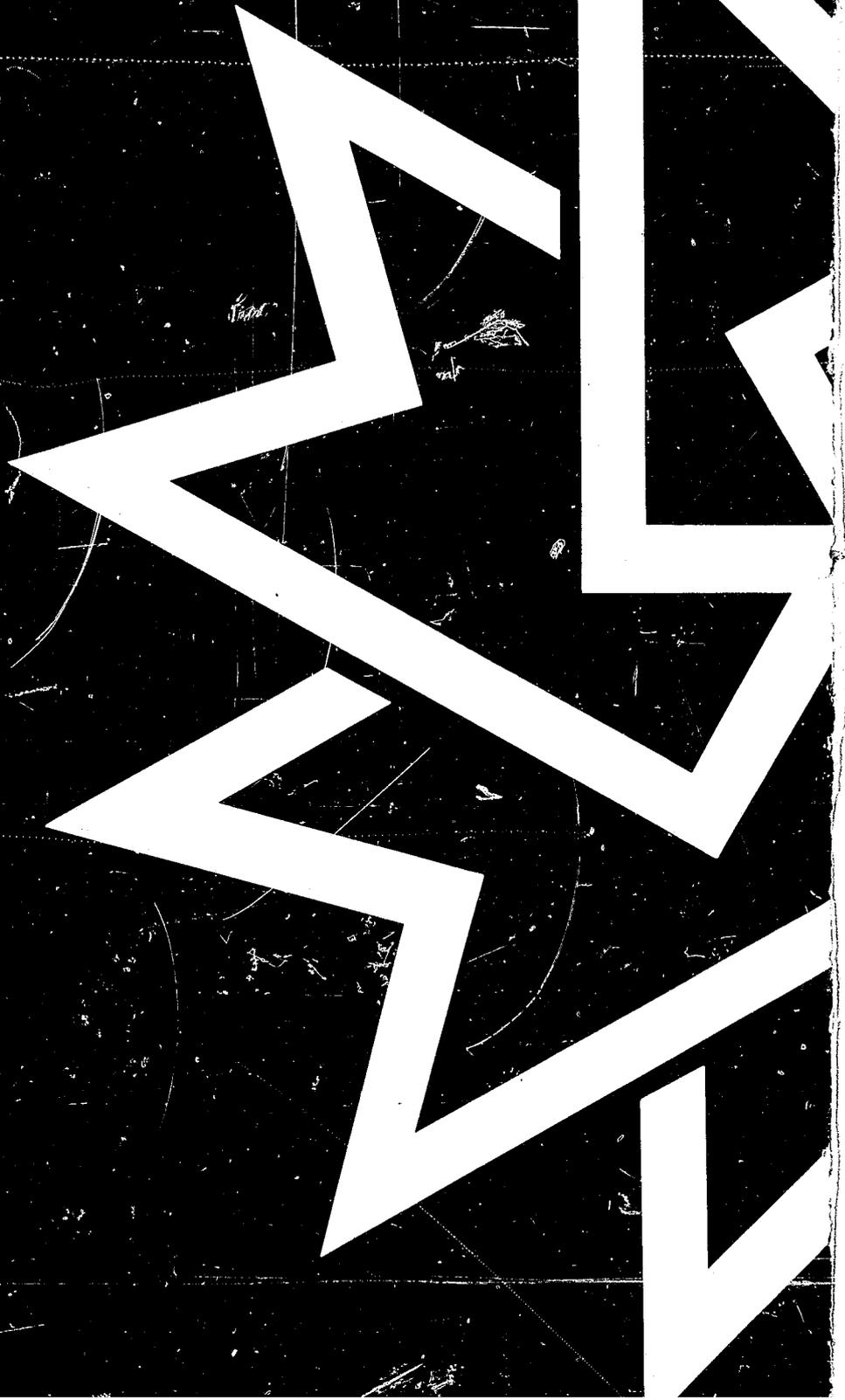
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Standards and Goals
Washington: 1976

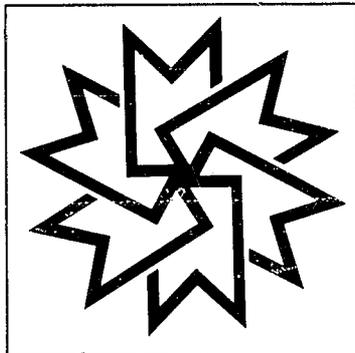
Disorders and Terrorism

Report of the Task Force on Disorders and Terrorism



Statement of
the Administrator





This volume, *Disorders and Terrorism*, is one of five reports of the National Advisory Committee on Criminal Justice Standards and Goals.

The National Advisory Committee was formed by the Law Enforcement Assistance Administration (LEAA) in the spring of 1975. Governor Brendan T. Byrne of New Jersey was appointed Chairman of the Committee. Charles S. House, Chief Justice of the Connecticut Supreme Court, was named Vice-Chairman. Other members were drawn from the three branches of State and local government, the criminal justice community, and the private sector. Four of the 12 members were elected officials of general government.

The purpose of the Committee was to continue the ground-breaking work of its predecessor organization, the National Advisory Commission on Criminal Justice Standards and Goals. In 1973 the Commission published a six-volume report setting forth standards and goals for police, courts, corrections, the criminal justice system, and crime prevention. Two years later, the National Advisory Committee addressed several additional areas of concern: juvenile justice and delinquency prevention, organized crime, research and development, disorders and terrorism, and private security. Task forces were established to study and propose standards in each of these areas. The task forces were comprised of a cross section of experts and leading practitioners in each of the respective fields.

The Committee reviewed the standards proposed by each task force and made suggestions for change, as appropriate. The process was a dynamic one, with an active exchange of views between task force and Committee members. In almost all instances, the Committee and the task forces ultimately concurred on the standards adopted. In a few cases, there were differences in philosophy and approach that were not resolved. Where such discrepancies exist, each view is presented with the Committee's position noted either in the Chairman's introduction or in a footnote to the particular standard.

Standards and goals is an ongoing process. As standards are implemented, experience will dictate that some be revised, or even discarded altogether. Further research and evaluation will also contribute to growing knowledge about what can and should be done to control crime and improve the system of criminal justice.

Although LEAA provided financial support to both the Committee and the task forces, the recommendations and judgments expressed in the reports do not necessarily reflect those of LEAA. LEAA had no voting participation at either the task force or Committee level. And, as with the 1973 report of the previous Commission, it is LEAA's policy neither to endorse the standards nor to mandate their acceptance by State and local governments. It is LEAA policy, however, to encourage each State and locality to evaluate its present status in light of

these reports, and to develop standards that are appropriate for their communities.

On behalf of the Law Enforcement Assistance Administration, I want to thank the members of the National Advisory Committee and the task forces for their time and effort. Those members of the Committee who did "double-duty" as task force chairmen deserve special thanks.

I want to express LEAA's sincerest gratitude to the Chairman of the National Advisory Committee, Governor Byrne. Much of the success of this undertaking is directly attributable to his leadership, hard work, and unflagging good humor.

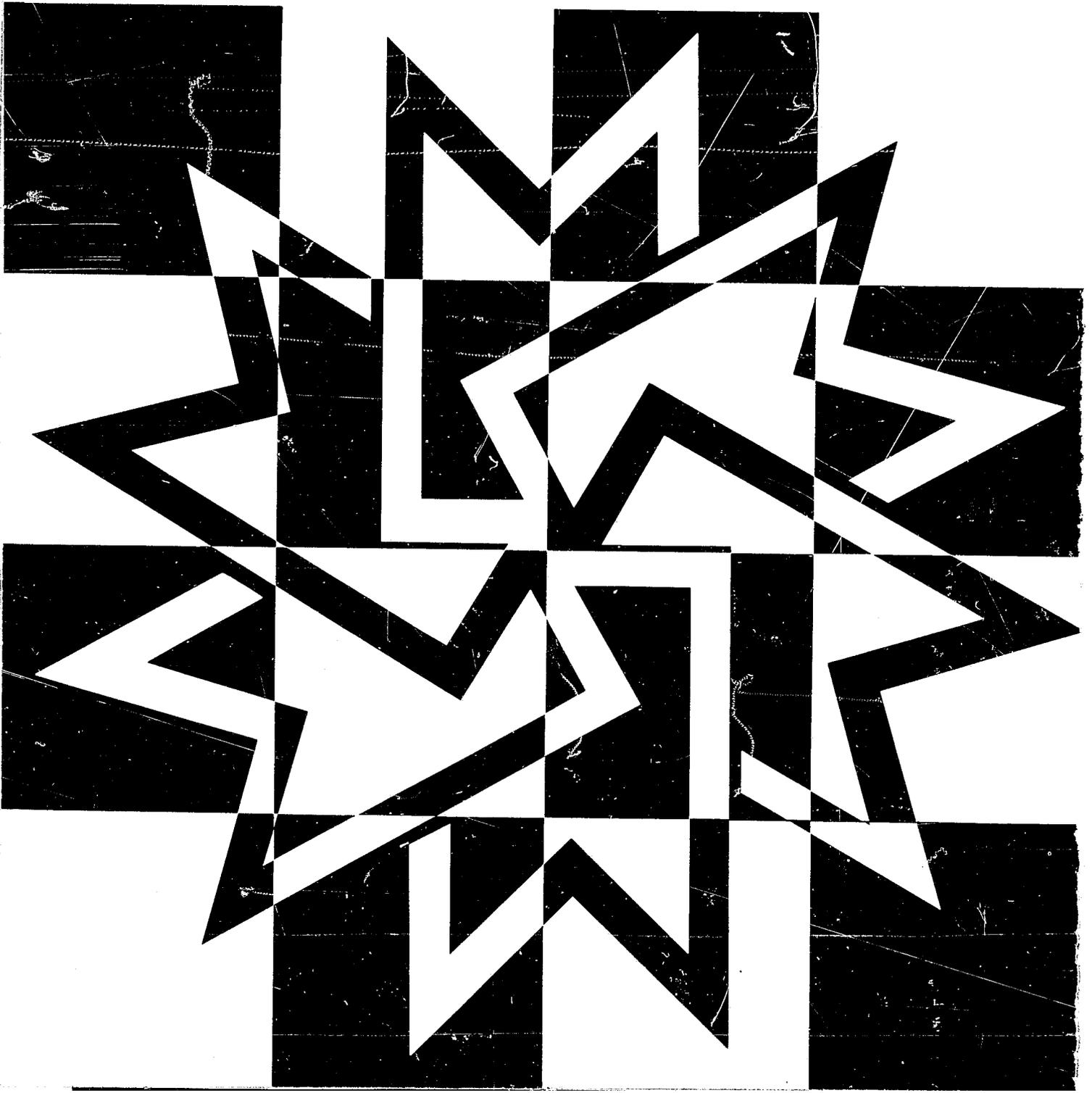
Finally, it is also appropriate to pay tribute to William T. Archey of LEAA for his outstanding and dedicated service to the Committee and for bringing this entire effort to such a successful conclusion.

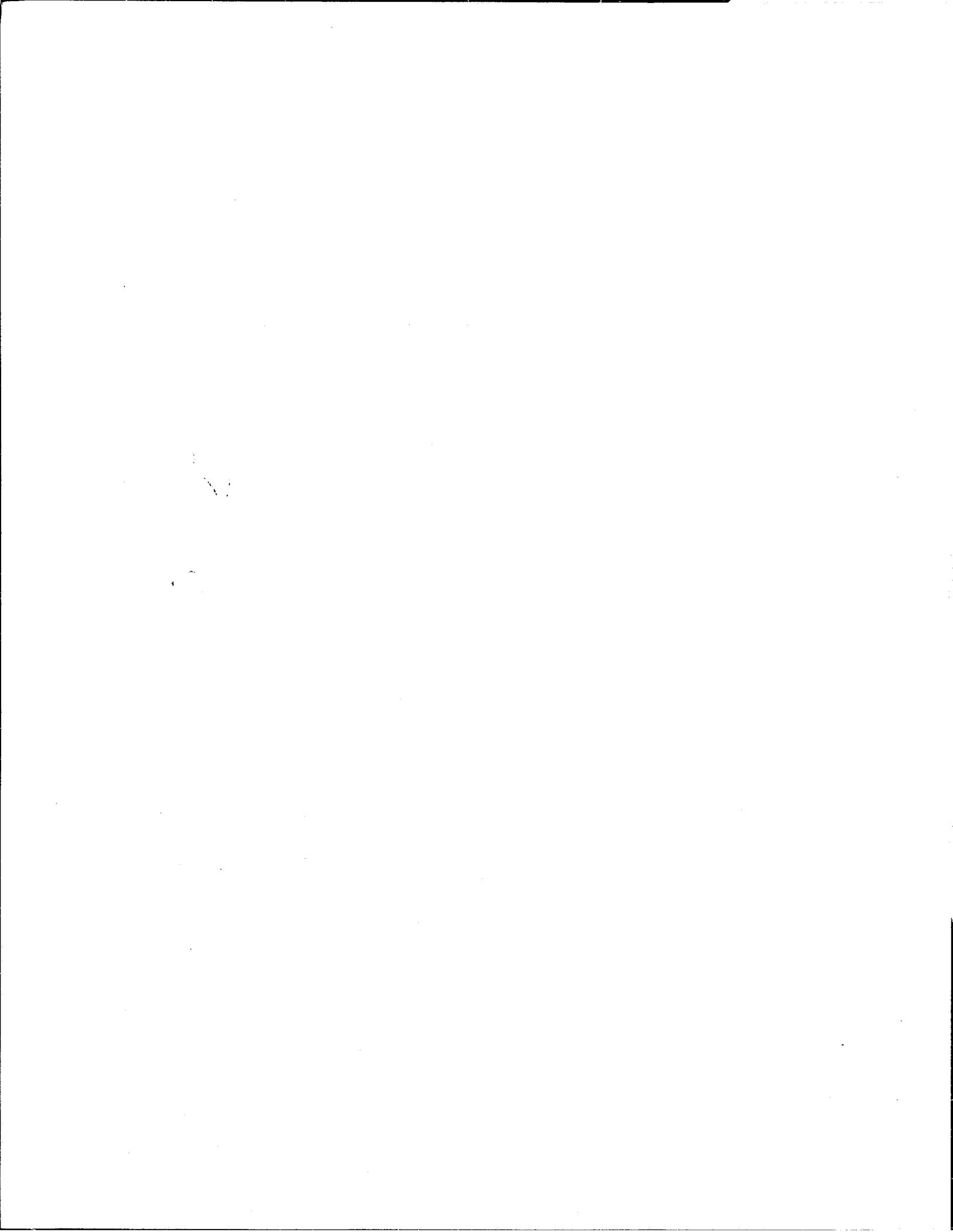


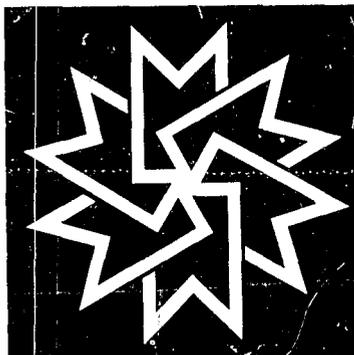
RICHARD W. VELDE
Administrator
Law Enforcement Assistance Administration

Washington, D.C.
December 1976

Foreword







Disorders and terrorism are not phenomena new to the United States. However, social turmoil on the domestic scene and in other countries in recent years has produced a significant increase in the number of civil disorders and terrorist acts. As pointed out by the Task Force on Disorders and Terrorism, there are qualitative differences between what has traditionally occurred in this country and what has occurred elsewhere. Here, more often than not, antisocial or violent acts have been designed to modify the existing system as opposed to overthrowing it. While it is dangerous to generalize or to be complacent when discussing subjects as significant as these, it nevertheless is important for the distinctions to be noted, as the Task Force has done, because the nature of the standards and goals proposed for dealing with these matters is directly affected by such distinctions.

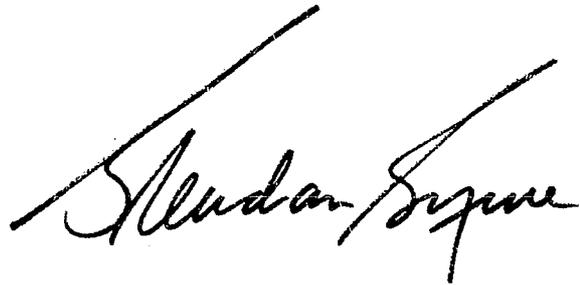
On a worldwide basis, there have been so many acts of violent terrorism in recent times that the very term has the capacity for creating an exaggerated response even among the citizenry of the United States. It is of course true that one need go back just a few years to find numerous airplane hijackings, bombings and riots in major American cities. Thus, it would be naive to assume that such things are indigenous to other countries and atypical in this one. What seems most important is that the problem be placed in proper perspective, that as a people Americans neither overemphasize nor underestimate the threat or the degree of difficulty associated with controlling the menace.

In an orderly and balanced approach, the Task Force has produced standards that deal with virtually every facet of the matter of disorders and terrorism. There are explicit proposals for training police and law enforcement agencies in preventive measures that can be taken against mass violence, for the tactical management of disorders, and for the deterrence of terrorism as well as the evaluation of threats of acts of disorders and terrorism. There are very detailed plans that the police in States and municipalities will find most useful during times of rioting or other extraordinary social upheavals. The Task Force has written extensively on the role the courts should play during and after such occurrences, including recommendations on how to deal with trials of cases arising out of incidents of terrorism. There are also suggestions for the news media to follow in the reporting of occurrences and of the trials that follow. The number of prison disorders in recent years has produced a response from the Task Force in terms of institutional conditions and correctional objectives, particularly with respect to persons convicted of terrorist acts.

What is very strongly stressed in this report is the need for community response and responsibility. It is pointed out that law enforcement is indeed the shield of the community against attack. The police

thus need strong public support in order to perform their tasks adequately, and the private sector cannot remain passively neutral to the threat of terrorism. The ultimate conclusion is that, in addition to specific ways and means of dealing with disorders and terrorism, what is most important is that effective preventative measures are formulated so that the problem can be dealt with before it arises, wherever and whenever possible.

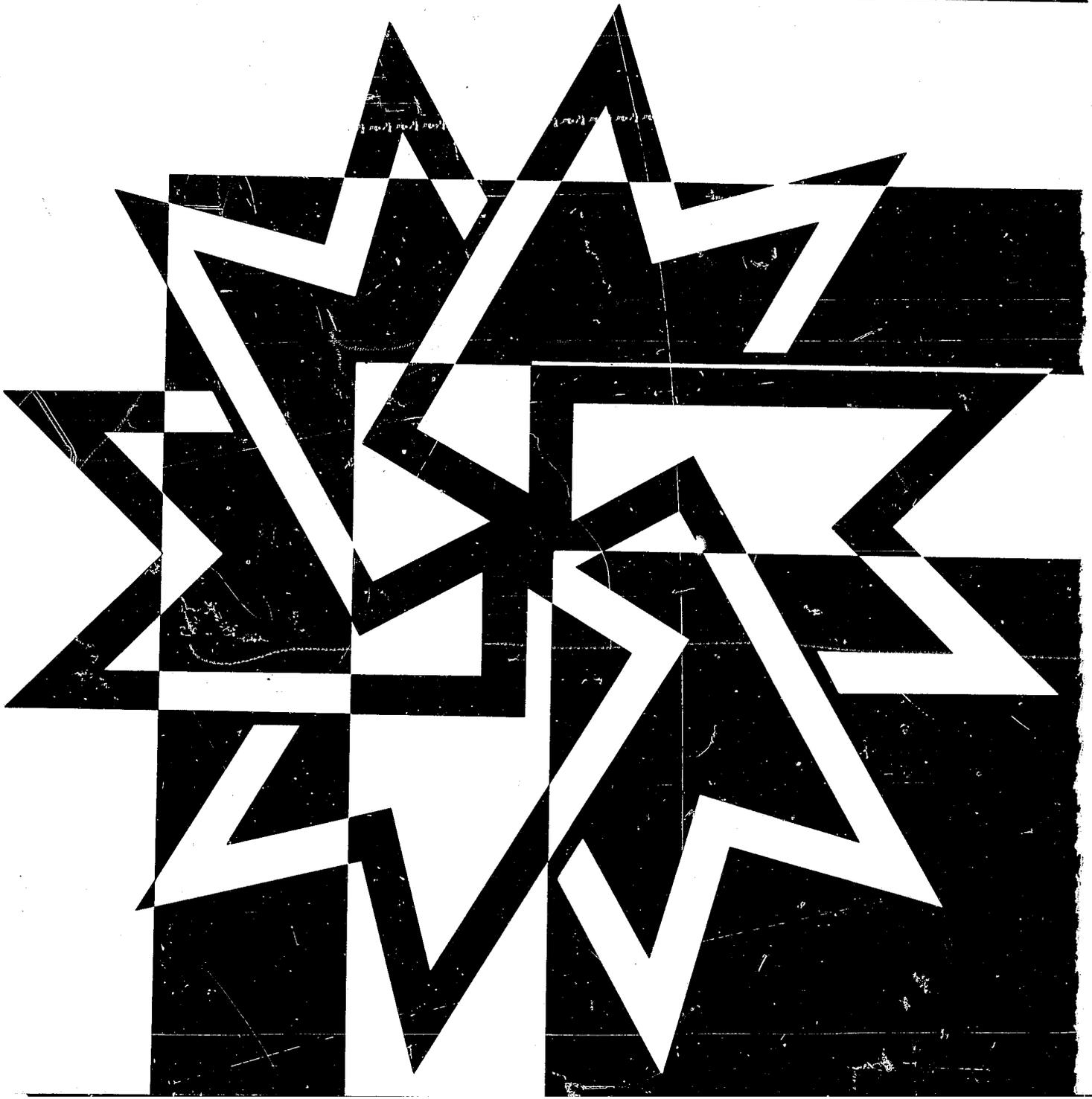
As with so many other facets of the law enforcement problem today, the recommendation of this Task Force is that heavy emphasis be placed upon social programs in order to reduce community tensions. Noncriminal and nonviolent alternatives must be provided to those for whom protest has become an essential criterion to social change. The responsibility for creating the nonviolent atmosphere is upon all aspects of society: the legislature, the courts, the police, and above all, the private citizen. This report will play a vital role in the future control of violence and terrorism. The Task Force has met the challenge and has presented a sensitive well balanced and reasoned approach that will be invaluable in the formulation of specific plans and proposals in the future.

A handwritten signature in black ink, reading "Brendan Byrne". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

BRENDAN T. BYRNE
Chairman
National Advisory Committee
on Criminal Justice Standards and Goals

Trenton, N.J.
December 1976

Masthead



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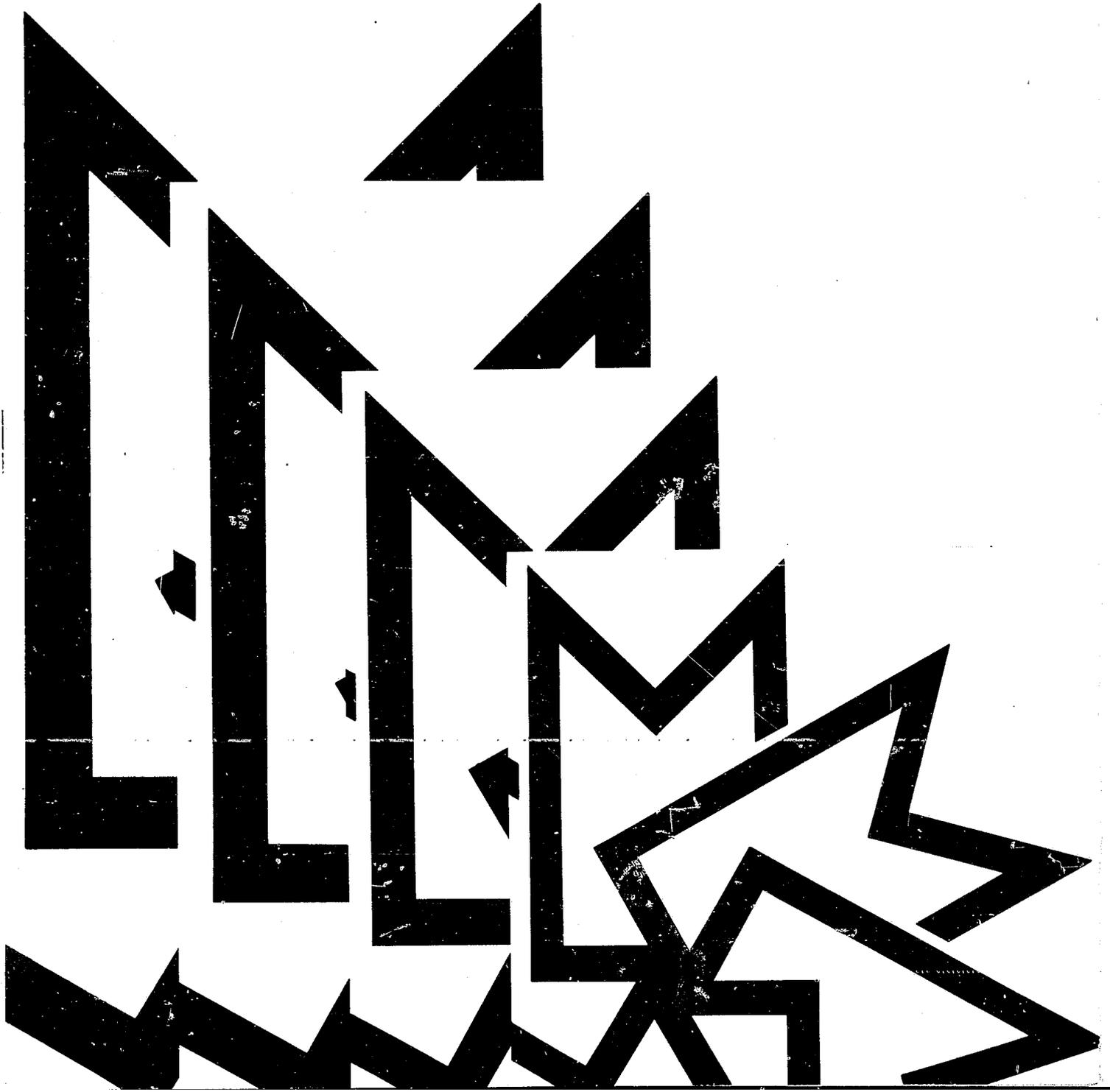
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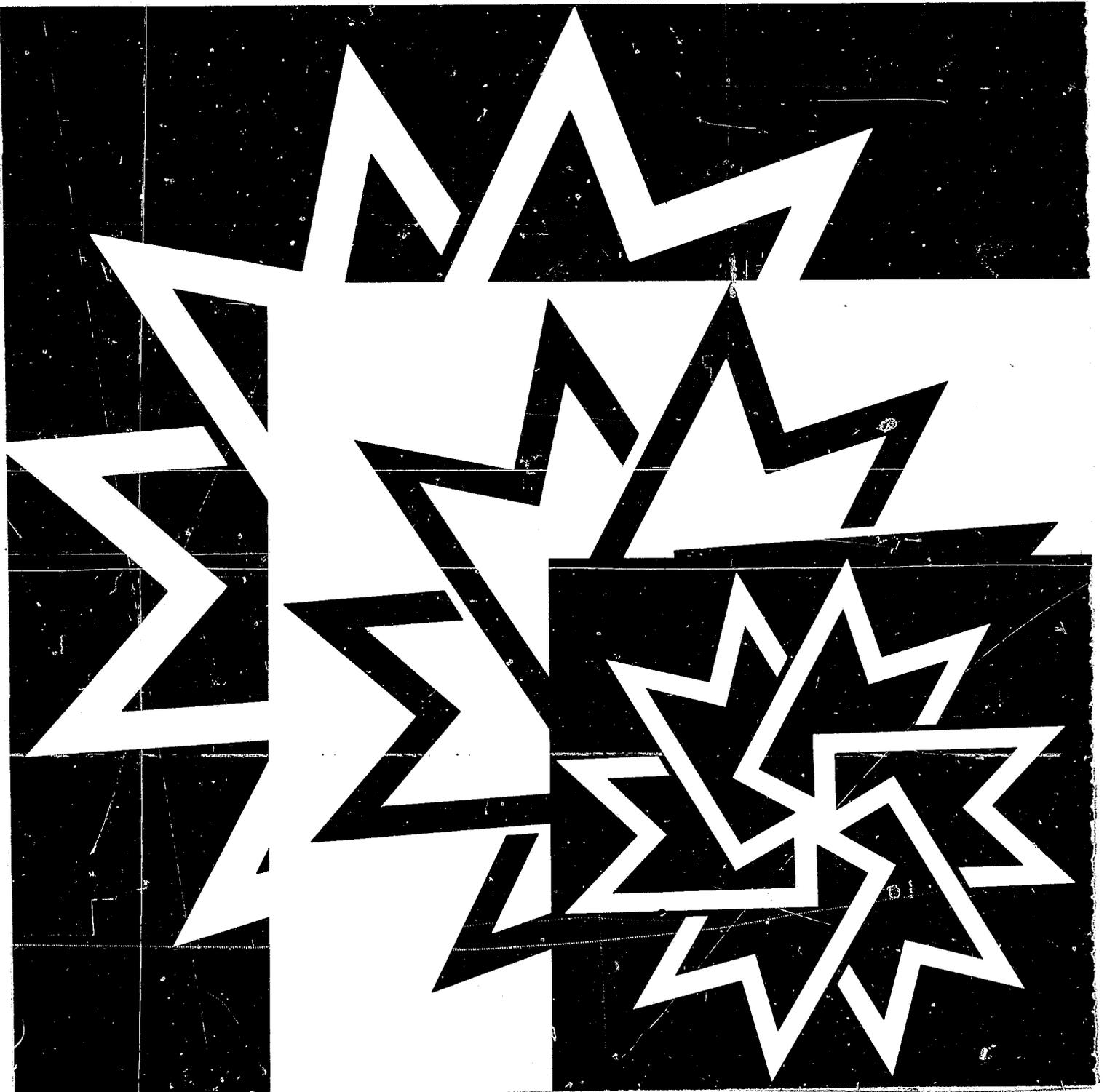
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Chapter 1
Introductory (1):
Nature and Extent
of the Problems in
Contemporary America



The two concerns of this report—disorders and terrorism—have both common characteristics and specific differences. Both are forms of extraordinary violence that disrupt the civil peace; both originate in some form of social excitement, discontent, and unrest; both can engender massive fear in the community. Disorders and terrorism constitute—in varying forms and degree—violent attacks upon the established order of society. However, the focus, direction, application, and purpose of the terror are different.

Civil disorders are manifestations of exuberance, discontent, or disapproval on the part of a substantial segment of a community. They do not necessarily have political overtones, and they may arise simply from excessive stimulation during an ordinary event, such as a rock concert or football game. In many cases, disorders are haphazard happenings rather than systematically staged and directed expressions of social or political violence. They are collective discharges of explosive rage which can find no outlet other than angry, hostile, fear-generating behavior—ranging from abusive language to large-scale destruction of life and property.

The acts of extraordinary violence characterized as terrorism in this report are the work of a comparatively small number of malcontents or dissidents who, their rhetoric notwithstanding, threaten the security of the entire community. Acts of terrorism are planned in advance, although their execution may be a matter of sudden opportunity. To be effective, terrorism requires a calculated manipulation of the community to which its message is addressed. In the case of civil disorders, the terror generated is incidental and spontaneous, though not always unexpected. In the case of terrorism, on the other hand, the fear is deliberate; it is the very purpose of the violent activity. Civil disorders, and the fear and disruption incidental to them, are ripe for exploitation by the same dissidents responsible for acts of terrorism. When such exploitation takes place, the purpose is the same: the disruption of normal political and social life. Whatever the immediate or ulterior objective of the terrorist, his prospects for success depend to a large extent

upon the involvement of the community in his purposes. Terrorism without an audience is an exercise in futility; in this respect, terrorism is as much a collective phenomenon as the mass disorder.

Mass disorders and terrorism, as manifested in the United States, have a distinctive, common quality that Hofstadter has described [p. 10]:

An arresting fact about American violence, and one of the keys to understanding of its history, is that very little of it has been insurrectionary. Most of our violence has taken the form of action by one group of citizens against another group, rather than by citizens against the State.

Disorders in the United States have been no less frightening or bloody than those in other countries, but they have been distinctively different. Mass protest in this country—even when organized on a massive scale—has been directed at modifying our system of government, not at overthrowing it. All responses to civil disturbances should take this fact into account. Similarly, terrorism never developed into advanced guerrilla warfare in the United States as it has elsewhere. It is certainly not that terrorists wish to preserve the American way of life, but that their efforts have been too limited, too unpopular, and too disorganized to seriously affect it.

As disturbing as these occurrences have been for the community, they have never constituted a serious threat to the Nation's government or to the established order of American society. The nature of American society enables it to absorb a great deal of undifferentiated violence without real damage to its political structure or the prospect of a true revolution. This is an important consideration in any valid assessment of the trend of extraordinary violence and the severity of the terroristic threat.

Civil Disorders

Civil disorders are a form of collective violence interfering with the peace, security, and normal functioning of the community. They are public in character even though, like institutional disorders, they may take place in a restricted setting. Although

on occasion they begin with surprising suddenness and develop with alarming speed and intensity, mass disorders are always outgrowths of their particular social context. Indications of such occurrences, though often ignored at the time, can be clearly detected by hindsight. Civil disorders can develop out of legitimate expressions of protest, lawfully organized and conducted. Many such are symptomatic of deep-seated tensions in community relationships; when a precipitating event occurs, these tensions erupt into violence. The immediate, official response to disorder must restore order and permit the normal functioning of the community; only a long-range strategy can remove the root causes of disorder and insure that it will not recur when emergency constraints have been lifted.

These general observations apply to all civil disorders whatever their nature and origin. They apply equally to massive, urban uprisings, such as those examined in 1968 by the National Commission on Civil Disorders, and to small-scale prison riots. More attention must be paid to the signs of potential disorders; prompt and effective steps must be taken to avoid them. It is not sufficient to simply prepare for their consequences. Hannah Arendt reminded us that [p. 7]:

Events, by definition, are occurrences that interrupt routine processes and routine procedures; only in a world in which nothing of importance ever happens could the futurologists' dream come true. Predictions of the future are never anything but projections of present automatic processes and procedures, that is, of occurrences that are likely to come to pass if men do not act and if nothing unexpected happens; every action, for better or worse, and every accident necessarily destroys the whole pattern in whose frame the prediction moves and where it finds its evidence.

There is considerable potential for disorders of all kinds in a pluralistic society; history teaches that their occurrence is neither random nor truly spontaneous. Once a pattern of disorder has been identified, proper attention to its indicators becomes an important exercise in practical politics. Van den Haag's observation that [p. 97] "Riots usually occur not despite, but because of rapid improvements. Improvements, at least in the initial stages tend to intensify dissatisfactions and mobilize preexisting resentments . . ." seems to be applicable to the American experience. Although each disorder has its own general and specific origins—which must be detected and understood so as to permit proper response—civil disorders in general must be regarded as endemic to our society. Their intensity, duration, and extent could indicate a widespread problem, but the phenomenon itself should not be viewed either as evidence of social disintegration or the work of foreign subversive influences. Civil disorders of the type discussed in this report should be seen for

what they are: periodic eruptions of social discontent. There is no "best" way to deal with them, but we must prevent their exploitation by antisocial elements. Responses to disorders should be designed accordingly.

It would be tempting to dismiss the serious disorders of the 1960's as nonrecurrent products of a particularly turbulent era, of a nation divided by deep ideological issues during a period of rapid social transformation. That they were so successfully contained without serious harm to the essential fabric of American society is still cause for wonder and gratitude. However, it is ominous that despite the period of calm that has ensued—perhaps even because of it—so little has been done to address the underlying causes of the social discontent that these mass protests proclaimed. The precipitating factors of the conflict have disappeared, and because of their topical nature may never emerge in exactly the same form. However, because the deeper dissatisfactions remain, there is always a likelihood that new controversies and compelling issues may one day precipitate other outbursts of violence.

We cannot afford to ignore the underlying causes of civil disorders during this period of relative calm. The urban crisis is far from being resolved; in many ways, the state of the great cities is more desperate than it was during the most serious riots of the 1960's. An unstable economic situation has forced substantial curtailment of public services in many cities and caused a general deterioration in the quality of life for the poorer classes. Crimes of violence, damaging to both criminal and victim, continue at an unacceptably high level. Unemployment has risen markedly, and job opportunities for the disadvantaged have dwindled. These facts may well have contributed to the present quiescence. But this is a false calm, and we must see in the current social situation an accumulation of trouble for the future. There will surely come a time when once again socioeconomic conditions will generate violent reactions. It is important that we be prepared to deal with such future disorders; it is more important that we reflect now on what is necessary to avoid the tragedy, the recriminations, the inevitable commissions of inquiry, and, in the oft-quoted words of Kenneth Clark, "[The] same moving picture shown over and over again, the same analysis, the same recommendations, and the same inaction."

For all our experience of civil disorders, we are woefully lacking in reliable data about them that would enable us to make sensible projections for the future. Reporting, collection, and storage of such important information are currently so unreliable that many comments on these matters are mere conjecture. It may be too late to undertake the monumental task of accurately reconstructing even the

most violent disorders of the last decade. However, we should be prepared to preserve a comprehensive record of future occurrences. We need not only an accurate count of incidents as they take place, but also a proper analysis of them within clearly defined categories that would make useful comparisons possible. It is certain that disorders will continue to occur. An important part of our response strategy should be to improve our methods of collection, storage, analysis, and retrieval of data on civil disorders so that our responses might be meaningful and effective.

The Problems of Terrorism

A fundamental problem for our understanding of terrorism is that of definition. In any useful definition, there is, as Georg Schwarzenberger has observed [p. 72], an essential element of circularity. The term terrorism, as it is frequently employed, is emotive and unspecific. The lack of precision in its use has led some to believe that the concept defies concrete definition within a normative context. Yet Ludwig Wittgenstein reminded us that, "Everything that can be thought at all can be thought clearly. Everything that can be put into words can be put clearly." [Tractatus Logico-Philosophicus, 4.116.]

It is suggested that part of the problem results from our categorization of terrorism as a substantive criminal activity. In fact, terrorism is a technique, a way of engaging in certain types of criminal activity, so as to attain particular ends. For the perpetrator of terroristic crimes, terror—or the sensation of massive, overwhelming fear induced in victims—transcends in importance the criminal activity itself, which is merely the vehicle or instrumentality. Terror is a natural phenomenon; terrorism is the conscious exploitation of it. Terrorism is coercive, designed to manipulate the will of its victims and its larger audience. The great degree of fear is generated by the crime's very nature, by the manner of its perpetration, or by its senselessness, wantonness, or callous indifference to human life. This terrible fear is the source of the terrorist's power and communicates his challenge to society.

Terror is a constituent of many ordinary crimes, either as a normative element, as in robbery or, incidentally, such as in rape. In a robbery, the victim is threatened so that he will relinquish his property; his fear, however great and essential to the criminal's success, is not meant to be an example to others. Similarly, the fear generated by the crime of rape is aimed at overcoming the will of the instant victim, not at the minds or resistance of others. Such crimes may terrify, but they are not terrorism. An act of terrorism, on the other hand, has a purpose similar to general deterrence: the instant victim is less impor-

tant than the overall effect on a particular group to whom the exemplary act is really addressed. Thus, terrorism, although it has its individual victims, is really an onslaught upon society itself. Any definition of terrorism for the purpose of constructing effective responses to it must bear these considerations in mind.

It is not useful, therefore, merely to enumerate a series of violent, criminal acts or threats that would constitute terroristic behavior; such a definition misses, altogether, the terrorist's true objective. Any law intended to strike at terrorism must address the purpose as well as the instrumentality. Because they have failed to do so, international attempts at definition have substantially failed: viewed in terms of motivation and ends, "what is terrorism to some is heroism to others." [Per M. Cherif Bassiouni, cited in *International Terrorism and Political Crimes.*] Although it is presently an effective bar to any concerted response to international or transnational terrorism, this lack of agreement about terms and criminal policy ought not to frustrate those responsible for this society's responses to acts of terrorism. For the purpose of the present report, no such universality of consensus is needed in order to arrive at working definitions. **Terrorism is a tactic or technique by means of which a violent act or the threat thereof is used for the prime purpose of creating overwhelming fear for coercive purposes.**

Political Terrorism

Political terrorism is characterized by: (1) its violent, criminal nature; (2) its impersonal frame of reference; and (3) the primacy of its ulterior objective, which is the dissemination of fear throughout the community for political ends or purposes. **Political terrorism may be defined, therefore, as violent, criminal behavior designed primarily to generate fear in the community, or a substantial segment of it, for political purposes.** Excluded from this definition are acts or threats of a purely personal character and those which are psychopathological and have no intended sociopolitical significance. To illustrate: the killing of a police officer in the ordinary course of a felony, however brutally the act might have been carried out, would not fulfill this definition. The deliberate killing of a police officer, unconnected with the commission of any other crime and having as its object the intimidation of other members of the police force and the community as a whole, would be characterized as an act of political terrorism. A bank robbery intended simply to obtain money would not be an act of political terrorism because of the manner of its execution or the fact that victims were, incidentally, put in fear. It would

take on the character of political terrorism only if the perpetrators deliberately engendered fear in the victims for political ends. Even if the crime were intended to finance illegal subversive or revolutionary operations, it would not necessarily assume the nature of a terroristic act.

Kidnaping for ransom, when the only purpose of the kidnaper was private gain, would be excluded from this definition. The skyjacking of a commercial aircraft, by its very nature a terrifying act, would not be an act of political terrorism if the crime were committed for private gain or represented the non-political act of a mentally disturbed person. For each of the examples given, the law is generally comprehensive and severe enough to encompass both the crime itself and any element of terror arising incidentally from it. It is the purpose of the political terrorist, usually manifested in the cruelty or the wantonness of his behavior, that is beyond the scope of ordinary laws. When special laws are enacted for the purpose of sanctioning such behavior with increased severity or authorizing specific responses to it, it is important that the term political terrorism be used with care and precision. It should never be allowed to degenerate through promiscuous use into an automatic label for all violent acts of a terrifying nature.

There are other important reasons for insisting upon definitional clarity. Terrorism is an attention-getting word. Casual or imprecise use of the term engenders a climate of fear and uncertainty that can spread further afield through the popular media. Eventually, a mystique is built up that allows for a reduction of actual violence while fear itself is increased, and the mere threat suffices to achieve the terroristic objective. In terms of efficiency and economy of endeavor, such a development furthers the terrorist's cause. Once an individual or group has succeeded, in the popular idiom, in being labeled as "terrorist," every criminal activity in which it engages tends to be popularly characterized as "terroristic." In this way, the notion of terrorism is propagated, the fear of victimization increases in the community, and a false picture of the dimensions of the problem is created. It is important that any response strategy should deny the terrorist the benefits of careless description.

To the term political terrorism as defined here, we must add other qualifiers for the sake of clear discussion. Domestic, political terrorism refers to violent, criminal acts of terrorism committed by individuals or groups originating within the United States. Ordinarily, these will be residents whose criminal activities are directed at a particular element of the society and whose purposes are related to the country's domestic or foreign interests. Thus, the bombing of a United States bank in New York City

by an indigenous group would be an act of domestic terrorism even if it was a protest against the institution's policies overseas. Similarly, an attack by a United States group, such as the Jewish Defense League, on Soviet property or interests within the United States to protest the treatment of Soviet Jewry would be an act of domestic terrorism. Political terrorists who strike at targets in other countries are termed international or transnational terrorists. Examples of this type of activity would be an overseas bombing by an American group, such as the Weather Underground, or the bombing of a target in the United States by the Palestine Liberation Organization. International terrorism is nonterritorial warfare waged for the coercive value of the fear it causes. Countries victimized by these terroristic acts may have no direct connection with the issues at stake, but they are drawn into a struggle as examples or to discourage their normal comity with the political opponent. Political terrorism of this sort is a global phenomenon in which random selection of innocent victims serves to horrify the world, as did the cruel massacre of Christian pilgrims at Lod Airport in 1972.

The increasing alarm with which terrorism is viewed worldwide today is due in large measure to the success of the transnational terrorists. Making full use of modern communications media and taking advantage of the divisions and disagreements among nations, these terrorists have been able to wreak havoc with a substantial degree of impunity. The failure of the Ad Hoc Committee on International Terrorism of the United Nations [General Assembly Official Records, 28th Session, Supplement No. 28, A-9028], to reach a conclusion as to what international terrorism really is must not be allowed to deter this country from taking appropriate measures to protect the lives and property of United States citizens at home and abroad from terroristic attacks.

Nonpolitical Terrorism

Nonpolitical terrorism is a narrowly defined category for the purposes of this report. The word political has been widely construed to include all activities related to violence directed against authority or having as its main purpose the production of social change through violent means.

There is a vast area of true terroristic activity that clearly cannot be termed political, notably that frequently ascribed to the present-day operations of organized crime. This is true terrorism, exhibiting conscious design to create and maintain a high degree of fear for coercive purposes, but the end is individual or collective gain rather than the achievement of a political objective. Unquestionably, such terror may

affect society and its patterns of behavior on a considerable scale. Although such terrorism is not the main subject of this report, many of the problems of response to it are similar in nature to those discussed here. Similarly, school vandalism and other terroristic behavior of teenage gangs that is designed in many instances expressly to terrorize a community does not fall within the definition of political terrorism. Although the aggrandizement of fear is achieved, its message is largely unexploited for political ends. Other criminal activity of a manifestly terroristic nature, such as that engaged in by Charles Manson and his followers, is also a form of nonpolitical terrorism. This is a borderline case, but such political elements as were introduced at a late stage seem to have been rationalizations after the fact. The social structure of the groups involved and the objectives they pursued were not of a truly political character, nor was the victims' fear primarily directed toward achievement of social or political change.

Another type of nonpolitical terrorism is the work of mentally disturbed individuals whose terroristic activities are committed in obedience to some internal demand of a psychopathological nature. Examples of this would be Metesky, the "mad bomber" of the 1950's, and the sniper killings of Charles Whitman from the campus tower in Austin, Texas. Such terrorism is discussed in this report with respect to the different responses necessary to counter it, some of which are relevant to handling political terrorists who show symptoms of mental stress or imbalance.

Quasi-Terrorism

Quasi-terrorism is a description applied in this report to those activities incidental to the commission of crimes of violence that are similar in form and method to true terrorism but which nevertheless lack its essential ingredient. The behavior distinguished here is a synthetic or pseudo terrorism; although it is not the main purpose of the actor to induce terror in the instant victim, he uses the modalities and techniques of the true terrorist and produces similar consequences and reaction. Quasi-terrorism is the use of terroristic techniques or tactics in situations that are not terroristic crimes per se; it is different from common crimes that involve terror for this reason.

The taking of hostages is a prime example of a common terroristic technique that has been adopted by quasi-terrorists. In the true terroristic situation, the victims who are seized and threatened serve as a bargaining counter to coerce authorities to comply with the terrorist's demands. This situation is then exploited for publicity purposes in such a way as to

serve the terrorist's ends. It has become increasingly common in recent years for ordinary criminals, who have no original terroristic purpose, to take hostages in the course of a conventional crime of violence, such as bank robbery. In such cases, hostages are terrorized and used as bargaining counters either to facilitate the commission of the offense or to avoid the consequences of apprehension. Quasi-terroristic acts frequently are directed toward other ends, such as the exploitation of a particular situation in the course of a prison riot for protest purposes or to secure freedom in exchange for the lives of the hostages taken. Although it is clear that this cannot be true terrorism according to the criteria established, the techniques and tactics are perfectly imitated and the responses called forth to cope with the phenomenon are essentially the same.

Skyjacking, too, can be a manifestation of true terrorism, as when a transnational terrorist seizes a passenger aircraft in flight to compel a political adversary to accede to his demands, or quasi-terrorism, when the aircraft and hostages are threatened subject to the payment of a ransom for private gain. Although quasi-terrorism is certainly not new, its manifestation is increasing as criminals imitate the more spectacular incidents of true terrorism that have served as recent models. It is significant that the bulk of the American experience has been in the handling of quasi-terrorism, a field in which a variety of response techniques has been tried and tested with a satisfactory degree of success. Many factors present in a situation involving international terrorists are quite different from those inherent in the quasi-terroristic situation and call for different response patterns. This is particularly true with respect to negotiations. The interests involved, the character of the terrorists themselves, and the command structure of the responding agencies will all be untypical compared to the domestic experience, and vastly different from those elements in a quasi-terroristic setting. Caution must, therefore, be exercised in applying the lessons of the one experience to the other.

Limited Political Terrorism

Political terrorism in its fully developed form is revolutionary in character; whether it is a realistic tactic or not, it has as its purpose the subversion or overthrow of an existing regime. But many incidents of political terrorism have more limited objectives, either to fulfill a specific purpose or because the terrorists know they lack the strength and popular support they need for a larger attack. Paul Wilkinson has called such acts "sub-revolutionary terrorism" and defined them as [p. 120]: "[A]cts of terrorism which are committed for ideological or political motives but

which are not part of a concerted campaign to capture control of the State." Clearly terroristic by reason of the technique employed and political objectives, these acts are limited to their particular social context. The execution-style killings ordered by the Spanish Anarchist labor leader Durrutti in reprisal for the killing of his followers is an example of limited political terrorism. The act of the lone terrorist, impelled by essentially private motives to do a public, political act of this sort would be another. Much domestic terrorism is of this type, and the category is important for the distinctions it raises and the differences in response for which it calls. It reminds us, in particular, that not all subversives are terrorists and that not all terrorists are subversive in the sense that they seek the overthrow of the state.

Official or State Terrorism

For the sake of completeness, some mention is necessary here of official or state terrorism. The United Nations Report of the Ad Hoc Committee on International Terrorism said [p. 15]:

In the opinion of several representatives, it was the terrorism of State which constituted the principal causes of individual violence. The opposition between the oppressive policies of a State and the will of a people led the State to use violence and this reciprocally led the people to react by violent means. The terrorism against a State was provoked by a violent action on the part of a State or by a situation of political injustice, economic inequality or social trouble and by the failure of all other means of redress available to the victims. In this connection, specific reference was made as to causes of international terrorism of the repressive acts of colonial, racist, and alien regimes against peoples struggling for their liberation and legitimate right to self-determination, independence and other fundamental freedoms.

There have been, are, and probably always will be, nations whose rule is based upon fear and oppression that reach terroristic proportions. It is not considered pertinent here to criticize or to make value judgments about such regimes. However, much terroristic behavior by individuals and dissident groups is claimed to be a response to the terroristic behavior of such governments. Many incidents of international terrorism are justified by similar claims, and much of the difficulty in reaching international agreement on what to do about terrorism can be traced to these competing contentions. This old anarchist argument, which can clearly be pressed too hard for conviction in many cases, must be seriously addressed because it is now used over an extremely wide range of situations. At one extreme, it is invoked by prison inmates to justify militant resistance to authority; at the other, it can orient domestic terrorist strategy toward actions likely to provoke massive official repression. In the latter case, overreaction is characterized as

"Fascist repression" and any incidental disruption of public order is used to justify the very terrorist activity that has caused it.

The Reign of Terror of a truly repressive regime should be distinguished from the occasional acts of terror that may occur even in democratic systems—from pure, unauthorized acts of exasperation committed by state agents through lack of proper supervision or control to those that represent officially sanctioned or condoned overreactions. There is a clear distinction between the systematic terror used by the Nazi regime to hold down the countries of occupied Europe and the occasional excesses committed by the Allied forces. The Reign of Terror is sometimes contrasted as being the official response to what is called the Siege of Terror against the state by subversive or dissident groups. Political terrorism by individuals or groups is then justified as a reaction to repression or self-defense. In particular, wars of national liberation are frequently justified as a reaction to state terrorism. There are clearly great dangers in this type of thinking; it can lead to a philosophical justification of terrorism that is quite unacceptable. The position taken in this report is that no form of terrorism is acceptable as an instrument of political policy.

One related point is of considerable importance for the purposes of the present report. Acts of serious terrorism, particularly those which constitute an organized campaign of significant proportions will often require a military response. It is extremely easy for such a response to become excessive and brutal, as has happened in Brazil and Uruguay, for example. A military response may be most necessary and can be highly effective, provided it is kept within lawful bounds and is perceived by the community as being limited in this way. It must never be allowed to degenerate, through lack of discipline or individual excesses, into an excuse for further acts of terror by dissidents; neither must it be allowed to develop into systematic state terrorism condoned by the authorities.

Acts and Threats

Terrorism may be constituted by either acts or threats. From the time of the early anarchists, the "deed" assumed a symbolic importance almost as great as the practical consequences of the act itself. For example, the assassination of a hated authority figure as a manifestation of terrorist power embodied the ability to strike at even the most powerful adversaries and the capacity to generate fear and insecurity in society as a whole, and gave powerful encouragement to those of similar persuasion. Terroristic acts encourage imitators and give rise to spontaneous, informal association in common exul-

tation and vicarious participation in the deed; it can be demonstration, stimulus, and model. By attracting publicity, the act fulfills the terrorist's prime purpose of disseminating a message throughout the community, what Regis Debray terms "armed propaganda." [*Revolution in the Revolution?*] The act can be either an announcement of what is to come or a reinforcement of what has already taken place. Some terroristic acts are in themselves a threat or warning, for example, the flaming Ku Klux Klan crosses. Terroristic threats represent an economy of terroristic effort, a capitalizing on an established reputation for fear-generating violence. Threats maximize the effort of a very small, violent group and create an impression of power sufficient for an effective challenge to established authority. Threats give substance to terrorists' power and elevate the level of fear created by it.

The principal problem in designing responses to terroristic threats is assessing their credibility. As a general rule, all threats must be taken seriously. This imposes a considerable strain upon the system's resources, especially in times of crisis, and is complicated by the problem of contagion and consequent "crank calls" that often succeed a genuine terrorist act. All this is part of the War of Nerves that the true terrorist wages. In the words of Marighella, the deceased Brazilian terrorist: "The object of the war of nerves is to misinform, spreading lies among the authorities, in which everyone can participate, thus creating an air of nervousness, discredit, insecurity, uncertainty, and concern on the part of the government."

Terrorist threats are of two general kinds: those which announce that some action will be taken unless a certain terrorist demand is met and those which ostensibly serve as a warning of some action that has already been initiated. Both types of threats have the same political purpose, but they call for different responses. Careful analysis of the nature and content of each threat is necessary in order to determine an appropriate response. For example, the terrorist who threatens to kill hostages may or may not have the capability of carrying out his threat, but because the hostages are in his immediate power, the threat must be taken very seriously indeed. Whatever the tactical response decided upon, it must be predicated on the likelihood of the terrorist carrying out his threat unless it has been positively determined that he cannot. The terrorist who demands money to keep from detonating a bomb that he claims to have hidden in an unspecified place poses another type of problem. How serious is the risk that he is not bluffing? Clearly, the evidence has to be weighed in each individual case, but a serious responsibility rests on the shoulders of all who disregard such warnings. A specific warning that a bomb will

explode in a crowded building in five minutes clearly calls for an immediate decision. Such a warning may represent a tactic in the War of Nerves or it may be part of a genuine terrorist plan to shift the responsibility for consequent harm onto the shoulders of the authorities concerned.

An understanding of the nature of such threats and warnings, their purpose, and the overall strategy of the terrorist is important in determining the response. In addition, we need to develop a sound and practical threat analysis to guide those who must respond to many different manifestations of terrorism. In terms of legal response, threats that are part of a genuine terrorist campaign or War of Nerves—as distinct from mere mischievous imitation or psychopathological behavior—should be dealt with as seriously as the acts themselves.

Incidence and Severity

The unsatisfactory nature of available data and the scattered, fragmentary nature of sources make it difficult to offer any firm estimates as to the incidence or severity of the different classes of terroristic activity described. Furthermore, because there is no agreement on definitions, data that might relate to true terroristic activity cannot be readily separated from that which has been categorized here as quasi-terroristic. Systematic collection of data about all types of terroristic activities on a nationwide scale has never been attempted. Efforts that have been made are limited in scope or have but recently commenced. Reports of bombings have only been systematically collected since 1969, and the data are not reliable before 1972. Information on hostage-taking incidents is not collected on a general basis and is not available in a form that would enable researchers to differentiate easily between incidents of a true terroristic nature and those which are quasi-terroristic.

Despite admittedly incomplete data, a number of useful observations can be made. Compared with other major countries of the West, the United States has not faced a serious political terrorist problem. True terrorism that has occurred has been almost exclusively domestic. It has been neither sustained nor effective, and must be considered limited or sub-revolutionary in character. The United States has not experienced anything comparable to the bitter terroristic campaign of the IRA in England and Northern Ireland, nor has it been subjected to the type of terroristic activity engaged in by the Baader-Meinhof gang in the Federal Republic of Germany. Although there have been a number of assassinations and attempted assassinations of prominent political figures in this country, none has had the character of, for example, the killing of Spanish Premier

Luis Carrero Blanco in Madrid in 1973. Political kidnappings that continue to take place in Central and South America, which are linked to an organized pattern of guerrilla warfare, have not touched off a rash of similar behavior here.

It would seem that the principal manifestation of true terrorism in the United States today is the bombing incident. Allowing for the vagaries of available data, study shows these to be substantially on the increase, and the quality of the devices and materials used reflects growing sophistication. In 1975, there were 2,053 bombing incidents, costing the lives of 69 persons, wounding 326 more, and causing property damage in excess of \$26 million. Probably only about 83 of these bombings, however, were true terrorist bombings. With one or two notable exceptions, such as the bombing of Fraunces Tavern in New York City and the bombing at the La Guardia Airport, bombing attacks were mainly directed against property rather than at human life. There has been no indiscriminate, wanton killing by these means on a large scale, no resort to weapons of mass destruction, nor is there evidence of a systematic, coordinated terrorist campaign. Such political terrorism as does take place is of the protest type.

International terrorism has not been a matter of great concern to the United States within its own territories. This country has been spared tragic, terroristic acts like those which took lives at the airports of Paris, Rome, Athens, and Zurich. The United States was mainly spared, too, the pernicious letter bombing campaign that at one time assumed world-wide dimensions. Violent political groups, such as the Japanese Red Army, the Popular Front for the Liberation of Palestine, and the Provisional Wing of the IRA, so far have not chosen the United States as a battleground. Foreign embassies and consulates have not been seized as they have in other countries, nor have murder and kidnaping of foreign nationals by domestic or international groups become a feature of the domestic scene. Although many aspects of United States foreign policy have been, from time to time, the subject of bitter controversy, no international terrorist campaign has been mounted for the purpose of effecting policy changes by violent means.

Unfortunately, United States citizens and interests overseas have suffered from international terrorism on a more serious scale. United States businesses in Latin American countries have been subjected to severe attack; their executives have been kidnaping victims whose ransoms have augmented the war chests of guerrilla groups. Attack on United States overseas investment has been part of the general strategy to bring about the conditions for revolution in some countries. During the period 1964 to 1974, 61 United States officials abroad were subjected to terrorist attacks, including 28 kidnapings. Fifteen

of these officials were murdered. Substantial efforts toward protection of United States citizens and interests overseas have been taken both by the government and by the private sector.

Mindful of the events that have shaken the domestic peace in other countries, this country must take terrorist threats very seriously indeed. The tragic events that marred the 1972 Olympic Games in Munich have been ever-present to those responsible for the subsequent international sporting events. It would be irresponsible to ignore the possibility of threats to any major international event. Consequently, a great deal of tension and anticipation now surrounds such events, and even if fears do not materialize, the terrorists' purpose is well served. Although the overall impact of international terrorist activity has been quite small in terms of political effectiveness and even slighter in terms of actual human and material loss (between January 1968 and April 1974 there were 507 incidents, resulting in the deaths of 520 persons and 830 injuries), its effect upon general attitudes and preparedness has been considerable. International terrorists not only have succeeded in generating a climate of fear disproportionate of the material results of their endeavors, but also have caused considerable expenditure in anticipation of future threats. Spectacular terrorist successes overseas have not been lost on domestic terrorists, and there undoubtedly has been an element of contagion and imitation.

The Distinctive Characteristics of Modern Terrorism

Terrorism as an instrument of political action is not new in form or substance. Read in a modern context, the declarations of the Russian anarchists of the last century—a fundamental expression of classical terrorism—have a strikingly modern ring to them. In all its forms, terrorism is a weapon of the weak against the strong; the terroristic technique is designed to redress in some measure the balance of power. The terrorist who takes hostages uses them as a bargaining counter—gambling that society's representatives will equate their value with the demands he has made. Although the terrorist is materially weaker than society in a situation of confrontation, his real strength lies in his own ruthlessness, recklessness, or the extent of his mental derangement. Thus, the single most important fact in determining a response to terrorism is to know how far the terrorist will go to attain his objectives. This ancient, unalterable element of terroristic strategy has a Catch-22 quality about it: any concession to the terrorist to save lives must be accounted a victory of sorts for him; any inflexibility leading to the loss of lives is, equally, a defeat for any but the most totalitarian society. Thus, modern terrorism

exhibits all the basic elements of classical terrorism in their original form.

Nevertheless, there are several emerging characteristics that distinguish present-day terrorism. The first is a product of the technological vulnerability of modern society. The potential for harm to the services and institutions that supply society with its basic needs is greater today than ever before; society can be victimized with relatively little expenditure of effort and ingenuity by individuals or by small groups. A single individual, with comparatively unsophisticated weaponry, little advance planning, no special skills, and little intelligence, can take over a modern airliner and for a brief time control expensive property and human lives. This fact alone has substantially increased the bargaining power of the modern terrorist; nation states are forced, when their most vital and vulnerable interests are threatened, into bargaining parity with the terrorist. Even governments professing inflexible policies are often beaten into a posture of submission when their international relations are jeopardized by terrorist action. This has proved distasteful and humiliating for some, but it must be accepted and dealt with realistically. Through the power of terrorism, the individual has come into his own once more. As Richard Clutterbuck has pointed out [p. 30]:

The circumstances of the new war resemble ancient times when battles could be decided by single combat. The spectacular killing or capture of one individual can strike terror into the hearts of a million others. A capitulation to blackmail or ransom can inspire other terrorist groups, and can erode the confidence of civilized communities throughout the world.

Modern terrorism has been assisted by developments in intercontinental travel and mass communications. Terrorists now move easily and with considerable speed across continents. There is substantial evidence of technology transfer, training, and even combined operations among terrorist groups of differing organization and purpose. Most frightening of all, perhaps, is the fact that acts of extraordinary violence have come to serve as a form of mass entertainment. Acts of terrorism have gained immediacy and diffusion through television, which conveys the terrorist message to millions worldwide. The modern terrorist has been quick to exploit this advantage; he has become a master of the medium in a way that shows government as a poor rival. Formerly, in countries where free speech and communication were jealously guarded rights, it would have been unthinkable for violent subversives to have seized control of the organs of mass communication. Today, this is a commonplace consequence of terrorist action. In many ways, the modern terrorist is the very creation of the mass media. He has

been magnified, enlarged beyond his own powers by others.

The modern terrorist wields power far in excess of anything his predecessors could have imagined. Today, all must pause before the awesome consequences of possible terrorist action. In former times, terrorist victims might have been counted in hundreds at most; now their numbers could reach to hundreds of thousands. New technologies have placed within easy reach of the modern terrorist, who has the weapons of mass destruction, the ability to create terrifying, uncontrollable, and irreversible situations. For most political terrorists, destruction is only contemplated as a prelude to reconstruction, however unspecified. Once begun, modern destruction could preclude any possibility of reconstruction. So far, few terrorists have displayed such frankly suicidal qualities. The modern political terrorist does not feel that he is fighting for a hopeless cause; by and large, his aim is political legitimacy through the selective use of violence. Most terrorists are not solipsists; they are conscious of their place in a world they are anxious to change or control by their violence. The political implications of their acts have to be considered carefully by terrorists: the deaths of too many innocents could result in alienation rather than intimidation. Perhaps, because the potential gain is greater and the ready means more powerful, the constraints upon the modern, political terrorist are stronger than ever.

The Changing Face of International Terrorism

Since the early 1950's, military strategists have been trying to resolve the problem of mankind's potential for mass destruction. Nuclear power has made all-out war between great nations an unrealistic proposition, but some form of limited warfare appears to be necessary in the regulation of international relationships. This development has had profound implications for international terrorism, particularly as to wars of national liberation and the struggles for political self-determination. These age-old sentiments have been and are being exploited in a way that was neither desirable nor possible in former times. Many nations have recognized the great potential of terrorism; the terrorist is now the spearhead of a developing theory and practice of surrogate warfare. Governments unwilling to risk the consequences of conventional warfare to alter the present balance of power more and more are subsidizing, training, and deploying clandestine organizations ranging from unofficial, quasi-armies to small, anarchical terrorist groups.

Of itself, this is hardly an original development in world affairs, but the realities of the nuclear age and the present uneasy balance of power suggest

that more of the technology and resources of some nations will support vicious, desperate terrorists whose mission is to create terror for carefully designed, coercive purposes. They will be employed to provoke incidents and create panic and chaos in an adversary's territory, weaken its resolve to resist or defend its interests, damage its ability to provide vital services for its people, and force it to expend resources for internal defense to a damaging extent. Terrorism is an extremely cheap means to such ends. Sponsorship greatly facilitates the terrorist's work and enhances his prospects of success. Transnational terrorists sponsored in this way have the benefit of permanent safe havens and operational bases. They are equipped with sophisticated weaponry and ample economic and material resources, making unofficial technology transfer and cooperation among established terrorist groups largely unnecessary.

Terrorists enjoying the sponsorship of a nation state will generally be aiming at some form of political legitimacy; while they are seeking to attain it, many innocents will perish at the hands of criminal groups clandestinely supported by many of the governments that have frustrated the international cooperation necessary to the control of this menace. So far, the efforts of such terrorists have not been directed at the United States or its interests, but this country ought properly to regard itself as the ultimate target of such groups. This relatively new development should not go unnoticed; proper steps to meet the threat should be taken. United States foreign policy should mark this country's disapproval of nations sponsoring terrorist organizations and cooperate with like-minded members of the international community in this opposition.

The Historical Nature of Terrorism and Mass Violence in the United States

Episodes of extreme violence have occurred with depressing regularity throughout the two-hundred-year history of the United States. The level of civil violence tolerated in the United States belies the stability of the country's social and political structures. This facet of American society is encapsulated in H. Rap Brown's famous epigram that violence is necessary and as American as cherry pie. American industrial relations, in particular, have been marked by violent, bloody struggles. Ethnic and religious strife also have led to intense violence and today give the impression of unresolved tension lurking behind an apparent calm.

All too often commissions of inquiry have been asked to answer the question: "Why have atrocious things occurred to interrupt the domestic tranquillity of our Republic?" [*Riots, Civil and Criminal*

Disorders, Part 16, p. 2976.] Mass violence has generally been spontaneous and unorganized; most inquiries have sought unsuccessfully to find foreign influences at work. Deep-seated antagonisms have exploded in a dramatic way, but more often than not the violence has subsided as rapidly as it began. In the past, while some areas of the country were experiencing grave disturbances of the public order, others continued tranquil, orderly development. The size of the country and the pluralistic nature of American society account in part for the Nation's capacity to absorb a high level of domestic violence. With the notable exception of the Civil War, no episode of extreme violence has ever seriously threatened the viability of the Republic or the functioning of its institutions. This is, perhaps, the most significant fact about mass violence in the United States—one that distinguishes it from countries experiencing comparable levels of domestic violence.

Scattered episodes of political terrorism have occurred regularly and continue to occur in the United States, but they have been of a subrevolutionary or limited type. The size of the country, the decentralization of power, and the nature of American social and political organization may have proved too daunting for those with revolutionary objectives. The fragmentary nature of the terroristic effort and the lack of cohesiveness among the different terrorist groups have limited American terrorism to an overall purposelessness. While at times an ugly local phenomenon that has taken lives, damaged property, and generated great fear, terrorism has never seriously disturbed the domestic tranquillity. Perhaps the most serious terrorist episode in our history occurred in 1919 and 1920. The years following the end of World War I generated a fear among Americans that occasionally reached almost hysterical proportions. The Wall Street bombing in 1920, following upon the Red Scare of 1919, and the consequent Palmer Raids, mark the watershed of American political terrorism. American political terrorists have never captured public sympathy or produced fear that inhibited government response. There has been little prospect that American terrorism would develop into an advanced stage of guerrilla warfare. Thus, the writings and declarations of modern terrorist groups, such as the Weather Underground, ultimately take on an unrealistic tone. The emergence of the intellectual terrorists of the 1960's and 1970's has led some to visualize domestic terrorism in proportions quite out of keeping with the American tradition. American terrorism and quasi-terrorism have always been most dangerous when conducted in limited terms and with limited objectives, such as the violent actions of the Puerto Rican liberation movement. Although the United States cannot be

expected to remain wholly untouched by new and powerful developments in modern terrorism, the American experience does not suggest that terrorists having more ambitious aims are likely to be more successful than their predecessors.

American Terrorism and Mass Violence in a Comparative Context

During the past few years, terrorism has come to occupy an increasingly important place in public attention worldwide. The spectacular nature of terrorist activities assures comprehensive news coverage; modern communications make each incident an international event. An incident such as the Munich Olympic tragedy was a grave warning to other countries and a direct stimulus to establish countermeasures. Such events become permanent landmarks in the history of terrorism and mass violence against which subsequent incidents can be measured. Although terrorism, in cause and manifestation, differs widely from country to country, it is useful to compare the situation of the United States with other countries. The United States experience is an integral part of the contemporary pattern of modern mass violence, and developments, characteristics, and incidents elsewhere are important factors in detecting the trends of mass disorders in this country and in designing responses to them.

From a comparative point of view, certain manifestations of international terrorism are more interesting and relevant than others. The experience of the United Kingdom with the terrorism of the IRA is the product of a political antagonism that has no counterpart in this country. Although interesting and instructive in the matter of responses, this situation does not suggest likely developments in the United States. The Spanish experience, too, is based upon stresses and tensions peculiar to that country's political life. On the other hand, there are countries whose experience with terrorism—although the product of social and political conditions dissimilar to those in the United States—is worthy of extended consideration. Of such interest are the experiences of Latin American countries—partly because of their proximity to the United States, partly because of the extent of United States involvement in those countries, but especially because United States interests are often the target of native terrorism.

Political terrorism is a fact of life in international politics. United States involvement in international affairs inevitably exposes the country's interests to terrorist activity. Conventional, international relations increasingly have become a target of terrorist activity. So much transnational terrorist activity is

related to national or ideological causes that every political movement is of potential interest to those concerned with terrorism in the United States. The frequency and severity of international terrorist incidents is directly related to the social and political circumstances out of which they develop. Thus, where a nationalist movement is engaged in a war of liberation, such as the Algerian FLN struggle against France, terrorist incidents are daily occurrences and constitute a continual threat to the domestic tranquillity. Similarly, the conflict in Northern Ireland is part of an overall struggle whether the issue is seen in terms of self-determination or the conservation of entrenched rights. A very high percentage of the world's terrorism since the end of World War II can be described in these terms and has come to be expected, tolerated, or suffered in the same way as war itself. Such terrorism takes on international significance when the struggle spills over into noncombatant territory or when terrorists deliberately seek to involve a neutral power to draw attention to their cause or stimulate international action. Terrorism as a function of internal strife cannot fail to have an international import. As has been said: "[Although] the causes of civil strife most often are found in the political and social structure of the disrupted state, the outcome of that strife very frequently has a profound influence on the allocation of power in the world community." [John C. Novogrod, "Internal Strife, Self-Determination and World Order," in *International Terrorism and Political Crimes*, pp. 98-99.]

When the manifestations of internal strife keep within national boundaries, reactions to them on diplomatic and other levels can take place through conventional channels. However, the terrorist has no cause to respect these limitations, and a distinct feature of modern, international terrorism is the calculated involvement of foreign interests and foreign governments by means of terroristic acts. Foreign diplomats and businessmen have been seized and ransomed for political purposes; foreign embassies and consulates have been violated frequently in order to affect the normal course of international relations. Modern transnational terrorism is designed to coerce governments that can in turn bring pressure on the true adversary, and the instant victim becomes an unwilling participant. The Munich incident was directed at Israel, though it took place on West German soil. Croatian terrorists, adversaries of the Yugoslav government, have made Sweden a battleground, assassinating the Yugoslav Ambassador there, seizing a consulate, and attacking Swedish aircraft. The United States Ambassador and Consul-General to Haiti were kidnapped and held hostage in order to pressure the Haitian government into releasing political prisoners. A review of international

terrorist incidents of the past 10 years shows increasing use of such activity as a form of armed diplomacy.

International terrorists may be broadly classified as minority nationalist groups, Marxist revolutionary groups, anarchist groups, neo-Fascist and extreme rightwing groups, and ideological mercenaries. National liberation movements show considerable organization, with long-term planning and well-defined objectives. Generally, they receive support from private sympathizers and encouragement, training, materials, and occasional safe haven from sympathetic governments. There is considerable evidence that terrorists are receiving systematic training in Cuba, the Soviet Union, and Eastern Bloc countries. These terrorists have been employed mainly where guerrilla warfare is ostensibly being waged to overthrow a legitimate government, but they are obviously available for attacks against other targets. The existence of such terrorist organizations poses a grave threat not only to persons and property, but also to international relations.

Different styles of response to terrorist action are also of comparative interest. Antiterrorist policies are mainly determined by the politics and philosophies of the systems in question. There are hard-line approaches, such as that taken by Spain, whose severe antiterrorist laws are enforced with considerable rigor despite substantial international disapproval. The other extreme is represented by Austria, which has repeatedly capitulated to terrorist demands, with the expressed objective of saving human lives. Although this policy may have affected Austria's international relations, it does not seem to have given substantial encouragement to terrorists. The Federal Republic of Germany and its interests have been frequent targets of terroristic action both at home and in other countries; the country's willingness to accede to terrorist demands, particularly the death of the West German Ambassador to Guatemala, may have encouraged subsequent terrorist action. There has been a definite hardening of West German attitudes in recent months. The government has taken more sophisticated antiterrorist measures, and new antiterrorist laws have been passed. These actions and the resolute prosecution of the Baader-Meinhof gang may have reversed the trend. The Netherlands, which has an extremely liberal criminal policy, has followed a much harder line with terrorists because of recent experiences. This policy seems to have had some deterrent effect.

A number of European countries, including the United Kingdom, the Federal Republic of Germany, Sweden, and Spain have found it necessary to enact special antiterrorist laws. The antiterrorist law of the United Kingdom, largely a response to IRA terrorism, gives broad powers to law enforcement. Neither

the Federal Republic of Germany nor the United Kingdom, both of which have been subject to extreme terrorist attacks, have a death penalty. The United Kingdom strongly resisted an attempt to reintroduce the death penalty for terrorists following a particularly severe wave of terrorist bombings in 1974. Most Western European countries respond to mass violence and terrorism on a quasi-military basis, with specialist units trained and available for the purpose. Rapid communications and the small size of these countries facilitate such a response. Law enforcement reorganization, particularly in the Federal Republic of Germany, has improved the anti-terrorist response. Latin American countries—Brazil, Argentina, and Uruguay in particular—have been forced into a strictly military response that has been broadly successful in denying terrorists the political advantages they seek. The Brazilian and Uruguayan responses have been particularly effective in breaking up terrorist organizations, but at an enormous expense to civil liberties.

Although attitudes toward negotiations with terrorists differ, it can be said that no nation holds fast to a no-negotiation policy when its vital interests are at stake. The official United States policy is not to pay ransom or accede to terrorist blackmail. This clearly does not preclude negotiations, and the United States always will do whatever it can to obtain the release of hostages. An inflexible approach is often unrealistic, and when this attitude receives publicity, may well prejudice a reasonable outcome. The United States position was criticized following the death of the United States Ambassador to the Sudan, who had been taken hostage by members of the Black September organization. Israeli follows an extremely hard line in negotiations with all terrorists, but has, on occasion, made concessions, particularly when international relations have been jeopardized. Spain, which pursues a very hard line with domestic terrorists, has adopted a more moderate approach when protected members of the international community in Spain have suffered at the hands of terrorists.

Many countries, notably the United Kingdom, have opted for extensive prolongation of hostage situations together with a firm policy of offering no important concessions, when a terrorist confrontation with authority has been stabilized. This approach was adopted by the Eirean authorities when Dutch businessman Tiede Herrema was kidnaped and by the Netherlands authorities when South Moluccan terrorists hijacked a train and occupied the Indonesian consulate. The success of this pragmatic approach depends to a large extent upon the pressures that the terrorists can bring to bear on the actual situation or elsewhere. For example, the United Kingdom showed its readiness to make appropriate concessions to prevent further violence

when Lebanese skyjacker Leila Khaled was released as part of a concerted international effort to free passengers held by members of the Popular Front for the Liberation of Palestine.

Two important features of international terrorist negotiation emerge from this analysis. First, the position of the nation states engaged in bargaining with terrorists generally has been extremely flexible, but there have been clearly understood limits to the demands that would be met. Nonnegotiable matters vary from country to country and reflect national priorities. Terrorists have responded realistically to this position and generally have settled for much less than they had originally demanded. Second, there has been a marked disinclination, even on the part of the most determined terrorist groups, to carry a situation to its ultimate limits. Few terrorists have been willing to die rather than accept defeat. This fact has important implications for the design of responses.

Many international hostage negotiations have required the intervention of neutral, usually diplomatic, third-party intermediaries. Such interventions, designed to resolve the matter satisfactorily for all parties, often alter or supersede ordinary contingency plans and command functions. Most countries have accepted this interference with national sovereignty on the premise that it leads to a speedier resolution of the matter.

The Costs of Terrorism and Mass Violence

In the absence of reliable data, it is impossible to offer even a general estimate of the economic costs of extraordinary violence. Given the unpredictable nature of terrorism, the problem is similar to quantifying the effects of natural disasters, and as such is an unrealistic exercise. The economic cost of a major urban riot can be roughly assessed in terms of property destroyed and funds expended to restore order, to reestablish the community's normal functioning, and to make good the damage. (See, for example the interesting tables contained in *Riots, Civil and Criminal Disorders*.) But even the actual costs of civil disturbances are largely of historic interest and offer no real guidance for estimating the cost of future disturbances, which could assume quite different forms and dimensions.

The material losses involved in the terrorist hijacking and destruction of one commercial jet airliner run into millions of dollars. The insurance costs of the Middle East skyjackings to Jordan and Cairo in 1970 were about \$55 million; by comparison, the \$26 million in losses attributable to domestic terrorist activity in the United States during 1975 seems small. Political kidnappings in Latin

America have reaped a rich reward, mainly from United States business interests; ransom in one case has risen to almost \$60 million. Authorities in these countries are justly concerned, knowing that ransom and protection money is building terrorist strength while their own defense budgets remain limited. Many foreign businesses in Latin America can only continue to operate by paying terrorists the equivalent of protection money. This cost is passed on to the consumer in the form of increased prices. Added to these direct costs are those incurred by individuals, corporations, and society generally in maintaining a minimum state of preparedness against future terrorist action. When all these sums are taken into account, we can grossly estimate the dimension of the economic burden that the community must assume as a result of terrorism.

The psychological costs of terrorism are even more difficult to estimate. The intensity of terrorist campaigns varies considerably, but a War of Nerves can be as costly in the long run as a campaign designed to inflict material losses. Terrorist activity can substantially lower the quality of life in a community, alter the attitudes and habits of the people exposed to its dangers, and make normal functioning difficult or impossible. Terrorism can give rise to a siege mentality, especially among those directly threatened as targets, and can interfere substantially with the normal human contacts to which members of a free society are accustomed. What has been called "an acute situational state" has been reported from Belfast, Northern Ireland. "[Patients], usually women and children were weeping, trembling uncontrollably and couldn't remember either their names or where they lived. They were often unable to speak and sometimes these symptoms did not immediately respond to a mild dosage of sedatives. According to the report, these symptoms result from living in an atmosphere of constant terror where the enemy is not easily identifiable and violence is blind and arbitrary." [*Science Digest*, September 1973, p. 26.]

The overall cost of terrorism in this respect must not be exaggerated. For all its spectacular exhibitions, terrorism affects comparatively few people. The United States has learned to live with what once would have been regarded as an intolerably high level of violent crime; the total of all terrorist incidents pales in effect when compared to the 20,000 criminal homicides committed in this country in 1974. Even in a city like Belfast, life does not come to a standstill under the terrorist menace. People learn to adapt even to the most intensive anxiety-producing conditions.

Fear of terrorist victimization is not great in the United States, and the incidence of terrorist attacks would have to rise very substantially, even in selective fashion, to generate a climate of real fear. The

psychological burden of terrorism is probably greatest for prominent public officials, but the assassinations of recent years, although they have led to greatly increased precautions, do not appear to have deterred candidates from seeking the highest public offices. United States businessmen overseas have been advised to take suitable precautions for their safety, but they have not been driven from the market by psychological warfare.

The social costs of terrorism and mass violence are incalculable as well. Violence constitutes an insidious form of social indoctrination. It has been said that: "In violent crime man becomes a wolf to man, threatening or destroying the personal safety of his victim in a terrifying act. Violent crime (particularly street crime) engenders fear—the deep-seated fear of the hunted in the presence of the hunter. Today this fear is gnawing at the vitals of urban America." [Platt, p. 409.] A society cannot live happily under the shadow of terror any more than it can live easily amid the constant threat of social upheaval. The political terrorist seeks to generate unrest that he can exploit; his acts have a seminal quality. The Weather Underground has announced, "We create the seeds of the new society in the struggle for the destruction of the empire."

The social unrest caused by mass violence also is contagious. Hans Toch has written [p. 203]:

One reason why violence comes so easy to rioters is that they can derive it from a common cause. They can see themselves individually laboring toward group ends. They can feel themselves partners of a joint enterprise. They can conceive of their own acts as defined and sanctioned by a larger effort. Every solitary marauder can come to regard himself as a member of a crusade.

Mass disorders challenge established authority and the stability of social life; they create uncertainty and tension. Their violence breeds suspicion and divisiveness, particularly when it is racially motivated. In fact, violent crime is but a relatively small proportion of all crime, and terroristic crime, a smaller part of that. Yet it has a disproportionate influence upon the lives and thought of people and the priorities and energies they devote to responding to it. Growth and domestic prosperity depend to a large extent upon the sense of security provided by sound government enjoying a proper measure of popular support. In our major urban centers, the source and repository of so much American wealth, much of this security has been eroded by a pervasive sense of violence. The true cost of terrorism and mass violence, in social terms, is to be found in the diminished quality of social life and interaction.

Political terrorism is the spearhead of attack upon established political systems. It is directed at destroying political figures and institutions, weakening the confidence of the people in the political system,

creating confusion and disorder, and provoking massive repression that diminishes the fundamental freedoms enjoyed by citizens. Political violence is a form of vicious intimidation wholly antithetical to the democratic system. Gurr notes that [p. 3]: "[Since] 1945, violent attempts to overthrow governments have been more common than national elections." The political costs of terrorism and mass violence are potentially great in terms of the distortion of the system, the disruption of its regular processes, and the divorce of the people from its organs of government.

Those who seek political control by extralegal means frequently resort to street violence and terrorism. We are reminded that: "[The] SA [The Sturmabteilung, or German "Brownshirt" Movement] was employed as a terroristic group, in order to gain for the Nazis possession and control of the streets. That is another way of saying that it was a function of the SA to beat up and terrorize all political opponents. . . . 'possession of the streets is the key to power in the State—for this reason the SA marched and fought. The public would never have received knowledge of the agitative speeches of the little Reichstag faction and its propagandists or of the desires and aims of the Party if the martial tread and battlesong of the SA companies had not beat the measures for the truth of a relentless criticism of the state of affairs in the governmental system.'" [*Trial of the Major War Criminals Before the International Military Tribunal*, Proceedings, Vol. IV, p. 134.] It is but a short step from such general intimidation to selective assassination of political opponents.

Terrorist assassinations of political leaders generally have not had significant political impact. The nature of the American political system does not hold out the prospect of great political change as a result of selective, political assassination. Although four Presidents of the United States have been assassinated and attempts upon and threats to the lives of others have been made, the effects on government as such have been slight. A more massive onslaught, such as that threatened by some domestic terrorist groups, would have to be taken very seriously indeed in terms of its political consequences. Unquestionably, such acts and threats have had a marked effect upon the precautions that have had to be taken to protect officeholders and candidates alike. The sight of numerous, alert bodyguards physically restraining the President of the United States, though necessary today, is not a dignified spectacle. The Presidency has been driven into a position of increasing defensiveness and impersonality as a result of assassination threats; it is too dangerous to allow Presidents and even presidential candidates to roam freely among the people. Although in a time of effective mass communications this probably has little

political effect, the symbolic consequences are considerable and represent an undeniable victory for the protagonists of political violence.

On another symbolic level, the consequences of political assassination can be far-reaching also. The traumas of the assassinations of President John F. Kennedy and Senator Robert F. Kennedy are with us still. It has been said that, "Anger, fear, shock, hopelessness, loss, and sadness were overwhelming reactions." [Kirkham, Levy, and Crotty, p. 107.] The reactions to the murder of Dr. Martin Luther King, Jr., were violent and destructive and undeniably put back the cause for which Dr. King had worked so long. The political costs of extreme violence must, therefore, be estimated on at least two levels: the direct costs of the response to it, which can be assessed with some accuracy, and the emotional or symbolic costs, which cannot. Both are costs the Nation can ill afford; both are interrelated with the other costs of which mention has been made.

Future Trends in Terrorism and Mass Violence

A majority of experts predicts an eventual increase in terroristic activity and an escalation of its intensity. At this time, the incidence of terrorism seems to have reached a temporary plateau. Events of recent years suggest, for the immediate future, no more than its regular, albeit disquieting, growth subject to the influence of social and political factors. Conditions in the United States do not seem to indicate a massive expansion of terroristic activity, any radical change in its nature, or its extension into a form of guerrilla warfare. Any expansion that takes place is likely to be in the area of covert terrorism, and, except for aberrant cases, massive, direct confrontation with the authorities is not likely to occur. What is likely to increase is the intensity of the terroristic activity in terms of employment of sophisticated modern technology. This will involve many leaps in the dark for the terrorist, and responses to it will be predicated upon equal uncertainty.

For some, terrorism has become a way of life, and as long as the major international issues remain unresolved, such activity will be, for many, the only way of reacting to the frustrations and perceived inequities. Terrorism is contagious; successes and new developments in one part of the world are likely to attract ready imitators in another. It is probable that sponsored terrorism as surrogate warfare will increase. It is difficult to imagine a situation that would produce a substantial measure of international agreement to curb terrorism; however, the growing menace will lead to more international cooperation, particularly the exchange of information, among countries with common interests. Although international cooperation must be encouraged, most coun-

tries should look to their own resources as the most effective means of defense.

Because terrorism does not follow a discernible pattern, it is difficult to identify future trends in terroristic activity. The most dreadful possibilities have not been realized, but they remain and must be faced realistically. It is possible that increased awareness, increasing sophistication of responses, and the precautionary measures that have been taken already are having an inhibiting effect on terroristic activity. The most dangerous terrorists are those who have no allegiance to any realizable cause. These persons—whether seriously deranged or simply nihilistic—are very few in number but extremely hard to contain. No form of response to their actions is likely to have any deterrent value. Although no security system can ever attain perfection, preventive measures clearly are worthwhile, especially where the possibility of deterrence is minimal. As a general prescription, society should aim to outwit the terrorist rather than to outfight him.

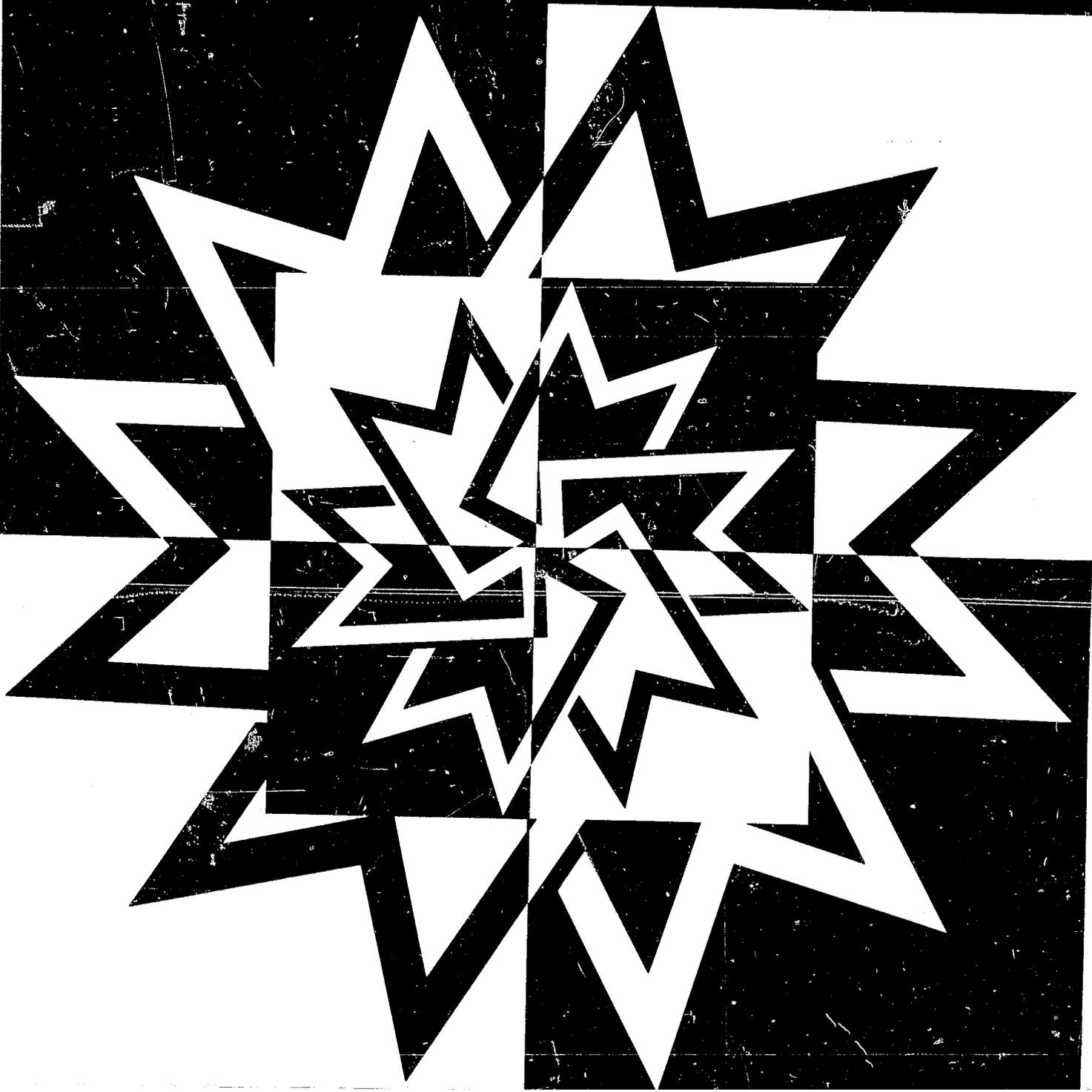
Civil disturbances, on the other hand, seem to be cyclical. Generally, they are the product of local social and political conditions. Although they can be exacerbated by outside influences, disorders are rarely engendered by them. Extensive external interference in American civil disturbances is extremely unlikely in the near future, although extremist terrorist groups may well take advantage of mass disorders for their own purposes. It is important to remember that some of the most serious episodes of mass violence in this country have been touched off by relatively insignificant incidents. The mood of the community should be monitored constantly; signs of impending violence never should be ignored. Contingency planning should be predicated on the assumption that a deep well of violence underlies the apparent calm and stability of the American social scene. We must be especially careful during periods of rising expectations, particularly when these cannot be satisfied so fully and expeditiously as the disadvantaged might desire. Labor unrest, racial violence, and poverty are all issues that can lead once again to civil disorder. It is all too easy in times of relative calm to ignore the underlying causes of mass violence; only the near certainty of its recrudescence serves as a reminder and stimulus to the preventive action that should be taken.

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Chapter 2
Introductory (2):
Terrorism, Quasi-Terrorism
and Mass Violence in
American Society—Causes
and Cures





Social Conditions as a Stimulus to Terrorism and Mass Violence

Terrorism and mass violence are the products of an intellectual process applied to existing social conditions. It has been well said that:

Terrorism never takes place in a vacuum, but has to be seen against the background of social conditions (or their image) and emotional reaction to these conditions or images. Terrorism thrives on feelings of remediable injustice; neither actual deprivation nor oppression as such are root causes of terrorism, but the perception and experience of injustice, simultaneously with the belief that such injustice can be remedied by social action (and is *not* considered natural, inevitable, fated, etc.) are basic reasons for terrorism. [Hacker, in *Terrorism, Part 1*, p. 3008.]

An extensive, well argued case has been constructed in defense of terrorism and political violence by those who justify such acts as necessary responses to an unfair system that can only be countered or overthrown by the use of force. This argument, introduced and pursued with persuasiveness and vigor in support of acts of terrorism committed in the course of wars of national liberation, has subsequently been extended, uncritically, to justify all acts of extraordinary domestic violence committed by the disadvantaged. Although social conditions themselves do not necessarily produce the particular dissatisfactions and frustrations that lead directly to terrorism and mass violence, the way in which these conditions come to be perceived by those involved can, when exploited by those with understanding of the dynamics of the situation. This was expressed by the late George Orwell [p. 64]: "Talking once with a miner I asked him when the housing shortage first became acute in his district; he answered, 'when we were told about it!'" Individual and collective dissatisfactions are magnified and distorted in order that they may become justifications for extreme violence directed at the system supposedly the cause of those conditions. Thus terrorism and mass violence are less a result of the conditions themselves than of political activity applied to exploit them.

Strong evidence of this conclusion can be found by examining the nature, composition, and beliefs of

groups promoting terrorism and mass violence in the United States. Disadvantaged or minority groups do not, of themselves, spawn terrorists. Thus, it is in light of the political dialectic that the demand of the Attica inmates for "speedy and safe transportation out of confinement to a Non-Imperialist country" must be read and understood. Sometimes such political indoctrination and rationalization of extreme violence reflect a certain detachment from reality. Yet arguments in favor of terrorism and resistance to authority, short of actual rebellion, are heard today even in respectable circles. We must recognize them for what they are: advocacy of violent action through the exploitation of individual and collective dissatisfactions.

Many complex sociological and psychological explanations of terrorism and mass violence have been offered, but no single theory can encompass these patterns of behavior in their constantly varying forms. Terrorism, in particular, presents a constantly changing face as it adapts to conditions and opportunities. Explanations that serve to explain the phenomenon in one context are frequently inappropriate in another. At certain times, social and political conditions seem to be right for the emergence of this kind of activity, which, by a process of contagion or imitation, spreads elsewhere. Modern communications have greatly increased the danger of this occurrence through the rapid dissemination of information and ideas. In general, there seems to be a definite correlation between social equilibrium on the one hand, and aspirations, needs, and expectations of their fulfillment on the other. Mass violence and terrorism have usually taken place during periods when the social equilibrium has been significantly disturbed. They are often the byproduct of social upheaval. At such times, a wave of excitement seems to pass through society stimulating violent responses on an unusual scale. It is not always clear even to those responding to the stimuli why they have acted in this particular way or against what their violence is directed. Davies has said [p.136]:

Political stability and instability are ultimately dependent on a state of mind, a mood, in a society. Satisfied or apa-

thetic people who are poor in goods, status, and power can remain politically quiet and their opposites can revolt, just as, correlatively and more probably, dissatisfied poor can revolt and satisfied rich oppose revolution.

It has also been observed that mass violence and terrorism more frequently occur during a time of improvement than during a period of social deterioration. They appear to be stimulated by rising expectations or, more specifically, by the disappointment of them.

Mass violence, like individual violence, of itself seems to generate further violence. As Hans Toch has said [p. 186]: "Violence is habit forming." One violent act gives rise to another so that both the actor and the victim appear to become habituated to an escalating climate of violence. Mass violence and terrorism require a climate of approval in order to flourish. This approval is sometimes expressed as the explosive discharge of crowd sentiment; at other times, it takes the form of a sustained, more subtly expressed respect, such as that in which the Robin Hood type of terrorist comes to be held. Different traditions of violent expression grow up in different communities and perpetuate themselves in the course of their transmission. It is mainly for this reason that riots are cyclical. Again, to quote Toch [p. 212]: "The Ghost of Riots Past hovers like a friendly specter over each new outbreak; it provides historical sanction, and it furnishes vivid images of how and why to proceed. This kind of advance prescription reduces the room for individual initiative." Traditional prejudices, though controlled in individuals by a process of socialization, tend to become unleashed and uncontrollable in a crowd situation. Much collective violence is thus unspecific and undirected yet responsive to some deep-seated need for release at certain times as a result of certain stimuli.

Extremes in Violence as the Product of Psychopathology

Collective psychopathology is an expression of mood. It is generally something more than the sum of the individual sentiments and their expression, which it comprises. Rational, stable individuals whose behavior shows no significant deviation from the accepted norm, when caught up in the ugly crowd swell, find themselves able to participate in conduct which is often quite alien to them. A tumultuous crowd will often commit acts from which the individual participants would ordinarily recoil in horror. Mass violence focuses these extraordinary moods and mobilizes individuals under their sway. Collective violence thus represents a breakdown of traditional inhibiting factors. It has the effect of a mass excitant—not unlike the effects of

alcohol and some types of drugs on individuals. The collective will becomes something malevolent that transcends individual thought processes. Crowd behavior directed toward an overt expression of collective violence is psychopathological in that it overrides, in a state of exaltation, the clear, rational inhibitions of the individual participants. In no situation is the psychopathological content so pronounced as when a crowd that has gathered for some peaceful and lawful purpose is suddenly diverted to an exercise in extraordinary violence.

The behavior of many individuals who engage in acts of extreme violence is clearly psychopathological. The extent to which those who commit acts of terrorism and other forms of violence are affected by mental illness is not known precisely because very few systematic studies of terrorists have been conducted. Terrorists do not, in any case, constitute a homogeneous class. Although many acts of terrorism and political violence undoubtedly were the products of sick minds, in strictest sense of the term, other no less ghastly acts appeared to be the result of a warped sense of values. It has been said that: "All those who have assassinated or attempted to assassinate presidents of the United States (with the possible exception of the Puerto Rican nationalist attempt upon President Truman have been mentally disturbed persons who did not kill to advance any rational political plan." [Kirkham, Levy, and Crotty, p. 78.] Whatever conjectures could be advanced as to the motives and mental states of persons who have made recent attempts to assassinate public figures, the courts have judged that they were legally responsible for their acts. Thus, disposition of these cases does not necessarily reflect an accurate appraisal of the criminals' state of mind, but simply indicates that a particular criminal policy was being followed. But, as Frederick Hacker has pointed out: "[The] pertinent thing to take into account is not whether terrorism is a crime or not but what can be done about it, to prevent and combat it." [In *Terrorism, Part 1*, p. 3031.] For example, many skyjackers have been mentally disturbed individuals, and the nature of their sickness has been an important factor in the design of responses likely to save lives and property and bring such incidents to a satisfactory conclusion. Similarly, many of those who engage in acts of quasi-terrorism are mentally disturbed, and a proper understanding of their condition is essential to the creation and execution of the appropriate response.

Other terroristic acts are clearly psychopathological in character. A prime example is the series of bombings undertaken by George Metesky in the 1950's in consequence of a grudge which he bore against Consolidated Edison. Metesky was diagnosed as a paranoid schizophrenic and spent 17 years in

mental institutions before release in 1973. Clearly, psychopathological factors are often important determinants of terroristic behavior. The focus of official responses ought to be upon these elements rather than upon the classification of the criminal activity. This report does not suggest that psychopathology is the root of all terrorism. It does, however, stress the need to take this condition into account in designing responses. Even when a terrorist acts from an ostensibly political motive, psychopathological indications should not be ignored. Donald DeFreeze, leader of the Symbionese Liberation Army, had a history of mental illness. In one of his taped messages, he declared, "We are savage killers and madmen." [New York Times, Feb. 8, 1974.]

It is necessary to understand the thought processes of the terrorist in order to design appropriate responses to his activity. What might be an effective response in one case could lead to an escalation of violence in another. In cases of confrontation, accurate assessment of the terroristic threat requires a knowledge of the terrorist's personality and his mental state. For example, many terrorists and quasi-terrorists have appeared to be extremely paranoid. Obvious displays of official force are likely to evoke a negative reaction in such individuals and precipitate violent counteraction.

A striking feature of true terroristic behavior is its extreme callousness and depersonalization of the victim. Contrary to the self-glorification of terroristic behavior, it is generally characterized by cowardice rather than courage. In fact, the terrorist displays many of the characteristics attributed to the bully, as described by Toch [p. 160]:

The most unpleasant type of violent person (both from the vantage point of society and that of the victim) is undoubtedly the bully, who goes out of his way to be unfair, unmerciful and inhumane in his violence. Empathy with the bully's perspective is difficult because of the fact that he derives satisfaction from the suffering of others, and because he is intent on protecting his immunity to the point of cowardice. One generally assumes that this type of alien disposition must spring from very strong motives which push the person to abandon otherwise universally held premises and feelings. The most probable motivating force is intense fear. This seems reasonable because of the fact that it is fear that the bully goes about generating in other people, and it is fear over which the bully makes such a point of exercising control.

When present, such intense, pathological fear will be an important determinant of the terrorist's reaction to confrontation and his treatment of victims.

There is persuasive evidence that political terrorism attracts the highly educated. Despite a veneer of ideology, such terrorists' motivation is extremely personal. The horror of their actions often is so skillfully rationalized as to introduce the amount of depersonalization necessary for their execution. This is

similar to a phenomenon in conventional warfare wherein long-range modern weapons obviate direct personal involvement in combat. Wilkinson [p. 135] inquires: "Is the intensification of terror directly related to the physical distance of the terrorist fighter from his target?" Wertham has drawn attention to a political, bureaucratic type of violence in which those who order, commission, and organize, as well as those who execute, the acts have extremely little feeling for their victims, be it sympathy or hate. [*A Sign for Cain: Exploration of Human Violence*, New York: Macmillan Company, 1966, cited in *Crimes of Violence*, Vol. 13, p. 1294.] This lack of feeling, whether caused by psychopathology or rationally induced, has to be understood for proper evaluation of terroristic activity. An extreme form of this non-feeling is expressed in a remark attributed to Adolf Eichmann, "[he] would leap laughing into the grave because the feeling that he had 5 million people on his conscience would be for him a source of extraordinary satisfaction." [*Trial of the Major War Criminals Before the International Military Tribunal, Proceedings*, Vol. IV, p. 371.] At the other extreme, some forms of zealotry exhibit an excess of feeling akin to madness. It was said of the assassin of the French Socialist Jaures: "Filled, as was later ascertained with the demented zeal of the super-patriot, he pointed a pistol at the 'pacifist' and 'traitor' and fired twice." [Tuchman, p. 541.] Whatever the particularities of philosophical or medical classification, these manifestations are strikingly similar to terrorist behavior; an understanding of them is important to the design of preventive and remedial strategies.

The effect of social discontent upon collective and individual psychopathology as a factor in extreme violence is far from clear. It is more than likely that troubled times have a disturbing effect upon troubled minds. During the turbulent 1960's, new cults that functioned in radical and nontraditional ways served as rallying points for disaffected or alienated members of our society, especially the young. Some of the dissident groups ultimately moved toward violence and terrorism as a way of life. Not all of these have shown a developed political awareness, and their violence, when it has assumed political form, generally has been unstructured protest. The social and personal discontents that contributed to the formation of the Charles Manson group and its pathological behavior have been well documented. The ideological stance of this type of group seems to fluctuate between a fervent belief in the coming of the millennium and an equally strong belief in the inevitable onset of Armageddon for which proper preparation must be made. The arrival of a false messiah at such moments not unnaturally has a powerful potential for

hysteria and extreme violence. Social conflicts and individual dissent alike become endowed with transcendental significance. The otherwise meaningless helter skelter becomes an ideational scheme of profound political import. In these conditions, it is indeed difficult to say when rational discontent ends and psychopathology begins. The sense of community that is the foundation of social order breaks down for such individuals; in their alienation they seek a community with different values and a different sense of order. We must take care, however, not to equate mere nonconformity with sickness or with a dangerous challenge to established society. When such a challenge becomes politically inspired, it can lead to political violence and a revolutionary attempt to substitute a new order for the old.

Ideology, Political Violence, and Terrorism

An ideology is a theoretical framework of social and political ideas upon which a practical pattern for living can be developed. Revolutionary theory is based upon dissatisfaction with social and political life and a passionate belief that it can and should be changed. Revolution, in a political sense, implies a forcible transfer of power from one social group to another; it is founded on the premise that no class surrenders power to another without violence. Revolutionary theory rationalizes the use of violence to seize political power by denying the legitimacy of those who exercise that power. Revolution is, essentially, an internal challenge to authority; it implies a state of affairs in which a society is in conflict with itself over who should command the community's destiny. Thus, revolutionary theory supports all who struggle for power within their own societies. Revolutionary terrorism must be understood against this background.

Ideological considerations are sometimes a spur to terrorism and other forms of political violence; more often than not, they are a rationalization for such conduct. Modern terrorism has blurred the line between a nationalistic struggle for self-determination and revolutionary theory as described above, so that the rationale for the one has been applied confusingly to the other. Revolutionary doctrine and rhetoric are used to prepare the climate for the expected struggle. Revolution is as old as political power itself, and its appropriateness needs no re-statement here. The right to revolt, under certain conditions, is acknowledged even by those who ordinarily condemn violence. It would ill suit the American conscience to deny the right to revolt. However, the right to rebel is converted by the

modern political terrorist to a use that was never intended. Oscar Jaszi has said [p. 235]:

The general condemnation of anarchistic plots is fully justified. To preach murder against anyone whom a political doctrine regards as obnoxious to society, to use murder as a kind of political education, to make a large-scale terrorism the means of moral and political emancipation, is manifestly a procedure which can only further demoralize an already corrupted society.

Although violence is regarded as inevitable by the true revolutionary, revolutionary doctrine does not advocate or justify the use of terrorism. Terrorism has no ideology; it simply draws upon other types of ideology for reference or rationalization. Terrorism and revolution are linked only by the principle of utility. Some would argue that terror has no place in a revolution, while others would argue that a revolution cannot be carried out without it. It is unfortunate that revolution and terrorism for many have become synonymous. (Indeed, it is said that the words "terrorist" and "terrorism" have their etymological origins in the French Revolution.) The truth is that, in a revolution, terror is not inevitable, and its use can never be sanctified simply by association with revolution.

In its ideological associations, revolutionary terrorism sometimes assumes a fantasy-like quality. The declaration of the surviving protagonist of the Lod Massacre is a prime example. Bakunin cautioned Nechaev against striking arbitrarily "as in a dream." In such cases, it is difficult to discern the line between ideology and psychopathology. Ideological rationalizations may be inaccurate but they are usually coherent. Violence of the fanatically destructive proportions advocated by Nechaev clearly borders on the irrational; any political purpose it might have is utterly vitiated. By nature, the most extreme terrorism is the most barbaric; it is not necessarily the most politically effective. Phillip Noel-Baker has observed: "I believe that it is true that bombings and atrocities do nothing but strengthen the national feeling for resistance." [In *War Crimes and the American Conscience*, p. 98.] Undoubtedly, many terrorists hold the same views as those who believe in the deterrent value of escalation in conventional warfare. The effectiveness of such tactics is best judged by the military analyst. However, where destructive and barbaric acts of terrorism are perpetrated with little prospect of military gain and with the likelihood of negative political results, it is proper to suspect psychopathology. In seeking to determine the causes of extreme violence it is important to distinguish between ideology as motivation and ideology as justification, for the latter may well cloak an abnormality of mind that is the true cause.

Imitation as an Explanation of Trends in Extreme Individual and Collective Violence

There is considerable evidence that contagion and imitation are significant factors in the incidence of terroristic activity. Often, after the use of novel and seemingly successful terroristic techniques has been widely publicized, they have been imitated and embellished by other terrorists. Much quasi-terroristic activity may be explained in this way. It is difficult to estimate the exact extent to which the publicizing of such techniques may have actually stimulated others, for it is likely that a predisposition to violent crime already existed in the individuals concerned. The apparent success of the techniques, however, has unquestionably encouraged imitators who might not have engaged in such activity without such a stimulus.

A notable example of this kind of stimulus is the well known exploit of D. B. Cooper, who in 1971 skyjacked a plane, collected a ransom, and then made his escape by parachuting to earth. This exploit produced a host of imitations and led to structural modifications in that type of plane in order to prevent the same technique from being used again. The type of political kidnapping practiced with such success in Latin America quickly produced imitations elsewhere. The incidents of terrorists taking hostages have not only proliferated, but a careful study of them reveals marked similarities that cannot have been coincidental. On another level, imitation is clearly psychopathological—the product of a disturbed mind. Much imitative behavior by skyjackers can be so explained. Skyjackings, even where manifestly unsuccessful and fatal for the perpetrator, have been followed rapidly by almost identical imitations; indeed, the very lack of success may have been the precipitating factor. Terrorist bombings frequently occasion “crank calls” and bogus threats across the nation.

Assassinations and assassination attempts are particularly inclined to generate imitative behavior. Lucheni, the assassin of Empress Elizabeth, was an avid collector of anarchist news clippings and observed that he would like to kill somebody important enough to get his name into the papers. Although in true terrorism the influence of contagion or imitation is probably purely rational, much quasi-terroristic behavior can clearly be ascribed to contagion, whether rational or psychopathological. As Nieburg has reminded us [p. 124]: “There is some level of collective support for even the most quixotic and disgusting acts of violence. Somebody loves every assassin and rejoices at every bombing and assassination.”

The influence of modern communications media, particularly television, in stimulating terrorism and

mass violence has been given frequent attention in this report. The focus here will be on the assumed propensity of the mass media to encourage imitation of these forms of violence. The extent of media influence is much disputed, but the evidence of such influence is most persuasive. This is true both in situations where the violence is perpetrated to gain publicity—whether for rational or psychopathological motives—and in instances where violence has spread contagiously and sympathetically from place to place. Lucheni's deed was certainly inspired by his desire to appear in the newspapers; and some 60 years later the same motive was voiced, pathetically, by Arthur Bremmer. In the area of collective violence it has been stated authoritatively:

We have received complaints that television camera crews in cities where riots were in progress frequently gave intensive coverage to incidents of violence and scenes of arson and looting, and that local television stations devoted large segments of their news programs to these scenes. Thus, it is argued that as a result of the excitement engendered by these films of violence, by the showing of frenzied exhortations by apparent leaders of the mobs, other riots were sparked and ignited in cities within television range of the large city where the pictures originated. This was certainly a phenomenon observed in connection with the riot in Detroit, which was rapidly followed by riots in Flint, Pontiac, Saganaw, Grand Rapids and other cities in Michigan and Ohio. Where extensive coverage of the Newark riotings was broadcast in the New Jersey area, riots soon broke out in Plainfield, Elizabeth, Englewood, Jersey City, and other nearby cities. [*Riots, Civil and Criminal Disorders*, p. 3.]

Even fictional accounts of violence have been imitated. In fact, to serve their purposes, true political terrorists often seek to provoke imitation by financing and producing expensive and clever films. This is cogent evidence of the importance that extremists attach to this form of indoctrination. It is likely that the media exert greatest influence on those prone to violence and tend to exacerbate existing conditions rather than to generate the condition for violence. As Gurr has pointed out [p. 229]: “If intensely discontented people are members of a literate and mobile society, they will learn of violence by others by informal means if not through formal communications media. Controls of aggressive political symbols in media content may minimize the immediate demonstration effects of turmoil, and thereby lead to protracted and sporadic rather than near-simultaneous violence among the discontented elsewhere, but are unlikely to eliminate it.” The speed of modern communications has increased the probability of near-simultaneous knowledge over a vast area; this tends to reduce the time lag that was previously observable in the contagion phenomenon. This rapidity of communication, more than any other factor, has brought about the increased incidence of imitation of violent behavior.

The extent to which official or state violence may cause terrorism and mass violence is also a matter of speculation. Sometimes this argument is used to establish a moral or ethical ground for terrorism, but that is somewhat different from the question posed here; justifications and value judgments are not the issue. Some states are openly tyrannical toward their own subjects or oppressive towards the subjects of states with which they are in conflict, so that they provoke resistance in kind from the oppressed. There is in such confrontations a vicious spiral that can lead only to the annihilation of the weaker party—the terrorist or the state. As Wilkinson points out [p. 23]: “[The] terror of the state is very often historically antecedent to revolutionary terrorism.” In such cases, the Siege of Terror has its genesis in the Reign of Terror, rather than the reverse. Terrorism is then the last resort of the oppressed, and, although it is still unacceptable, it is at least understandable. Such understanding, however, has strict limits.

Against regimes that do not themselves engage in terrorism, the use of terrorism is quite incomprehensible and a clear breach of the universal principle of proportionality, which lies at the heart of any acceptable doctrine of self-defense. Social inequalities do not constitute a Reign of Terror, and to justify terrorism and other political violence on these grounds is to be guilty of sophistry. Too often, arguments that might justify wars of national liberation and resistance to cruelly authoritarian regimes—where there is conscious imitation of the vicious terroristic tactics of the oppressors—have been inappropriately and indiscriminately used in fields where they do not apply. In reality, there is little evidence that reaction to state or official terrorism is a major cause or explanation of modern terrorism and political violence.

The mass hysteria generated by a disorderly mob can have a most contagious effect upon susceptible individuals caught up in it. As Toch has said [p. 211]:

Once collective action has been initiated, it acquires a momentum of its own; even if people did not suffer from grievances, riots would attract and recruit participants. They would do so because they appeal to boredom, anger, frustration, desire for adventure; because they provide a ready-made opportunity to discharge feelings; because they furnish festive activity with the sanction of peers and under the aegis of principle.

Within the anonymity of the group, even those too timid to engage in antisocial behavior as individuals can express a variety of repressed feelings. Inhibitions disappear and the individual is emboldened by a sense of identification with the group and with its character and purpose. The group's solidarity

makes appropriate behavior that would otherwise be seen as wrong, even unlawful.

In the presence of certain stimuli, most persons are uncritical of their own behavior and that of others. An interesting historical example is furnished by Barbara Tuchman [p. 488]:

[Bebel] (the German Socialist) had no great illusions about the mass of his followers. ‘Look at those fellows,’ he said in 1892 to a correspondent of the London *Times* as they watched a march of a battalion of Prussian guards; ‘80% of them are Berliners and social-democrats but if there was trouble they would have to shoot me down at the word of command from above.’

The root causes of mass violence and terrorism are not to be found in crowd hysteria or uncritical behavior, but it is necessary to understand their dynamics in order to estimate their influence on the generation of extraordinary violence and its exploitation.

Long Term Solutions to the Problems of Political Violence, Terrorism, and Quasi-Terrorism—Getting at Root Causes

While the proximate causes of extraordinary violence are comparatively easy to identify if, perhaps, less easy to address, the underlying causes are difficult to identify and respond to. Mass violence and terrorism are the products of a prevailing mood or sentiment resulting from certain complex social and political forces. Nevertheless, a change in those forces might not, of itself, bring about a climate less conducive to mass violence and terrorism. Clearly, too, long-term solutions presume an ability to work far-reaching changes that are beyond the scope of any one generation or any one nation. It is simplistic, for example, to suggest: that a solution of the Middle East conflict that satisfied all parties would put an end to the terroristic activities of the Palestine Liberation movements; or that a satisfactory political resolution of the Northern Ireland trouble would lay to rest, once and for all, the unquiet spirit of IRA terrorism. The expectation that the disappearance of the issue of the Vietnam War and the polarization it caused would lead immediately to an era of domestic peace and tranquility in the United States can hardly be said to have been realized. The issues that produced social discontent have disappeared only to be replaced by others different in form, if not in nature. It is depressing to review commission reports and conclusions about the causes of violence and to note the little progress made in resolving problems cited by the investigators as essential causes of group violence in our society. The recommended priorities have not been questioned nor have other priorities been substituted for them. They have simply been

ignored, for a variety of reasons. This is an ostrich-like attitude, for the causes have been identified and will not disappear of themselves. If we are unable or unwilling to do anything about them it would be more courageous and more sensible to recognize that fact and prepare to meet the consequences.

This report offers no new thesis on the root causes and the prevention of disorders and terrorism. Indeed, it would be surprising were it to do so. The National Advisory Commission on Civil Disorders, to which all the support and cooperation of the Federal Government were extended, concluded: "We have learned much. But we have uncovered no startling truths, no unique insights, no simple solutions." The root causes, for all the subtle shifts and developments of modern society, remain what they have been since such investigations began. The special characteristics of modern terrorism have not altered these fundamentals. There is no single root cause of these problems. Rather, there is a complex set of conditions that tend to produce a climate in which they flourish. Basically, both disorders and terrorism are unacceptable challenges to the state's monopoly of power. Long-term solutions necessarily involve the creation of a calm and willing acceptance of the legitimacy of that monopoly and of those who exercise it. Social and political stability, along with a flexibility that allows for the expression of constructive dissent, are the most effective bulwarks against terrorism and other forms of extraordinary violence. Such conditions are extremely difficult to establish even within a country; it may be wholly unrealistic to expect their development on an international scale.

It should be stressed that material improvement alone will not produce the social harmony likely to reduce the various forms of political violence in society. Terrorism and civil disorders are often a response to the application of controls and occur at times when material progress has been temporarily halted. Their cause is frustration, not material deprivation. Perhaps these manifestations of social discontent are best described as continuing adjustments to the balance of power in society. As long as the conditions for that struggle to adjust continue to obtain, the prospects of terrorism and other forms of political violence exist. All that is needed for their eruption is a catalytic event or some precipitating cause. As events have continually demonstrated, these need have no inherent connection with the root causes.

After this somewhat gloomy assessment, it may be asked whether anything useful can be done to address these frequently identified root causes. In times of crisis, there arise urgent calls for massive government intervention to attack at least some of

the more obvious root causes: unemployment, poverty, unequal opportunity, racial and ethnic antagonisms, poor housing, inadequate educational opportunities, lack of services. All these negative conditions and the perceptions of them by the disadvantaged must be seen against the more general pattern of an affluence and material prosperity unequaled in the world. Some who consider themselves victimized by the obvious disparity between the expectations generated by the American dream and their unsatisfactory attainments under it react violently from time to time. Those alarmed by such outbreaks appeal to authorities, naturally, to do something about the root problems. It should be apparent that such appeals are unreasonable, if understandable. The long-term causes of social discontent cannot be resolved by government fiat. Massive applications of money and resources will not solve this kind of problem. Government must provide leadership and a plan of action, but it cannot tackle the job alone. Whether the root causes identified can be effectively addressed at all is a question that each society must resolve by reference to its own scale of priorities. When civil disorders and terrorism become exceptionally threatening, resources slated for other uses have to be used to address these immediate problems. This still leaves the long-term problems unresolved and the underlying or root causes largely unattended. It may well be that sustained attention to long-term solutions is not feasible, given the economic and political realities of the situation. Even were it possible to create more employment, to improve the delivery of services, and to provide greater opportunities for the disadvantaged classes, this is no guarantee against civil disorders or terrorism. Yet, such programs have value in themselves and do reduce the causes of social friction. Therefore, society should seek, through governmental and community action, a route of constant self-improvement. Such a policy is more likely to foster a climate unfavorable to disorders and terrorism than is a policy of sterile and unrealistic overattention to specific, identifiable root causes.

While it is not suggested that identifiable root causes be ignored in designing responses to disorders and terrorism, their elimination, where feasible at all, should be a long-term goal of a general rather than a specific nature. Were the underlying causes of disorder and terrorism less complex it might be possible to identify and isolate the more important ones and to employ sufficient energy and resources to eradicate them. But such an approach is unrealistic. Further, a purely short term or ad hoc response to the problem is not likely to produce more satisfactory results. What is required is an integration of the short-term response into a realistic and com-

prehensive long-term solution. Ideally, the short-term responses should develop into the long-term solutions.

There are clearly some areas where governmental action on the short term can lead readily and productively into a long-term improvement. Such an area would be police-community relations. The attention devoted to these has undoubtedly led to a lessening of social tensions in many places and served to remove a prominent root cause of disorder and violence. Another area in which long-term goals can be best approached through compatible short-term responses is criminal corrections. In order to create the mechanism for whatever social change is necessary, leadership is essential. If the critical mass in society is to retain its confidence in established institutions and authority, to reject the violent alternative, and to support those who are waging the fight against terrorism and political violence, real incentives must be provided by government and community leaders. The protagonists of political terrorism are fighting for the hearts and minds of what they consider to be the disaffected class. Therefore, all short-term responses should be developed with the long-range goal in view.

Classifications of Short- and Medium-Term Solutions

These solutions can be expressed and conveniently classified in terms of standards and goals. Goals are those objectives set for attainment by means of a relatively long-term plan of action; standards recommend more immediate response to particular problems. Short-term responses include all adjustments to the existing system necessary to meet anticipated threats of terrorism and other political violence and to offer an immediate counter to it once it has occurred. Medium-term solutions are those developed as a result of immediate responses and include measures for society to learn from and profit by the outcome of the event. Both classes of response are expressed in terms of standards against which performance in specific situations can be measured.

In any plan of short- and medium-range responses, priority must clearly be given to prevention. Short-range preventive measures can be of a general nature, for example, when security arrangements are improved through increased personnel, more effective procedures, or the use of sophisticated equipment. Prevention takes on a particular character when such arrangements are directed to the personal protection of a designated individual, or when the measures are adopted to meet a particular threat against a known property. Medium-

term solutions could involve structural improvements of property to make terroristic attack against a possible target more difficult. The long-term solution for the same situation would envisage a new environmental design that would eliminate the hazards because of which the short- and medium-term precautions and preventive measures had to be established.

To be most effective, immediate countermeasures should be related to medium- and long-term objectives. In particular, overreaction likely to draw a negative social response, although superficially effective, ultimately may prove counterproductive. Simply stated, standards should be compatible with goals and should derive from a common philosophical basis. Because the manifestations of terrorism and political violence are constantly changing, immediate responses to these phenomena must be as flexible and innovative as possible. It is important that immediate measures incorporate a capacity to adapt to changing experiences and new information. For example, current learning suggests that a firm but flexible attitude toward hostage negotiations produces a satisfactory outcome in a majority of cases. This type of immediate or short-term response can be recommended in the form of standards. A change in terrorist techniques or response patterns, however, might require an alteration of official responses. Care should be taken to insure that such modifications would not represent a radical departure from the basic philosophy informing the overall response strategy.

Responses to disorders and terrorism that take place after the event, such as detention of the accused, adjudication of related cases, and disposition of offenders, represent something in the nature of a tidying-up or a restoration of the social equilibrium. In effect, the short-term responses in this area should sustain the administration of justice in crisis situations. Under conditions of serious civil disorder, the number of persons to be processed imposes intolerable logistical strains upon the criminal justice system trying to fulfill its duties with appropriate dignity. Terrorist threats and attacks similarly interrupt the orderly course of justice and are designed to impugn its integrity. Medium-term solutions in the aftermath of disorders and terrorism involve a planned restructuring of procedures and logistical and human resources so as to meet future contingencies. The goal of these solutions, too, is to preserve the orderly administration of justice and its symbolic significance. Similar considerations apply to the correctional phase of the criminal justice process. In this case, medium-term solutions call for continual review and adaptation of correctional processes in response to changing situations, particularly with respect to the incarceration and correctional han-

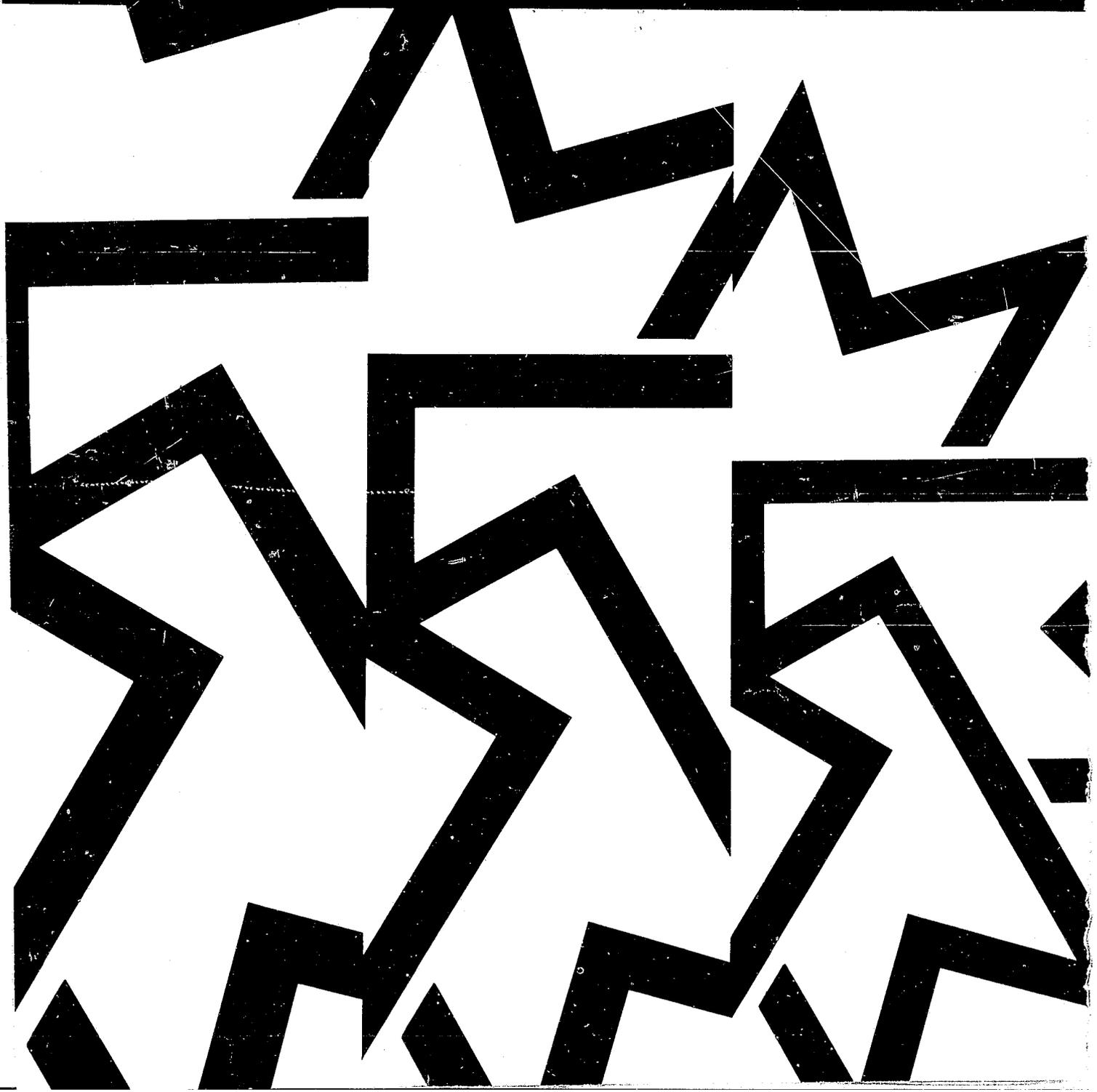
dling of offenders convicted of crimes involving serious political violence. Medium-term solutions to the problems of overcrowding, security, and general administration would involve concrete recommendations; long-term solutions could involve a change in orientation and correctional policies.

Civil disorders and terrorism necessitate a variety of responses designed to maintain or restore public confidence in authority, to negate the adverse physical and psychological consequences of the events, and to redress the harm done to the individuals and communities victimized. In the short term, these responses are not very different from those which follow any natural disaster. In the medium- and long-term approaches, there is an important difference, in that natural disasters do not pose a challenge to the legitimacy of authority but rather to its ability to cope. In this area of concern perhaps more than in any other, great forethought in the matter of responses is essential. Short- and medium-term responses must be designed to tranquilize the community and restore order, but they will not have the desired effect unless the community receives assurance against future depredation. In most situations, judging from the record in the United States, the greater part of the community will maintain a "wait and see" attitude in the aftermath of disorders or terroristic events. Badly handled incidents and official inattentiveness to public sympathies and susceptibilities may evoke large-scale public reaction against authority. Government should attempt to enlist community support against the terrorist from the outset. Both short- and medium-term responses should be designed to command a substantial measure of public approval. This requires that the public be well informed; an important medium-range objective should be the presentation of a reasoned opposition to terrorist propaganda. From a long-term viewpoint, the government must work to create a community climate wholly unfavorable to disorders and terrorism.

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Chapter 3
Introductory (3):
Devising Standards
and Goals



Establishing Principles

The standards and goals comprised in this report are based upon an objective appreciation of the fundamental values of the American society. They are intended not only to incorporate and enhance those values, but to harmonize with and integrate the general operational patterns established by the community and the public servants elected or appointed to act in its name. To be effective, a response policy designed to meet any emergency situation should derive from an integrated, consistent philosophy of government. Responses to disorders and terrorism must be determined by the strict requirement of law, but they also should reflect the fundamental values of the society in whose name they are made. Thus, responses that might be possible or even desirable under a totalitarian system would clearly be inappropriate and unacceptable under a democratic system of government. Those responsible for framing responses to disorders and terrorism must make basic judgments about the priority of community values before a policy can be expressed in terms of standards and goals for the guidance and instruction of those undertaking operational responsibilities. Such evaluations will determine the character and content of standards and goals, and—ultimately—of real-life response decisions.

Terrorism; however practiced and with whatever professed nobility of purpose, by its very nature cannot be other than a vile and barbaric act. Terrorism is not merely criminal; in a peculiarly vicious and ruthless way, it attacks the very basis of orderly civilized existence. Calculated to evoke a response in kind, an act of terrorism threatens the most dearly held values of a free and peace-loving society. The need to respond automatically forces society into a dilemma foreseen by terrorist theoreticians and aggressively exploited by terrorism's practitioners. A weak, indecisive response plays into the terrorists' hands by producing contempt for an authority seemingly unable to protect the community. As Clutterbuck has pointed out [p. 149]: "[If] a government fails to protect its citizens, those citizens may take the law into their own hands by forming, first,

vigilante groups and then, as law and order breaks down, their own private armies. This was the road to Nazism." A Draconian response is equally damaging. An unduly repressive official response generates fear of a different kind, erodes fundamental freedoms, and lends credence to the terrorists' propaganda. **Above all, standards and goals must be based upon the need for a reasoned, balanced response.** Society's response must rise manifestly above the level to which the terrorist struggles to reduce it. Our response should be practical and effective, but it must always be a civilized reply to an uncivilized act. If due weight is accorded to all society's values during the decisionmaking process, then regardless of how materially harmful a transitory episode of violence may prove, we can confidently expect to emerge from it whole, our dearest values unscathed.

The standards and goals offered in this report are based firmly upon the primacy of the value of human life over all other values, concrete or abstract. This does not mean that all other values always must be sacrificed to conserve the life or lives endangered by terrorist action, but rather that the enormity of such a sacrifice should be uppermost in the minds of those who shoulder the awful responsibility of deciding. Difficult decisions must be made—and hard courses of action pursued in some cases. Ambassador Lewis Hoffacker, explaining the United States' approach to terrorist demands, has said: "I hasten to underline the importance which we attach to human life. We do not glibly sacrifice hostages for the sake of this admittedly firm policy. We believe that firmness, if applied with the best diplomacy we can muster, can save lives in the long run and probably in the short run as well." ["The United States Government Response to Terrorism: A Global Approach."]

Sincere concern for the value of human life logically extends even to the life of the perpetrator, the terrorist who has put the lives of others in jeopardy. It may well be that in order to save the lives of innocent victims it would be necessary to take that of the terrorist. This ought never to be done except on that delicate balance of interests. To take advantage of a situation for any other purpose is to

carry out an execution, one, moreover, that is undertaken in the heat of the moment, without a trial under due process of law. By taking the life of the perpetrator under such circumstances, society would sacrifice its primary values. As translated into standards and goals, this fundamental principle affects every tactical and strategic decision of response to terrorism—from the use of deadly force to put down an insurrection, through the intricate process of negotiation, to the dedication of resources to redress the human misery caused by terrorist action. The primacy assigned to this value is evident in all recommendations made in this report. Its importance to the orientation of the entire work cannot be over-emphasized.

The value of property must always be secondary to that of human life. It is difficult to conceive of any modern society in which a contrary view openly prevails. This assignment of priorities, clearly reflected in all the standards and goals in this report, is not intended to diminish the importance of the individual's attachment to his property. In a free society, property values must be accounted worthy of the highest degree of protection feasible.

Unfortunately, the terrorist often asks society to choose between the value of human life and the value of property. For example, a single skyjacker can threaten to destroy an aircraft worth millions of dollars. From a purely materialistic view, drastic measures should be taken to save such valuable property. The temptation to jeopardize the life of the terrorist and possibly that of an innocent hostage to do so may be great. Such an approach must be strongly resisted. Likewise, the terrorist's demand for enormous sums of ransom money places another quantifiable value on human life. If society proves unwilling to pay his price, the terrorist gains new evidence and more arguments with which to further attack community values.

This should be a most important consideration in designing responses and executing actual operations. Decisions must be made regarding how and when to evacuate buildings in consequence of terrorist threats, and whether to shoot out the tires of an aircraft to prevent it leaving the ground in the course of a skyjacking. The opinions of those whose property interests are affected should be taken into account, but the preservation of human life should never be subordinated to the conservation of property of whatever kind. For this reason, it is considered not merely unrealistic but inconsistent with these principles to seek to bar by law the payment of ransom. Such a policy would not correspond with the principle of firmness enunciated above; it would merely elevate an unproven theory into a tenet more important than life itself.

Other values must be weighed in the balance when

determining an appropriate response to a terrorist initiative. **High priority must be given to the abstract importance of upholding the majesty of the law and avoiding the precedent of the surrender of principle to naked force.** Public confidence in law and order is always weakened by what appears to be a forced compliance with terrorist demands. Aside from giving possible encouragement to future terrorists, officials' abdication under pressure constitutes a humiliation that all must share. Anger quickly succeeds humiliation and is frequently directed at those thought to have failed. Generally, it is part of the terrorist's plan to push these principles to extremes. Of the incident at the Marin County Courthouse, engineered to free the Soledad Brothers, Mann has written [p. 42]: "Had Jonathan understood that the police would sacrifice Judge Haley's life (and the lives of Gary Thomas, Joyce Rodoni, Maria Elena Graham, and Doris Wittmer, if necessary) to kill him, Christmas, McLain (and Magee, if possible), he would never have organized the raid in that manner."

Those in the decisionmaking role need the clearest guidance possible if they are to avoid making subjective decisions harmful to society's best interests and to themselves. In such situations, it is easy to see an apparent value in a hard-line approach. Such a course is sometimes wise and advisable, but its perils must be understood fully. The defense of the legitimate state against the emergence of a deadly, parallel power clearly has the highest priority, but most Americans would agree with Canadian Premier Pierre Trudeau that hearts must bleed for any necessary restrictions on fundamental liberties that must be imposed to combat the menace of terrorism. How far a hard-line approach should be pursued when lives are at stake can only be determined in individual situations. All that can be recommended here is that the primacy of human life be ever-present in the minds of those entrusted with these great decisions. A struggle with a terrorist should never assume a personal form in which the pride of an individual officeholder competes with the lives of those temporarily within the terrorist's power. The standards and goals presented here offer specific guidance to those faced with the need to decide upon a course of action.

The right to free expression of dissenting political views is an extremely important value in any viable democracy. When the government stifles such expression, it provokes a direct challenge to authority that, in turn, requires further repression and leads to escalation of conflict. **The right to free expression should always be favored where there is no evidence to suggest that its exercise might lead to a breach of civil peace.** An exemplary statement of the choices facing a free society was given by Lord Justice

Scarman in his Report of Inquiry into the Red Lion Square Disorders of June 15, 1974 [p. 1-2]:

Amongst our fundamental human rights there are, without doubt, the rights of peaceful assembly and public protest and the right to public order and tranquility. Civilized living collapses—it is obvious—if public protest becomes violent protest or public order degenerates into the quietism imposed by successful oppression. But the problem is more complex than a choice between two extremes—one, a right to protest whenever and wherever you will and the other, the right to continuous calm upon our streets unruffled by the noise and obstructive pressure of the protesting procession. A balance has to be struck, a compromise found that will accommodate the exercise of the right to protest within a framework of public order which enables ordinary citizens, who are not protesting, to go about their business and pleasure without obstruction or inconvenience. The fact that those who at any one time are concerned to secure the tranquility of the streets are likely to be the majority must not lead us to deny the protesters their opportunity to march: the fact that the protesters are desperately sincere and are exercising a fundamental human right must not lead us to overlook the rights of the majority.

That statement is respectfully adopted here and the principles it embodies have been incorporated into the pertinent standards and goals.

Similar considerations must be held to apply to the value of privacy. This, too, is a highly regarded and constitutionally protected right in the United States. **However, the right to remain free from governmental intrusion into private affairs cannot be held to extend to the planning and execution of serious crimes.** The right to privacy is not an absolute right and must be regarded as qualified by the need to balance it against other societal values deserving of protection. Terrorism and political violence are criminal activities that are planned clandestinely. Preventive intelligence is indispensable to combating them: foreknowledge of terrorist plans and activities not only can facilitate the apprehension, processing, and disposition of offenders according to law, but also can enable those in charge to take preventive measures to protect the lives and property of those threatened by the terrorist.

In any balance of values, that of human life must take precedence over the abstract value of privacy in all situations. Naturally, there is potential for conflicts of values in this area. There will always exist a possibility of abuse by those who overreact to a terrorist threat. Standards and goals dealing with these issues must be devised with the greatest care; they should include appropriate checks and balances of an institutional nature. Granted these practical reservations, and a conscientious attention to the principles suggested as governing overall priorities, there should be little danger in admitting the secondary nature of the value of privacy in certain situations related to terrorism.

Standards and Goals—A Balanced Approach

All the values examined here should be incorporated, with their proper weight, into any harmonious scheme of standards and goals; the pattern that emerges should provide for a balanced approach to the problems of prevention and response. The terrorist seeks to maximize the potential for conflict of values and to exploit resultant antagonisms for his own purposes. Prior resolution of such conflicts through the construction of a sound, consistent plan of action reduces the risk of falling into this terrorist trap. In the assignment of values, great weight must attach to those already expressed as constitutional and legal precepts. However, it is necessary to go further than this. The standards and goals offered in this report are expressly designed to harmonize not only with the established constitutional and legal framework, but also to take into account the more subtle pressures of public attitudes and opinions. The United States constitutional framework is, indeed, a constraining factor in the design of effective responses to terrorism. There are many areas, such as search and seizure, preventive detention, arrest, and speedy trial, that are legally obscure and in need of clarification. Nevertheless, these very obscurities respond to a need in American society that has achieved expression in constitutional law and subsequent interpretations handed down to us by the courts. The strength of these sentiments has been fully respected in these standards and goals; the sentiments themselves are regarded as being quite as real as the legal precepts from which they stem. The temptation has been resisted to extend these principles too far in the construction of preventive and response measures in these standards. The values and priorities that have been ascribed to them, as incorporated in the standards and goals, are thought to reflect an objective interpretation not only of the normative structure but of the underlying social and political substratum upon which it rests.

Planning Responses to Mass Violence, Terrorism, and Quasi-Terrorism

This report places strong emphasis on the need for planned, coordinated action in combating threats of terrorism and extraordinary violence. It is important to realize that the terrorist always has the initiative and that he may strike at any part of the community. Good planning will insure that a community's response will not be improvised and that it will be consistent with the fundamental principles discussed above. Impromptu responses may be unnecessarily harmful to the functioning of the community

or, by their repressive nature, may impair valuable principles. In addition, it has been recognized that different jurisdictions will have very different capacities to plan for and cope with contingencies of this kind. Terrorism and other forms of extraordinary violence discussed in this report can occur anywhere and at any time. The perpetrators will not necessarily strike in areas where the greatest experience lies or where the greatest defense resources are available. Realistic standards and goals must be constructed; these should be valuable for those commanding extensive resources and for those whose response capabilities are modest and therefore subject to proportionately greater pressure. Accordingly, a comprehensive approach to contingency planning has been adopted, and standards and goals are drawn in terms sufficiently detailed as to offer guidance for those whose experience and resources are likely to be put under severe strain by the unexpected eruption of mass violence or terrorism within their jurisdictions. (The content, dissemination, and use of contingency plans is discussed in detail in the appropriate sections of the report.) Contingency plans should be systematically reviewed and updated to meet the ever-changing patterns of terrorism and political violence. The emphasis throughout this report is on the use of preventive measures wherever possible. When prevention fails and a terrorist incident occurs, the preparedness involved in prevention facilitates effective response.

The keynote of the planning process is involvement. Although some parts of the response strategy will necessarily be restricted in dissemination, the character of the planning process and the degree of involvement envisaged would generally preclude secrecy. The standards and goals recommend that each community group and each jurisdiction conduct its local planning process on the widest possible base to guarantee the greatest possible measure of realism and effectiveness. This style of planning requires interagency and interjurisdictional cooperation, which should be coordinated by the highest authorities involved according to a consistent, reasoned philosophy.

The menace of terrorism stimulates a focus of attention and a need for coordinated community response that no other criminal activity has generated. Traditionally, the different components of government and the different elements of the criminal justice system have developed operational policies and procedures in relative isolation. Only incidentally has this involved a coordinated approach, and sometimes the result has been practical conflicts.

The planning for responses to terrorism suggested in this report is postulated upon the prospect of a much more severe terroristic threat than this country has experienced so far. Increased terror-

istic activity would place a severe strain upon a divided and uncoordinated criminal justice system. Law enforcement responses must be coordinated with those of the courts, and the whole must integrate the dispositional and correctional phases. Government executives and legislators must understand their functions within this totality of responses. Society should reply to the terrorist with one voice. Above all, planning must be thorough so as to avoid operational indecisiveness. A terrorist situation may demand quick and irrevocable decisions. If contingency planning has been comprehensive and related to operational realities, there should be no hesitation in execution and no jurisdictional or command antagonisms of which the terrorist can take advantage.

Political terrorism is a transnational phenomenon whose implications for domestic security in the United States remain, for the present, comparatively slight. Generally, the prospects for comprehensive, international contingency planning to meet the threat of terrorism are not encouraging. However, many nations sharing common interests and values are faced with similar terrorist threats. The approach suggested here for local and national planning should be modified as necessary and extended to the international field. Wherever possible, understandings should be developed among friendly nations that will provide for a coordinated response to terrorist attacks. Terrorists choose sensitive targets, tending to strike at areas where disagreement and divisiveness over the matter of response might be expected. Contingency planning on an international level can strengthen ties that otherwise might be weakened by terrorist action aimed at producing such a result. International planning and cooperation can be particularly effective in prevention through exchange of information on individuals and groups and development of measures to frustrate terrorist preparations and operations.

Creation of Official Policies of Prevention and Response

The establishment of the theoretical underpinnings of a useful prevention and response policy is, by and large, an inductive process. The general principles are derived from the accumulated experience of handling numerous, widely differing incidents of terrorism and extraordinary violence. It is this experience, both national and international, which has been drawn upon, analyzed, distilled, and presented in the form of these standards and goals. They are not presented as immutable principles or universal panaceas, but they do try to reflect the elements of successful handling of the novel and grow-

ing problems in this area. The prevention and response measures suggested have been organized and stated in detail according to the audience to which they are addressed: civil authorities, legislatures, law enforcement authorities, courts, corrections officials, and the nonofficial community. Inevitably, there is substantive overlap in each of these areas, and some matters will be stated and reiterated from different viewpoints. The heaviest emphasis, textually, has been placed upon the law enforcement area because it is here that society's response to terrorist activity is most direct and crucial. The law enforcement officer stands, often literally, directly in the line of fire. In most cases, his training, preparation, and response mean the difference between life and death for those endangered by terroristic activity. Whatever the underlying philosophy and response policies of a society, the primary responsibility for putting these theories into practice rests with law enforcement agents. Here, more than elsewhere, the experience of those involved in the fight against terrorism, quasi-terrorism, and mass violence generally has been drawn upon and translated into precepts for future action. Although this emphasis is believed to be appropriate, it ought to be kept in context. The part played by the law enforcement community in society's prevention and response program should be seen as a part of an integrated whole and should be consistent with the program's philosophy.

A Policy of Restraint

Fundamentally, all the preventive measures and responses are based upon a policy of restraint. Overreaction is what the terrorist seeks. Measures that would control and contain terroristic activity should always be designed to thwart that end. In practical terms, this involves the avoidance of the following: harsh, restrictive legislation likely to erode substantive and procedural freedoms; distant, impersonal executive actions; repressive and insensitive law enforcement; and excessive emphasis on retribution in the dispositional phase. The political terrorist seeks to manipulate the inert mass of society so as to gain its support against established authority. In pursuit of this goal, a fundamental tactic is to provoke authorities to overreaction. In democratic countries, where there is a tendency to favor the underdog, even mild repression tends to enhance the image of the terrorist. The terrorist must not be allowed to distort the direction or operations of the law enforcement system, for this is to concede his power to bring about change by violent means.

Although up to now in the United States the effect of terrorism has been slight, this record is not a realistic measure of its potential for harm. Because

overreaction is generally the product of surprise and unpreparedness, it is urged that officials make preparations to cope with terrorist activity on a much more serious level. Terrorism, characteristically, is arbitrary, unpredictable, and anonymous; terror is induced by the very abnormal nature of the act. While, to some, the time may not seem ripe for revolution in the United States, there are many who are too impatient to wait for favorable conditions. Low-level action must be expected from such groups, and it would be unwise and inappropriate to meet it with a high-level response. Proper preparation based on a policy of restraint will make it possible to correctly evaluate the threat and to anticipate it before it is activated.

The Disciplined Response

It has been said that: "[Terrorism] is often a strictly disciplined form of violence." [Hutchinson, p. 393.] Responses to terrorism, too, must be characterized by discipline—both in immediate responses and in preventive measures. For example, preventive intelligence—the importance of which is agreed upon by almost every serious authority—must not only be subject to the strictest dictates of the law but also must be tempered in its exercise by a stern sense of discipline. Covert operations by their very nature are susceptible to unauthorized and excessive practice. Those entrusted with these delicate functions must temper their zeal and dedication with a strong sense of discipline so as to avoid the kind of excesses that have led to public disquiet and criticism, have produced a backlash of more extreme protest, and have rendered the intelligence function ineffective. Discipline is particularly necessary when law enforcement agents are provoked while dealing with civil disorders. In recent years, some of the ugliest tragedies in the United States have resulted from neither calculated brutality nor callous insensitivity but from undisciplined zeal or a panic reaction. Negotiations with terrorists and quasi-terrorists under extremely provocative and humiliating conditions—often following the deaths of innocent people and law enforcement officers—can only be carried out by well-disciplined personnel who are able to subordinate their own feelings to the needs of the moment. The long hours of waiting necessary for a satisfactory confrontation with a barricaded criminal holding hostages can only be borne by those endowed with discipline and understanding. Discipline is required to restore order, to outwit the terrorist, and to disarm him. It is the most effective weapon at the state's command, and heavy emphasis must be placed upon it in the standards and goals addressed to law enforcement personnel.

Strict Compliance With Law

As a correlate of restraint and discipline, a concern for the strict upholding of the law is of highest importance in the combating of disorders and terrorism. The inclination to stretch the strict terms of the law in order to preserve its perceived spirit is common. Those who do so, whatever their motives, are gravely in error. The argument that "extremism in the defense of liberty is no vice" may well be the greatest disservice to true liberty. The words of the President's Commission on Campus Unrest bear repetition here: "No one serves the law by breaking it." Extreme, barbaric violence is provocative and designed to generate a like response. Such provocations must be strongly resisted. It would be as impertinent to instruct law enforcement officers to keep within the bounds of the law they are sworn to uphold as it would be, for example, to enjoin members of the medical and legal professions to observe the standards and ethics of their respective professions. Accordingly, these standards and goals eschew such trite injunctions. Yet it is a common terrorist stratagem to tempt those responding to exceed the bounds of both law and decency. This must not be overlooked by those in charge of implementing this response. Society must always react to indiscriminate terrorism with care and discrimination.

Community Responses

The need for community response and responsibility is strongly stressed in these standards and goals. If terrorism is the spearhead of revolution, then law enforcement must be seen as the stout shield of the community against such attack. The police need broad public support to perform their tasks adequately. The nonofficial community cannot remain passive and neutral before the threat of terrorism. The terrorist lives in the community. He needs safe haven and anonymity in which to prepare and organize, from which to strike out in attack, and to which he can retreat after his crime. He seeks, too, to attract the community to his side in the struggle, by generating hostility between the community and its police. This must not be allowed to happen. The community must rally around its official representatives and repudiate violence of this kind. Certain segments of the nonofficial community have special responsibilities, for their contribution can materially affect the control and containment of mass violence and terrorism and aid in the reestablishment of order in their aftermath. The media have a special role. Strong, free, and independent mass media are an invaluable bulwark against mass vio-

lence and terrorism. This cannot be overemphasized, and the importance of the media's role is expressed throughout the report. Official cooperation with the media is equally stressed. Incidents of extraordinary violence are extremely disturbing to the community, and there is a need for the dissemination of accurate information and instructions. These can only be provided if there exist mutual trust and cooperation between the authorities and the representatives of the media.

Other nonofficial segments of the community also have important roles in emergencies caused by mass violence and terrorism. Specialized health care services are often needed during and after these incidents. Careful planning and cooperation with the official community are necessary to provide such services. The psychological effects of a continuing pattern of extreme violence on a community must be carefully studied and preparations made on the basis of the results. Health care professionals, too, have an important role to play in preventing disorders; many will be called upon to play a more active role in the course of negotiations over hostages and similar incidents. Once more, it is important to stress that terrorism and mass violence are not, exclusively, law enforcement problems; an integrated, interdisciplinary approach to them is necessary if they are to be properly understood and steps taken for their resolution. The academic and research community also has an important part to play, by studying the phenomenon and communicating its findings to the official community.

The Constructive Approach

In drawing up standards and goals for the disposition of criminal cases arising out of incidents of mass violence, terrorism, and quasi-terrorism, a consistent criminal policy has been followed. However horrible and barbaric the crime, vengeance is not a useful principle on which to base a response policy. Harsh and repressive treatment of offenders will not necessarily eradicate this threat from our midst. The purely retributive approach is simply not a constructive one. Society must show firmness and decisiveness, but it must not allow these qualities to develop into an obstinate show of force. The overall effects of a stern policy against terrorism must be carefully measured, and preparations must be realistically attuned to a level of terrorism much higher than that experienced to date. In dispositional terms, this will have several important consequences. More terrorism and increased sentences will mean a need for more places in more secure prisons. The effects of this on our overall prison policy will need to be carefully studied, because the stresses and strains in

the present system are already considerable. The possibility of our prisons becoming centers for revolution has not been overlooked by those who seek to promote dissidence and militant discontent. There is need, therefore, for a rational and consistent corrections policy and a realistic appraisal of the quality and quantity of present resources. Those who are punished by being deprived of their liberty must not be so harshly treated in such conditions that they will seek to promote further revolt against the system from within prison itself. Accordingly, the appropriate standards and goals emphasize the need to provide conditions for reform where possible and adequate security and protection for the community where it is not.

Social Programing as a Prophylactic

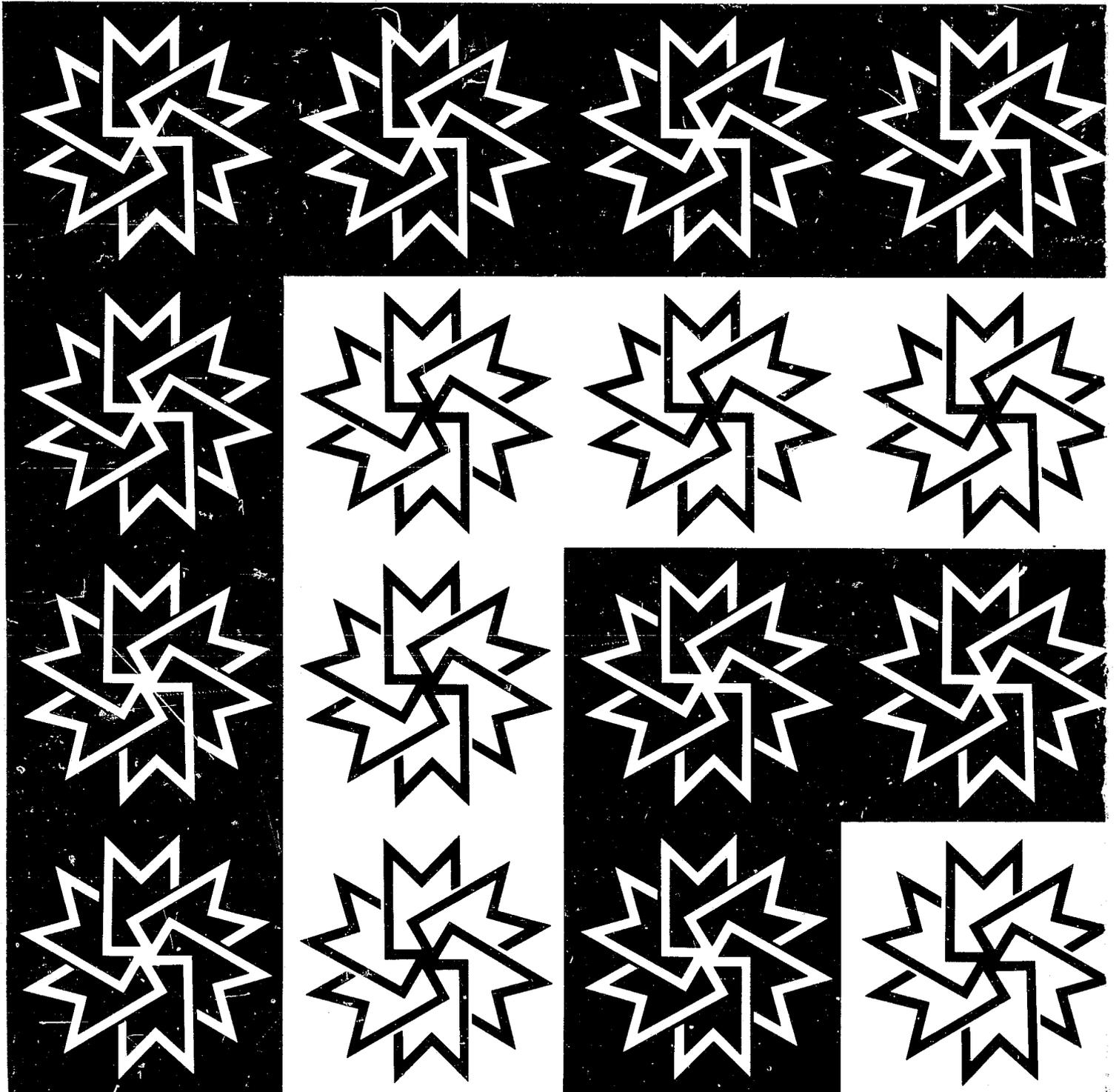
Social programing is emphasized as a means of reducing community tensions and creating a climate unfavorable to the development of mass violence and terrorism. This is embodied in the statement of goals, being seen as a long-term objective. The resurgence of student violence in France after a long period of quiet should serve to remind us that deeply rooted problems do not disappear of their own accord. In this country, political extremists have no lack of causes to exploit in order to create the kind of political discontent out of which violence can quickly grow. Opportunities for noncriminal and nonviolent expression of extreme political viewpoints should be provided. Where protest becomes necessary, it should be peaceful. Above all, polarization of social conflict and inflexibility in responding to grievances should be avoided. Such inflexibility invariably leads to the creation of a revolutionary climate and the advocacy of violence. Many political activists who advocate the use of force to bring about social change have espoused the right

ideas but the wrong methods. Violence, and more particularly terroristic violence, is always wrong; that is the firm base on which all these standards and goals rest. Terrorism can never be justified, and it ought not to be condoned. The standards and goals that are proposed in the following pages as measures or responses constitute, it is hoped, the answer of a civilized society, conscious of its duties to all its members, to an ugly and intolerable attack.

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**Chapter 4
Standards and Goals
for Non-Criminal Justice
System Civil Authorities**



Introduction

The following recommendations conform to the general tenor and direction of those suggested in other sections of this report. Consequently, the prompt adoption of effective, preventive measures is emphasized while the need for anticipating the worst and being ready to cope with it through planning and preparation is stressed. This chapter is addressed primarily to those elected officials of our system entrusted with executive authority. The scope and nature of their official powers vary as widely as the offices themselves. But their responsibilities for the well-being, peace, and order of the communities that they are elected to serve and the approaches to the discharge of those responsibilities are a common framework for which a relatively homogeneous set of recommendations can be made. Therefore, these recommendations apply to the Federal and State governments as well as to local authorities, with such modifications in sense as may be necessary for each case. Despite the generality of some of the standards and goals, they are not intended as a design for government in the broad sense. These standards and goals suggest to executive authorities the minimally desirable responses to the specific threats of disorder, terrorism, and other forms of extraordinary violence.

The recommendations in this chapter are not based on a holistic view of the community, but are predicated rather on the common interest of a substantial majority in maintaining the peace against a comparatively small, activist element seeking change by violent means. Brian Crozier observes [p. 104]: "All challenges to law and order, whether from the Right or the Left or merely criminal, are to be feared by the mass of ordinary citizens who merely wish to live their lives at peace and go about their business unhindered."

The recommendations also are founded on an acceptance of our social and political institutions as they presently are structured. Although these institutions could be the subject of informed criticism in a different setting, this is not the proper forum for such an exercise. These standards and goals are not

based on a presupposition of the rightness of our present form of government in the dialectical sense; they are based on an acceptance of it as sociohistorical fact. Although the institutions and systems themselves constitute a provocation and a challenge to some of those seeking change by violent means, the vast majority is, if not completely content, at least acquiescent in the system as it stands. When the system does not satisfy persons' interests, these occasional frustrations and anxieties momentarily convert them into sympathizers or tacit supporters of hostile, militant elements. If their criticism were articulated, it would not be of the system as such but of the way in which it functions. The standards and goals are realistically directed not to changing the existing system but to improving its working, thus providing a measure of satisfaction to those who might otherwise be aggrieved, thereby eroding any potential support for subversive or extremist elements.

The standards and goals represent a compromise between extreme paranoia, which views disorder and revolution as immediate and inevitable in the present volatile state of the world, and the polar extreme of complacency, which disregards the more ominous signs that have manifested themselves elsewhere simply because "it couldn't happen here." Because there is as little basis for complacency as there is for paranoia, the recommendations suggested here aim at a balanced, realistic approach based on an appraisal of the present and future risks and of the minimum action required by a civil authority. The brittleness and vulnerability as well as the strengths of much of our present society are recognized. These strengths are intended to be reinforced by these standards and goals so that our society may prove resistant to the onslaught of those whose own goal is society's total destruction.

The rise of the urban guerrilla phenomenon imposes special burdens on those to whom executive authority is entrusted. Unlike the northbound progress of the African bee, the emergence of the developed, urban guerrilla offensive in the United States cannot be predicted with certainty, nor can its mutations be determined at this stage. It is by no means certain to what factors we owe the relative

immunity that we have enjoyed to the present. Most studies suggest that we would be most unwise to predicate future policy on a continuance of that immunity. The apostle of urban guerrillismo, Abraham Guillén, reminds us [p. 289] that: "A handful of men can make the revolution by taking advantage of an economic crisis (massive unemployment, the shutting down of factories, increasing misery, etc.)." Unhappily, these conditions exist in many areas of the United States and are ripe for exploitation by those organized to such ends. Nor should it be overlooked that one of the most dangerous of radical groups in the United States has declared that "A single spark can start a prairie fire." There is all too much tinder about and props galore for a mass conflagration. Civil authorities must be prepared not only to douse the blaze; they must reduce the supply of combustible materials to a prudent minimum.

Strong recommendations are made to involve the community in the governmental process. Many of the frustrations of modern life that sometimes produce violent reactions stem from the impersonality of government at all levels. This state of affairs can and should be addressed by civil authorities. The fight against terrorism can only be won by harnessing the community spirit to resist the destruction aimed at it by this small but determined element in its midst. It was well observed of the Tupamaros [Maria Esther Gilio, p. 12], who enjoyed spectacular success in Uruguay for a while:

It is yet to be proven that urban guerrilla activity will be any more successful than rural guerrilla activities have been. Whether the Tupamaros will be able to come to power will depend in large part on the ability of the more traditional elements in Uruguayan politics to deal with the problems that plague Uruguay and create the circumstances that generate a considerable degree of popular support, or at least sympathy, for the Tupamaros.

The present recommendations are designed to alter the prospective urban guerrillero's terrain. This can and should be done by the civil authorities responsible.

Every contingency cannot be taken into account; to do so is not only uneconomical but playing the terrorists' game. Certain preparations are both prudent and necessary, however. Of particular importance are preparations for actions by the civil authority given certain conditions. Of equal importance is the planning for cooperation among the various agencies through which the public response is directed. Organized terrorist groups work through tightly knit cells; they must not be allowed to take advantage of any looseness in the organization of the official response. By assigning responsibilities and making effective provisions for constant coordination, the advantage of the terrorist initiative and

nuclear organization can be substantially countered.

Specific suggestions are offered for designing the framework within which the civil authority and representatives of the community can provide an outlet for legitimate protest. Martin Luther King, Jr., observed:

The Negro has many pent-up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides—and try to understand why he must do so. If his repressed emotions are not released in non-violent ways, they will seek expression through violence; this is not a threat but a fact of history. [Letter from Birmingham Jail.]

Protest does not need to be disorderly to be effective. The right to demonstrate peacefully should be protected by the authorities. Although this protection can never be a guarantee against those who have only the objective of wrecking society, the suggested measures offer a reasonable safeguard against the utilization of the largely unthinking masses who are drawn into such demonstrations as pawns in an unsavory power struggle. Moreover, such preparations facilitate control and containment of disorder even when it cannot be prevented, and sensible provisions for avoiding major disruption to community life can be incorporated into the contingency plan. These standards and goals strongly recommend that the civil authorities avoid becoming compromised by direct participation either before or after the event. Particularly where terroristic or quasi-terroristic activity takes place, demands are often made of the civil authority itself. In view of its prevalence and importance, this delicate situation is dealt with in a separate standard in a detailed fashion.

The standards offer a clear policy on the use of the military forces. Powers to invoke such assistance should be used only in cases of extreme emergency where the likelihood of a real breakdown in law and order exists. The armed forces should never be used as an instrument of coercion or in mere supplementation of the inadequate legal powers of the civil authority. Once the military forces are called out, there should be a clear understanding of their purposes, policies, and procedures. This demands considerable contingency planning between the armed forces and the civil authority and agencies concerned.

Part of the terrorist plan for the disruption and disorganization of society is to cause an official overreaction, particularly in terms of security and protective arrangements. Such overreaction has the tendency to aggravate still further the impersonality and withdrawal of government. Civil authorities have the obligation to strike a proper balance in the public interest between necessary and feasible ex-

penditures to safeguard some likely terrorist target and excessive expenditures that would waste precious resources. We are told by Richard Clutterbuck [p. 61] that: "Even a private residence can be made into a fortress, at a price." Sensible precautions can and must be taken; the fortress concept should be discarded not merely on grounds of cost but by reason of its effect on the quality of life generally. Similar observations can be made with regard to personal security, and a separate standard with detailed recommendations for antiassassination measures is offered.

The role of the media in relation to terrorism is a recurrent theme. The part played by the media is important because those who engage in acts of terrorism and political violence need the assistance of the media in order to consummate their purposes. This has not been lost on thoughtful commentators. Stephen Rosenfeld, writing in the *Washington Post* [Nov. 21, 1975], observes: "So if the purpose of terror is to send a message, we messengers should consider not sending it. Instead of mindless collaboration with terrorists, we should become mindful of the critical relationship of our purpose and theirs." Standard 4.10 deals only with the responsibilities of the civil authority in relation to the media, but it should be understood in the wider context of the problem generally. The media should have confidence in the civil authority, and the media should remain credible in the eyes of the public. Only through a frank and honest exchange of views and information, even under emergency conditions, is this possible. An adversary relationship between the civil authority and the media can benefit none but the terrorist.

The standards address the problem of social disruption consequent upon disorder, terrorism, and other acts of extraordinary violence. The rapid restoration of the community to normality and the

lifting of the inevitable restrictions that follow such incidents is emphasized so that as little hardship as possible is imposed on the general public. The terrorist seeks to cause hardship on a wide scale in the hope that public discontent will be directed at the civil authority. The authorities must take energetic measures to limit the direct harm and mitigate the incidental consequences. In this regard, relief and rehabilitation measures are particularly important.

Perhaps the most important defense against disorder and terrorism is social solidarity—a massive cooperative repudiation by the authorities and the community. The final standard in this chapter urges practical cooperation that should ease some of the fundamental problems out of which disorder, terrorism, and political violence grow. Only by meaningful community/government relationships can the fertile soil in which terrorism flourishes be made barren.

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Goal 4.1

Improving the Social Climate

It should be an important obligation of civil authorities at all levels to work toward the creation of social conditions which promote the general well-being of communities, provide peaceful and effective means for expression of grievances, promote understanding and respect for the law, and provide for nonviolent methods of social change so that criminal disorder and terrorism will be strongly perceived by a substantial majority as unacceptable aberrations disruptive of social progress and prosperity. Thus, those who would challenge society's values by violent means will find neither popular support nor safe haven. Preventive measures should be emphasized so as to reduce potential sources of conflict and the underlying causes of extraordinary violence and to weaken the contagious effects wherever it has occurred.

Commentary

This goal must be read in the light of the wider purposes and objectives of the organized terrorist—domestic or transnational. Although the United States has not spawned extremist movements that so far seem capable of harnessing widespread social dissatisfactions to their own purposes, the possibilities of this happening in the future should never be

cavalierly ignored by the civil authority. Hobsbawm observes [p. 89]:

[M]ost of the great revolutions which have occurred and succeeded, have begun as 'happenings' rather than as planned productions. Sometimes they have grown rapidly and unexpectedly out of what looked like ordinary mass demonstrations, sometimes out of resistance to the acts of their enemies, sometimes in other ways—but rarely if ever did they take the form expected by organized revolutionary movements, even when these have predicted the imminent occurrence of revolution. That is why the test of greatness in revolutionaries has always been their capacity to discover the new and unexpected characteristics of revolutionary situations and to adapt their tactics to them. Like the surfer, the revolutionary does not create the waves on which he rides, but balances on them.

The Weather Underground has declared:

Objective conditions do not produce revolution themselves. In times of crisis and change people's fears and discontents and hopes can be mobilized in different directions—toward opiates of all sorts, reform, right-wing movements and war. That is why revolutionary organization, leadership and example are required to call the discontent into life and action, to seize the time.

This last recommendation for action could well be taken in its reversed form by any civil authority desirous of harnessing the power of the community to combat disorder and terrorism.

The progress from indifference to active support

of the terrorist and subversive is insidious and is nourished on the cumulative effect of a host of minor social dissatisfactions rather than on a single, massive challenge to governmental authority. A substantial segment of the community is not merely politically apathetic but surprisingly naive in its beliefs and reactions. This segment is easy prey for extremists and is materially influenced by the apparent successes of radical action. Civil authorities cannot afford to ignore the existence and attitudes of this passive mass or wait until it has thrown its support in a crisis to those seeking change by violent means. Civil authorities must work energetically to combat apathy and to orient apathetic individuals towards socially beneficial attitudes and actions. To this end, civil authorities must strive actively to promote social satisfaction so that anything disruptive of that condition is perceived by the substantial majority as inimical and to be repudiated. In short, government must be seen to care. Where this satisfaction exists,

the words and deeds of the agitator fall on deaf ears.

References

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Goal 4.2

Developing the Community Response

The civil authorities should set the tone for a community's response to crimes involving disorder, terrorism, and other acts of extraordinary violence. Strong emphasis should be placed on the development of civil solidarity. Whatever the diversity of political viewpoints in the community and the varying ideas of the ways in which general progress and prosperity are to be attained, every effort should be made to secure consensus on a commonly acceptable policy to eschew violence as a means of initiating social change and to repudiate those who use such means ostensibly for that purpose. Civil authorities should develop a special sensitivity to the needs of their communities to grow emotionally as well as materially. It is very necessary for such authorities to reduce the impersonality of the governmental process and to narrow the growing gap between ordinary members of the public and those entrusted with the responsibilities of wielding executive authority in their name.

Commentary

Brian Crozier has written [p. 137]: "Good government prevents conflict; bad government fosters it. Strong government discourages conflict; weak government makes it inevitable." The legitimacy of a nonauthoritarian regime depends in large measure

upon subtleties of public confidence which express themselves mainly in the form of tacit acceptance or acquiescence. In democratic states it is a frequent terroristic objective to seek to erode the delicate relationship of the people to their government. An important way to effect this erosion is to increase steadily governmental reaction to terrorist tactics. In this way, the regime becomes more and more authoritarian and more and more remote from the people that provide its real measure of support.

Richard Rose makes a useful distinction between authority and support [p. 28]:

To say that a regime has authority says nothing itself about the pattern of relations between the regime and population. Its authority may be fully legitimate, non-existent or something in between. To avoid the use of the universal concept as if it discriminated between different types of authority, one must descend the ladder of abstraction. The *authority* of regimes can be measured and differentiated by two characteristics: the extent of diffuse support for the regime among intended subjects, and the extent to which its population complies with basic political laws. In this study, the concept of *support* refers to a diffuse feeling that the institutions of a regime merit positive endorsement. The attitude is diffuse, because it does not refer to specific characteristics, such as the personality of the chief executive, the procedures of the legislature, or the activities of tax collectors. An individual may dislike a specific feature or personality in his regime, yet still maintain that overall it is good, or even the best in the world.

Authority can be imposed by force, where necessary; on the long term, strong government in our society can only be possible through the active cultivation of popular support.

It has been said that: "Consensus has become the magic word in American politics. With a consensus, it is said, almost anything can be achieved, and little or nothing without it." [Louis Heren, p. 70.] A society that achieves consensus on the unacceptability of violence as a means for effecting change legitimates the measures taken by its elected authorities against those who would run counter to popular sentiment. It is the task of the civil authority to promote consensus on this point; for nothing affords a better defense to the community than a strong belief in such tenets and confidence in the proper au-

thorities to take appropriate measures to uphold them. Civil authorities need to develop real sensitivity to what the people think and feel on important issues. Insensitivity can lead not only to loss of office but to the loss of confidence that precedes loss of direction and social control.

References

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3. Rose, Richard. *Governing Without Consensus*. London: Faber & Faber, 1971.

Standard 4.1

Contingency Planning

Civil authorities should develop detailed contingency plans to insure the effective continuance of vital governmental services in emergency situations produced by civil disorder, terrorism, and other acts of systematic violence. The nature and content of such plans will vary according to the level of governmental responsibility ordinarily enjoyed by the authority developing the plan and from jurisdiction to jurisdiction, but should deal, in clear and specific terms, with the following matters:

1. The steps to be taken so as to proclaim, or cause to be proclaimed, a state of emergency and the executive and administrative consequences of such a proclamation;

2. Publication and diffusion of the proclamation and its consequences for the general public;

3. Emergency lines of responsibility among the various components of the civil authority and relationships with other Federal, State, and local authorities;

4. Any alternative locations, facilities, and modes of operating as an authority;

5. The safeguarding of existing communications systems and the developing of secure alternative systems;

6. Rumor control and maintenance of effective communications with the public;

7. The protection and continuance of vital community services;

8. Clarification of the powers of governmental personnel who are taken hostage or otherwise incapacitated from acting as required by law;

9. The safeguarding of vital archives and documentation; and

10. Any measures of public relief for victims of crime involving civil disorder, terrorism, and similar acts of extraordinary violence, and others whose lives have been disrupted.

Commentary

This standard is based on the need to expect and to prepare for the unexpected. The apparent strength and stability of our society should not blind us to its weaknesses nor urge upon us a state of unpreparedness. Hobsbawm has written [p. 234]:

Of all the many unexpected events of the late 1960s, a remarkably bad period for prophets, the movement of May 1968 in France was easily the most surprising, and, for left-wing intellectuals, probably the most exciting. It seemed to demonstrate what practically no radical over the age of twenty-five, including Mao Tse-tung and Fidel Castro, believed, namely that revolution in an advanced industrial country was possible in conditions of peace, prosperity, and apparent political stability. The revolution did not succeed and, as we shall see, there is much argument over whether it was ever more than faintly possible that it should succeed. Nevertheless, the proudest and most

self-confident political regime of Europe was brought to within half an inch of collapse.

It is cautionary that revolution was in the air on a wave of rising expectations rather than when society was floundering in the trough.

This standard is of primary importance given the assumption that a concerted terroristic plan to disorganize society and to profit from the resultant disruption is possible. Although incidents will not necessitate the use of more than a small portion of the overall contingency plan, each plan should be sufficiently comprehensive to cover grave situations that by reason of their gravity affect a wide range of executive operations. The plans should be reviewed constantly and lessons should be incorporated into them as they are learned. All who are affected administratively and operationally by the plans should be familiar with their terms and with their own precise responsibilities under them. The object of the true terrorist is to cause widespread chaos through fear and uncertainty. Guillén has written [p. 276]: "A revolutionary organization must demonstrate that it knows more than its bourgeois rivals in power. To displace the bourgeoisie and the bureaucracy, it must convince the public of their incompetence." The civil authority must never lose control nor be perceived by the public to have lost control of the situation. At such times, it is essential that the civil authority move with deliberate speed and decisiveness. This presupposes an extensive, measured preparation enabling each person in each agency involved to know what is required and to put what has been planned swiftly into effect.

The vulnerability of modern society has often been remarked; this characteristic makes terrorism a potent force in our times. The frightening potential of the disruptive qualities of terroristic action can be appreciated if one considers an event such as the accidental destruction by fire on February 27, 1975, of the central telephone office serving the Second District of Manhattan. The disorganization produced by the total loss of telephone communication in this high-density area involved even the police emergency line. The event generated fear and interfered with public, commercial, and private aspects of life in a dramatic way. Although even the most effective plans could not guarantee against

deliberate terrorist action designed to produce a similar effect in this or other areas, proper contingency planning can mitigate many of the consequences and avoid a breakdown of authority and loss of public confidence. At a minimum, contingency plans should discuss all actions that are necessary to insure the functioning of government and of the agencies dependent on it. Contingency plans must insure the provision of vital community services on an emergency basis.

The contingency plan should always provide for some relief efforts consequent upon the eruption of extraordinary violence in the community. The objective of disorder is not to remedy by direct means a state of affairs in the community but rather to exacerbate it so that the resultant chaos and damage bears upon an even wider segment of the community in order to arouse a massive demand for social change. Thus riots and individual terroristic acts worsen the community's material state and increase the level of discontent. The civil authority should anticipate this consequence and should plan for prompt relief for those who have suffered and should endeavor to return the community to normal as quickly as possible after the violence has subsided.

References

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Related Standards

The following standards may be applicable in implementing Standard 4.1:

- 5.5 Emergency Powers
- 5.7 Content of Emergency Legislation
- 6.2 Planning for Mass Disorders
- 6.3 Planning the Police Response to Individual and Small-Group Terrorism and Quasi-Terrorism

Standard 4.2

Interagency Cooperation

To meet the potential threat of disorder and terrorism, civil authorities should take positive steps to create a viable planning structure to insure effective cooperation among the various law enforcement, criminal justice, and other agencies subject to their control. Although detailed contingency planning will be left, as recommended, to the different agencies concerned, the civil authority should settle overall policy and coordinate the efforts directed towards the implementation of that policy. To this end, the civil authority should be appropriately represented on each planning body. Such representatives should meet regularly in a general, coordinating council organized for the purpose. General policy considerations, developed by the civil authority in response to public sentiment, local and national, as well as to technical considerations, should be reflected in the plans so developed.

In the planning process, special attention should be given to delineating with clarity responsibilities that will be assumed directly by the civil authority through its designated representatives in the event of certain contingencies involving incidents of disorder, terrorism, or other extraordinary violence; to designating any services that will come directly under the orders of that authority; to arranging for the heads of all subordinate agencies to inform the civil authority of all important operations affecting an exercise of its powers; and to providing for

ongoing consultation among those responsible for the direction and management of operations.

Commentary

This standard is in conformity with the recommendations made elsewhere with regard to the process or institutional mechanism of planning. If called upon to act in a situation involving disorder, acts of terrorism, or other extraordinary violence, each agency should be aware of its response capabilities and the need to adapt these to an overall policy laid down by the supreme executive authority. The actual planning process should begin at the agency level, subject to general policy directives, rather than being imposed on the agencies from above. Detailed contingency planning should be undertaken by the agencies directly engaged in responding to disorder, acts of terrorism, and other extraordinary acts of violence. This preference poses the need for the development of an overall, harmonious policy, laying down broad guidelines, for example, on interagency cooperation; chains of command; response priorities; use of force; negotiation; and other general, logistical matters.

In essence, the strategy of response will be designed by the chief political authority, taking into account national and local sentiment and experience

in these matters. The detailed tactical execution of this strategic response, in both the planning and operational phases, is left to the agencies themselves, with such operational oversight as the civil authority may feel appropriate according to the circumstances. In order to produce the necessary harmony of response and to avoid command and jurisdictional disputes in the course of operations, there must be not only the appropriate agency interface, preferably under the aegis of a coordinating council responsible to the chief executive, but also a clear understanding of the responsibilities which might, in an emergency, need to be assumed directly by the chief civil authority. Although it is strongly recommended that operational responsibilities be left strictly with the appropriate agency heads, subject to the closest preparatory direction on policy matters, it must be recognized that there may be occasions when the chief civil authority will need to play a more active role in the conduct of the operations themselves. To this end, the planning process should provide for a proper liaison between the agency and

the chief executive so that the latter is promptly and fully informed of all matters, in the course of an operational sequence, which might have a bearing upon the employment of the powers of the civil authority.

Related Standards

The following standards may be applicable in implementing Standard 4.2:

- 5.11 Interagency Cooperation
- 6.2 Planning for Mass Disorders
- 6.3 Planning the Police Response to Individual and Small-Group Terrorism and Quasi-Terrorism
- 6.19 Relations With Local Police Authorities in Other Jurisdictions
- 6.20 Relations With State and Federal Law Enforcement Agencies
- 6.21 Relations With the Military
- 8.1 Contingency Planning
- 8.6 Relations With Civil Authorities

Standard 4.3

Facilitating Peaceful Demonstration

Proper arrangements should be established for meeting with individuals or groups wishing to exercise, legitimately, their rights of protest against the policies or practices of the civil authority. Such meetings should be conducted on a meaningful, responsible level with a view to establishing a satisfactory dialog between the parties. Where protest, communicated through these channels, is felt to be ineffective or in other ways unsatisfactory to the individuals or groups concerned and these express the wish or the intention to take their case before the public in some more dramatic or demonstrative way, every endeavor should be made by the civil authority to secure agreement on a form that will enable this objective to be attained while maintaining the public order.

Civil authorities should be quick to respond generously with their time and energies to genuine expressions of public concern. Official relations should be maintained on a cordial and conciliatory basis even in the face of provocation. Every attempt should be made to provide a lawful forum for the expression of dissident views notwithstanding that these may be couched in terms highly critical of the authority and its policies. Every endeavor should be made to settle the conflict of views amicably within the laws and the framework of obligations of the civil authority. Where it appears that this is not possible and the confrontation manifests the possi-

bilities of developing into a situation detrimental to the public order, the civil authorities should state their position clearly and publicly on the issues involved and advise those expressing their opposition of the limitations of the law and any considerations of public policy to be borne in mind in extending the confrontation.

Commentary

The exercise of the right peacefully to demonstrate must be expected to occur with frequency during situations of crisis and heightened community tensions. Many of these demonstrations will be directed at policies and practices of the civil authority itself and on this account there is a natural tendency to react overdefensively to the prospects of such manifestations of opposition. Such an overdefensive stance may lead to confrontation and community strife. The early adoption of positions of this kind accompanied by an inflexibility of attitudes makes the escalation of feelings certain and a violent outcome almost inevitable. The genuine feelings of the community rapidly become distorted and submerged among the more heated emotions generated by extremists as a result of the seeming intransigence of the authorities. The civil authority should avoid any action on its part that may be construed as obstruc-

tive and that consequently might be exploited by those seeking to utilize public dissatisfaction to generate disorder on a massive scale. The FBI riot manual for law enforcement officers gives the following advice: "A peaceful or lawful demonstration should not be looked upon with disapproval by a police agency; rather, it should be considered as a safety valve possibly serving to prevent a riot." This sound philosophy should be adopted by civil authorities. Although such demonstrations will not be encouraged by the civil authority, if they seem inevitable that authority should work strenuously to insure that they are carried out in a manner that is beneficial to the commonweal rather than detrimental.

Practical steps should be taken to allow demonstrations to be held in a manner satisfactory to the organizers and in a way in which the ordinary life of the community will be interfered with as little as possible. Although peaceful demonstrations may have considerable utility in giving vent to feelings that would otherwise be expressed in a more violent manner, disorders tend to polarize a community, heighten tensions, and harden attitudes. Lineberry and Sharkansky observe [pp. 100-101]:

In the aftermath of the Los Angeles riots, blacks, whether or not they supported the riots, thought that the riots had helped their cause by drawing white attention to longstanding grievances. This belief on the part of blacks appears to be a very serious misreading of white attitudes. Whereas blacks thought the riots dramatized their cause, the overwhelming majority of whites in Los Angeles thought that Watts had increased the gap between the races. Polarization, rather than understanding was the major result of the riots, in the view of white Americans.

Although civil disturbances may sometimes generate a more responsive attitude towards necessary reform, every reasonable endeavor should be made by civil authorities and responsible community leaders to settle differences without confrontation. If this is not possible, civil authorities should endeavor to arrange for demonstration of public sentiment in such a way that it cannot be exploited by extremists desirous of destroying community harmony and progress or that might have the tendency to erupt spontaneously in violence.

The National Advisory Commission on Civil Disorders declared that: "Preserving civil peace is the first responsibility of government." This standard recommends those early, preliminary steps that should be taken to this end where the possibility of a violent development is foreseen or is inherent in the situation. Where mass action cannot be averted, all necessary steps should be taken to see that it remains peaceful. This will include advising those engaged in such demonstrations concerning their rights and the manner in which the law will be upheld by the authorities.

Preparatory discussions of the kind suggested should be distinguished from those that occur between representatives of the civil authority and the community after an outbreak of violence and in response to it. These latter discussions cannot take place in a calm and reasoning atmosphere and have as their objectives the bringing to an end of some ongoing disorder rather than the prevention of an outbreak of violence as a result of planned, peaceful demonstration. Discussions dealing with the former, given goodwill on both sides, should be more fruitful, and if they are well handled, are likely to result in bringing the civil authority and the community representatives closer together.

References

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3. *Report of the National Advisory Commission on Civil Disorders*. Washington, D.C.: Government Printing Office, 1968.

Related Standards

- The following standards may be applicable in implementing Standard 4.3:
- 6.7 Preventive Measures Against Mass Violence
 - 10.1 Nonviolent Protest Alternatives

Standard 4.4

Permits for Demonstrations

Regular, well-publicized procedures for the consideration, by the civil authorities, of applications to stage public demonstrations should be established. Such applications should receive prompt and courteous consideration at a high level of responsibility and should be granted whenever the purposes of the demonstration, its organization, and its projected conduct are lawful and it appears unlikely that it will give rise incidentally to serious breaches of the public order. Where it is necessary to refuse such applications, the grounds on which refusal is based should be fully and unequivocally stated. Where permits to demonstrate are issued, they should be accompanied by simply written guidelines laying down the scope of the right to demonstrate and the rules that should be observed by those participating so as to facilitate the work of the authorities and to keep the demonstration within the bounds permitted by law.

Whenever permission to stage a demonstration is given, the civil authorities should work closely with representatives of the organizers of the demonstration and other interested community groups to insure its peaceful conduct, to set up contingency procedures to provide against harm to persons or property, and to aid in mitigating any harm that might incidentally occur. Demonstrations should be held whenever possible in public areas where minimum disruption of the normal life of the community can

be expected. Volunteer marshals from the demonstrating group, properly identified as marshals, should be encouraged to work with the police to keep the demonstration within the agreed bounds.

Commentary

This standard offers more detailed guidance to civil authorities in the implementation of the policies suggested in the preceding recommendations. The civil authority should have open, simply stated guidelines and procedures for the consideration of applications to stage protest demonstrations. It is extremely important that applicants be given the impression that they are being dealt with in good faith and are being given fair consideration. Occasionally, it has been made an issue that the authorities did not negotiate the matter promptly or in good faith when a demonstration has been held after a permit has been refused.

Where consideration of the applications and the granting of permits are not functions of the police authority, it is extremely important that adequate arrangements exist for taking account of the police views on the application at the earliest possible stage. It is considered advisable that discussions relating to the issuance of permits to demonstrate peacefully be made a matter of record so as to

avoid future misunderstandings and particularly to avoid allegations by prospective participants that official action amounted to a denial of the right to demonstrate within the limits allowed by the law. Applications should be dealt with promptly and courteously so that applicants have enough time to make such alternative arrangements as may be necessary. In keeping with the spirit of these standards, any refusal of a permit to demonstrate should always be accompanied by a reasoned statement.

The emphasis always should be on reaching an accommodation with prospective demonstrators that not only will avoid violence and law breaking, but that will insure that the ordinary life of the community will be disrupted as little as possible. Permission to demonstrate in an area not involving traffic problems or interfering with normal commercial or business activities can be given more readily than would be possible in the opposite case. It is sometimes possible for a demonstration that would turn into a riot in one area to remain peaceful in another. The willingness to hold a demonstration under the least inflammatory of conditions commensurate with the stated purposes of the demonstration

might be held to be a useful test of the good faith of those applying for permission to exercise their rights of peaceful protest.

References

1. *Report of the National Advisory Commission on Civil Disorders*. Washington, D.C.: Government Printing Office, 1968.
2. *Subversive Involvement in Disruption of 1968 Democratic Party National Convention. Part 2. Hearings Before the Committee on Un-American Activities, House of Representatives, 90th Cong., 2nd sess.* Washington, D.C.: Government Printing Office, 1968.

Related Standards

- The following standards may be applicable in implementing Standard 4.4:
- 6.7 Preventive Measures Against Mass Violence
 - 8.8 Regulation of Political Activity
 - 10.1 Nonviolent Protest Alternatives

Standard 4.5

Response to Demonstrations

Should a demonstration despite all preparation and precautions become violent or disorderly, the control and containment of the situation should be left to the law enforcement authorities in accordance with the provisions of the contingency plan. Although every endeavor should be made to accommodate the desires of those who are voicing, even in an extreme manner, legitimate grievances against policies and practices of the civil authority, the protest vehicle itself should not be allowed to become a platform on which important public issues are resolved. It is important that civil authorities avoid at all costs becoming embroiled in unseemly proceedings in consequence of public demonstrations, whether for or against some policy or practice supported by the authority concerned. Civil authorities ought not to give the impression of making or being forced to make concessions or policy changes under the pressure of violent, disorderly demonstrations.

Commentary

Although it is most appropriate for civil authorities to hold a dialog with those who oppose their policies and procedures, so that they may reconcile differences and work together for the benefit of the community, protest cannot be answered effectively in the heat of a demonstration. Dialog ends where demonstration begins. It is particularly important that pro-

test—violent or nonviolent—should not be substituted for the ordinary political processes of the community. Where demonstrations occur with regularity and where such demonstrations are seen as the only way to effect the most necessary changes, the community becomes habituated to this practice. This is a denial of good government. A concerned civil authority must seriously inquire into its own policies and practices where such a pattern or trend is to be observed. The recommendations offered here do not mean in any way that the civil authority should be indifferent to the demonstration, its purposes, or the public sentiments expressed by it. All that is suggested is that certain types of involvement in the demonstration and the issues it raises should be avoided. It is worth recalling the words of Abraham Lincoln that: "There is no grievance that is a fit object of redress by mob law."

When a demonstration moves outside the limits allowed by law, it becomes a law enforcement problem and should be handled as such. When there has been adequate discussion beforehand, the organizers of the demonstration will have a clear idea of the guidelines set for the conservation of good order and the security of the community. The law enforcement response should be strictly in conformity with the contingency plan and the guidelines and there should be no direct intervention by the civil authorities suggestive of an angered response. The

civil authority should never be seen to make concessions under pressure of a failure to restrain the demonstration within the bounds of the law or because it wanted to keep the demonstration from taking place.

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3. Van Den Haag, Ernest. *Political Violence and Civil Disobedience*. New York: Harper & Row, 1972.

Related Standards

The following standards may be applicable in implementing Standard 4.5:

- 6.8 Tactical Management of Mass Disorders in Progress
- 8.6 Relations With Civil Authorities

Standard 4.6

Responses to Terrorism

Where an incident involving an act of terrorism or political or other extraordinary violence has occurred, the appropriate response should come from the agency or agencies actually engaged in its control or containment or to which responsibility has been assigned in accordance with the contingency plan. The civil authority having overall responsibility should be kept fully informed of developments as provided by the plan but should ordinarily take no direct, tactical part in the direction or management of the response. Where the action taken by the responding agency results in a confrontation with terrorists or others who make demands relating to the settlement of the matter, every endeavor should be made to negotiate without any direct involvement of the civil authority. That authority should be informed as provided in the plan at the earliest stage of the demands made and any decisions taken in regard to them. The designated representative of the civil authority should be present at the scene only in an advisory, observer capacity.

The superior civil authority should enter into direct negotiations with terrorists and others involved in acts of extraordinary violence as a matter of last resort and only when the short- and long-term advantages of such intervention are judged prudently to outweigh the dangers inherent in such an undertaking. The appropriateness of such intervention should be determined on a case-by-case basis, but

the following considerations should be taken into account in making the judgment to intervene or not:

1. The danger, on a realistic assessment, to the lives of those involved, by prolonging the stalemate or refusing to undertake a more direct role in the negotiations;
2. The probable significance or impact of direct, personal intervention by the civil authority in the saving of the lives or property at risk;
3. The estimated risk of failure or rejection of such personal intervention involving not merely a consequential loss of life and destruction of property, but also an unacceptable humiliation undermining the very foundations of established authority; and
4. The establishment of a precedent that might materially impede or frustrate the settlement of some future conflict and prevent the satisfactory return to order in other cases.

Commentary

The subject matter of the present standard is of increasing importance and the recommendations are offered as a guide to a situation fraught with problems for those charged with the ultimate responsibility of preserving the civil peace. In considering these difficult questions, an apparent contradiction

must first be examined. It has generally been recommended in these standards and goals that civil authorities take energetic steps to become less remote and more in touch with the communities they are elected to serve. This involves direct participation, at a variety of levels, with community representatives and individuals and a good deal of give and take. If this participation is designed to afford broad satisfaction to the community, it is only to be encouraged. All discussions should be at a level of responsibility where those dealing with the civil authority can feel that they are participating in a truly meaningful exchange.

Once the conditions for dialog have broken down, however, those considerations no longer obtain. Here the prime purpose is not to develop social harmony but to repair the breach. Order must be restored and those to whom this task is entrusted should proceed confidently about their work in the knowledge that they ordinarily are not going to be superseded in authority during a moment of crisis by the chief civil executive. This will in no way derogate from the power of the chief civil executive to intervene where appropriate as provided in the contingency plan. In reality, there is no contradiction in this withdrawal; it is temporary and procedural rather than lasting and substantive.

The direct involvement of the civil authority cannot be avoided where this is expressly demanded by terrorists or others who by reason of a momentary advantage gained by their initiative have achieved a measure of bargaining power through the human and material interests they are in a position to affect. The chief civil authority is then presented with the agonizing choice, often under circumstances of extreme anxiety, of resisting the demands made upon him or his office at the expense of the interests of those who look to him for aid in this moment of crisis or of acceding to these illegal demands on essentially humanitarian grounds. In point of fact, there is no way in which the locus of responsibility for making the decision can be changed.

This standard is not designed to relieve the civil authority in any way of the obligation to decide; indeed, the choice must, in the event, be made and it is politically inevitable that the responsibilities for the outcome, good or bad, will be fixed upon the chief civil authority. What is involved here is fundamentally procedural and a matter of good negotiating technique. What these recommendations are designed to avoid is a tactical error likely to play into the terrorists' hands. It is essential to maintain a buffer between the terrorist and those on whom the ultimate responsibility for acceding to or refusing his demands rests. Were it otherwise, the room for maneuvering would be reduced to an unacceptable minimum and there would be no reserve line of defense left. These considerations should be borne particularly in mind when dealing with domestic and international terrorist groups whose demands are of an extravagant and critical nature. Only where an overriding advantage is to be clearly perceived from allowing the confrontation to become more direct should this principle be overridden. The standards suggest a number of criteria on which the situation should be evaluated, but each decision must be made on a case-by-case basis.

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2. *Terrorism, Part 1*, Hearings Before the Committee on Internal Security, House of Representatives, 93rd Cong., 2nd sess. Washington, D.C.: Government Printing Office, 1974.

Related Standard

The following standard may be applicable in implementing Standard 4.6:

6.13 Tactical Responses to Terroristic Acts

Standard 4.7

Employment of Military Force

Civil authorities should develop a clear, publicly declared policy on the calling out and employment of military forces in the event of an emergency situation involving civil disorder, terrorism, or other acts of extraordinary violence. The powers to call for such assistance should not be invoked unless it is clear that ordinary law enforcement personnel will be unable to cope with the situation developing and that there is a substantial likelihood of a serious breakdown of authority. Military forces ought not to be called simply in order to bring greater pressure to bear, by reason of their discretionary powers, on those who are resistant to the civil authority. Wherever possible, other means of supplementing the powers of the civil authority should be sought and utilized for this purpose.

The appropriate military authorities should be included in the general, interagency planning process. The civil authority should maintain the closest liaison with the general and field commanders of the military forces employed in response to the situation of emergency and there should be broad agreement on the policy to be adopted in relation to the restoration of order and the reinstatement of the ordinary civil processes of authority. The civil authority, however, subject to these general considerations, should avoid interference with tactical and operational decisions that might need to be taken by the

military forces in implementation of their mandate to restore order.

Commentary

The calling in of the armed forces is not strictly an abdication of authority by the civil power. It is a tacit recognition that the authority residing in the elected representatives of the people has eroded to a point where there is a loss of control that can only be restored by the employment of or threatened employment of restraining forces ordinarily beyond the command of the civil power. The civil authority has a primary responsibility for the preservation of civil peace. Where the discharge of this duty is clearly beyond the capabilities of its own peacekeeping forces, that responsibility should be rapidly and smoothly transferred to those forces enjoying a superior capacity. Clearly, this is a portentous decision and one that presently must be taken in the light of a growing body of experience but with little legal clarification of some of the fundamental issues involved.

This standard seeks to establish a basic principle that should govern the use of military force. Pye and Lowell, in an exceptionally well-documented article, have written [pp. 636-637]:

Consideration of the power of state and federal execu-

tives to use military force to quell domestic civil disorder should make it clear that there is substantial authority for such utilization and that it has been invoked at both levels on a relatively frequent basis. Our discussion of the authority is intended neither to defend nor oppose what we understand to be the present state of the law. Rather, our intention is to compare that authority with the powers of civilian forces to quell civilian disorder. It is our thesis that there should be no incentive for either state or federal executives to use the troops instead of the civilian police as a means of quelling disorder. Such an incentive does, however, exist if the civilian police are tightly limited to their normal non-emergency powers while the military is given broader discretionary authority to deal with disorders.

It is recommended that the civilian powers in emergency situations due to disorder, terrorism, and other extraordinary violence be appropriately strengthened within the limits of the Constitution. The objective of the present standard is to remove any incentive that may actually exist in the light of present civilian response capabilities.

The growing threat of international terrorism and its domestic imitators, and the need for a response beyond the capabilities of the civil authority raises serious questions that need to be faced with realism. The United States thus far has not experienced the type of terrorism that has threatened the very existence of some Latin American countries or that has so radically altered the quality of life even in some quite stable European countries. Although it would be alarmist to suggest that such possibilities were imminent, it would be irresponsible to discount the eventuality entirely. Experience elsewhere has shown that when terrorism and political violence reach a certain level of intensity, the only appropriate response is a military one. Even in countries where there is a strong tradition of stable civilian government, there is a growing tendency to resort to military force to combat terrorism when it becomes a serious problem.

The Institute for the Study of Conflict, London, has stated:

Under the present system, Britain is in a position where the Army would need to be brought in at the first sight of serious trouble. Of course, there is a strong argument in favour of perpetuating this system: the Army combines the range of skills and the practical experience of Northern Ireland and is clearly the most competent force available to deal with terrorism inside Britain itself. For this reason, the British solution may be to second Army experts to form the backbone of a new joint police/army 'fire brigade' squad.

The position in the United Kingdom is aggravated because the civilian police are not ordinarily armed, but the fundamental problem is one of response ca-

pability and the resort to the military poses similar considerations of principles to those discussed here. It should always be borne in mind that the use of the armed forces against a civilian population is an important symbolic act that raises the strongest emotions; and it is a major terroristic objective to produce just such a reaction.

The use of military force both to quell disorder and to cope with terrorism is a contingency that must be foreseen. Appropriate use of such force and appropriate provisions for its consequences also must be made by the civil authority. When resort to military forces becomes necessary, there should be prior agreement between the military command and the civil authority on the role of the military and whenever practicable on the tactical assignments to be carried out by the troops. Once military capability has been used, the civil authority should refrain from any interference with operations on a tactical footing. Pye and Lowell observe [p. 690] that the issue is not ". . . whether military troops have been or will be used in riots at home, but *how* they will be used and *what* powers they should be entrusted with when they are used." This standard, given the present unsatisfactory state of the law, can do no more than underline the primary responsibility of the civil authority, a responsibility that does not terminate upon the calling of the military but rather that is sharpened by this to a critical degree. This standard urges the closest liaison on planning in the matter of how troops shall be employed under the emergency conditions produced by disorder, terrorism, and other forms of extraordinary violence.

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1. *New Dimensions of Security in Europe*. Special Report of the Institute for the Study of Conflict. London, 1975.
2. Platt, Anthony M. *The Politics of Riot Commissions*. New York: Collier Books, 1971.
3. Pye, A. Kenneth, and Cym Lowell. "The Criminal Process during Civil Disorders," *Duke Law Journal*, August 1975, No. 3, pp. 581-690.
4. *Report of the National Advisory Commission on Civil Disorders*. Washington, D.C.: Government Printing Office, 1968.

Related Standards

The following standards may be applicable in implementing Standard 4.7:

- 5.12 Martial Law
- 6.21 Relations With the Military

Standard 4.8

Security of Public Facilities and Systems

Civil authorities should take all practical steps to improve the security of public buildings under their jurisdiction and to guard against terrorist attacks on persons or property occurring on such premises, the destruction of the whole or part of the premises themselves, or the taking and holding of hostages on the premises. Special precautions should be taken with regard to legislatures, courthouses, civic halls, administrative buildings, and buildings of particular architectural merit or historic value. Studies should be undertaken to identify likely terrorist targets within the authority's jurisdiction. Such studies should give special attention to the individual measures needed in each case to improve security to the highest degree possible. Particular attention should be paid to the design and construction of public facilities and systems so as to reduce the possibilities of harm caused by possible terrorist action.

Measures that should be considered, by reference to an appropriate assessment of the risk and the costs involved, include:

1. Access restricted to certain areas and certain classes of persons subject to production of proper means of identification and search;
2. Electronic screening of persons and property within or near the concerned facility;
3. Installation of centrally monitored special surveillance devices and sensors, together with special alarm systems;

4. Emergency barrier doors and special locks activated manually or by remote control;

5. Removal of dangerous objects or obstructions likely to conceal or to impede rapid and effective response in an emergency; and

6. The provision of special lighting.

In all cases, complete building plans should be filed with the appropriate law enforcement agencies and fire departments and copies made available to the committee coordinating interagency cooperation. Private concerns identified as potential targets for terrorism and other acts of extraordinary violence should be encouraged to file their building plans with the appropriate agencies.

Regular searches and inspections of all buildings and security systems should be undertaken and special inspections made in advance of any important event likely to attract substantial public attendance or the attentions of those likely to commit crimes involving acts of terrorism or other extraordinary violence. Frequent checks of security personnel and of their performance should be conducted.

Where occasional use is made of the protected buildings for events or by persons likely to attract attention from terrorists and others, special, additional precautions should be taken. Where these involve the employment of personnel unacquainted with the ordinary security arrangements, special briefings should be conducted. Responsibility for

building security should be assigned to a particular agency, and there should be proper consultation and exchange of information with all other interested agencies. Special attention should be paid to the coordination of jurisdictional questions so as to avoid overlap and operational uncertainty.

Commentary

Because of their symbolic nature, public buildings are frequently the object of terrorist attacks. Those who perform have to use them in the course of their official activities are themselves also frequent terrorist targets. Presently, it is easy to enter and engage in terroristic activity in many public buildings, partly by reason of their character, which does not lend itself easily to effective, protective arrangements, and partly by reason of public sentiment, which in a land valuing freedom is colored by resentment at measures that restrict access to some of the Nation's most cherished buildings and antiquities. The provision of even a modicum of security is an expensive business in buildings that were not designed with such considerations in mind. Moreover, those personnel engaged to undertake what are euphemistically referred to as security duties all too often are prepared and equipped for the task inadequately or are too old and weak to respond satisfactorily in a moment of serious emergency.

Good security requires expert appraisal, structural modification, the introduction of at least some sophisticated gadgetry, and the employment of competent personnel. Civil authorities have a special obligation to make a thorough appraisal of the high-risk targets within their jurisdictions and to make a sober assessment of the financially feasible protective steps that can and should be taken. Although cost/benefit considerations are important, no civil authority can expect to escape blame if tragedy strikes, and the consequences of not taking at least some of the more elementary measures should be carefully weighed. Many practical steps can be taken at little cost. It is equally important not to succumb to overreaction leading to the development of a fortress or of siege mentality. Structural modification, where necessary, should be unobtrusive and architecturally aesthetic, avoiding the more obvious signs of preparedness.

It cannot be overemphasized that a security system is only as thorough as are the personnel employed in running it. If personal searches are carried out and identities are checked, these must be thorough, attentive activities. If identity cards are given only a perfunctory glance or packages are passed without scrutiny because to open them

would be too much bother, the security system becomes meaningless and invites attack. It also should be borne in mind that terrorists almost always depend on surprise and frequently employ innocuous looking people to gain entrance to restricted areas or to plant explosive and other harmful devices. An undercover agent who had infiltrated the Weatherman movement testified: "Women are not searched as thoroughly as men are." [*Terroristic Activity*, p. 110.] In West Germany, bombs were carried into buildings by women simulating pregnancy. [*Star*, Washington, D.C., Jan. 29, 1976.] Attention to detail and a feeling for the unusual are extremely important.

It has been said that: "Short of living in a bank vault, there is no absolute protection against terrorism." [*Skeptic*, No. 11, January/February 1976.] For those who lived through the terrifying experience in Sweden of what became known as the Battle of the Bank Vault [*Newsweek*, Sept. 10, 1973], even this refuge was seen to be unsafe. There is a real question about the extent to which the provision of reasonable security in any public building is possible against a determined terrorist attack. Yet the safety of those who use the buildings as well as the wider public interest obliges civil authorities to take all possible steps to reduce at least the foreseeable risks. Some of the measures that should be taken are outlined in the standard, but special circumstances and conditions will indicate others. Frequent searches of buildings should be carried out by trained, properly equipped personnel alerted to note any suspicious behavior or objects. Searches should be thorough and comprehensive. Women's restrooms frequently are overlooked in searches conducted by male security personnel. When acts of terrorism or extraordinary violence—particularly those involving the taking of hostages—have occurred, it is of the greatest importance that those entrusted with the operational response have available up-to-date buildings plans. If these are centrally deposited in advance of any emergency, the response will be greatly facilitated.

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rity Act and Other Internal Security Laws, of the Committee on the Judiciary, U.S. Senate, Washington, D.C.: Government Printing Office, 1974.

5. *The Weather Underground: Report of the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws*, of the Committee on the Judiciary, U.S. Senate. Washington, D.C.: Government Printing Office, 1975.

Related Standards

The following standards may be applicable in implementing Standard 4.8:

- 6.9 Prevention of Terrorism and Quasi-Terrorism Through Physical Security
- 6.23 Relations With Private Security Forces
- 10.5 Private Security Measures Against Terrorism and Quasi-Terrorism

Standard 4.9

Antiassassination Measures

Civil authorities should give priority to security measures designed to protect public figures, on all levels, from assassination. While no precautions can be completely effective against a resourceful and determined assassin, many measures substantially reduce the risk of harm and increase the margin of safety of the intended victim. Because the initiative lies with the assassin, it is important, whenever possible, to reduce or eliminate the preconditions for assassination and narrow the opportunities for its commission. To this end, civil authorities should give serious attention to the magnitude of the risks inherent in certain public activities and limit these when it can be done consistently with the proper exercise of the public office involved. When the possibility of violence exists, direct, public exposure of political and other figures should be strictly limited and alternative means of communication with mass audiences and uncontrolled groups should be utilized. The prospects of assassination and its public consequences must be calmly and rationally faced and all reasonable steps must be taken to avoid situations redolent with danger and offering little effective protection from surprise attack.

The importance of the intelligence function must be reemphasized. Effective, preventive measures often depend upon reliable, prior information enabling steps to be taken to avoid a planned assassination attempt or to abort it. The development of

such capacities is essential to the healthy political life of the nation and the safety of those engaged in public life. Proper receipt and processing of material information by all agencies engaged in protective functions is of vital importance to this task. The interagency contingency plan should pay special attention to the need for the fullest cooperation and exchange of relevant information at all levels to fulfill this requirement.

The personal protection of public figures requires special skills and training distinct from those employed in ordinary law enforcement functions and is a costly undertaking. The provision of effective security for locations and premises to be used for public purposes in an itinerary is a specialized task that cannot be readily undertaken by those having little or no experience in these matters. Local knowledge is, however, of inestimable value and proper arrangements for its utilization should be incorporated into the planning process. Civil authorities faced with the problem of affording protection to public figures likely to be targets for assassination at the earliest stage should seek to utilize the services and resources of those agencies that can supply the specialist assistance required and should develop the requisite avenues of cooperation to that end. Public figures exposed to the risks of assassination should be encouraged to cooperate to the full in providing all necessary details to the authori-

ties concerned to enable them to set up proper protection arrangements.

Commentary

Harrison Salisbury has given the grim reminder, that: "The rattle of gun fire never stills. It may be intermittent, but it soon sounds again." [Kirkham, Levy, and Crotty, p. XV.] Preparedness for acts of extraordinary violence that may be committed against individuals peculiarly exposed on account of their public position or activities is a necessary obligation of all civil authorities. It has been said that: "Assassination is the deliberate, extra-legal killing of an individual for political purposes." [Havens, Leiden, and Schmitt, p. 4.] It is the qualities expressed in this definition that make this type of killing peculiarly relevant for the present purposes. Although many assassinations are the work of mentally disturbed persons and have a random, unpredictable character, it is not infrequently the objective of terrorist groups to assassinate a public figure in order to create chaos, provoke official repression, and to sow widespread fear among the public.

There also seems to be a strong correlation between general aggressive behavior and assassinations. Notwithstanding the typical patterns of violence in the United States, the *Staff Report to the National Commission on the Causes and Prevention of Violence* took the position that [p. 207]:

The United States shows a high frequency of assassination without exhibiting the low level of development traits characteristic of other assassination-prone societies. On the other hand, it does show a high level of external aggression, a high level of minority hostility, and a high incidence of homicide. Furthermore, it shows an increasing tendency toward political unrest. All these traits are aggressive behaviors.

Recommendations for responses to disorder and terrorism must be offered with the evidence of these behavior patterns in mind, and precautions of a particularly stringent kind may be necessary in times of unusual stress or heightened tensions such as those produced during the excitement of national elections or in moments of acute local or national controversy. These are unpleasant facts that must be faced clearly and realistically. Therefore, both State and Federal civil authorities should be prepared to take a variety of extraordinary measures to protect public figures, notwithstanding that these steps may be extremely onerous and restrictive of the normal conduct of the political process in the United States.

However costly or oppressive, no security measures can hope to be completely effective, but there is evidence that sound, well-executed precautions deter would-be assassins: see, for example, the writings

of Arthur Bremmer. Sensible protective measures at best should not be obtrusive or overbearing. Although some measures clearly add a wider margin of security, they are unacceptable in a democracy, even one under considerable pressure. The more elaborate and sophisticated precautions can be justified only in protection of the person and office of the President of the United States, on account of the special attractiveness of the target for terrorists and other potential assassins, and its symbolic importance for the nation as a whole. The *Staff Report to the National Commission on the Causes and Prevention of Violence* [p. 126] pointed out that: "The most disinterested citizen can, even with a minimum of effort, symbolize the government in the person of the President. Indeed, studies of the way American children acquire political knowledge indicate the presidency is one of the first symbols to have meaning for them."

Direct precautionary measures should be addressed to reducing the possibilities opened to the prospective assassin by limiting the chances of getting close enough to an intended target to do harm and by sanitizing areas as far as possible, thus insuring that those admitted to them are not in possession of weapons or harmful substances. Protective clothing and other forms of shielding a potential target should be used wherever possible. Those entrusted with authority to select options should err on the side of caution. Where there is a choice of routes, entrances, and exits or where the use of one public facility offers greater prospects of security than another, the more secure options should be taken even though some closer public contact might be sacrificed.

In short, it may be necessary to face the prospect of denying any realistic political exchange between some public figure and those with whom he would wish to meet and mingle on a more convenient level of free intercourse under different conditions. Neiburg has observed that [p. 159]: "Political assassination cannot be eliminated once and for all by any preventive measures which are not even more dangerous to the health and survival of the nation. Attempts to make violent confrontations impossible are incompatible with a free political process." The force of that warning is fully taken into account here, but it must be recognized that most mass political exposure nowadays is purely symbolic and is not intended to lead to or to establish any meaningful dialog. Its value must be seriously weighed against the real risk of harm to those engaged in such activities as well as the general trauma to the community in consequence of a successful or attempted assassination. Perhaps the most effective precaution that can be taken against assassination is to reduce to a minimum the occasions for it. This demands of public figures, particularly chief executives, a radical

reappraisal of their own political techniques and role perceptions. In the current state of United States society, it may be necessary to abandon old-style, political campaigning and mass overtures to the public. Given the advances of modern technology—specifically the development of television—this is unlikely to stultify the political process or to heighten the impersonality of politics but, rather, is likely to lead simply to a timely elimination of certain rather meaningless practices of a purely ritualistic nature in favor of more up-to-date ways of reaching the public. From a long-term point of view, if there were a deemphasis of the presidential role, especially in the media, and a reduction of the incitement to violence inherent in the buildup of a personality cult, a strengthening of security might well result. This does make the presidential role a somewhat colorless one, however, which few who aspire to it would or could accept. On the other hand, it is doubtful if it would add much in terms of real security, for it would still leave the office, with all its symbolism, open to attack as distinct from the individual who occupies it.

The evidence does not suggest that organized terrorist attacks against the presidency would be a chosen method of toppling the government of the United States or bringing about some social change. Were such concerted assassination attempts to take place, they would most likely have the objective of causing chaos or public panic or of bringing about measures of extreme repression. Attempts on the life of the President are more likely to continue as random, personally motivated events, against which little can be done overall to reduce the attractiveness of the target for any particular individual. It should be remembered that the purpose of an act of political violence very often is as much to call attention as to harm, and this seems to be borne out by the latest attempts. The assassination of a public figure offers prospects for publicity, which of themselves are attractive to some, and it is difficult, without interfering unduly with the media, to make recommendations that might reduce this. On balance, it would seem that the vulnerability of the chief executive can be protected best through tactical planning and direct protective measures rather than through measures that are inherently complex. Assassination on a lower level, too, so far as it is motivated by strong personal considerations, will need to be addressed in essentially the same way. The very characteristics that brought a public figure to prominence will be those that may incite to violence, and to alter the public perception of these, even were this possible, is an unrealistic and mainly unacceptable exercise.

In the prevention of assassination through effective security measures, good intelligence is of funda-

mental importance. It is worth recalling that many attempts on the life of President Lincoln, designed to frustrate his assuming the presidency of the United States, were foiled as the result of effective, preventive intelligence. The words of General Charles P. Stone, Inspector General of the District of Columbia, are instructive:

As President Lincoln approached the Capital, it became certain that desperate attempts would be made to prevent his arriving there. To be thoroughly informed as to what might be expected in Baltimore, I directed a detective to be constantly near the chief of police and to keep up relations with him; while two others were instructed to watch, without the knowledge and independent of the chief of police. The officer who was near the chief of police reported regularly, until near the last, that there was no danger in Baltimore; but the others discovered a band of desperate men plotting for the destruction of Mr. Lincoln during his passage through the city, and by affiliating with them these detectives obtained the details of the plot. [*Battles and Leaders of the Civil War*, p. 23.]

Accurate information from a variety of sources must be processed quickly and reliably in order that the best decisions on protective measures can be made. Interagency cooperation is essential if local information is to be properly evaluated and taken into account. Threats must be prudently assessed, and the necessary action must be taken. Possible assassins must be identified, located, and placed under constant surveillance. These are not capabilities that can be developed ad hoc or on a short-term basis. Good preventive intelligence not only reduces the risk to those engaged in public life but allows for the most economical and effective use of resources to enable the political processes of the community to develop in the least restrictive way.

Although this standard addresses itself primarily to the civil authorities responsible for taking appropriate security measures, it urges upon all public figures exposed to the risks of assassination the need for cooperation in the difficult tasks of protecting them from harm. Individuals whose lives may be threatened in this way have a wider responsibility than that attaching to the protection of their own person. They should be constantly sensitive to this wider responsibility and take no undue risks that might complicate the work of the civil authorities or provoke attacks upon them or their followers. Cooperation with the authorities and obedience to any restrictions upon movement and conduct that, however regrettably it is felt necessary to impose, should be complied with in the public interest. Those likely to stir controversy have a special obligation of cooperation with the civil authorities when operating in areas that are unfamiliar to them, and common courtesy dictates that they should be as helpful as possible to those entrusted with protecting them from harm. The civil authorities in turn will be attentive

to the need to provide against possible assassination in the least restrictive way possible so as to provide the maximum freedom to the individual to go about his or her business.

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Related Standards

The following standards may be applicable in implementing Standard 4.9:

- 5.3 The Intelligence Function
- 5.11 Interagency Cooperation
- 6.5 Police Specialization for Prevention and Control of Extraordinary Violence

Standard 4.10

Civil Authorities and the Media

The media can be most influential in setting the tone for a proper response by the civil authorities to disorders, acts of terrorism, and political violence. It can provide an outlet for the expression of legitimate public concern on important issues so as to act as a safety valve, and it can bring pressure to bear in response to public sentiment in an effective manner to redress grievances and to change official policies. It can generate, mold, and develop public concern in positive ways so as to have an indirect impact on the perceptions of and potential for violence in the community as well as a direct impact by way of the formation of public and official reaction to it. A free and responsible news media is a most effective educative device and an indispensable bulwark against oppression. These potentials for good should be positively recognized by the civil authority; it should modify its policies sensibly and adapt its institutions and procedures to working with the media in the public interest.

Civil authorities should set up procedures for providing the media with the fullest information, consistent with the maintenance of public order and security, on every aspect of their policies and operations. Specially trained officers, at an appropriate level of responsibility in each department, should be made available to the media to provide up-to-date information and to collaborate with individual members of the media to bring news relating to the

official conduct of affairs and departmental operations before the public. Every effort should be made to give clear and objective information on policies, procedures, operations, and incidents. Although expressions of opinion on the part of civil authorities on all these matters are clearly appropriate, no attempt should ever be made by the civil authority or its representatives to disseminate information and commentary in the popular media so as to cast official actions in a particularly favorable, partisan, or self-congratulatory light. It should never pressure the media as to what it should or should not publish in relation to some particular matter. Restrictions ought not to be placed on the media on the grounds that access to information, people, or locations not having a vital connection with the national security is likely to result in unfavorable reporting or comment. Civil authorities should never harass representatives of the media and should respect the principle of the confidentiality of their sources.

Civil authorities should review their press accreditation policies and should be prepared to issue credentials and accord the fullest facilities on a generous basis. Accreditation should only be suspended or revoked for bona fide reasons involving the abuse of the privilege for clearly unprofessional reasons. Particular care should be exercised, however, in the matter of accreditation where high security arrangements are in force, and there should never be

an indiscriminate, uncontrolled issue of press credentials. When for reasons of security the civil authority finds it necessary to restrict general access to some event of public importance, special arrangements for cleared, accredited members of the media to attend in the public representation should be made. Relations with the media during a period of declared emergency are of particular importance. Civil authorities should make special arrangements with the media for publicizing both the proclamation of emergency and the instructions to the general public following it. Arrangements also should be made for maintaining the regular publication of news and comment in emergency situations. The media have a vital role to play, at such times, in rumor control, and this role can be assumed only if there is close and frank cooperation between the civil authorities and those whose task it is to publish the news.

During all incidents of disorder and terrorism, especially those in which the perpetrators are seeking, as part of or as an adjunct to their unlawful actions, to utilize the media for publicity or propaganda purposes, the civil authority should be prepared to work most closely with the media to frustrate these ends. The civil authority has the obligation to assure the media that its endeavors in this regard are not directed to censor, inhibit, or otherwise interfere with the proper dissemination of information and opinion by the media. Frequent, prior contact and contingency planning are necessary in order that a proper understanding and trust can be developed. Civil authorities and representatives of the media should consider establishing joint working groups in which detailed standards can be propounded to serve as a guide to reporting under conditions where, regardless of good faith and objectivity, the media becomes a part of the terrorist design.

Commentary

The immediacy and intrusiveness of modern communications systems, especially the television networks, impose special responsibilities on those whose duty and privilege it is to inform the public, as well as upon those authorities that collaborate in this necessary task. A true democracy places the highest value upon the freedom of expression it allows to all. The different manifestations of that freedom are among the most jealously guarded constitutional rights of Americans. Yet this very freedom is fragile and is vulnerable to terrorist attack and to perversion to terroristic purposes. The capture of the mass media for the purpose of disseminating the terrorists' message is a first priority of any organized group. Sometimes the assault is brutal and direct, as where the broadcasting of some message or manifesto is demanded by terrorists as part of a ransom price.

At other times, more subtle inducements are held out to the media to lend itself to the terrorists' purposes.

The problem is well stated by Brooks McClure [*Terroristic Activity: Hostage Defense Measures*, p. 274]:

It is difficult to draw the line in journalism between covering events deliberately caused by a violent group and analyzing the motives and methods of terrorists by seeking them out. But critics in both Germany and Britain argue that such a line can be drawn far short of the extent to which some of the media have gone in handling the terrorism story. Whatever the merits of this view, one thing is certain: The continuous, voluminous, comprehensive coverage of terrorism in countries constantly threatened by it has contributed to the impact and fear-generating capacity of very small groups of people. Such publicity is vital to any terrorist organization.

It is very necessary in a democratic society to protect the media from exploitation by terrorists and to avoid the erosion of freedom that terrorist organizations seek to bring about. A most delicate balance has to be maintained, and this can only be achieved through cooperation and understanding between the representatives of the media and the civil authorities concerned.

This standard is addressed specifically to civil authorities on the matter of their relations with the news media. It does assume, of course, a cooperative attitude on the part of the different segments of the news media itself; the complexity and competing interests of that vast, diverse, and vitally important part of the private sector are fully appreciated. It may well be impossible for the profession to agree upon standards that might guide, if not govern, its members in this difficult area of serving the public. Nevertheless, it is necessary here not only to point out the terroristic purpose with some clarity but to suggest ways in which the media and civil authorities might cooperate to defeat it. There is a real responsibility on the part of civil authorities to appreciate the nature of the problem and to take the initiative in addressing it effectively. Good government can have nothing to fear from the publicizing of its activities. Civil authorities have everything to gain by working with the media rather than putting obstacles in the way of those whose task it is to convey the news to the public.

What civil authorities must guard against is allowing themselves to be manipulated in the matter of publicity by individuals or terrorist groups in such a way as to display a manifest loss of control. A salutary warning comes from the experience of West Germany following the kidnaping of Peter Lorenz, the West Berlin mayoral candidate. It has been written that:

Not the least historic aspect of this unprecedented Berlin

incident was the impressment of the nation's television screens to serve the master plan of the terrorist kidnapers. 'For 72 hours,' one T.V. editor told me, 'we just lost control of the medium. It was theirs, not ours We shifted shows in order to meet their timetable. Our cameras had to be in position to record each of the released prisoners as they boarded the plane to freedom, and our news coverage had to include prepared statements at their dictate It's never ever happened before! There is plenty of underworld crime on our screens, but up till now Kojak and Columbo were always in charge Now it was the real thing, and it was the gangsters who wrote the script and programmed the mass media. We prefer to think that we were being 'flexible' but actually we were just helpless, as helpless as the police and the Bonn government Surely it must be the first recorded case of how to hijack a national T.V. network! . . .' [Encounter, pp. 15-16.]

At such moments, the media will look to the civil authorities for guidance and these must be ready to give it. There must be a clear understanding on policies and procedures. Where the primary issue is the appropriate use of the media rather than the right to collect and disseminate news material, it is the civil authority that must take the initiative and the responsibility. Brian Crozier has perceptively observed: "[But] it is in the nature of television as a medium that it tends to favor the revolutionary side. This is not a reflection on the people who are involved in television. It is the character of the medium itself." [Terroristic Activity: International Terrorism, p. 189.] Again, only mutual confidence and understanding can aid in the difficult decisions that will need to be taken at such a time. A civil authority that has encouraged an "open door" policy with the media will more easily secure the necessary cooperation and understanding than will one that has constantly kept the media at arm's length.

It was an important criticism voiced by the National Advisory Commission on Civil Disorders [p. 202] that millions of Americans, who must rely on the mass media, ". . . formed incorrect impressions and judgments about what went on in many American cities last summer." Analyzing the reasons for the discrepancies between what was, in some instances, reported and what was fact, the Commission observed [p. 202]:

Second, the press obtained much factual information about the scale of the disorders—property damage, personal injury, and death—from local officials who often were inexperienced in dealing with civil disorders and not always able to sort out fact from rumor in the confusion. At the height of the Detroit riot, some news reports of property damage put the figure in excess of \$500 million. Subsequent investigation shows it to be \$40 to \$45 million. The initial estimates were not the independent judgment of reporters or editors. They came from beleaguered government officials.

In times of domestic stress, particularly when a state of emergency has been proclaimed, the public

should be able to rely on the media as an antidote to the inevitable rumors that circulate. The need to counter these is well illustrated in the following testimony cited by Conot [p. 470]: "As Deputy Chief Richard Simon of the LAPD told the McCone Commission: '. . . we feel it is better to tell the truth. Even if the truth is not good, it's better than rumors which are generally horrible.'"

This standard highlights the importance of providing the press with accurate, reliable, official information and the need to assign specially trained officers, with an awareness and sensitivity of what is required, to the task of cooperating with the media in this regard. Civil authorities should confine their efforts to the provision of accurate, objective information not commentary: they should not try to slant the news or to utilize the media to give that news a color favorable to their own purposes. Public confidence in the organs of mass media must be fostered. It would be extremely destructive of the public trust were the suspicion to be encouraged that official information was imparted on a selective or slanted basis or that the media was being used by official fiat to manipulate public opinion. There is clearly a need for the publication of official reaction and comment upon issues of the day, but these should never be confused with or disguised as information bearing upon the events themselves. Wherever possible, the media should be given the fullest facilities to observe and to report any event connected with an incident of disorder or terrorism. The way in which that event is treated by the media should be dictated by the standards that the representatives of the media feel able to set for themselves. Such restrictions as may be necessary should be of a temporary nature and should be conditioned by a most restrictive interpretation of national security or of the public interest in the secrecy of immediate operations.

In times of emergency, proper accreditation is of particular importance for the representatives of the media will be seeking access to areas where operations are proceeding. Easily verifiable accreditation not only assists those engaged in the field but reduces tension and incidents arising out of misunderstanding. Additionally, good accreditation serves a security function; it insures against unauthorized persons assuming or abusing media status to gain access for improper purposes to areas temporarily prohibited to the general public or to commit crimes under cover of media credentials. Civil authority collaboration with the media in the matter of accreditation should lead to the establishment of a satisfactory system that will enable the proper objectives to be attained. Accreditation should be seen not as a means of controlling the gathering or reporting of news but simply as an operational device designed to

facilitate security in a narrow sense. Accreditation therefore should be granted on a generous basis to all who can claim bona fide media status and ought not to be withdrawn except for serious abuse of the privileges such accreditation carries.

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6. *Terroristic Activity: International Terrorism*, Hearings Before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, U.S. Senate. Washington, D.C.: Government Printing Office, 1974.

7. Cooper, H. H. A. "Terrorism and the Media," *Chi Hy's Law Journal*, Vol. 34, No. 7, 1976, pp. 226-232.

Related Standards

The following standards may be applicable in implementing Standard 4.10:

- 6.25 Relations With the News Media
- 7.10 Relations With the News Media
- 8.7 Relations With the News Media
- 10.2 News and Entertainment Media Responsibility for the Prevention of Extraordinary Violence
- 10.8 News Media Self-Regulation in Contemporaneous Coverage
- 10.12 Followup Reporting by News Media

Standard 4.11

Relief and Restoration Measures

Following incidents of disorder, terrorism, and other acts of extraordinary violence, civil authorities should take prompt steps to restore, as far as possible, conditions of normality to the community. After the disorder and disruption have been controlled and abated, a first priority should be given to succoring the victims and restoring vital, public services. Restrictive conditions imposed as a response to the disorder or terrorism should be maintained only so long as may be necessary to prevent further outbreaks of violence or to enable emergency services to work effectively. Where community relocation or provision of food and other necessities of life have to be carried out, this should be done with as little interruption as possible to other, unaffected aspects of community life.

The civil authorities should work closely with community representatives and nonofficial individuals and organizations to facilitate the restoration of the community to a stage of calm in which a proper assessment for the purposes of relief and repair can be made. Where the incident assumes proportions that can be equated with those of a natural disaster of a size and scope that would call for similar action, the civil authority should seek such State and Federal assistance as may be necessary to restore the community to the position it occupied before the harm caused by the disorder, terrorism, or other extraordinary violence. As soon as infor-

mation becomes available, the civil authority should render a full account to the public of the incident and the way it was handled by those entrusted with the official response to it.

Commentary

The aftermath of a disaster can often be as traumatic for a community as the disaster itself was. Surviving victims may have suffered personal injury, loss of property, and a massive upheaval in their lives and living conditions. Where there has been a serious disorder, there is all the discomfort produced by curtailment of vital services, compounded by fear and uncertainties for the future. Organized, terroristic activity is sometimes directed to produce a similar effect on the theory that the anger of the community for the resultant misery will be aimed at the civil authorities and other visible organs of government thus aggravating the problems caused by the terroristic activity itself. Bertram S. Brown has said: "The strategy of the revolutionary terrorist is to attack the masses, the very people he wants to liberate, but in a way that makes it appear that government is the enemy." [*Terrorism, Part 4*, p. 4186.] The official reaction to the community response is then further exploited with a view to disorganizing the efforts of the authorities to regain

control and to restore order. If these tactics succeed, a permanent wedge is driven between a substantial segment of the community and its elected leaders. Prompt relief measures are necessary to counteract these tactics and to maintain confidence in the civil authority. Relief for an affected community should be given top priority, therefore, not only on humanitarian grounds but also as part of an overall governmental response to terroristic activity. This is another instance of government being seen to care in an effective way.

Civil authorities should be alive to the possibilities and consequences of mass destruction caused by terroristic activity or as a result of civil disorders. Such an eventuality will require a massive relief response and the activation of contingency plans to that end. State and Federal aid should be sought promptly, where appropriate, for the objectives are to restore calm as soon as possible, to ameliorate suffering, and to counter the climate of fear and uncertainty generated by terrorist initiative. Civil authorities should work closely with community representatives to this end, in a highly visible way, so as to stimulate and reinforce public confidence in government. In any long-term relief measures affecting housing or relocation of persons or businesses, the nonofficial community representatives should play an active role in the rehabilitation of the area affected. The public should be kept fully informed about what has happened and what the civil authorities, in collaboration with representatives of the nonofficial community, are doing about it.

The prompt restoration of a calm, controlled atmosphere is important not only to facilitate relief efforts but to enable the community to resume functioning on a normal footing. Where terrorist activity is prolonged and designed to cause massive disruption through fear, civil authorities must take special steps to secure the continuance of vital services and

to enable the community to go about its business with as few inconveniences as possible. Generally, people learn to live with fear and adapt their lives accordingly. Brian Jenkins has written [p. 9]: "I think we are too ready to accept the notion that a few people can paralyze a city with fear. The evidence suggests that they cannot, at least not for a very long time." The organization and provision of special medical services might be necessary in some cases (see, "Belfast Syndrome," *Science Digest*, Sept. 1973, pp. 26-27). In this, as in other responses, civil authorities must avoid playing into the terrorists' hands by overreacting and by making life or even appearing to make life more difficult than usual for members of the community affected.

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1. Jenkins, Brian. *An Urban Strategy for Guerrillas and Governments*. Santa Monica, Calif.: The Rand Corporation, 1972.
2. *Report of the National Advisory Commission on Civil Disorders*. Washington, D.C.: Government Printing Office, 1968.
3. *Terrorism, Part 4*. Hearings Before the Committee on Internal Security, U.S. House of Representatives. Washington, D.C.: Government Printing Office, 1974.

Related Standards

The following standards may be applicable in implementing Standard 4.11:

- 6.26 Community Relations Efforts in the Aftermath of Extraordinary Violence
- 10.9 Private Health Care and Relief Agencies in Emergencies

Standard 4.12

Official Inquiries

Every incident of disorder, terrorism, or act of extraordinary violence should be followed by an official inquiry, at a level corresponding to the magnitude of its impact on the community at large. Such inquiries should endeavor to learn whatever lessons are to be derived from the experience and should be able to inform the public as to the nature and cause of the matter so as to provide a basis for an evaluation of the way in which it was officially handled. Such an inquiry should take place as soon as possible after the full restoration of order while recollection of the events is fresh in the minds of the actors and other witnesses. Inquiries should be thorough but not protracted. Each inquiry should be structured so as to discover what happened, why it happened, and to make recommendations to prevent a similar occurrence in the future.

In all cases where public concern is considerable and particularly where the handling of the matter by the civil authority is being called in question, an independent commission of inquiry, having an appropriately balanced membership for the purpose, should be appointed to undertake the inquiry. The commission should be given the fullest facilities and funding to pursue its tasks and to publish its findings and recommendations. Where the recommendations of the commission involve a change in policies and procedures, they should be carefully studied by the civil authority together with the heads of the agen-

cies principally affected. Where they are acceptable, prompt measures should be taken to implement the recommendations. Where the recommendations are not accepted, the civil authority should so inform the commission of inquiry, giving its reasons. Steps should be taken by the civil authority to bring before the public at an early date an account of what it has done to implement the recommendations of the commission or of the reasons for its unwillingness to implement them and any changes it may have initiated of its own accord in response to the situation or the commission findings.

Civil authorities should set up procedures and facilities for the analysis of reports relating to incidents of disorder, terrorism, or other extraordinary violence within their jurisdictions and should store the resultant data in a form convenient for future operations and research.

Commentary

Every incident of disorder, terrorism, or extraordinary violence is instructive as regards its causes and consequences as well as in relation to the character and effectiveness of the official response to it. Appropriate steps should be taken to learn the lessons of the experience, to profit by them, and to preserve them for future reference. The official in-

quiry should not be a ritual exercise nor a palliative. This, as much as anything, is a matter of attitude. Inquiries should be purposefully directed towards ascertaining what happened, how it happened, why it happened, and what might be done to prevent something similar happening in the future. Such official investigations should follow all major incidents as a matter of course and not as an extraordinary measure in response to some strong expression of public concern. It is inevitable that perceptions of such incidents will be colored by personal and professional perspectives but the organs of inquiry should be balanced so as to modify these, as far as possible, in order to produce an open, objective review of the facts. An inquiry, the procedures of which are distrusted or the members of which may be open to charges of bias, is likely to do more harm than good. A primary purpose of such investigations is to maintain public confidence in the workings of government and in its responsiveness to the public.

The New York State Special Commission on Attica stated that [p. XI]: "The main purpose of the report is to dispel the long-persisting doubts about what actually happened between September 9 and 13, 1971." If official inquiries at an appropriate level of responsibility are impartially structured as to personnel and procedures and follow all incidents as a matter of course, if their findings are promptly published, and if their recommendations are speedily implemented, then there should be no lingering doubts nor any need to resort to posterior, extraordinary commissions of inquiry.

Civil authorities are best served, in this as in other matters, by a policy of openness and a manifest willingness to expose their workings to the fullest public scrutiny. Concealment and anything short of complete frankness, particularly where the official response is open to criticism, can only lead to suspicion that there is something discreditable being hidden. Such a procedure lends itself to campaigns designed to damage the general credibility of government. In particular, the manner of completion of the report of the inquiry should be above suspicion. One of the most damaging points made against the reputation of the Governor's Commission on the Los Angeles Riot, 1965, was that the final report was already in preparation while witnesses were still being interrogated by investigators. Inquiries should not be unduly protracted and should take evidence while it is still fresh, but their findings should never be rushed for political or other purposes if their credibility is valued. Where a matter of

national importance is under inquiry, it is essential that proper resources, in terms of time and staffing, be allotted to the task. Although public anxiety to know the truth of some matter is fully understandable, the criticism made by Platt of the workings of the National Commission on the Causes and Prevention of Violence should be taken to heart. He concluded that [p. 26], "These extraordinary time pressures are inherently incompatible with rational and proper research procedures."

If inquiries of the kind recommended are to enjoy a useful degree of credibility, it is especially important that their findings be seen to be acted upon by the civil authorities to whom they are addressed. The public is entitled to know the facts not only of what has happened but also those relating to what it is proposed to do about the matter in the light of any recommendations that may be made. It may be that some or all of the recommendations are unacceptable to the civil authorities. They must then make the difficult decision to reject them in favor of their own solutions to the problem. In any event, the public is entitled to know what is being done so as to be able to judge the effectiveness of its government and its responses. This is of particular importance where, in consequence of widespread public concern or for some other serious reason, an independent commission of inquiry has been appointed.

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4. *The Official Report of the New York State Special Commission on Attica*. New York: Bantam Books, 1972.

Related Standards

The following standards may be applicable in implementing Standard 4.12:

- 6.26 Community Relations Efforts in the Aftermath of Extraordinary Violence
- 8.4 Tactical Response to Disorders
- 10.12 Followup Reporting by News Media

CONTINUED

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Standard 4.13

Aftermath Measures

Civil authorities should assume a special responsibility for investigating and addressing the underlying causes of disorder, terrorism, and other acts of extraordinary violence. The objective should be to remove, wherever possible, the root causes of discontent in the community and to encourage the formation of public attitudes that are unsympathetic to those who would disturb the public order by violent means. An overall review of policies and procedures should be undertaken to eliminate those causes of frustration that exist in the area of public relations. In particular, responsive organs should be created for the reception and study of public grievances relating to any area of the administration, and effective mechanisms for giving prompt satisfaction to the complainant should be established. Government should not be seen as impersonal or indifferent by members of the public, and civil authorities should take special steps to impress upon supervisors and employees the need for developing a proper attitude and pride towards the discharge of these responsibilities.

Civil authorities must seek actively to harness the community in the fight against disorder, terrorism, and political violence. The authorities should strive for greater community involvement in activities designed to improve the quality of life, to increase the understanding and respect for law, and to promote social harmony. To this end, publicly funded joint

community/government action groups should be established in advance of unrest, and these should work energetically to discover any serious problems inherent in the community and to take all practical steps towards their solution. It is essential that such groups undertake a meaningful exercise; they should be given the opportunity of implementing in collaboration with civil authority their own recommendations. The community should be encouraged, through these mechanisms, to take a greater interest and responsibility in its own governance and to realize its potentialities for effecting change through peaceful means.

Special attention should be paid by civil authorities to education, housing, employment, and public services. Neglect of any of these vital areas is certain to have an unfavorable impact on the potential for violence in the community. The urban crisis must be realistically faced by the responsible authorities with the realization that permitting the decay and deterioration of the quality of life can lead to a situation in which the potential for disorder and violence with proper direction could easily generate the type of guerrilla warfare experienced in other countries. Only by addressing these fundamental problems in timely and effective fashion can civil authorities discharge their proper responsibilities for preserving the civil peace.

Commentary

This standard is directed to the need to address vigorously the root causes of disorder and violence as they have been determined by many commissions of inquiry and independent studies to date. These problems can only be satisfactorily addressed by civil authorities in cooperation with legislatures and with the communities that they serve. The causes of conflict are many and varied, but attempts at removing them should not wait until catastrophe strikes. A careful study of social conflict in the United States suggests that governmental indifference and insensitivity are factors of greater weight in producing violent reaction than are oppressive measures or other governmental activity directly affecting the lives of the community. Civil authorities cannot afford to stand aside while intolerable pressures build up and social discontent is generated, which offers a fertile field for exploitation by terrorists and other subversive groups.

The much criticized McCone Report (the Governor's Commission on the Los Angeles Riot, 1965) nevertheless contains insights that civil authorities would do well to heed. The Report declared:

The consequences of inaction, indifference and inadequacy, we can all be sure now, would be far costlier in the long run than the cost of correction. If the city were to elect to stand aside, the walls of segregation would rise ever higher. The disadvantaged community would become more and more estranged and the risk of violence would rise. The cost of police protection would increase, and yet would never be adequate. Unemployment would climb; welfare costs would mount apace. And the preachers of division and demagoguery would have a matchless opportunity to tear our nation asunder.

Prevention of violence is not merely better than cure; it is invariably cheaper. These are Herculean tasks, but they must be resolutely tackled. Without addressing these underlying problems, many of the recommendations offered as responses to disorder and terrorism become weakened to the point of meaninglessness.

The standard underlines the importance of public attitudes in these matters. Although material factors such as poverty, poor housing, lack of vital services, and inadequate educational and employment opportunities provide the grist for social discontent, they do not lead inevitably to civil disorder, terrorism, and other acts of political violence. Many communities suffer from frustration and disappointment, material disadvantages, and crushing poverty without resort to violence to redress these conditions. Other communities have found intolerable a fraction of what is endured elsewhere. A community that is apparently affluent by comparison with some others nevertheless may be seething beneath the surface.

Where the civil authorities are so remote and complacent as to fail to perceive these conditions, the climate is conducive to exploitation by those who would spread disorder and terrorism. The McCone commission observed, almost wistfully, of the 1965 riots: "Perhaps the people of Los Angeles should have seen trouble gathering under the surface calm."

Indifference among those in charge of the public service can easily become contempt and arrogance. By their deeds rather than words civil authorities should seek to establish a meaningful relationship with their communities. Civil authorities must impress upon all the agencies for which they are responsible the need for serving the public in a sensitive manner. The public should not need to resort to protest in order to secure the removal of comparatively slight causes for grievance. Bringing government to the people is less a matter of grass-roots politicking than of removing the frustrations of dealing with indifferent bureaucrats who have little pride in or feelings for their responsibilities or the laws and programs they administer.

The civil authorities and the nonofficial community must work side-by-side to substitute social harmony for social conflict. The tasks are too great for the civil authorities on their own. But without positive leadership from government and the material resources and organization it can bring to bear, the nonofficial community is powerless to improve its position. Richard Rose has written [p. 385]: "The significance of informal leadership is specially important in times of civil disorder, for the first man with a following who throws a stone or who takes an initiative to end disorder exerts an 'on the spot' authority of immediate importance to the regime." It is well to remember that government does not have a monopoly on authority; in many communities the nonofficial leaders are more respected and looked to for action than are the representatives elected by formal process. It is strongly urged that government not wait until stones are thrown to harness this ostensible authority and respect for the commonweal.

The National Advisory Commission on Civil Disorders [p. 229] concluded: "None of us can escape the consequences of the continuing economic and social decay of the central city and the closely related problem of rural poverty. Convergence of these conditions in the racial ghetto and the resulting discontent and disruption threatened democratic values fundamental to our progress as a free society." The great cities of the United States in particular have not kept pace with developments in technology or with the standards of living these developments might have been expected to bring. The downturn in the economy has greatly aggravated the condition of many cities, which find themselves materially less able to attend to the problems adverted to as urgent

by the commissions that studied the problem of social unrest during the 1960's. If conclusions of those studies were valid then, they are still valid today, and the problem of doing something about them must be faced realistically by those offering responses to disorder and terrorism. The terrorism of organized groups is neither random nor purposeless. Those who have mapped the strategy for such onslaughts upon society have declared their purpose with some clarity. It would be irresponsible to ignore the possibilities in the United States for the type of urban guerrilla warfare that has plagued other developed countries or to fail to provide against it. Although the conditions for it remain unfavorable, there is always the likelihood of a sudden precipitating factor plunging a hitherto peaceful community into chaotic disorder. The cost of even the most cosmetic measures to restore the community to order and rehabilitation after an eruption of violence is considerable. The cost in political terms of temporary loss of control and of the measures necessary to regain it is too high to be summarily dismissed.

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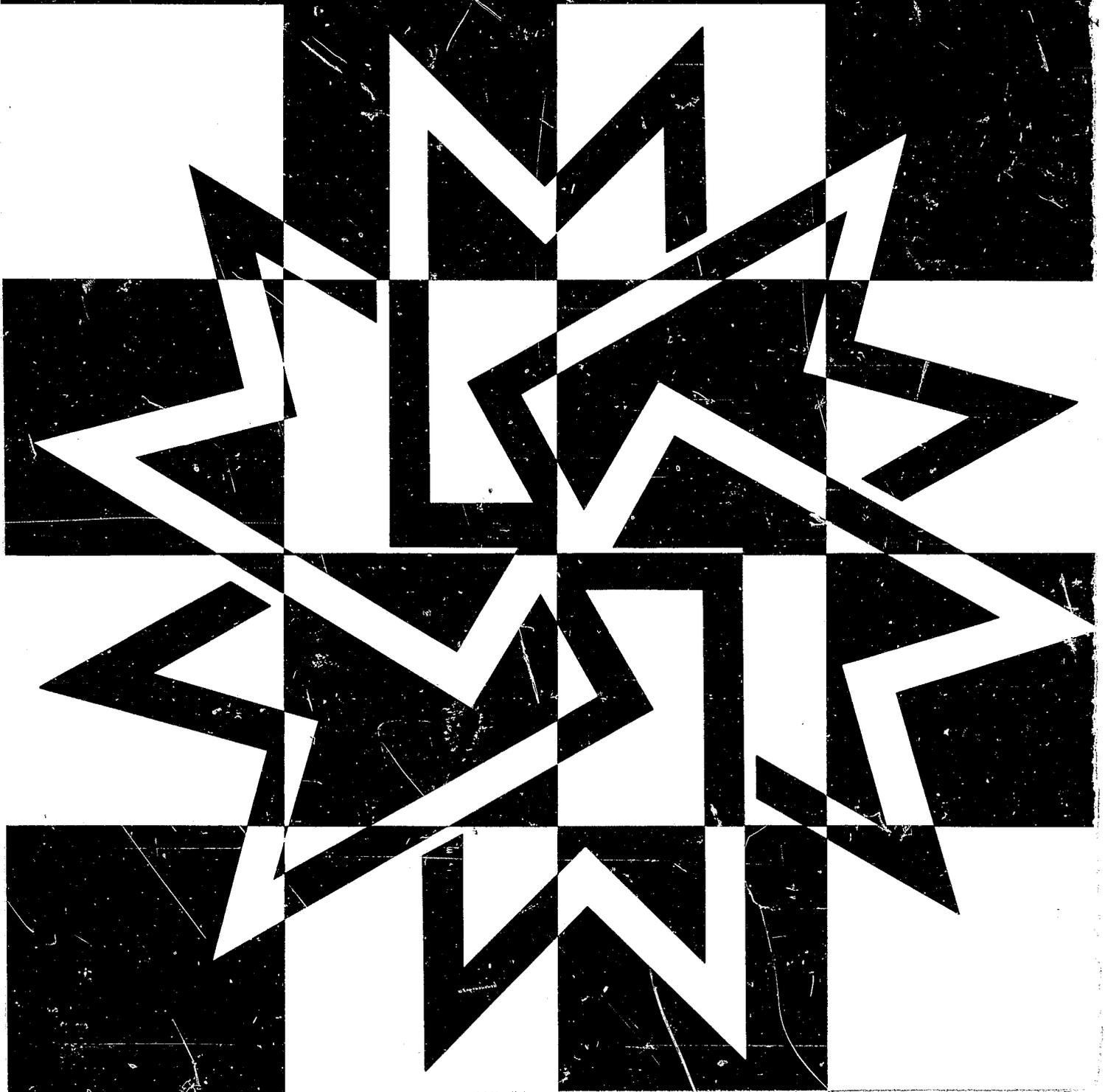
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Related Standards

The following standards may be applicable in implementing Standard 4.13:

- 5.14 Legislative Attention to Underlying Causes
- 6.26 Community Relations Efforts in the Aftermath of Extraordinary Violence
- 8.4 Tactical Response to Disorders
- 10.11 Community Action in the Aftermath of Disorder and Terrorism

Chapter 5
Standards and Goals
for the Legislatures



Introduction

This chapter focuses on the responsibility of legislators, who stand in a most significant position against those who profess, by word or deed, disregard for law and the orderly security it offers the community. The primary duty of legislators is to insure that those officials who must act against disorder, terrorism, and political violence have the legal means at their disposal to take all measures that may be necessary to meet such contingencies as may arise. While so doing, they must safeguard the fundamental tenets enshrined in the Nation's Constitution and its criminal laws and processes. Legislators are thus the primary guardians of the legal system, for they alone have the power, subject to the constraints of the Constitution, to alter the law to meet changing situations.

Legislators must strike an appropriate balance between too little law and too much; too little law makes for uncertainty and indecisiveness, and over-regulation is burdensome and oppressive. Legislation is anticipatory in nature, and there is a strong analogy here with the theme of preparedness and planning that underlies all of this report's recommendations. Legislators must cautiously prepare for the worst because, ideally, new laws should not be developed under crisis conditions; hasty legislation is rarely good legislation.

The legal system of any democratic country is a prime target for terrorist attack. The objective of what has sometimes been called disruptive terrorism is to provoke the authorities to take harsh measures, causing a general deterioration in the quality of life. Legislators must be on constant guard against this. Under certain circumstances, legislators may be pressured to enact laws prescribing severe penalties for commission of certain offenses, placing restrictions on otherwise lawful activities, and limiting habitual exercise of certain freedoms. Those who enact such laws should be ever conscious of the overall terrorist design and should take measures of this sort only to preserve even more fundamental freedoms. Brooks McLure has drawn attention to the fact that "[The] legal measures taken in

Germany and in Britain, both under extreme provocation, have been very carefully tailored and trimmed to minimize the loss of civil rights of the population as a whole, and to prevent these stricter laws from burdening the ordinary law-abiding citizen" [Hearings Before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Commission on the Judiciary, U.S. Senate, *Terroristic Activity: Hostage Defense Measures*, Washington, D.C.: Government Printing Office, 1975, page 291]. This legislative restraint is a very important response to terroristic activity.

Terrorism is an elusive concept, and, while its manifestations are all too readily understood, it is not easily expressed in useful, normative terms. The failure of the international community to reach a working definition of terrorism for an acceptable, international convention is patent evidence of the difficulty of the task. It is not recommended, therefore, that legislative energy be expended on trying to produce a comprehensive definition of terrorism within any given legal framework. Rather, it is suggested that legislatures address specific problems, whether of a procedural or substantive nature.

Where certain intellectual components or elements of conduct, which have been described in this report as being in the nature of terrorism—particularly of the politically inspired variety—can be identified, these should be addressed according to consistent criminal policy. The prevention and control of terroristic conduct is undertaken best in an indirect way, by strengthening the criminal law and its administration. Where incidence of terroristic activity is not high, creation of new substantive categories of crimes to sanction conduct not adequately covered by existing law will not ordinarily be necessary. Terrorism is essentially a technique; it is a way of committing already well-defined substantive crimes so as to produce a certain effect. It is the crime rather than the effect that must be addressed by way of sanction. It is recommended therefore that legislatures avoid creating any special class of persons to be accorded extraordinary treatment by the various organs of justice. Terroristic activities sometimes pro-

duce, by their operations and the publicity they are given, a perverted public sympathy or even admiration for terroristic behavior; any legislation that focuses special attention on terroristic activities would, therefore, be counterproductive in the fight against terrorism. New legislation is needed most in areas that will facilitate the work of the authorities in their responses to terrorism and that will strengthen community respect for law and order, thus leading to social repudiation of acts of terrorism and political violence.

The recommendations of this chapter are based, then, on a philosophy of broad, legislative restraint. The principal areas in which the law might need strengthening are those concerned with preventive measures. In some respects, the powers of those who must respond to acts of disorder, terrorism, or political violence, are inadequate and allow those who would engage in this form of antisocial conduct an advantage that they ought not to be permitted. Such legislation as may be required, therefore, should be directed to depriving potential terrorists of the means of carrying out their activities, making it more difficult for them to operate, and reducing the opportunities for such conduct.

While the recommendations made here relate strictly to the problems of civil disorder and terrorism, they cannot be isolated completely from the wider consideration of criminal policy by which the system, as a whole, is guided. There are three issues of crucial importance that legislators must consider: weapons control; the control of explosives and other harmful substances; and intelligence. Each of these issues is complicated greatly by the political ramifications of public sentiment, but development of a sound, rational antiterrorist policy demands that legislatures come to grips decisively with the issues involved. The standards seek to highlight the issues rather than to offer narrow, uniform policy guidelines. Nevertheless, they are cognizant of the needs for effective controls in the areas of weapons and explosives and for a sound intelligence structure. It remains for Federal and State legislatures to balance competing claims and interests and to translate these into laws which, while being compatible with the Constitution, will nevertheless serve as effective instruments for those charged with the direct control of acts of disorder, terrorism, and political violence.

These standards pay considerable attention to the intelligence function in relation to the fight against terrorism. In part, this attention reflects the widespread concern of the American public following the disclosures of abuses by different organs of the United States intelligence services. In greater part, it reflects the studied opinion that the intelligence arm is an indispensable element in the fight against terrorism. It has been said that:

The acquisition of intelligence is essential to the effectuation by the Congress and by the Executive of their constitutional duties to provide for the common defense, to protect and preserve our system of government, to maintain the domestic tranquility, and to advance the general welfare [Alfred M. Nittle, Legislative Counsel, Committee on Internal Security. *Domestic Intelligence Operations for Internal Security Purposes, Part 1*. Washington, D.C.: Government Printing Office, 1974, page 3640].

It is self-evident that terrorist groups conspiring to effect conduct manifestly in violation of the law are not going to advertise their preparations. Their designs can be countered only by careful and methodical search. To wait for an overt, terroristic act, perhaps of catastrophic proportions, would be irresponsible in the extreme. The need for intelligence is overwhelmingly demonstrable; the only question remaining concerns the safeguards that must be incorporated into the law to insure the protection, under the Constitution, of the rights and interests of all law-abiding persons.

The drive to curtail law enforcement intelligence operations has diminished considerably the capacity of those charged to respond to the threat of terrorism and political violence. No responsible law enforcement agency wishes to be viewed as violating the law it is sworn to uphold. Considerable doubt over the legality of some existing intelligence practices has been reinforced by a strenuous, well-directed campaign, so that systems of much utility in the fight against terrorism have been abandoned or allowed to lapse into desuetude. Important operations have been hampered to the point of ineffectiveness, and the capacity of law enforcement authorities to prevent terroristic activity, as opposed to responding to the conduct after it has occurred, has been weakened immeasurably.

The legislator has a difficult choice to make, but as Richard Rose has pointed out [p. 370]: "In the last resort, every politician must take initiatives that chance public support for his actions." Law enforcement authorities look to the legislatures for guidance in these matters, and they must have the security of knowing that they are acting squarely within a clearly expressed law. That past abuses remain to be addressed ought not to weaken the belief in the need for a sound, clearly defined intelligence policy, which the public requires to protect its interests from terrorist attack. This task the legislator cannot shirk, and the recommendations made here suggest what is required to provide law enforcement the capacity to gather intelligence effectively, to restore the confidence of both law enforcement and the public, and to safeguard the rights of individuals on which unfettered intelligence gathering might otherwise impinge.

The standards embody two recommendations of principle of such importance that they must be

noted in this introduction. While direct responsibility for all intelligence operations should be clearly assigned to the chief executive, to insure a source of accountability, and exercised by the chief executive through designated officials executing a clearly expressed policy, the responsibility of the legislature should not be considered limited to the enactment of the enabling law. It is recommended that legislatures maintain, through standing committees, close oversight of policy and the operation of the law. In this way, the executive responsibility will remain unimpaired while the operations authorized by law will be subject to proper, vigilant, and continuing scrutiny. Such laws as may be necessary in this area should clearly embody this watchdog function of the legislature.

The second recommendation addresses the issue that has motivated perhaps the greatest public concern in the area of intelligence. The activities that have been criticized—with considerable justification—are not intelligence functions, strictly speaking, but operational extensions of them. These covert operations are designed to combat the activities, the organization, or the existence of those against whom they are directed. These operations, unquestionably as necessary as the true intelligence function, are, by their very nature, susceptible to abuse. Such activities easily generate from the legally permissible to the realm of "dirty tricks" and other reprehensible excesses. Brooks McLure has said,

The techniques of police intelligence—penetration of suspicious groups, dossier-keeping, cultivation of informers, undercover activities in general—disturb the average citizen. These are seen as underhanded methods, and there is frequently concern—sometimes justified by events—that they will be misused. The whole aura of 'secret police' is disagreeable. Yet the problem of terrorism is essentially one of counter intelligence—of frustrating and neutralizing plans and breaking up secret conspiracies by small groups of people seeking to destroy the state. The penalty of failure is death to innocent people, destruction of property and intimidation of the public in a continuous upward spiral [Hearings before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, United States Senate, *Terroristic Activity: Hostage Defense Measures*, Washington, D.C.: Government Printing Office, 1975, p. 293].

It is the duty of the legislature to set the appropriate bounds for these activities and to insure, by vigilant oversight, that those engaged in them keep within the framework of the law. To this end, these standards seek to distinguish between the true intelligence function, the laws that should govern it and the oversight necessary to insure its proper working, and those other activities that should be governed by different laws and subject to different oversight arrangements.

It is hoped that the distinction made by these two

standards on the subject will clarify the problems and allow legislatures to work more effectively towards their solution.

The standards deal at some length with the need for and suggested content of emergency legislation. Emergency powers always should be authorized according to the Constitution and, subject to that overriding condition, should be accorded law enforcement officials when their ordinary powers may be inadequate or inappropriate in some emergency situations involving disorder, terrorism, or other acts of political violence. It is preferable that, when appropriate, existing powers be augmented sensibly by emergency legislation, rather than have law enforcement authorities, through necessity, arrogate to themselves those powers or a facsimile thereof, or that the hands of the authorities be tied in situations of real danger. In particular, it is desirable, whenever possible, that a situation of disorder, terrorism, or political violence receive a response from the civil authority through its regular agents, rather than, on legal grounds alone, from the armed forces. The proper response to certain types of terroristic activity may be a military one on the grounds that the civil law enforcement authority simply lacks the proper response capability. There never should be, however, an incentive to use the military merely because its discretionary powers to meet some situations are greater than those of the civil authority. Use of the military in such manner does not constitute an upholding of the Constitution but rather a somewhat unobvious device for avoiding its constraints. It is preferable that, with proper respect for the Constitution, the powers of the civil authority to act through its own agents be appropriately enlarged. It is recommended that this reserve power be at the disposal of the chief executive in certain eventualities, thus permitting a prompt and decisive response to some act of extraordinary violence. Vigilant oversight by the legislature, limited duration of the powers themselves, and ordinary review by the courts should insure against all possibility of abuse.

Situations of emergency frequently disrupt the ordinary legal processes. Mass disorder, in particular, presents logistical problems with which the courts, obliged to adhere strictly to a certain pattern of regulation, are ordinarily ill equipped to deal. There are limits on the extent to which courts and ancillary services can deal with these problems on an administrative basis, and the possibility of deliberate attempts to cause a breakdown in the adjudicatory process also must be addressed. Legislation should guarantee, by expanding both court personnel and functions, the continuity of regular adjudicatory processes under even the most difficult conditions. What this will involve, in many cases, is a streamlining of process and a diversion of cases of comparatively slight

importance. In this, as in other areas, the purpose of those seeking to disrupt the governmental system is to erode guarantees that the ordinary workings of the adjudicatory process are designed to uphold. Legislation should be based on the need to preserve these fundamental freedoms and, while facilitating the emergency processing of cases, should guard zealously those features that insure due process and allow for proper attention to substance.

To this end, the standards also offer suggestions for the holding of trials under emergency conditions and particularly for those trials in which deliberate terrorist action may be taken to affect the fair and impartial course of the proceedings. Legislators should consider especially the experience of West Germany during the Baader-Meinhof trials. The objective of terrorists is often to create, by external pressures, a climate in which justice is seen to be tainted by political considerations. Legislators must be careful not to overreact to gross provocation designed to prejudice the trial of some issue and cause it to be held under conditions in which justice is not and cannot be perceived to be done. Legislators might note David Danelski's observation that, "Ultimately the people, not the courts, will decide whether justice was done" [In *Political Trials*, ed. Theodore Becker, New York: Bobbs-Merrill Co., 1971, p. 180]. Legislators have a duty to provide the courts with the means for insuring that the people and history will render a favorable judgment.

The use of the armed forces in situations of civil disturbance and in response to serious acts of terrorism and political violence is one that requires some legislative clarification. Pye and Lowell have stated [p. 1094]:

The greatest need for procedural protection is at the state and local level. The most prevalent current pattern combines broad powers of governors to use guardsmen, no clear statement of their powers, no legislative oversight, limited judicial capacity or inclination to restrain executive action, broad authority of local officials to proclaim emergencies and institute curfews, and broad immunity statutes without effective alternative remedies against the state. We think that considerable protection to the citizenry can be provided by more carefully drafted statutes defining the circumstances in which certain extraordinary powers may be exercised by civilian executive and judicial officials.

It is of particular importance that the use of military force be seen as a reinforcement of the civil authority and not as a substitute for it; as a supplement to its response capabilities and not as an abrogation of its powers. The standards aim to bolster the power of the civil authority under emergency conditions, not to weaken it. In any event, the dec-

laration of martial law always should be viewed as a response of last resort and this ought to be made clear by the enabling legislation.

Legislators should pay special attention to the findings of commissions of inquiry and other studies of the underlying causes of disorder, terrorism, and other acts of extraordinary violence. Such attention should be given as part of a long-term commitment to a firm policy of reducing the potential sources of conflict in the community. Positive legislative encouragement should be given programs initiated in and by the community and designed to create and reinforce social harmony. Adequate funding should be provided by legislatures for such citizen endeavors. Periodic review of existing legislation should be undertaken in light of changing circumstances, and legislators never should hesitate to reconsider laws which, while they might at one time have served a useful purpose, are now causing unnecessary friction and producing social tensions.

During the last few years terrorism has taken on a distinctive, universal quality because of increased mobility and technological development. The problem of the terrorist, particularly the politically inspired terrorist, is now truly a transnational one. This, too, presents particular problems to which legislators should be alert. There is mounting evidence of a considerable sophistication among terrorist groups, of strategic and tactical cooperation, as well as technology transfer among them. There is considerable evidence, too, that many of these operations are well financed and supported by some governments, notwithstanding the risks involved to their own nationals.

There is a real need for improving the quality and effectiveness of international cooperation in this area. The benefits to be derived from foreign experience are considerable, and legislatures should be ready to facilitate procedures that would enable them to profit from the lessons others already have learned. On the basis of recent United Nations experience, the prospect of reaching universal agreement on some of the more fundamental matters seems slight, but there is ample room for cooperation with friendly countries in more specific areas.

References

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Goal 5.1

The Legislative Response

Legislators have a special responsibility to enact laws and develop policies designed to inhibit the planning and execution of crimes involving acts of terrorism and other forms of political violence. To this end, they should canvass opinion, commission studies, debate policies, enact such laws as may be necessary, and provide funding for their effective implementation. Because pursuit of a comprehensive, normative definition of terrorism is unlikely to prove fruitful, first priority should be given definition and description, in normative terms, of those specific types of conduct of which terrorism, and particularly politically inspired terrorism, and other acts of political violence are an integral and distinctive element. Consideration should then be given to the legislative steps necessary to prevent or control such conduct and to the responses that may be necessary to cope with its consequences.

Commentary

The United States has not, thus far, experienced terrorism or concerted political violence on the alarming scale that other developed countries have. The serious civil disturbances of the 1960's have abated, and at least some of the precipitating causes of those disorders have disappeared. If viewed numerically, terrorism, particularly terrorism that is

politically inspired, represents an element of comparatively slight significance in the overall crime picture. It is strongly felt, however, that any complacency on these grounds would be misplaced.

The current disinterest or comparatively slight interest of the terrorist in the United States and its institutions cannot be attributed to assumed invulnerability and unattractiveness of this country and its system as a target. Indeed, the United States represents to many of the most potent and virulent terrorist groups the most important target of all, and even a cursory reading of revolutionary documents convinces that it is not tenderheartedness towards the United States and its system that holds back the forces of violence. While it would be equally irresponsible to exaggerate the menace of terrorism, its potentiality cannot, in the light of well-informed sentiment and the experience of other countries, be ignored. This goal emphasizes the need for legislative preparedness, on sober estimation of the threat, and suggests ways in which that preparedness should manifest itself.

The development of a consistent and comprehensive legislative plan of action to combat terrorism requires much thought and considerable study. Terrorism is not a single, easily defined class of conduct that can be sanctioned in terms of one prohibition or even a series of prohibitions. Terroristic activity may be casual, sporadic, and uncoordinated or

highly organized, persistent, and systematic, having as its intention, according to one underground terrorist manifesto, "[To] disrupt the empire . . . to incapacitate it, to put pressure on the cracks, to make it hard to carry out its bloody functioning against the people of the world, to join the world struggle, to attack from the inside. . . ."

Such acts can take many forms and can reach their objectives through a variety of strategies and tactics. Legislative planning and response must be equally complex. Planning to meet the terrorist threat is multifaceted and should not be undertaken in a hasty, uncoordinated, or ad hoc fashion. The legislative role is largely a facilitating one of giving the legal powers to those who are charged with the direct response. Special problems may, from time to time, arise in consequence of the particular direction terroristic activity takes. These problems will give rise to the need for special legis-

lative solutions. For example, political terrorism in this country has not, thus far, induced that type of widespread fear that has a paralyzing effect on witnesses and others—frustrating prosecution—such as has occurred in the area of organized crime. Were such an eventuality to occur, legislators would need to consider what steps would be necessary to address the problem. It is clear that such an eventuality could not be addressed effectively by legislatures alone or if viewed as an isolated phenomenon.

Reference

1. *Terrorism, Part 4*, Hearings Before the Committee on Internal Security, House of Representatives. Washington, D.C.: Government Printing Office, 1974.

Goal 5.2

Maintenance of Constitutional Freedoms in the Face of Violence

Legislators should respond with speed and decisiveness to emergency situations provoked by acts of terrorism or political violence. At the same time, however, they should avoid overreaction, the imposition of harsh general measures involving substantial inconvenience and the wholesale curtailment of individual liberties, and the enactment of repressive laws. The maintenance of respect for constitutionally guaranteed freedom is, in a democratic society, a particularly significant response to terrorism, and the legislator has a special duty to uphold this principle. Legislation enacted to counter terrorism and political violence should be characterized by restraint and should be directed at those areas where it can be implemented effectively, so as to make acts of terrorism and political violence more difficult or impossible—without imposing an unacceptably high strain on the general fabric of society.

Commentary

It has been stressed frequently throughout these standards and goals that a primary objective of organized terrorism is the undermining and destruction of the regular legal system of the country under attack and the provocation of harsh, repressive measures designed to produce massive popular discontent. More and more democratic regimes have

been forced to take measures that are contrary to at least the spirit of their legal systems. In many cases, although the terroristic threat clearly offered no real challenge to the established order, the measures taken to meet it substantially eroded customary freedoms and reduced the quality of life enjoyed by the people. This represents a considerable victory for the terrorist, whose gains are not necessarily measured in terms of destruction of life and property. A relationship between repression and the vitality of terrorist groups has been observed, and the deliberate provocation of harsh measures, the effects of which fall on the community in general, is an oft-tried terrorist tactic. It is imperative that legislators avoid overreaction and any measures that might inadvertently produce public sympathy for the cause of the protagonist against which they are directed.

It is equally important that legislators not retreat from conventionally accepted positions under the pressure of terrorist threats. It is important to the terrorist to make the authorities lose face by surrendering some principle that has been declared sacrosanct. Adoption of hard, uncompromising legislative stands is, therefore, unwise. A law prohibiting payment of ransom in response to terrorist demands would be an example of such harsh legislation. The utility of such laws is extremely questionable (see Brian Jenkins, "Should Corporations be Prevented from Paying Ransom?" Santa Monica, Rand Cor-

poration, 1974). The point here is that, if such laws were challenged and proven ineffective in the situation for which they were promulgated, the victory for the terrorist would be considerable. Legislation,

however constitutionally feasible, should not be enacted where implementation is difficult or where it is likely to have an inhibiting effect on the official response to terroristic action.

Standard 5.1

Weapons Control

Legislators should develop a sound and politically acceptable policy of weapons control designed to reduce the possibility of illegal acquisition and employment by criminal elements and subversive groups of firearms and other deadly weapons and to provide for the safe custody and use of government-owned weapons.

Commentary

The control of weaponry is a highly emotional issue in the United States. It is doubtful that a case for effective, comprehensive control of weapons, argued with irrefutable logic, could commend itself to the American people or even to a majority of those who represent them. Yet the United States is certainly not lacking in gun laws; some 20,000 Federal and State statutes and municipal ordinances exist. But despite these laws, more than 40 million handguns alone are circulating in the United States, with probably more than 136 million firearms of all classes in private hands. Thus, the difficulty of making even the most modest recommendations in this area, as far as they affect the problem of terrorism and political violence, may be appreciated readily. Yet the problem cannot be avoided merely because of its complexity, for the acquisition and use of weapons—often on a large scale—are a significant part

of terroristic activity, and appropriate countermeasures must be devised.

It should be noted that, in transnational terrorism, there is increasing use of automatic weapons, as well as acquisition and accumulation of more sophisticated weaponry, which, in some cases, undoubtedly is being supplied clandestinely by countries sympathetic to the causes such individuals or groups espouse. The trafficking of arms of all kinds among groups, which are increasingly sharing material resources, training, technology, and intelligence, greatly complicates any weapons control that might be devised by the United States alone.

There are a number of observations that may be offered for the guidance of legislators and others concerned with developing an effective weapons control policy. It generally would be agreed that the principal, legitimate purpose of any form of weapons control would be to prevent their criminal or irresponsible use. In some countries, strict regulation of the acquisition, possession, and use of weapons undoubtedly has made it more difficult for the criminal classes to obtain them. Nevertheless, even those countries with the strictest weapons control have not been entirely free from grievous crimes involving the use of firearms. And more significantly, some of the countries that have experienced severe terroristic problems have extremely stringent laws relating to the control of weapons.

Great Britain, for example, requires a certificate of competence from the police to buy or own a gun; France requires that all guns be registered and that owners undergo an intensive investigation before licensing; the Netherlands requires a permit for all firearms; Australia requires a license to possess or carry a firearm or registration of all firearms or both in many cases; and Japan restricts private ownership of firearms entirely. It should be noted that Japan has given birth, in recent years, to one of the most fearsome of all international terrorist groups, Nihon Sekigun, which operated, heavily armed, inside Japan. It may be concluded that conventional requirements of licensing and registration have not inhibited substantially terrorist groups in the countries mentioned from acquiring, accumulating, and using illegally even quite sophisticated weaponry.

Translating such experiences to the United States, it is evident that, with the *laissez faire* attitude that prevails generally in this country on the subject of weapons control and considering the massive quantities of weapons circulating—many legally—the prospects for effective, conventional control are not good. It may be concluded that, whatever the effects of a more vigorous, overall weapons control policy on the commission of crimes of violence, such general controls are unlikely to have a marked effect on the determined terrorist, against whom special measures must be directed.

The position in the United States is complicated enormously by the diversity of philosophies and of criteria for weapons control in the different States. It seems, therefore, that effective control of weapons in some particular region or locale can be achieved only through attacking illegal possession. There are sound reasons for believing in the effectiveness of this method, where it is politically feasible. The success of the campaign against skyjacking must be attributed, in large part, to the law making it a Federal offense to carry a concealed weapon aboard an aircraft, the powers of search given by the law, and the thoroughness with which such searches have been carried out. The terrorist generally will need to carry a concealed weapon to effect his purpose, and any law that makes such concealment a serious offense and that provides for effective opportunities for search, as well as for searches that are rigorously and invariably conducted, must inhibit the carrying of such weapons. The extent to which this can be done outside of a controlled environment, such as an airport, is largely dependent on local sentiment. While uniformity of regulation and enforcement are highly desirable in this matter, it may well be that State and local sentiment will be decisive in determining what can or cannot be implemented effectively.

A number of questions must be faced squarely by

legislators. Given the quantity of existing legislation, the severity of some of the penalties attaching to the breach of those laws (and the general level of effectiveness of the regulation in terms of weapon control), it is evident that the shortcomings are in the area of execution of the law. Although legislation has created an aura of severity, the realities of the administration of criminal justice in the United States and, in particular, the plea-bargaining syndrome make for great leniency.

To correct this undeniable defect, many advocate imposition of mandatory prison sentences for offenses ranging from simple unlawful possession of a weapon to its use in the commission of a felony. The efficacy of the mandatory minimum sentence as a deterrent for weapons offenses has yet to be demonstrated, and experience in other fields, such as in enforcement of drug laws, is not encouraging. Further, such laws severely limit judicial discretion, making them generally unpopular with judges and prosecutors. Enactment of mandatory minimum sentences also would cast a heavy burden upon an already overextended prison system throughout the United States. In the absence of persuasive evidence for mandatory minimums, the incentives for avoiding these consequences for our penal system are thus considerable.

This standard does not offer any readymade panacea for these problems. What it does recommend is legislation attentive to the need for inhibiting effectively terrorist acquisition, possession, and use of weapons in whatever form may be legally and politically feasible. A stringent law poorly or unenthusiastically enforced may be worse than no law at all. Here, only the choices can be offered, some of the problems highlighted, and the need for solutions stressed. It will remain for local legislators, attending to what is feasible and desirable, to take the most prudent course to achieve the desired end.

The standard draws attention to a number of problems that need to be addressed. Whatever opinions are held on the extent or limitations of the constitutional right to bear arms, few would view with indulgence the accumulation of private arsenals by terrorists or other subversive groups. Such accumulations are rarely the result of lawful acquisitions. For example, between 1971 and 1974, there were more than 25 break-ins of armories, in which 900 or more weapons were stolen. Among the weapons stolen from the National Armory in Comstock, Calif., were 95 M16 rifles and a number of grenades. The Bureau of Alcohol, Tobacco, and Firearms began an interstate firearms theft program in September 1973, because, at that time, firearms were being stolen from interstate shipments at the rate of about 1,000 a month. Each year about 100,000 firearms are reported stolen from individuals. This must be

an extremely conservative number because of the great reluctance of the owners, in many cases, to report the theft of their weapons.

If the acquisition and accumulation of illegally obtained weapons by terroristic groups are to be inhibited, control of the accumulation and custody of legitimately held weapons must be considered, and machinery set up to provide for effective enforcement. While it may, at present, be difficult to inhibit substantially the direct, illegal acquisition of weapons, a more vigorous policy of enforcement coupled with new laws designed to attack illegal possession could make their use more difficult. Those who claim the right to bear arms should be made to shoulder some of the responsibilities this entails, especially the safeguarding of weapons, and legislation directed to this end could well reduce the numbers of weapons currently available for illegal acquisition.

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4. Newton, G. and F. Zimring. *Fire Arms and Violence in American Life*. The Staff Report to the National Commission on the Causes and Prevention of Violence. Washington, D.C.: Government Printing Office, 1970.

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Related Standard

The following standard may be applicable in implementing Standard 5.1:

5.7 Content of Emergency Legislation

Standard 5.2

Explosives Control

Stringent measures for control of the manufacture, storage, transportation, and sale of explosive substances should be enacted. The laws should reflect the grave public responsibility of those who engage in these activities commercially and should impose upon them commensurate obligations to insure that their products do not fall, by design, negligence, inadvertence, or mere disinterest, into the hands of criminal elements or subversive groups.

The unauthorized acquisition, possession, transportation, and use of any explosive substance should carry severe criminal sanctions. The evidentiary onus of showing that these substances were not intended for purposes of intimidation, extortion, or the furtherance of violent crime should rest with the person apprehended with them.

The law should provide for the search of person or property under the authority of a judicial officer of competent jurisdiction within the limits prescribed by the Constitution.

Commentary

While legislation controlling explosives and other harmful substances is substantially less sensitive and controversial politically than weapons control, the acquisition and employment of explosives are scarcely less important to the terrorist than the ob-

taining and use of weapons. During 1975, 2,053 bombings in the United States and Puerto Rico were reported to the FBI. These accounted for 69 deaths and 326 injuries, as well as more than \$26 million in property damage, providing a somber backdrop against which the need for the controls recommended may be assessed. Bombings presently constitute the principal manifestation of true terrorism in the United States, and evidence suggests a likely increase in this form of terrorism because, among other things, of its symbolic nature. The indiscriminate character of many terrorist bombings and the patent innocence of so many of the victims generates a great deal of public support for strong action in this area.

There are considerable variations nationwide in the efficacy of explosives control. Of some places it has been said, "It was as easy to buy dynamite as babyfood" [Seedman, Albert, *Chief*, New York: Avon Books, 1974, p. 227]. Such laxity not only makes it very much easier for terrorists to acquire explosives but also hampers investigation of terrorist bombings, because the materials used, even where elements of them can be recovered after the explosion, cannot be traced easily. Ideally, regulation should provide not only for the strictest control of the substances themselves but also for standardized means of identification. The Bureau of Alcohol, Tobacco, and Firearms of the Department of

the Treasury has built up a great body of knowledge on the identification and detection of explosives under difficult conditions. Programs, formulated in collaboration with manufacturers, for the identification of explosive materials through use of very advanced forms of tagging have reached a stage where they offer important investigative opportunities. Legislatures are strongly urged to support these programs with the necessary funding. Legislators, civil authorities, and law enforcement officials should draw on the vast experience of the Bureau in appropriate circumstances.

The Institute for the Study of Conflict, London, has reported, with regard to the control of explosives,

A good deal more can be done to prevent terrorists gaining access to the routine sources of explosives: supplies of nitric acid, sodium chlorate, and ammonium nitrate are simply sold over the counter or available as ingredients in common fertilizers; thefts of detonators, detonator wiring, and other explosives materials from construction firms, quarries, etc. Companies entitled to stockpile explosive materials should clearly be required to guard their supplies properly. Detonators should be properly identified—perhaps through the use of radioactive isotopes in labeling—to enable the police to determine the source if they are used in a terrorist incident [*New Dimensions of Security in Europe*, 1975].

While there are many substances adaptable for use as explosive charges that are not susceptible to ready identification by tagging, color coding, or other means, such identification should be obligatory for substances such as dynamite which are manufactured with an explosive purpose and which can be so marked. All transfers of such explosive substances should be recorded permanently. From an investigative point of view, the tracing of explosive elements from substances that can be recovered is often vital in facilitating investigations and leading to suspects.

The potential for explosion of other materials commonly used, either alone or in combination, especially nitrate fertilizers, should be understood by all who manufacture, store, transport, deal in, or use them on a large scale, and special precautions

against theft should be taken. Laws should require that, in case of theft, a prompt report be made to the appropriate law enforcement authority, which should take particular note of the potential for use of the substance as an explosive. Unusual acquisitions of large quantities of such materials by persons or organizations apparently having no legitimate use for them should be noted by intelligence units of law enforcement. Special precautions should be taken to avoid the loss by theft of military explosives and special devices that are peculiarly adaptable to terroristic purposes. All stocks should be inventoried carefully and periodic checks carried out.

The use of explosives by terrorists poses special law enforcement problems that require the need for special counteractive powers if proper preventive measures are to be taken. Such powers are justified because of the clandestine character of the operations the terrorists conduct to achieve their objectives and because of the peculiarly cold-blooded nature of crime involving use of explosives. It is difficult to conceive of any prima facie acceptable explanation that can be given by one found in unauthorized possession of explosives, particularly if they are primed, and the law might reasonably require an explanation to rebut the presumption of illicit design that might otherwise obtain. In addition to the severe criminal penalties that should apply to the acquisition, possession, transportation, and use of explosives, other inhibiting legal devices, such as the shifting of the burden of proof and special extended powers of search and seizure—within constitutional limits—should be considered. The general goal of legislative policy in this area should be to improve the standard of care in the handling of explosives generally—thus making their acquisition more difficult for the terrorist and inhibiting their handling by all persons unauthorized by law.

Reference

1. Report of the Institute for the Study of Conflict, *New Dimensions of Security in Europe*. London, 1975.

Standard 5.3

The Intelligence Function

Legislators should recognize the indispensable role of intelligence gathering and the use of intelligence in the fight against terrorism. Legislation should strike an appropriate balance between the need to protect the domestic security and the potential dangers to individual privacy and free expression posed by unreasonable surveillance. A comprehensive review of existing legislation should be undertaken and such new legislation as may be necessary enacted, with the aim of providing the authority and means for the regular and effective collection, processing, storage, retrieval, and exchange of information relating to persons and organizations reasonably suspected of engaging in or likely to engage in certain specified violent, intimidatory, or subversive conduct.

Reasonable safeguards for the rights of those whose conduct may be subject to scrutiny must be provided, but those provisions of the law should not be so restrictive as to hamper proper law enforcement operations responsibly undertaken in the public interest. The law should provide for a legislative oversight committee, which should have responsibility for the publication of a clear general policy statement that describes the methods used for getting information; the kinds of information sought; the provisions for periodic review; and the methods for purging records that no longer serve a legitimate public purpose. It also should be the responsibility of the oversight committee to study the operation

of the law to evaluate its effectiveness; to examine complaints against its application; to recommend changes in law and policy; and to publish an annual report. The committee should have access to all the information necessary to enable its effective operation and should be responsible for safeguarding all sensitive material, publication of which would not be in the public interest.

Legislation should contain severe sanctions for those who willfully interfere with the legitimate intelligence-gathering functions of any agency covered by the law for the purpose of frustrating that agency's operations or who disclose information that is likely either to further the objectives of any person or persons against whom intelligence activities are legitimately directed or to intentionally cause harm to those engaged in the operation of the law.

Commentary

This standard addresses what has been described as the true intelligence function. It stresses that legislation should distinguish between this function and other operational roles customarily assumed by intelligence agencies and intelligence arms of law enforcement. Congressman Richard Ichord has observed [*The Nationwide Drive against Law Enforce-*

ment Intelligence Operations, p. 3323]: “[That] ‘intelligence’ is simply information, and information is acquired by investigation. Without it neither the concerns of society nor the concerns of individuals can be effectively advanced.” Where this simplicity of description is strictly maintained, both in a legislative and in an operational sense, many of the objections raised in recent years regarding the intelligence function and the way it has been carried out, particularly as it relates to domestic matters, can be avoided. The matter becomes, then, to legislate so that a proper balance is struck between the need to insure domestic security and the rights and privileges of individuals in the maintenance of privacy, free expression, and association.

Terrorists do not plan their operations openly. Clandestine activities, i.e., going underground, are essential to any true terrorist movement. Unless law enforcement is to be restricted merely to responding to violent acts after they have occurred—a position that not even the most ardent civil libertarian would espouse—the need for some sort of intelligence capability is obvious. Effective, preventive measures against terrorists depend, to a large extent, on the efficiency of the intelligence operations of law enforcement authorities. What has been called strategic intelligence is essential to the success of any preventive response, and it must be recognized that a great deal of material not resulting in either criminal proceedings or even direct actions of some sort against terrorists will, in the course of these operations, be collected.

Clearly, there must be proper respect for privacy, and the indiscriminate collection and retention of material, however remote, must be discouraged. Legislation and the regulations made under it should govern, with some precision, access to all sensitive material. This standard calls for an unequivocal legal recognition of the need for the development and maintenance of an effective intelligence capability, which is, in operation, properly respectful of the rights of free expression. Privacy, like weapons control, is an extremely emotional matter. Emotional political rhetoric must not be allowed to masquerade as logical argument nor be permitted to rule where more commonsense positions might prevail. These standards suggest that a reasonable compromise can be struck between law enforcement’s need to know in order to protect the community and the rights of individuals to maintain privacy over some aspects of life and conduct. As was said by the President’s Commission on CIA activities within the United States [p. 5], “In the final analysis public safety and individual liberties sustain each other.”

Those who argue against aspects of the intelligence function maintain that people who have not done and are not doing anything wrong are being subjected to official surveillance and that information on even quite proper activities is routinely collected and may one day be used improperly by government. Legislators must be attentive to these fears. Francis Allen has written [p. 68]: “The fanaticism of the terrorist is sometimes matched by the fanaticism of the government agent. A kind of religious warfare results, with neither side revealing any disposition to doubt the virtue of its cause or to subject the efficacy of its means and measures to critical examination.” It is for the legislator to put these matters in their proper perspective. Public confidence in official intelligence operations has been severely damaged. Yet the need for intelligence capability remains imperative. Public faith in the intelligence community must be rebuilt, and sound legislation and oversight are a necessary first step in that direction.

Much of the public concern about the exercise of the intelligence function derives from the aura of secrecy that surrounds it. Operational secrecy is a necessity if the intelligence function is to have utility. At times, however, the mask of secrecy is extended far beyond the point of need. It has been said that:

Files contribute to the mystique of professionalism. The reduction of a mass of material into subversive classifications, of events into a chronological sequence, of names by alphabetical order, can somehow clothe a body of questionable data, assembled by the most arbitrary and unreliable standards, with a special aura of objectivity and professionalism. The serried ranks of file cabinets join the microscope, camera, and electronic transmitter as valuable instruments of scientific investigation. In short, the process by which material is organized inevitably comes to serve as a mask for its relevance or probative value [Frank J. Donner, *Political Intelligence: Cameras, Informers and Files in Privacy in a Free Society*, Final Report of the Annual Chief Justice Earl Warren Conference on Advocacy in the United States, 1974, pp. 56–71, at p. 67].

There is no good reason why policy regarding the intelligence function, as distinct from some of the operations themselves, should be cloaked in secrecy. The Watergate Special Prosecution Force recommended [p. 144]:

Therefore, each agency with significant intelligence gathering responsibilities, including the CIA, FBI, and IRS, should formulate written policies that include the purposes for which intelligence is to be gathered, the methods to be used in obtaining information, the kinds of information to be sought, and the provisions for periodical review of priorities and purging of records that no longer serve an important or legitimate purpose.

The present standard suggests that the function commended to a domestic intelligence policy review board by the Watergate Special Prosecution Force ought to be undertaken by the legislature itself. Systematic review of established policy by a legislative oversight committee, regularly reporting to its legislature, should do a great deal to allay public concern over possible abuses and allow for thorough scrutiny by the legislature of the workings of the law so as to respond promptly to any need for change. The committee should not reflect a partisan bias and members should be appointed upon recommendation of the leadership in the legislature.

Although it is clearly in the public interest to maintain the secrecy of certain operations in order to insure their effectiveness, many rational arguments may be posited for removing the secrecy in some instances. There are potential conflicts with first amendment rights and a not unnatural concern, in view of recent disclosures concerning the CIA and the FBI, about the possibility of abuses that might be indiscriminately concealed by an overall blanket of national security. Many will remember that it was the vigilance and daring of the media that brought these abuses to the public attention and created the demand for their redress. Legislation directed at maintaining the secrecy necessary for certain operations ought not to cause suspicion that it may be an attempt to stifle proper media operations or limit the public's right to know of the way in which its government operates and public servants perform their duties. Any legislation enacted should take proper account of local sunshine laws, which are statutes designed to insure that important decisions are taken by authorities in open session, and should provide for appropriate exemptions where necessary.

It is suggested that the public's need to know be met through the vigilant scrutiny of the legislative watchdog committee, which should be entitled to the fullest information to enable it to perform its duties. Oversight to this extent carries correspondingly high responsibilities for the legislative committee to safeguard the sensitive information committed to its trust. One of the most troublesome features of public life in recent years has been the leakage of secret information by public servants, much of which could have had damaging effects on the Nation's security. Public concern about possible maladministration increases pressure on the media to uncover those matters that are being kept secret. This, in turn, leads to pressure by the media, which gives rise to many of these "leaks" and "counterleaks." While, in some cases, this procedure has become almost an institutionalized form of political life, it can have, under certain circumstances, a damaging effect on vital, operational security and

can be readily exploited by those who wish to disrupt the intelligence capability. The Watergate Special Prosecution Force draws attention to this feature in relation to its own role [p. 27]: "Furthermore, press attention to WSPF's work created ever-present dangers that errors in the conduct of investigations, including 'leaks of information' might be exploited by people who wanted to halt WSPF's work."

It is suggested that legislators might wish to consider the implications of what is outlined here in preparing the legislation recommended in this standard. If the public interest can be satisfied by an effective oversight committee, some form of sanction for those who willfully interfere with or compromise the legitimate intelligence-gathering functions of any agency covered by the law can be contemplated. Some protection, by imposing obligations on government employees similar to those enacted in the Official Secrets Acts of the United Kingdom, for example, may be constitutionally proper and politically feasible. Any attempt, however, at a more extensive prohibition on the collection on behalf of and dissemination of information to the public, however sensitive, is likely to meet strong resistance. The desirability of such prohibitions, in terms of protecting legitimate intelligence operations, thus should be weighed against the patent disadvantages of any public concern that might be generated thereby.

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3. Hearings before the Committee on Internal Security, House of Representatives, *Domestic Intelligence Operations for Internal Security Purposes*. Washington, D.C.: Government Printing Office, 1974.
4. Hearing before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, United States Senate, *The Nationwide Drive Against Law Enforcement Intelligence Operations*. Washington, D.C.: Government Printing Office, 1975.
5. Final Report, Annual Chief Justice Earl Warren Conference on Advocacy in the United States, *Privacy in a Free Society*. Roscoe Pound-American Trial Lawyers Foundation, Cambridge, Mass., 1974.

6. *Report to the President by the Commission on CIA Activities within the United States*. Washington, D.C.: Government Printing Office, 1975.

7. Strong, Sir Kenneth. *Men of Intelligence*. New York: St. Martin's Press, 1971.

8. *Watergate Special Prosecution Force Report*. Washington, D.C.: Government Printing Office, 1975.

Related Standards

The following standards may be applicable in implementing Standard 5.3:

4.9 Antiassassination Measures

6.4 Self-Regulation of Police Intelligence Operations

7.2 Judicial Regulation of Intelligence Gathering

Standard 5.4

Other Counterterrorist Measures Undertaken by Intelligence Units or Agencies

The intelligence function and the legislative authority for it must be distinguished carefully from those counterterrorist or counterinsurgency measures that do not have as their principal function the collection, processing, storage, retrieval, use, or exchange of information but that involve overt or covert activities designed to affect the existence or operations of individuals or groups engaging in or likely to engage in conduct threatening the domestic security. Legislative authority for the intelligence function, as defined in the preceding standard, must not be held by implication to extend to other operations of a counterterrorist or counterinsurgency nature even where the conduct of these is entrusted to the same agency as that to which the intelligence function has been assigned. Covert operations, involving special techniques developed by intelligence agencies or intelligence branches of law enforcement agencies, against individuals or groups engaging in or likely to engage in criminal activity involving acts or terrorism and political violence may be necessary, but the nature and conduct of these operations should be prescribed by legislation expressly addressed to the subject.

Legislation with regard to operations, whether of an overt or a covert nature, designed to inhibit the activity of individuals or organizations engaging in or likely to engage in acts of terrorism or political violence should prescribe conduct that conforms not

only with the relevant constitutional precepts but also with the general tenets on which American society is founded. Legislators should especially avoid enacting laws, which, while providing authority for the efficient conduct of operations in the fight against terrorism, are, in themselves, destructive of the liberties that are most highly valued by a democratic society.

Legislation authorizing counterterrorist or counterinsurgency measures should regulate

1. The use of informants and monetary rewards for information concerning those who commit or are likely to commit acts of terrorism or political violence;

2. Penetration, infiltration, and other measures designed not merely to elicit or relay information but to inhibit or provoke activity of individuals or groups; and

3. The use of photographic, electronic, and other equipment for purposes other than the collection, recording, storage, retrieval, and transmission of information.

A policy review board under the authority of the Attorney General of the United States or the State attorney general, where appropriate, should examine practices and procedures and lay down guidelines for the proper exercise of the powers conferred by legislation. The board should receive and review reports; receive and examine complaints; and recommend,

where appropriate, changes in practice or legislation. The review board should report annually to the legislative oversight committee, which should decide what portions of the report and the debates on it should be published.

Commentary

Much of the concern about United States intelligence operations, both domestic and international, has centered on measures that are, essentially, an extension of the true intelligence function as it has been described in these standards. The confusion has arisen, largely, because certain operations, undertaken in consequence of policy decisions, have been carried out by the same agency responsible for the gathering of the intelligence on which the policy decision was based. Where these secondary activities have been questioned, they inevitably have tainted the initial intelligence-gathering operation, the legitimacy of and necessity for which scarcely could have been open to challenge otherwise. This points up the need for legislatures to distinguish clearly between the true intelligence function and those measures of an operational nature directed against individuals or groups that may be necessary in consequence of information obtained. There is clearly a need for different types of control and different criteria for oversight of these two distinct classes of operation.

The area this standard addresses is an extremely difficult one, for a number of moral, ethical, and philosophical issues must be faced before policy can be made. The translation of these issues into policy then must be accomplished within a constitutional framework. The necessity for some of these measures against terrorists must be regretfully acknowledged. Legislators have, however, an important duty to examine the need and desirability for such measures by referring not only to legal criteria but also to the fundamental, unarticulated premises on which American society is based. It would be easy and, in the short term, more comfortable to overlook some of the possibilities, but, it is suggested, this would be shirking an issue that is certain to reemerge later in a more aggravated and embarrassing form. Those entrusted with society's responses to terrorism, particularly those which, of necessity, must be of a covert nature, are entitled to a clear mandate from their legislators, which, if exceeded, would be done at their peril. This is an area where legislators should establish clear policy guidelines and often will need to display a certain amount of courage to draw them up and insure their subsequent enforcement. The covert measures that this standard must consider, however, never should become "[A] way of exercising governmental power which outruns the forms of law" [Donner, *Political*

Intelligence: Camera, Informers and Files, p. 58].

There are, nevertheless, some obvious limits to counterterrorist measures that merit articulation. Just as it is now clear that our Nation will not countenance attempts by its intelligence community on the lives of foreign leaders, by the same token it cannot tolerate preemptive strikes directed against the lives of terrorists. When terroristic operations are detected through the proper use of the intelligence capability, they must be kept under surveillance, proper attempts made to frustrate or neutralize their operations, and, where possible, those involved should be apprehended and prosecuted according to law. It is recognized that, in some instances, apprehension and prosecution might not be possible, and it is in this area, in particular, that there is a real need for policy guidelines. The dilemma for law enforcement is well stated by FBI Director Clarence Kelley. Responding to questions relating to FBI countermeasures that might be necessary under certain circumstances, he said,

[Well,] hypothetically, take the situation where a member of one of the very violence-prone organizations indicates that as an employee of waterworks he intends to do something which will be damaging to the city and tells this to an informant of ours. We have no indication as to what exactly he's going to do, but due to his position he intends to contaminate the water system. Now in a situation like that you do not have probable cause for an arrest, but you do have a situation which could well be devastating unless something is done. So in that case I would present it to the attorney general as to action to be taken.

Pressed as to the kind of action that could be taken, Mr. Kelley said,

That action could take form in many ways. Possibly the calling in and questioning of the man about this—but on some occasions this might well reveal the identity of the informant which would be the destruction of the effectiveness of the informant. So it may be that you'd have to balance this thing out. It might be that you'd want to talk with the employer. I don't know what steps can be taken but I'd say that something must be done in order to protect society. In the absence of probable cause you just simply don't have enough to prosecute but you've just got to do something [The *Washington Star*, Washington, D.C., Feb. 17, 1976].

Harassment must be avoided, but there is clearly a need for measures, in some cases, that will protect against terroristic activity when evidence does not permit immediate legal proceedings against the individual concerned. Law enforcement is entitled to a clear answer from the legislature in matters of this kind.

The police informer is a disagreeable necessity; many investigations would be quite impossible without the use of informers. The possibilities for abuse in their indiscriminate employment, however, are considerable, particularly in times of stress or social upheaval. Additionally, there is great temptation for unscrupulous persons to exploit the needs of law

enforcement so that their activities become extremely difficult to control. Their employment and any excesses they may commit in the course of operations, therefore, reflect adversely on the public image of the law enforcement agency as well as on the public perceptions of the intelligence function. It has been observed that:

The Supreme Court's reluctance to scrutinize the tactics of spys and informers opens limitless vistas for governmental assaults on the private life of the individual. Its caution probably reflects conviction of the need for secret agents, and of the difficulty of limiting their activities without eliminating their role altogether. But administrative hardship does not require total abstention. Workable devices can be created for judicial control of secret agents ["The Judicial Control of Secret Agents," *Yale Law Journal*, Vol. 76, No. 5, 1967, pp. 994-1019 at page 1013].

Any judicial control over the use of informers other than in posterior fashion is beset with difficulties. Prior submission of their use, in particular cases, to judicial scrutiny has obvious constitutional implications and might well make law enforcement operations involving them impossible. Yet this remains an area in which regulation is urgently needed, and it is preferable that clear, legislative guidelines be provided as a framework within which the administrative rules can be established. It must be noted that infiltration or penetration of terroristic groups is a particularly effective countermeasure. The extent to which this is permissible, the parameters of such activity, and the type of control that should be exercised over it ought to be spelled out, legislatively, so as to define the broad policy considerations. In this, as in other areas concerned with responses to terrorism, a cautionary note is in order. Many measures that might be extremely efficacious are nevertheless destructive of those freedoms on which the terroristic attack is directly or indirectly focused. Some of these countermeasures are, of course, attractive to those engaged in them, and it is for legislators and those charged with oversight to see that these understandable enthusiasms do not become excessive or extend themselves beyond the limits of the law. The issue is essentially one of supervision. Considerable administrative control is

necessary in these matters, and it is felt that this should be achieved most effectively through the type of policy review board suggested in this standard. As a means of achieving the control sought, it is suggested that some elected officials be appointed to the review board. The measures recommended are intended to prevent recourse to what has come to be known, disparagingly, as "dirty tricks."

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5. *Watergate Special Prosecution Force Report*. Washington, D.C.: Government Printing Office, 1975.
6. National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, *Law Enforcement Effectiveness Conference*. Washington, D.C.: Government Printing Office, 1976.

Related Standards

The following standards may be applicable in implementing Standard 5.4:

- 6.4 Self-Regulation of Police Intelligence Operations
- 6.13 Tactical Responses to Terroristic Acts
- 7.3 Prosecution Policies for "High-Risk" Defendants

Standard 5.5

Emergency Powers

In situations of emergency, where acts of terrorism and extraordinary violence or widespread disorder affecting the public security or vital services are considered to be beyond the legal powers of the law enforcement authorities to contain and control, it may be necessary to enact special laws conferring on the appropriate authorities a variety of emergency powers to cope with the problems. Every legislature should have powers, under the Constitution, to pass rapidly such emergency legislation as may be required, but the procedures should allow for proper expression of public concern, including dissenting viewpoints.

Emergency legislation should be clear, concise, and published without delay after promulgation. Neither new offenses nor new sanctions for existing offenses should be created pursuant to the exercise of emergency powers but should be the product of regular legislative procedures. Emergency powers given law enforcement authorities should be defined precisely and limited in scope to those absolutely necessary to meet the situation to which they are addressed. Emergency legislation should be enacted so as to be in force for a limited time only and should be subject to full review before extension.

Commentary

There are some situations of civil disorder, terror-

ism, or political violence that call for a response capability beyond that which the ordinary law would permit. The need to protect the domestic security is such that a reserve legislative power, which can be activated quickly, always should be available to meet such emergencies. Every legislature should have the capability of coping with such an emergency and should review its practices and procedures to insure that it is properly equipped, under the Constitution, to achieve control over such situations. Emergency legislation is, by nature, promulgated to meet a sudden, unusual situation that calls for an unusually rapid response. Such legislation will not, therefore, be the product of the full, public debate generally accorded issues of considerable importance under ordinary, democratic processes. Because of the urgency of the need, some of the procedures that would allow for the expression of differing viewpoints will have to be curtailed. Emergency legislation procedures ought, therefore, to be used sparingly and never to enact legislation that ought properly to receive more extended public study and debate. Pye and Lowell have written [p. 6010],

We also think it is much wiser to determine the precise extent to which civil liberties are to be limited, and under what conditions, by legislative enactments following public debate, rather than by the 'low visibility' decision of police or judges. A strong case should be required for a grant of any power that may be used to limit freedom. If the people,

through their representatives, do not think that the incremental protection they may receive justifies the threatened loss of liberty, they should be able to deny the authority effectively.

Emergency legislation should be in force for a specified time and should be subject to full, legislative review before being extended. Whenever a need is felt for the incorporation of permanent, special powers to meet some situation, these should be enacted by the ordinary legislative procedures.

Legislatures should be prepared to accord the civil authority special emergency powers where the situation demands an augmentation of that authority's response capability. In some situations, the ability to give a decisive response, unfettered by considerations that would obtain in ordinary times, may be crucial to the restoration of order. Emergency power statutes should be enacted to provide specific, supplemental powers during a period of emergency. Such powers as may be necessary for augmenting the civil authority's response capability for restoring order should be available on proclamation of a state of emergency by the civil authority concerned; the legislation conferring these powers should indicate with some specificity the circumstances under which a state of emergency might be proclaimed. Care should be taken to enact, by emergency legislation, only those powers that are truly reflective of the need. Powers of a more permanent nature ought to be enacted as permanent legislation by the regular processes. Some consideration should be given the possibility of standardizing emergency legislation nationally, so as to avoid the disparities of emergency powers that exist at present throughout the country.

In circumstances where it is considered that disorder or terrorism presenting a serious threat to the functioning of the community cannot be met by the use of ordinary police powers, consideration should be given to enlargement of these powers, by appropriate legislation, to cope with the emergency conditions. In many jurisdictions, the law of arrest may be inadequate to deal with problems presented by disorder, terrorism, and other types of extraordinary violence. The clarification of arrest powers and their expansion, where necessary under emergency conditions, are desirable. Legislators should consider the desirability of providing law enforcement officers, under specified conditions of emergency, the power to arrest without warrant for probable cause in all cases where a serious offense has been committed by some person and power to detain and question persons for a reasonable period where it appears that certain specified offenses detrimental to the public security have been or are likely to be committed.

The civil authority may find it necessary during a continuing, unsettled period to impose a curfew

or to restrict public access to certain areas within its jurisdiction. A curfew contributes greatly to effective law enforcement and the restoration of order, because it provides at least a theoretical framework for distinguishing innocent persons from those whose purposes are of a different order. It should be recognized, however, that curfews themselves can be extremely disruptive of the life of the community and never should be imposed for longer than is necessary to restore the community order and security. The establishment of protective zones is a similar emergency device that the civil authorities should be empowered by legislation to employ in appropriate circumstances. Again, this is a power that should be used very discriminatingly, in cases for example where there is a serious threat of disruption of vital services or free movement of the public or in the event of a serious threat of mass destruction to some highly populous area.

The threat of terrorism presents problems of search and seizure with which ordinary law enforcement powers may not be adequate to cope. The use of explosives on a large scale as part of a sustained terrorist campaign or the use of materials capable of massive destruction pose special problems. Under certain conditions, the use of premises by potential snipers is another situation of this kind. A legislative clarification and enlargement of law enforcement powers of search and seizure, under clearly defined emergency conditions, should be considered. Pye and Lowell observe [p. 1048] "In the emergencies characteristic of some kinds of civil disorder, there is good reason for state laws relating to searches, like those authorizing arrests, to be as broad as the Constitution will permit." This statement may be considered to embrace those situations involving terrorism where it is necessary to invoke emergency powers.

Emergency legislation should be contemplated that would give law enforcement officers, acting in pursuance of their duties, the power of search without warrant of persons and property under the immediate control of such persons for the purpose of seizing and bringing before a judicial officer of competent jurisdiction any article or substance actually used for the commission of a violent act detrimental to the public security or capable of being used for such purposes. The law should provide that law enforcement officers may exercise these special powers only when it appears to them that there is a clear and present danger to the public security; when it is reasonable to suspect the presence on persons or under their control of articles or substances that have been or are likely to be used in the commission of violence detrimental to the public security; and when the circumstances of the case are such that it would not be possible to prevent the

perceived harm or the loss or destruction of vital evidence if action were delayed to obtain a search warrant. In addition to these powers, emergency legislation should be considered that would empower law enforcement officers, acting in pursuance of their duties, to enter private premises by force and without a warrant in order to apprehend some person or persons occupying such premises for the purpose of preparing or committing an act of violence detrimental to the public security. Legislation should specify that such special powers may be used only when the possibility exists for the physical harm of some person as a result of the violent act.

In situations of mass disorder, the sheer numbers of persons engaging the attentions of law enforcement officers may tax unduly their ordinary enforcement capabilities. In certain situations, something less than an arrest may be used to restore order. Emergency legislation should be considered that would give law enforcement officers, acting in pursuance of their duties, the power to detain any offender, where there has been a breach of the peace not amounting to a felony or a serious misdemeanor, so as to prevent continuance or repetition of the conduct, and to release the offender with a warning if they see no useful purpose to be served by taking

him into custody. The exercise of all such special emergency law enforcement powers should be the subject of explicit departmental guidelines, and officers should be not only acquainted with their content but also trained in their prudent application in emergency situations.

References

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2. *Report of the National Advisory Commission on Civil Disorders*. Washington, D.C.: Government Printing Office, 1968.

Related Standards

The following standards may be applicable in implementing Standard 5.5:

- 4.1 Contingency Planning
- 7.5 Pretrial Release Policies for Disorder Emergencies

Standard 5.6

Law Enforcement Under Emergency Powers

Law enforcement officers acting under emergency powers should adhere strictly to the terms of departmental rules and guidelines governing their exercise. The emergency legislation should provide that, if a law enforcement officer, acting in good faith, exceeds those powers, he should not be held personally liable, criminally or civilly, for any harm resulting from his actions. Such personal immunity should not, however, bar the person injured by the excessive use of such powers from any action that he could otherwise take legally to secure indemnification for the harm occasioned to person or property.

Commentary

The law should provide clear and specific limits to any extension of ordinary law enforcement powers. Departmental guidelines should indicate with exactitude the way in which such extended, emergency powers ought to be used. However, given the confused nature of many of the situations in which these powers are likely to be invoked, it cannot be expected that they always will be used precisely within the narrowly defined limits of the law. The public interest demands that there be adequate machinery for insuring that law enforcement excesses do not occur even under circumstances of disorder and confusion but that if they do the person harmed

may have such redress as the law allows. There is, presently, considerable practical difficulty in the matter of redress. It should be recognized that there is a competing interest here, namely that of insuring decisive response by law enforcement, even under difficult conditions. The point addressed by the present standard is a narrow one. Kenneth Culp Davis has written: "The public interest suffers when a officer resolves doubts in favor of inaction because he may be personally liable if he takes action" ["An Approach to Legal Control of the Police," *Texas Law Review*, Vol. 52, 1974, pp. 703-725, at page 720]. If this were to occur in a situation involving disorder or terrorism, the results for society could be disastrous. The officer entrusted with the response capability is entitled to know not only what he ought to do under given circumstances, but also that, if he makes a good faith error resulting in an excessive use of his powers, he will not be personally liable for the consequences, either civilly or criminally. Any personal immunity extended to the officer that enables him to perform his duties better ought not to preclude any legal redress against the civil authority, and legislation should provide for the payment of indemnity when appropriate.

References

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Justice Standards and Goals: *Police*. Washington, D.C.: Government Printing Office, 1973.

2. President's Commission on Law Enforcement and Administration of Justice Task Force Report: *Police*. Washington, D.C.: Government Printing Office, 1967.

Related Standard

The following standard may be applicable in implementing Standard 5.6:

6.15 Use of Force in Tactical Response to Disorder, Terrorism, and Quasi-Terrorism

Standard 5.7

Content of Emergency Legislation

Emergency legislation should provide for the exercise, in specified contingencies, by the chief executive or some other designated official, of extraordinary powers to meet the threat of disorder and the disruption of society through mass disturbances; the dislocation of vital services; or acts of extraordinary violence of a terroristic or politically inspired nature that cannot be controlled or contained by ordinary means.

Such powers, conferred for the restoration of order, should include:

1. Proclamation of a curfew, with restrictions on movement and association during certain hours and in specially designated areas;
2. Prohibition of certain conduct, which although not ordinarily prohibited by law, is considered inflammatory and likely to provoke disorder or to aggravate an already disorderly situation;
3. Control of access to and from and movement within certain specified areas;
4. Evacuation and relocation of persons normally residing in certain specified areas who are threatened by disorders or terrorist activity;
5. Restrictions on communication with and communication within certain specially designated areas;
6. Restrictions on the use of certain specified private property during certain times in designated areas;
7. Requirements of stipulated means of carrying

identification during certain times in designated areas; and

8. Prohibition of the possession, sale, transfer, or consumption of certain articles or substances capable of being used for the commission of acts of violence or in stimulation of or preparation for such acts.

Because of the breadth of such extraordinary emergency powers and the threat to ordinary, individual liberties that they represent, the law should provide that they be exercised for a fixed time, preferably for not more than 30 days, after which an extension should be granted by the legislature, on the petition of the executive, only if cause is shown. Legislatures should be alert to any exercise of such emergency powers contrary to the spirit and intent of the legislation and should guard against the unwarranted creation of permanent laws and practices developing out of their exercise. The ordinary review by the courts of the exercise of the emergency powers authorized by such legislation should be rigorously preserved.

Commentary

This standard suggests the minimum emergency powers that legislatures ought to confer on the civil authority; other powers may be desirable according to circumstances. While, in the United States, emer-

gency powers customarily have been invoked in situations of civil disorder, their use in situations involving organized terrorism should be considered and legislation should be developed with that contingency in mind. Comparative experience is particularly valuable here, especially that of Canada with respect to the War Measures Act. Not all the suggested powers may be needed to deal with some particular emergency, but the legislation itself or the proclamation of emergency by the chief executive should allow for the activation of all such special powers as may be necessary. These are extraordinary measures designed to meet extraordinary situations. The powers conferred should be used only as needed to control some situation or to restore order. They represent a substantial interference with the regular life of the community, and their employment should be restricted to whatever may be necessary to respond to the situation that has arisen. For example, Jerry Wilson has written [p. 95]:

[Further,] in an urban environment, while the proclamation of a curfew does enable the government to quickly clear the street of disorderly elements and thus rapidly to put down the disorder, it simultaneously nearly totally shuts down the commercial and social life of the city. Given that civil disorders usually are confined to relatively limited areas of the city, the proclamation of a curfew may have the effect of disrupting the total city more than the disorder would have. Although a solution to the dilemma might be the proclamation of a curfew for only a part of the city, in most urban situations of today such action would have ethnic or racial overtones which would make it politically unfeasible.

It is preferable that the legislation describe clearly not only the legislative content but also the specific contingencies for which the law can be invoked. It is recommended that emergency legislation be structured to meet the following contingencies: (1) if there should be an act of terrorism or extraordinary violence or a disorder of such magnitude that order cannot be restored effectively by use of the ordinary legal powers conferred upon the civil authority; (2) if the public safety can be effectively

guaranteed only by the exercise of special emergency powers; or (3) if the events that have occurred would tend to deprive the community of the essential elements of life unless the civil authority is allowed a response beyond that of the ordinary process of law. A serious threat, for example, to deprive a community of food and other essentials of life by means of a blockade might, apart from the peace-keeping issues involved, require extraordinary action for which such legislation as that recommended should provide.

Legislators must take special care to insure that measures that might be essential to meet some special emergency that has arisen do not become, almost imperceptibly, a permanent feature of the law when the real need for them has passed. This standard, therefore, stresses the temporary nature of these special laws and the powers conferred by them and urges legislators to be vigilant in examining the continuing need for these laws. Where there is a real need to extend these powers as a permanent feature of the law, the full legislative process should be adopted so that the public may be afforded the opportunity to express their views on the issues involved. Emergency legislation that would restrict or eliminate the ordinary process of judicial review should not be enacted.

References

1. *Report of the National Advisory Commission on Civil Disorders*. Washington, D.C.: Government Printing Office, 1968.
2. Wilson, Jerry V. *Police Report*. Boston: Little, Brown and Company, 1975.

Related Standards

The following standards may be applicable in implementing Standard 5.7:

- 4.1 Contingency Planning
- 5.1 Weapons Control

Standard 5.8

Emergency Laws Relating to the Adjudicatory Process

Emergency legislation should be designed to guarantee, as far as possible, the preservation, under difficult circumstances, of fundamental freedoms in relation to the effective operation of the ordinary adjudicatory process. Wherever possible, there should be adherence to traditional forms and procedures, and justice should be administered with due regularity and proper attention to substance. To enable attainment of these goals, temporary expansion of personnel and functions is preferable to curtailment of rights or truncation of their exercise.

Such legislation should provide for satisfactory mass processing of those persons arrested by law enforcement authorities for unlawful conduct in the course of civil disturbances. Priority should be given to the processing by the regular courts of cases involving criminal charges for which a sentence of imprisonment of more than 12 months is likely to be imposed or where bail is denied. Special judicial arrangements should be made for mass release on recognizance of those arrested for relatively minor infractions and for alternative adjudicatory procedures that would allow for rapid but fair processing, with as little formality as is consistent with the case.

The legislation should authorize the preparation and maintenance of a roster of legally qualified persons who can be sworn as temporary, inferior court judges of limited jurisdiction during periods

of proclaimed emergency. Such judges should hold regular hearings, as far as possible in regular court-houses, but, in general, their authority should be limited to a magisterial screening of cases for the purposes of release on recognizance, after admonition, and with an injunction to keep the peace where appropriate; granting of bail; and imposition of fines not exceeding a cumulative total of \$50 for the offenses charged. Appeal to a judge of the regular bench for review of any disposition made in such proceedings should be allowed. The legislation also should authorize the summary disposition by temporary judges, with the consent of the defendant, where the penalty for the offense charged does not exceed a fine of \$100. Legislation should provide for the remuneration of such judges on a per diem basis, and funds for the purpose should be appropriated by the legislature.

Legislation also should provide for the necessary augmentation and funding of prosecutorial staffs to cope with situations of emergency where delay would otherwise result from the inability of regular staffs to prepare and submit cases of all classes for prosecution. Legislative authority should be provided for the transfer of prosecutors from one jurisdiction to another. Temporary prosecutors should be appointed from among qualified attorneys, to whom cases appropriate for adjudication by temporary judges should be assigned.

Commentary

The National Advisory Commission on Civil Disorders observed [p. 183]: "The quality of justice which the courts dispense in time of civil crisis is one of the indices of the capacity of a democratic society to survive. To see that this quality does not become strained is therefore a task of critical importance." There are two distinct phenomena for which emergency legislation relating to the adjudicatory process must provide: that involving true terrorism and that involving civil disorders.

True terrorism, especially organized terrorism of a political nature, may attempt to disrupt the judicial function. The objectives of the terrorist may range from an attempt to prevent the matter from being judged at all, including violent acts aimed at removing the defendants from the jurisdiction of the court, to acts designed to provoke repressive measures that create the impression of a denial of justice. Under such circumstances, interference with the course of justice is calculated to destroy public confidence in the judicial organs or at least expose their weaknesses as part of an overall terrorist strategy. The trial of the Baader-Meinhof defendants in West Germany illustrates a full range of these tactics and their objectives.

Sustained terrorist activities are calculated to produce a harsh reaction in even the most stable and traditional democratic societies. The United Kingdom, for example, passed the Prevention of Terrorism (Temporary Provisions) Act, 1974, after the major bombing incidents of 1974. The act, among other measures, permits suspects to be held for questioning for up to 7 days. The Special Powers Act relating to Northern Ireland has been said to evidence "[A] radical departure from the procedural safeguards traditionally and justifiably regarded as desirable for the preservation of civil liberties" [Harry Calvert, *Constitutional Law in Northern Ireland*. London: Stevens, 1968]. The institution of internment without trial has been particularly criticized, and, despite its efficacy as a preventive or security measure in a terroristic situation, the implicit erosion of fundamental liberties has been considered too high a price to pay for its use. The courts must be the ultimate guarantors of these fundamental freedoms, and it is of the utmost importance that they be seen to operate in accordance with that precept even under the most trying conditions.

The situation in relation to civil disorders is somewhat different, although the end result, in terms of the quality of justice, may be similar. Here, largely because of the sheer volume of cases requiring processing, the ordinary capacity of the courts to conduct their business along regular lines is destroyed. This standard has followed the principle enunciated by

the Committee on the Administration of Justice Under Emergency Conditions of the District of Columbia that, "The criminal justice process should have as nearly as possible the same impact on arrested persons and the community during an emergency as under normal circumstances." The experience of earlier civil disorders suggests the necessity of legislation to provide against a breakdown of the administration of justice in times of crisis and to prevent the degeneration of the criminal process into something derisory or meaningless. Emergency legislation must, therefore, contemplate special provisions for the mass processing of persons involved in large scale disorders. To this end, it must provide for a temporary expansion of personnel and services that would maintain the adjudicatory function in a recognizable form. Additionally, it should provide for a filtering or sifting process, which would allow for modified judicial handling of those cases that are of a relatively less serious nature, giving priority to the processing, by the regular courts, of the more serious cases. It is recommended that rosters of legally qualified persons who can be sworn to act as temporary, inferior court judges be maintained and that these persons be called upon in times of emergency. While their authority and jurisdiction should be limited, they should endeavor to act with all due formality. Such temporary judges should acquaint themselves with the emergency legislation under which they will be required to act and should be prepared to carry out their judicial functions in accordance with the principle laid down by the National Advisory Commission on Civil Disorders [p. 184]: "To provide prompt, fair judicial hearings for arrested persons under conditions which do not aggravate grievances within the affected areas." The proposed increase of judicial personnel will require a commensurate increase in prosecution staff and support personnel throughout the court administration. The emergency legislation should provide for these increases as well as for the remuneration of temporary judges, prosecutors, and other ancillary personnel on a per diem basis.

References

1. Pye, A. Kenneth, and Cym H. Lowell. "The Criminal Process During Civil Disorder." *Duke Law Journal*, August 1975, No. 3, pp. 581-690.
2. *Report of the Committee on the Administration of Justice Under Emergency Conditions*, Judicial Conference of the District of Columbia Circuit, Washington, D.C., 1973.
3. *Report of the National Advisory Commission on Civil Disorders*. Washington, D.C.: Government Printing Office, 1968.

Related Standards

The following standards may be applicable in implementing Standard 5.8:

7.4 Use of Injunctions in the Control of Disorder

7.5 Pretrial Release Policies for Disorder Emergencies

7.6 Criminal Court Functioning During Disorder Emergencies

Standard 5.9

Trials During Emergency Conditions

Trials of persons accused of crimes involving acts of serious disorder, terrorism, or political violence should not take place in an atmosphere where the security of the participants cannot be effectively guaranteed or where the heightened tensions caused by the proclamation of a state of emergency preclude a fair and impartial trial. To meet these possibilities, emergency legislation should provide for:

- 1. Postponement of the trial, by judicial order, for serious cause, for a period not to exceed 90 days;**
- 2. Change of venue to a location or courthouse offering better security;**
- 3. Special conditions for courtroom security involving unusual restrictions on the liberty of movement of the accused;**
- 4. Special restrictions on public attendance; and**
- 5. Special restrictions on attendance and reporting by representatives of the media.**

Commentary

This standard deals with the need for maintaining those conditions that guarantee fair and impartial criminal trials under emergency conditions. Justice cannot be seen to be done—or done in fact—where heightened tensions, calculatedly or incidentally occasioned, themselves affect the course of a trial or lead to measures that contradict the basic freedoms that

our society seeks to uphold. It is especially important, in a civil disorder situation, to insure that the courtroom does not become affected by the passion of the streets. It was written of the Watts riots that,

Much as they may try, courts are unable to work in a prophylactic atmosphere. Judges, like other human beings, tend to absorb the general attitude usually termed 'popular opinion,' toward an event. Never was this more clearly indicated than in the trials of the riot cases. The sooner a case came to court, the harsher the penalty was likely to be. As a few months passed and there began to be a better perspective on who the persons arrested were and what their roles had been, sentences meted out began to be noticeably lighter [Robert Conot, *Rivers of Blood, Years of Darkness*. New York: Bantam Books, 1967, pp. 381-382].

It may be advisable in such cases to wait until passions have cooled and the conditions for objective judgment have returned. This standard, therefore, recommends consideration of such postponement for serious cause, for a limited period. The problem of maintaining a proper judicial perspective is exacerbated where, as part of a deliberate design to interrupt the ordinary process of justice, activities are undertaken both inside and outside the courtroom with the intention of affecting the outcome of the trial. Emergency legislation should provide against both contingencies, and the standard suggests a number of measures that may be necessary to achieve this end. It is cautioned that, in some countries where

the terrorist problem has become serious, the cost of some of these measures has been considerable, and this too is part of the overall design of the terrorist.

The principal measures that need to be taken involve the security of all participants in the proceedings. In the most serious cases, threats may be made or acts of violence perpetrated against witnesses, prosecutors, and judges in an attempt to alter their conduct in relation to the matters of the trial. While proper measures should be taken when such conduct occurs, the overall effect on the administration of justice and the prosecution of future cases should not be overlooked. Considerable attention should be paid to the security of the courtroom itself, but security measures never should be so repressive that they deny the rights of those on trial or cause disquiet to the public. Nevertheless, all proper precautions should be taken against the possibility of extraordinary violence within and without the courtroom, and these may, necessarily, curtail certain rights and expectations ordinarily connected with the trial of criminal cases. The aim should be, wherever possible, to provide low-key measures which, while offering adequate security, do not lend themselves to adverse propaganda purposes. Whenever it is deemed necessary to limit public attendance in the interests of security, special provisions should

be made to insure that the media are able to discharge their proper role of keeping the public informed. Restrictions on attendance by representatives of the media should be imposed only in the gravest of circumstances and for well-founded reasons of security.

References

1. Pye, A. Kenneth, and Cym H. Lowell. "The Criminal Process During Civil Disorders," *Duke Law Journal*, August 1975, No. 3, pp. 581-690.
2. *Report of the National Advisory Commission on Civil Disorders*. Washington, D.C.: Government Printing Office, 1968.

Related Standards

The following standards may be applicable in implementing Standard 5.9:

- 7.7 Trial of Cases Arising Out of Incidents of Terrorism and Political Violence (1): Security Measures
- 7.8 Trial of Cases Arising Out of Incidents of Terrorism and Political Violence (2): Conduct of Trials

Standard 5.10

Cost-Sharing Provisions

Where a legal proceeding conducted under State law involves an act of terrorism or political violence of a particularly grave character, having national implications or giving rise to national repercussions, and the cost of prosecuting the crime is abnormally high and involves an unfair burden on the locality having jurisdiction over the matter, it should be open to the State to request an appropriate financial subvention from the Federal Government to reflect the national interest in the prosecution and disposition of the case. Similarly, where the confinement, after adjudication, of such offenders imposes an abnormally high burden on the State with jurisdiction, an appropriate portion of this burden should, on petition of the State affected, be assumed by the Federal authorities.

Commentary

Modern terrorism, particularly transnational terrorism, often is of a capricious, indiscriminate character. No community, however law abiding and free from ordinary crime, can hope on that account to enjoy immunity from random, terroristic activity and its consequences. Aside from the direct costs of these activities, in terms of human and property losses, the prospect of additional expense looms when those responsible for such activities are appre-

hended and must be tried in a community whose financial resources cannot meet such burdens.

A practical illustration of the problems that can occur highlights the necessity of the recommendations of this standard. The *Sacramento Bee*, Calif., of December 27, 1975, reported,

Alameda County is getting a bill for \$304,617 from Sacramento County—the cost of the trial of Russell Little and Joseph Ramiro for the murder of Oakland School Superintendent Marcus Foster. Sacramento County officials said the bill was sent to Alameda County yesterday and represents the 'final and complete' costs for the more than 10-week trial of the pair described as 'Symbionese Liberation Army soldiers.' The trial was shifted to Sacramento after a judicial ruling that news coverage had made fair trial in Alameda County impossible.

The report, which gives a detailed breakdown of the costs, indicates that more than \$200,000 of these expenses were incurred for custody and security. The costs to a small community of an even more spectacular trial can well be imagined, and provisions for such eventualities should be made in the way suggested.

Interest in many cases of terrorism and political violence extends beyond a particular locality; the prosecution and disposition of such cases may have national, exemplary value. The present standard addresses these possibilities and recommends that,

where the costs necessarily involved are abnormally high and impose an unfair burden on any particular community, they should be shared equitably, as they would in a natural disaster, for instance. Legislative provisions to enable this cost-sharing arrangement are strongly recommended.

Related Standards

The following standards may be applicable in implementing Standard 5.10:

5.13 Funding

9.6 Development of Regional Facilities

Standard 5.11

Interagency Cooperation

Such special legislation as may be necessary to facilitate interagency cooperation in emergency situations involving acts of terrorism and other extraordinary violence should be enacted. It is essential that proper response to acts of terrorism, political and other extraordinary violence, or acts calculated to affect seriously domestic security is not hampered by indecision over the extent of the authority of the agency assuming jurisdiction or obstructed by interagency disputes over jurisdiction and other matters. Although many of these issues can be resolved expeditiously on an individual basis by the good sense of those engaged in the operations, a general review of pertinent legislation should be undertaken. Precise legislative authority for any extraordinary measures that an agency might, in a situation of emergency, have to take or should take is preferable, whenever such contingencies reasonably can be foreseen.

In particular, legislation should address the use of equipment assigned to one agency by personnel belonging to another and the legal implications of this; command problems involving personnel of one agency acting under orders given by or through another agency; and questions of jurisdictional authority, whether geographic, subject related, or arising out of specific Federal or State law.

Commentary

An emergency situation involving serious disorder or terrorism calls for swift and decisive response. Such response is greatly hampered when ordinary legal considerations act as barriers to the cooperation necessary among the agencies called upon to respond. A thorough review of legislation, with the objective of removing as many obstacles to interagency cooperation as can be reasonably foreseen, should be undertaken. Many of these difficulties will be jurisdictional, but others will relate to the exchange of information and the use of personnel and equipment for tasks ordinarily outside the agency's own area of responsibility. Doubts about the legality of some necessary course of action dictated by events ought not to be resolved by inaction. Statutes are needed to remove difficulties in interagency cooperation before emergencies arise because a crisis may not always contain the elements necessary to activate existing emergency legislation.

Countries that have experienced or are experiencing a serious terrorist problem have found the need for a coordinated response by specialized units. Putting together, on an ad hoc basis, a diversity of talents and sophisticated equipment has not proved, in practice, as satisfactory as employing units specially designed for counterterrorist response. Even the United Kingdom, which resisted the notion of

special units for a long time, now has adopted the kind of interagency cooperation urged here. The Institute for the Study of Conflict, London, explained:

In any antiterrorist campaign, it is desirable (and ought to be possible), to set up a national task force, drawn from the agencies involved and dedicated to research, investigation and the coordination of counter-measures for which the existing forces can be used in their respective capacities. It is vital that there should be no delay or confusion in the coordinating body's access to records of all kinds or in its demands for executive action. In addition, the task force should be able to coopt specialists, such as psychologists, linguists, locksmiths, clergymen, political analysts, media people, etc. Indeed, most Western European countries have already opted for the formation of task forces—that is, 'fire brigade' police paramilitary units equipped to intervene both in serious riots and in urban guerrilla confrontations. The usefulness of a specialized counter-terrorist unit was amply demonstrated by the events in the Netherlands on 31 October 1974. The 15 hostages being held by armed criminals in Scheveningen jail were released as a result of a commando assault by a Dutch counter-terrorist squad. The Dutch force employed a variety of talents: diversionary action (involving tremendous noise, flares, smoke bombs and sirens), the use of a thermal lance to slice through a steel door in six seconds, rapid movement, skilled marksmanship, and well-processed background intelligence on the Arab terrorist who had organized the kidnap and the criminals inside the jail.

Strong recommendations have been made in this country for creation of similar study-action teams and it would seem that the utility of these should be explored further. Clearly, this concept presents a number of jurisdictional and command problems,

but its usefulness is such that it merits careful consideration. Where legislative action is necessary to facilitate the creation of such groups or teams, this should be considered.

References

1. Report of the Institute for the Study of Conflict, *New Dimensions of Security in Europe*. London, 1975.
2. Hearings Before the Committee on Internal Security, House of Representatives, *Terrorism, Parts 1 and 4*. Washington, D.C.: Government Printing Office, 1974.

Related Standards

The following standards may be applicable in implementing Standard 5.11:

- 4.2 Interagency Cooperation
- 4.9 Antiassassination Measures
- 6.18 Defining Federal, State, and Local Responsibilities
- 6.19 Relations With Local Police Authorities in Other Jurisdictions
- 6.20 Relations With State and Federal Law Enforcement Agencies
- 6.21 Relations With the Military
- 8.1 Contingency Planning

Standard 5.12

Martial Law

Declaration of a state of martial law and suspension of civil authority in response to a grave situation of disorder or widespread disruption of the functioning of society through systematic acts of terrorism and political violence should be regarded as a measure of last resort. It is preferable that emergency powers be given and used so as to strengthen civil authorities in every way necessary before control of the situation is passed to the military forces—the very situation terrorist groups and those responsible for the state of disorder may be seeking to produce. The use of the armed forces ought not to be predicated on the broader, discretionary authority the military has to deal with disorders and acts of extraordinary violence. Legislation should consider the need for equivalent powers and their exercise by the civil authorities.

Legislation also should address the use of the armed forces to act in matters where the civil authorities find themselves unable to cope with a situation of disorder or extraordinary violence and the relationship of the military power to civil rights. The grounds for employment of the armed forces; the extent of their employment, authority, and jurisdiction; and the legal consequences to which these give rise should be clarified by Federal and State legislation.

Under no circumstances should civilians apprehended by the military power pursuant to operations under a state of martial law be processed before military tribunals or commissions. In every case, persons apprehended pursuant to the exercise of the military power should be brought before the ordinary courts and processed in accordance with the ordinary procedures of those courts as amended by emergency legislation.

Commentary

It is strongly urged that military force as a response to disorders, acts of terrorism, or other extraordinary violence be regarded as a measure of last resort. The term “martial law” has many meanings, but it is used here to mean the suspension of major civil functions and the practical substitution of the military presence and authority for their civilian counterparts in times of emergency. Whatever the legal implications of this measure, it represents a very serious symbolic stance that is not in any way obscured by confusions of terminology. It cannot be expected that the intense legal consideration given this grave step will be appreciated by a community affected by it, nor will it be self-evident to such a community that the role of the armed forces is a

supplemental one to that of the civil authority and not a supplanting one. The use of the armed forces, particularly Federal forces, in a highly charged political atmosphere, however necessary, cannot fail to be interpreted as undermining confidence in the civil authority. It is, therefore, recommended that military force be used only where the domestic security is so threatened by events that the civil authority does not have the control capability through its own agents. Military forces ought not to be used to control a situation merely because of the inadequacy of the legal powers accorded the agents of the civil authority. It is strongly urged that this temptation be removed through a strengthening of the powers of the civil authority itself, in which case, granted such powers, its agents would be able to cope with the problem that has arisen.

It is often a primary purpose of organized terrorist groups to provoke a strictly military response. These groups then use such intervention for propaganda purposes, in an attempt to justify patently unlawful acts in the name of some principle of defense. The use of military force against terrorists may well be necessitated by the exigencies of the situation or by the superior response capability of the armed forces. Military power is, nevertheless, naked power, and Bertrand Russell's words on this are worth recalling:

There must be power, either that of governments, or that of anarchic adventurers. There must even be naked power so long as there are rebels against governments, or even ordinary criminals. But if human life is to be, for the mass of mankind, anything better than a dull misery punctuated with moments of sharp horror, there must be as little naked power as possible [Bertrand Russell, *Power*. New York: W. W. Norton, 1938, p. 104].

Notwithstanding the climate of emergency, such power as may be necessary ought to be exercised, and, perhaps more importantly, seen to be exercised, in strict accordance with the law and by authority of the civil executive. To the extent that this needs to be clarified and its importance underscored legislatively, it is strongly recommended that this be done. There is, presently, considerable doubt over some important legal points surrounding both the employment of military forces and the extent of their powers when they are called upon by the civil authority. There should be no doubt, even in those situations where the military forces supersede—temporarily—the executive functions of the civil authority, that the latter remains legally in control. Where the armed forces are clearly seen by the community simply as an extension of the power of the civil authority, much of the terrorist purpose in provoking such a response is blunted. There is a clear

need for national review of the body of laws relating to the employment of military force, whether State or Federal, to cope with a situation of domestic disorder or extraordinary violence. An examination of the pertinent literature reveals not only wide variations by the State in the powers and procedures accorded by each legislature but also considerable legal uncertainties in the courts; these uncertainties may translate into practical dilemmas for those who must respond effectively to the situations of emergency in which military capability is required. There is a great need for clarity and uniformity in such legislation. As a general proposition, it is recommended that the military forces be given, by statute, the same emergency powers as the civilian police. The role of the military then will be determined exclusively by the superiority of their response capability. In all cases, it is urged that the legislation make clear the legal subordination of the military forces to the appropriate civil authority.

In practice, the Posse Comitatus Act has been interpreted rigidly and has proved inhibitory, particularly for those at lower levels of responsibility, to response to some acts of extraordinary violence. At times, the agents of the civil authority might usefully have called upon the assistance of the armed forces in special operations where their own equipment and response capability was inadequate to meet some emergency. These situations have usually been resolved by resort to exercises in sophistry which, it is suggested, sensible legislative revision might make unnecessary in the future.

In all cases, the principle of civilian, judicial review of the exercise of these emergency powers should be preserved. There should be no extension to military tribunals of adjudicatory functions over civilians. It should be for the legislature to establish in clear terms the role of the courts in relation to the review of emergency legislation. The legislative intent should be clearly indicated in favor of the widest construction of the courts' authority in emergency situations rather than a narrowing of it. In this way, any potential for abuse of the extended powers suggested as necessary will be limited and the rights of aggrieved subjects to appropriate remedy preserved.

References

1. Dowell, C. *Military Aid to the Civil Power*. Buffalo, New York: Hein Company, 1925. Reprint, 1972.
2. Pye, A. Kenneth, and Cym H. Lowell. "The Criminal Process During Civil Disorders," *Duke Law Journal*, August 1975, No. 3, pp. 581-690, and December 1975, No. 5, pp. 1021-1101.

3. *Report of the National Advisory Commission on Civil Disorders*. Washington, D.C.: Government Printing Office, 1968.

Related Standard

The following standard may be applicable to implementing Standard 5.12:

4.7 Employment of Military Force

Standard 5.13

Funding

Legislatures should give special attention, through their appropriations committees, to the provision of adequate funding for the responses of law enforcement authorities to situations of terrorism and extraordinary violence. Although generally it will be unnecessary to appropriate large sums for contingencies unlikely to materialize with regularity, a general state of preparedness requires a constant, high level of planning, training, and coordination, all of which require expenditure of funds in excess of those budgeted for ordinary operations. The provision of such funds should be regarded as analogous to payment of a premium on an insurance policy, with no specific return expected from their commitment. Whenever possible, cooperative ventures on a regional or a national basis should be undertaken, in order to make the most effective and economical use of scarce resources.

Commentary

Legislatures should make proper financial provision for the cost of law enforcement responses to disorders, terrorism, and other extraordinary violence. It is not recommended that large sums be appropriated indiscriminately for creation of sophisticated response units but rather that the overall needs be assessed properly and, wherever possible,

such resources as may be required provided on a cooperative, cost-sharing basis.

Many existing law enforcement special response units are presently funded on an unrealistic basis. In some cases, departments do not have enough ammunition to train special units regularly and effectively, and most meet these training needs wholly unofficially through acquisition of surplus military supplies. Cases also have been noted of officers purchasing necessary items of equipment with their own funds, in order to discharge more effectively the duties they are required to perform. The cost of establishing and maintaining an adequate response capability for the type of criminality with which this report is concerned ought not to be considerable, nor will the monetary provision made be wholly inapplicable to other, regular anticrime responses.

Legislation also must consider the differing needs of departments. With regard to sophisticated equipment and its use, for example, the needs of small departments clearly differ from those of major urban areas, especially those with high crime problems. Legislatures should provide funding on the basis of need, giving specific attention to the desirability of providing, on a regional basis, an adequate response capability within a very short time of an incident's occurrence.

Related Standards

The following standards may be applicable in

implementing Standard 5.13:
5.10 Cost-Sharing Provisions
9.6 Development of Regional Facilities

Standard 5.14

Legislative Attention to Underlying Causes

Legislators should give some consideration to the underlying causes of civil disorder, terrorism, and other acts of extraordinary violence, insofar as these are revealed by commissions of inquiry, public and private studies, and other evidence. Whenever legislation can modify, remove, or abate these underlying social conditions, such steps should be taken. Such legislation should have the objective of creating a social climate in which disorder and terrorism cannot flourish and in which both will wither away for want of popular support. Urgent consideration should be given to repeal of legislation that seems to create grave social tensions and not serve a correspondingly valuable social purpose.

Where social programs that promote orderly expression by citizens and realization of a community's social needs and, in particular, provide an outlet for grievances and the need for social adjustment have been created as a result of a community initiative, these should receive positive encouragement and, where necessary, legislation in support of these endeavors should be enacted.

Commentary

The problems of disorder, terrorism, and political violence cannot be realistically divorced from the more general problems of crime prevention and con-

trol; it would be erroneous to treat them as unique phenomena. Responses to disorder, terrorism, and political violence are directly and intimately related to every facet of the administration of criminal justice, and useful discussion of responses can take place only within that framework. In relation to terrorism and its development into guerrilla warfare, Robert Taber has written, "The crux of the struggle is the social and political climate" [*The War of the Flea*, New York: Lyle Stuart, 1965, p. 171]. It is important to place all responses to terrorism in this wider context. The President's Commission on Law Enforcement and Administration of Justice observed of the underlying problems [p. 1], "[Unless] the society does take concerted action to change the general conditions and attitudes that are associated with crime, no improvement in law enforcement and administration of justice, the subject this Commission was specifically asked to study, will be of much avail." Any recommendation to legislators in connection with disorder, terrorism, and other extraordinary violence must iterate the need to address ulterior causes.

Many disorders are traceable to some underlying cause, which must receive consideration if order and stability, as opposed to temporary control, are to be restored to the community affected. Legislators should give urgent consideration to the effect legislation might have on the causes of community unrest

and should take appropriate measures. Legislatures should work actively with community representatives in eradicating the causes of unrest and give positive support to community initiatives designed to promote and reinforce social harmony. As President Lyndon Johnson warned,

Not even the sternest police action, nor the most effective Federal troops, can ever create lasting peace in our cities. The only genuine, long-range solution for what has happened lies in an attack—mounted at every level—upon conditions that breed despair and violence. All of us know what those conditions are: ignorance, discrimination, slums, poverty, disease, not enough jobs. We should attack these conditions—not because we are frightened by conflict, but because we are fired by conscience. We should attack them because there is simply no other way to achieve a decent and orderly society in America

References

1. *The Challenge of Crime in a Free Society.*

Report by the President's Commission on Law Enforcement and Administration of Justice. Washington, D.C.: Government Printing Office, 1967.

2. *Report of the National Advisory Commission on Civil Disorders.* Washington, D.C.: Government Printing Office, 1968.

Related Standards

The following standards may be applicable in implementing Standard 5.14:

- 4.13 Aftermath Measures
- 6.26 Community Relations Efforts in the Aftermath of Extraordinary Violence
- 8.3 Improving the Institutional Environment
- 8.4 Tactical Response to Disorders
- 10.11 Community Action in the Aftermath of Disorder and Terrorism
- 10.13 Research Efforts in the Aftermath of Extraordinary Violence

Standard 5.15

International Cooperation

Legislatures should provide for special studies of the need for and possibility of international cooperation so as to improve the overall response to crimes involving acts of terrorism and political violence. Particular attention should be given the possibilities of standardizing terminology and bringing about a greater degree of uniformity of penal policy. Whenever practicable, conventions, treaties, and other obligations should be entered into in order to promote international cooperation in the exchange of information, prosecution of offenders, extradition, and the transfer of convicted offenders between cooperating countries. This will increase the effectiveness of the response of the international community to crime involving acts of terrorism and political violence.

Commentary

The development of transnational terrorism poses the urgent need for international cooperation in a variety of fields. There is considerable evidence of international collaboration among terrorist groups in matters of training, exchange of information, provision of material assistance, and technology transfer. The ease with which terrorist groups can travel and communicate with each other imposes severe strains upon law enforcement efforts. Unless there is satisfactory international cooperation among those countries affected by the problems, these strains will

continue. The prospects for universal cooperation, even for agreement on the definition of terrorism, are not such to excite enthusiasm. The endeavors of the United Nations to produce a commonly acceptable policy have been bedeviled consistently by ideological and sectarian considerations. It is unlikely that these differences will be overcome in the foreseeable future so as to utilize that body for any notable, international rulemaking functions that might have a real impact on the problem. In more modest areas, aided by attention to common interest or by reason of a commonality of viewpoints, the prospects for progress are more encouraging. Thus, international air security has been improved, although not to the point that most nations would desire, and the measures for the protection of diplomats have commanded general acceptance. Cooperation with like-minded countries on a more prosaic level is perhaps most likely to produce useful results. Consideration should be given to cooperation on a lower level so as to facilitate a more effective exchange of knowledge and experience among those charged with direct response to acts of terrorism and political violence. Whenever legislation may be needed to effect such cooperation and particularly when funding may be needed for those purposes, legislatures are urged to give the matter their consideration.

References

1. Hearings before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, U.S. Senate, *Terroristic Activity*:

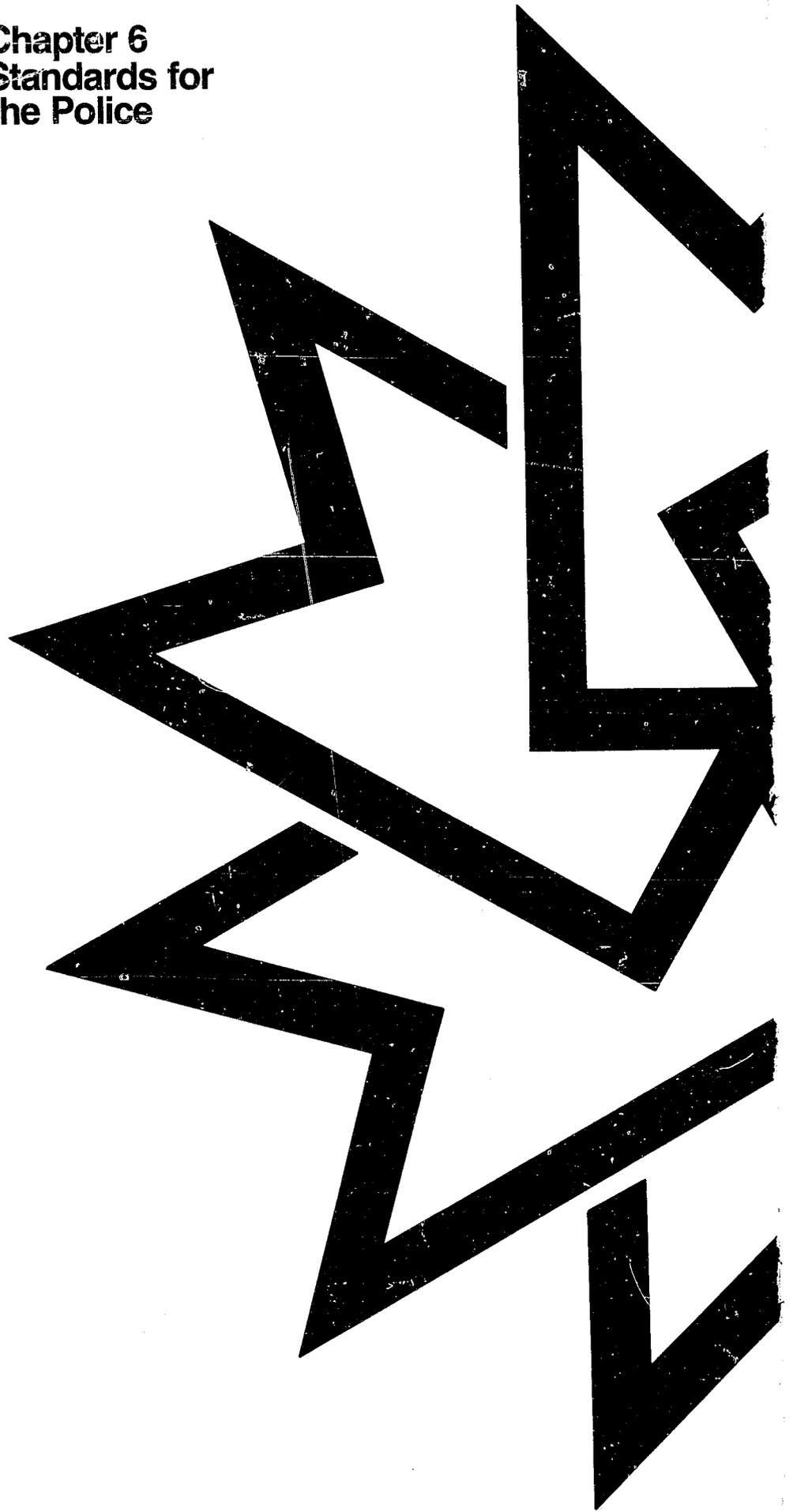
International Terrorism. Washington, D.C.: Government Printing Office, 1975.

Related Standard

The following standard may be applicable in implementing Standard 5.15:

6.22 Regulations With Foreign Police Agencies

**Chapter 6
Standards for
the Police**



INTRODUCTION

Although responsibilities for dealing with extraordinary incidents of actual or threatened violence are or should be widely distributed, many planning, prevention, response, control, and followup functions will inevitably rest with State and local law enforcement agencies. Whether civil disorders, violent demonstrations, terrorism, or quasi-terrorism be involved, local police will ordinarily be the first to appreciate the existence of potential dangers, to be notified of concrete threats, and to intervene in actual incidents. Moreover, because police exercise special control over access to information and to incident scenes, their policies and actions will largely determine the roles nonpolice agencies, groups, and individuals play in planning and operations against incidents of extraordinary violence.

The operational roles of local law enforcement agencies in cases of extraordinary violence differ with circumstance. Ordinarily, these roles are primary ones, both legally and practically. But diplomatic kidnappings and assassinations of national leaders, for example, are the province of Federal authorities, while bomb threats against large corporate installations are often handled in the first instance by private security. Yet local law enforcement personnel can hardly hope to escape criticism in the event that operations fail or misfire. There is no class of incident local police can afford to overlook in the planning of prevention and control measures, even though they may not have primary responsibility for putting plans into practice.

The limits on what local police can do to cope with extraordinary violence must be reappraised; expectations of police capacity are often unrealistically high. If incidents of extraordinary violence and concern with it are on the increase, new multidisciplinary modes of coping with it and plans providing for non-police participation must be devised. Nevertheless, as multidisciplinary approaches are still largely theoretical and interagency or intergroup coordination is only

intermittently effective, police responsibility for dealing with extraordinary violence remains paramount.

The proposed standards and goals have been designed to assist departments in deciding how best to discharge the burden of responsibility that they now bear and how best to work toward a more practical and effective allocation of authority in the future. Where a standard is intended to have application only in the light of some future development, it is so indicated. All other guidelines, whether directed to existing conditions or focused on new institutions and relationships, are intended for immediate application.

The comprehensiveness of the term "extraordinary violence" has complicated the devising of practically worded standards and recommendations. Not all the guidelines will be equally helpful in dealing, for example, with civil disorders and political terrorism as well as unpremeditated hostage taking.

To a significant degree, however, police planning against all types of extraordinary violence requires similar preparation and skills and involves similar tactical and policy considerations. In a barricaded hostage situation, for example, it may be useful to know whether the hostage holder is a politically motivated terrorist, a deranged person, or a conventional criminal. But neither the structure of the police system nor the decisionmaking process which determines tactics for particular incidents changes according to the motivation of the hostage holder. To cite another example, the character of a police intelligence unit and the nature of safeguards against abuse of intelligence ought not to depend on whether the information gathered concerns dangers of civil disorder or those of political terrorism. Wherever possible, the guidelines have been prepared to apply to the police role in dealing with extraordinary violence generally, and common problems of this variety of law enforcement have been stressed. Where a standard applies to police efforts against only one or more kinds of extraordinary violence, the limits on its intended applicability are stated.

Standard 6.1

General Recruitment and Training

In preparation for incidents of extraordinary violence, every police agency should assure that all personnel generally and the complement of sworn patrol and specialist officers in particular are (a) selected and trained to maintain open two-way communications with all segments of the community they serve and (b) thoroughly acquainted with the agency's policies and capabilities for dealing with extraordinary violence.

1. Police policies and practices for recruiting new officers should affirmatively promote the representation in all ranks of sworn personnel of racial and ethnic minorities present in the community. Recruitment of women should be promoted on the same basis. Because diversity is desirable in a police agency, selection criteria should be designed so that an individual who has the necessary competency or educational equivalency should not be excluded from consideration solely because the person lacks some particular educational background or prior work history. Particular stress should be placed on the recruitment of officers with ties to (or knowledge of) elements within the community that are regarded as particularly likely to be affected by extraordinary violence, whether as actors or as victims.

2. Basic police training units, whether offered to newly recruited officers or as inservice training, should stress skills and information required by nonspecialized personnel to participate effectively in

departmental efforts against extraordinary violence. Curriculum units that should be offered are

- a. Communication skills;
- b. Community relations;
- c. Departmental plans for emergency situations;
- d. Specialized departmental units and services;
- e. Civil disorder duty;
- f. Crisis information training.

Commentary

Patrol Officers and Extraordinary Violence

The generalist patrol officer remains the mainstay of modern American local police forces. Even in urban areas, where police specialists now dominate the management of most protracted incidents of extraordinary violence, the patrol officer has a number of critical functions. In particular, he or she will often establish the character of the initial police response. For example, a patrol officer who is first on the scene of a barricaded-suspect situation—in this report defined as an incident in which armed persons in secure or semisecure positions offer or threaten to offer violent resistance to apprehension—must take immediate short-term action to stabilize the situation and protect the public. This is true even though, in any jurisdiction with a preplanned mode of response

to such situations, that officer will be relieved by experts in negotiation or special tactics soon after and will remain at the scene, if at all, only to perform a support function such as crowd control.

More generally, patrol personnel are important in all phases of response to incidents of extraordinary violence. The quality of their work in supporting operational roles is critical to success, determining, among other things, whether an incident will be contained and directly affecting public perceptions of the incident's nature and seriousness. This is not to say that patrol officers ever will be generally relegated to secondary roles in all instances of extraordinary violence. In large-scale general disorders, specialized on-street riot-control units are valuable and ordinary command structures may be modified to give special authority to command units with special riot-control expertise, but the squad of general-duty line officers is the basic operational unit.

In connection with all forms of extraordinary violence, moreover, patrol officers—by virtue of their relatively greater and more consistent exposure to the public—have important functions that no specialist group can be expected to perform. With them lies the responsibility to see incidents of disorder and terrorism in the making and to take or arrange for other units to take preventive measures. Finally, when police operations against extraordinary violence are concluded, it is the patrol force that must return to the community and explain or justify the often unpopular and always easily misunderstood policies and actions of the entire department.

Recruitment and Personnel Policy Objectives

Preparing a police department for effective operations against extraordinary violence means more than creating a complement of specialists. Rather, it also implies the necessity of readying the patrol force as a whole. This effort must begin with recruitment and personnel selection policy. Any patrol force and particularly any urban patrol force that differs markedly in its makeup from the community it polices will be handicapped in gaining the confidence and cooperation of some segments of that community. And this will be true no matter how good its training. When the patrol officer must act as the department's early warning system in advance of extraordinary violence or as its conciliation service in the aftermath, no amount of training can substitute for the understanding and sympathy born of personal experience.

Authorities and practitioners in the field of law enforcement management disagree on many of the specifics of recruitment goals. The final importance of such traditionally sought-after job candidate characteristics as military service or such recently (and widely) adopted prior experience qualifications as

college education can be and has been challenged. So, too, has the value of recruitment criteria stressing such various factors as height, physical condition, and willingness to reside within the area policed. Similar divisions of opinion exist where recruiting practices are concerned. The conflict between advocates of a positive point system on the one hand and of a system of threshold eligibility criteria on the other has yet to be resolved. Even more controversial is the place of psychological testing and interviewing in the recruitment-selection process.

Naturally enough, it is easier to prescribe some of the characteristics to be sought in patrol personnel (or in a group of recruits) than to suggest qualification standards or selection techniques for individual applicants. From the standpoint of preventing, controlling, and reacting to extraordinary violence, police agency personnel should be:

1. Racially and ethnically representative of the population of the agency's area of jurisdiction (which representation need not satisfy any mathematical proportion but which must be significant);
2. Capable of accepting close discipline as members of a police response "team" as well as able to act with independent discretion;
3. Able and willing to reside—at least in significant numbers—within the geographical area policed by the agency as a whole so as to contribute generally to police-community understanding and to be available to respond rapidly in emergencies;
4. Physically fit so as to be able both to perform exacting assignments and to endure long periods of waiting in readiness;
5. Emotionally mature, with the capacity to absorb verbal and even physical abuse without reacting unprofessionally;
6. Prepared to appreciate concerns and grievances—law enforcement related and non-law-enforcement related—of the community.

Recruitment should be conducted with these and other like considerations in mind. Where the nature of applicants is such that a simple selection of the objectively best qualified candidates would not tend to create a patrol personnel complement with these sought-after attributes, affirmative personnel search programs, outreach recruiting, and special-purpose testing and screening methods will be required.

The objectives in maximizing the representativeness and sensitivity of a force through police personnel recruiting are related to the larger goal of acquiring a departmental capacity to deal with extraordinary violence effectively. A force with the general characteristics just outlined will have an immediate advantage in coping with spontaneous incidents of extraordinary violence, whether they are large-scale riots or small-scale barricaded-suspect situations. Even where local police procedure or

practice assigns responsibility for dealing with such incidents to specialist units, the recruitment and selection of patrol officers are critical because it is from the patrol force that specialist officers are, in turn, recruited. And although the advantage conferred by patrol force representativeness and sensitivity is questionable where direct dealings with participants in incidents of organized political terrorism are concerned, those characteristics are of special value in insuring effective performance of secondary police functions related to terrorism such as area clearance, crowd control, and rumor prevention.

Finally, however, the objectives for recruitment and selection described here need not be justified solely by reference to the problems of extraordinary violence. These objectives are also consistent with other important internal goals of effective policing and with external requirements imposed by Federal, State, and local equal employment opportunity legislation.

Training Objectives

The police force that represents a mathematically representative cross section of the community is a practical impossibility. And even the most carefully recruited force will have common gaps in understanding and sensitivity. Recruitment and personnel selection practices can supply only a portion of a patrol force's readiness to deal with extraordinary violence. Training must supply the rest.

It should be reemphasized that the training units proposed in this standard should not be expected to convert newly recruited patrolmen and patrolwomen into experts or specialists, whether in community relations or in the prevention and control of extraordinary violence. Rather, these units should aim to serve more limited and more realistically attainable ends.

Communications Skills and Community Relations

Training units of the kind described in this standard as communications skills should be designed to emphasize the importance of open two-way verbal exchange between police and citizens other than suspects and arrestees and to teach specific ways for opening avenues of exchange and maintaining them even in emergency situations. Technical bars to exchange may exist because of difference in style and vocabulary between street language and official or standard English. Almost as significant a potential barrier is the natural tendency of officials—including police officers—to value verbal communication only to the extent that hard information is given and received and to ignore the symbolic and social significances of the act of communication itself. Training

curriculums can address these problems through lecture format presentations, through films or simulations, and even through role-playing exercises.

The objectives of the training units in community relations are closely related to those of communication skills instruction that this standard recommends that all patrol personnel should receive. Community relations training units, however, should put a relatively greater emphasis on content, stressing hard background information on community issues, groups, and leaders as well as skills required by the individual officer to learn more about the community while on the job. It is of the utmost importance that the informational elements of a basic community relations curriculum be constantly and thoroughly updated; thus, instructional participation by departmental intelligence personnel as well as by community relations specialists is extremely important to the effective design and delivery of this material. Those elements of a community relations unit that deal with street skills should also be as practical as possible, emphasizing the "who, what, when, where, why, and how" of a patrol officer's nonenforcement contacts with the public as a whole and with particular segments of the public.

Units on communications skills and community relations will serve a purpose if they succeed in reducing barriers to open citizen-police and police-citizen communication and in promoting the sensitivity of patrol officers to community needs and concerns. Open communication and police sensitivity are critical to the prevention of incidents of extraordinary violence. No specialized police intelligence unit can displace or function without the informal data-gathering efforts of the patrol force. But merely because those efforts are informal, they need not be uninformed; the signs and signals of discontent and incipient disorder can be read more effectively by men and women trained to observe them. One recent handbook for patrol personnel, for example, suggests that officers should make special efforts to identify violence-prone buildings and locations and monitor them regularly, should use routine patrol to make contact with members of unusual groups and assemblies, should know the names and faces of members of potentially violent groups and observe changes in their composition, and should watch for particular signs of incipient trouble, such as increases in the purchase of gasoline in containers [*Prevention and Control of Collective Violence*, Vol. V, pp. 1-8 to 1-16]. Difficult as it is for any patrol officer to perform such intelligence-related functions consistently while also maintaining good general communications with the public at large and carrying out regular enforcement and order-maintenance duties, the well-trained patrol officer will find them easier to perform.

In a scheme of overall preparation for police op-

erations involving extraordinary violence, communication skills and community relations training also have functions unrelated to prevention. Although the patrol officer will often be only peripherally involved in the incidents themselves, it is on the periphery that police-citizen interaction is most intense. Crowd control and perimeter security duties, for example, make special demands on an officer's abilities to understand public attitudes, to explain police action, and to exercise authority through persuasion.

But it is the aftermath of police operations—and particularly of operations that have taken a toll in loss of life, injury, or property damage—that basic training in communication skills and community relations has its greatest relevance in dealing with extraordinary violence. The officer who is ill equipped to assess and respond to community feelings in post-operational situations will not only contribute far less than possible to the prevention of future incidents, he or she will also be handicapped in the performance of day-to-day patrol duties.

Departmental Emergency Plans and Specialized Departmental Units

These training units are intended to acquaint the line officer with departmental policies and plans for incidents of extreme violence and with his or her possible roles in the event that they occur. Of necessity, the content of these units can be no more than a detailed summary or overview.

Subsequent standards will stress the importance of detailed contingency planning in a comprehensive police program to cope with collective violence and outline the elements of the planning process and the content of the plans it should produce. Here, however, training is emphasized as a method of acquainting new personnel with whatever contingency plans, however generated, exist to govern police action in incidents of extraordinary violence and (in the form of inservice training) as a method of familiarizing the force as a whole with changes and updates in planning documents. The bulk and detail of these documents make complete orientation through training a practical impossibility. But a training curriculum should supply information on the existence of various plans, on the general outline of their contents, and on those of their features that have most practical relevance to line officers. Such an emphasis will instructionally focus on the nature of special command structure in emergency situations and on the place of line officers and their squads in those structures; potential ambiguities as to how and by whom patrol officers may be called for emergency duties, as to the nature of the tasks that duty may involve, and as to the on-scene discipline under which those tasks will be performed can be largely resolved through train-

ing. Where the police agency of a jurisdiction has participated or joined with other State or local forces in planning for response to extraordinary violence, that agency's training should acquaint the trainees with the circumstances in which they may be called to emergency duty outside the jurisdiction or in which their numbers may be swelled by "outside" personnel.

Closely related to training units providing orientation to departmental contingency plans are units providing an overview of specialized departmental capabilities. Again, practical considerations bar the use of training as a vehicle for the most thorough orientation. But patrol officers should be acquainted with the names, locations, and basic functions of specialized units and services (ranging from intelligence through bomb disposal to special weapons and tactics), with the methods for requesting the assistance of those units in connection with extraordinary violence, and, perhaps most important, with the departmental rules or procedures for cooperation between specialists and generalists in actual operations.

An example may serve to illustrate what orientation to contingency planning and departmental services could be designed to accomplish. Departmental contingency plans may provide for the use of special tactical units and trained negotiators to resolve incidents of the barricaded-hostage or barricaded-suspect type. (A barricaded-suspect situation is an incident in which armed persons in secure or semi-secure positions offer or threaten to offer violent resistance to apprehension. A barricaded-hostage situation—in which a suspect holds a member of the public captive—is a special case of the barricaded-suspect situation. Depending on the character of the suspects, such incidents may represent either true terrorism or quasi-terrorism.) If special units or officers are used, training for patrol officers should emphasize how control over the management of an ongoing situation is to be transferred from the first line officers at a scene to the specialized teams. The capacities and expertise of specialized units should be underlined in the curriculum in order to encourage line officers to rely upon them in unusual law enforcement situations. In addition, training should stress the place of the line officer in the command structure and operational plan that come into effect when the specialized team does assume control. If the pre-planned function of line officers in a barricaded-hostage or -suspect situation is limited to perimeter security and crowd control, for example, training must explain, reinforce, and justify that rule of action. If special use of force or fire control rules will apply at an incident scene, training for new line officers should underline the existence and importance of those rules.

In another example, planning documents may vest primary responsibility for police response in civil disorder situations in a specialized command unit, directing a limited number of specially trained riot squads and potentially a far larger number of squads of line officers. If planning calls for such an allocation of authority and responsibility in the event of mass violence, training should stress both the outlines of the department's antiriot plan as a whole and the specific functions that nonspecialized officers will be assigned, may be assigned, or will not be assigned under the plan.

Riot Control

The fraction of career time that a nonspecialist police officer devotes to riot-control duty will probably be negligible, particularly in nonurban or smaller urban departments. For this very reason, riot-control training must be a part of all basic police training curriculums; because opportunities for on-the-job training will be few, formal instruction must take its place.

In retrospective reviews of recent incidents of mass violence, the performance of line officers in riot-control functions has been criticized—generally on the grounds that it has been characterized by tendencies towards uncoordinated action and over-reaction. Both of these characteristics are, at least in part, traceable to inadequate training. The officer who is generally accustomed to working alone, with a partner, or with a small unit cannot be expected to make an easy, unassisted transition to functioning without real independence as a subordinate in a quasi-military structure typical of antiriot operations. In addition, the officer who is accustomed to reacting to obvious and less serious law violations quickly and directly may fail to understand why official action in a riot situation is sometimes withheld on tactical grounds or why the severity of official action taken may be tempered to avoid negative public reaction. The principles of law enforcement in riot situations may differ from general rules of police work, and formal training is usually the only available vehicle for acquainting the force as a whole with special riot-control principles.

Although intensive training may be available to transform some small proportion of the patrol force into on-call riot-control specialists, riots and disorders may strain or outstrip these specialists' response capacity. The patrol force as a whole must be prepared by training to work with its riot-control specialists when the dimensions of a disorder demand. Thus, training should include not only special principles of antiriot law enforcement but also an introduction to tactics, formations, and, perhaps most important, rules on the use of force and weapons.

In addition, basic riot-control training curriculums should include nuts and bolts items: explanation of mass arrest identification and evidence preservation techniques, orientation to special protective gear and equipment that may be issued in event of mass violence, introduction to special communications systems, and an outline of local provisions for detention of prisoners and judicial functioning in emergency situations.

Finally, these training units should also stress again the existence and nature of departmental contingency plans for mass violence. They should give similar emphasis to the existence of other plans outside the police sector—including those of the judiciary, the civil authorities, and public or private health care and aid agencies—that may come into play in disorder emergencies.

Considerable leeway exists in devising the content and format of riot-control training units. The principles of action to be imparted will depend on the controlling assumptions and practical details of local antiriot planning. The methods of imparting these principles range from relatively elaborate—such as simulation exercises—to extremely simple—such as classroom lecture-style presentations. Where departmental size cannot justify independent training offerings on the topic of riot control and particularly where the small size of a department dictates reliance on mutual aid agreements in actual riot-control operations, cooperative regionalized training efforts may be the best way to meet this essential training need. But whatever its specific lessons and however it is delivered, riot-control training is a necessity of modern police training.

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Related Standards

The following standards may be applicable in implementing Standard 6.1:

- 6.24 Relations With Mental Health Professions
- 6.26 Community Relations Efforts in the Aftermath of Extraordinary Violence

Standard 6.2

Planning for Mass Disorders

The contents of an antidisorder plan cannot be specified for all jurisdictions because they will be significantly influenced by local law, community attitudes, resource considerations, and other variable factors. But both the elements of an adequate plan and the processes most effective to arrive at such a plan can be described in general terms.

1. Every law enforcement agency that may be involved in preventing or reacting to disorders—regardless of its size and regardless of its day-to-day, nonemergency responsibilities—should adopt a contingency plan for disorder-related emergencies. The plan may be internally generated, devised in cooperation with other police agencies, or adapted from plans already in use elsewhere. Upon its completion and prior to its final adoption, a draft police antidisorder plan should be reviewed by the responsible civil executive of the jurisdiction to which it is applicable. Following a general statement of the objectives of antidisorder law enforcement, such a plan should provide, at a minimum, detailed and practical guidance on the following topics:

a. Methods of gathering and analyzing press reports, officer observations, and intelligence data for early warnings of times and places at which the risk of mass disorders is particularly acute;

b. Methods of assessing hostility to police in advance of routine operations to prevent the development of mass disorder as a reaction to law

enforcement actions in potentially volatile situations;

c. Methods of preventing the development of mass disorders evolving out of planned nonviolent demonstrations;

d. Methods of identifying and counteracting persons and groups intending to incite riots or violent demonstrations;

e. Principles governing the creation and location of emergency field command posts from which police antidisorder operations can be directed;

f. Special command structures or authority relationships within the police agency in disorder emergencies;

g. Authority relationships between the police agency and other law enforcement and non-law-enforcement agencies in disorder emergencies;

h. Roles of specialized units within the agency in disorder-control activities;

i. Rules on the use of lethal and nonlethal force to be followed in operations during disorders;

j. Techniques for checking private reprisals against participants in disorders and for limiting individual intervention by off-duty officers or police personnel from other jurisdictions;

k. Special rules governing the exercise of discretionary police powers of arrest and postarrest release in disorder emergencies;

l. Sources of legal advice and counsel to de-

partmental authorities during antidisorder operations;

m. Methods of effecting valid arrests in volume, with provisions for prisoner transport and housing, subsequent identification of arrestees, and preservation of evidence;

n. Methods of preventing or checking the geographic spread or localized intensification of limited disorders already in progress;

o. Identification of departmental officials responsible for discussions or negotiations with disorder participants and nondisorderly community leaders and groups, along with principles governing the scope of such discussions or negotiations; and

p. Principles governing agency relations with print and electronic news media representatives during the current course of disorders.

2. In the antidisorder planning process, however, the police chief executive should consider the following factors in arriving at or adopting an antidisorder plan:

a. Previous departmental experience, whether successful or unsuccessful, in disorder prevention and control;

b. Experience of departments in other jurisdictions and the planning documents of those jurisdictions;

c. Departmental resources of manpower, material, and expertise;

d. Nondepartmental resources available to the agency on request in emergency situations, including resources available from other police agencies under existing or potential mutual aid arrangements, in rural as well as urban areas;

e. Community attitudes towards police and law enforcement generally, towards political dissent and disruption, and towards use of force in the suppression of disruption;

f. Legal constraints on police action in emergency situations, as interpreted by the department's legal adviser;

g. Standards of emergency performance required for successful postemergency judicial processing of cases generated out of incidents of disorder; and

h. Practical necessities of maintaining adequate levels of non-disorder-related law enforcement services during emergencies.

3. Whenever a realistic potential for mass disorder exists, general contingency plans should be specifically adapted to fit its anticipated character and to provide members of the department with the following working documents:

a. A situation-specific plan for circulation at the command level, indicating which elements of the general plan are applicable and which inapplicable

and adding special provisions for unique features of the particular anticipated emergency;

b. Precisely drawn general orders for specialized departmental units, indicating their responsibilities and relationships in the event that the anticipated emergency occurs; and

c. Simple, clearly stated general orders of rules of engagement for distribution throughout the department or to all officers who may be involved in a particular anticipated antidisorder operation, detailing the objectives of the operation, the command structure to be in effect, the tactics to be employed, and the special limitations, if any, on the action of individual officers.

4. Every police antidisorder plan should be clearly marked with the date of its adoption or promulgation. Within 30 days of any major incident or 7 days of any minor one in which an antidisorder plan is employed as a basis for police operations (or, in the event that such a plan is not tested in practice, no less frequently than 2 years after initial planning and every 3 years thereafter), police antidisorder contingency plans should be thoroughly reviewed—not only as to the efficacy of the plan but also as to its public acceptance—modified as necessary, and re-adopted.

Commentary

Comprehensive contingency planning is a widely accepted concept of effective modern law enforcement. Planning for unusual or extraordinary law enforcement situations is among the most important and most difficult planning function of police chief executives and their staffs. Because large-scale violent disorders are a class of situations likely to occur and recur over time, planning for them takes on special importance in a general law enforcement planning program. At the same time, the occasional and unpredictable character of mass disorders partially explains why the principle of planning is sometimes honored in the breach rather than in the observance.

Each individual disorder has so many features peculiar to itself that the temptation to regard each incident as unique is strong. Negative experiences with the often literally useless products of inadequate planning processes tend to reinforce the view that planning itself is an ineffective tool. And adequate planning for disorders is expensive and time consuming. Moreover, because many real and potential disorders are linked to legitimate citizen protest and dissent, visible planning for the prevention and control of disorders may create political or public relations liabilities. Given the serious resource constraints under which even the best funded police agencies operate, the inevitable tendencies are to

forgo or postpone detailed contingency planning for disorders, to plan in sketchy or over-general terms, and to allow plans, once arrived at, to become stale and outdated with time.

All factors that may appear to militate against detailed contingency planning for disorders, however, are outweighed by countervailing considerations. Every major retrospective review of police performance in civil disorders and riots has underlined the human and fiscal costs of inadequate planning. Every department or agency with a working planning capability can testify to real savings—incidents averted or contained, lives and property preserved, and even efficiencies achieved in the conduct of antisorder operations. The final and most weighty consideration, however, is the existence of a police *responsibility* to plan, independent of economic constraints and efficiency values.

The responsibility to plan for antisorder operations arises out of the special place of such operations in the range of police functions. Because disorders are by definition general threats to social stability, because antisorder operations involve the deployment of large numbers of officers in confrontation with assemblies of citizens, and because the primary focus of such operations is necessarily on the control of the *incident* itself rather than on the conduct of individuals, risks of unintentional but serious overreaction and overreaching in police-citizen transactions are particularly great. These risks are aggravated by the relative unfamiliarity of command-level and line officers with the tasks they must perform in disorder situations and by the tendency of line officers to react quickly and individualistically to violence when systematic discipline is not imposed upon them.

The necessity for a particularly high degree of police self-regulation in disorder situations is all the more pressing because intentional provocation of police personnel is a frequent although far from invariable technique of participants in organized disorders. For an individual officer (or an entire department) to accept an invitation to overreaction may be to concede unnecessarily what persons responsible for a disorder regard as a principal objective.

Police agencies must plan in order to be able to perform simultaneously the mixed and even apparently contradictory disorder-related functions of safeguarding public order and preserving individual liberties. And if contingency plans for disorder situations are to be useful in practice, they must be detailed, realistic, and current.

The Police Planning Function

In the ideal, each police agency potentially involved in the prevention or control of mass violence

should generate its own antisorder plan, in cooperation with other police agencies with which it may cooperate in disorder-related emergencies, and with non-law-enforcement agencies (e.g., public health, public welfare, courts, and local corrections) with related responsibilities. At a minimum, the planning process should consist of a substantive, detailed review of an externally generated plan with modifications as applicable to the department concerned. To reach the ideal or even to achieve the minimum may prove difficult, particularly when police planning efforts receive little outside support or cooperation. Nonpolice agencies, for example, may be resistant to or uninterested in joint planning for the prevention and control of disorder. In that event, police must bear the burden of planning rather than do without a plan.

Whatever local problems confront efforts to plan, the existence of a distinct departmental planning unit is a real advantage to a police organization. The value of such a unit becomes especially clear when its functions are defined to include (1) planning for disorders, other instances of extraordinary violence, and a range of other common and unusual police operations; (2) reviewing and updating existing plans on a regular schedule; and (3) adapting general plans to specific, anticipated emergency situations. Departmental size or resources, however, may not justify designating a full-time planner or planners or even justify designating any planner other than the police chief executive. For this reason it is recommended that small departments seek guidance in planning from larger or more experienced police agencies and from State and Federal sources of consultative advice to law enforcement.

Training for the planning function is another urgent need. At present, the best education in police contingency planning is to be had on the job in departments with strong planning staffs and accumulated practical expertise. Formal training curriculums for police executives and midlevel managers tend to be problem- or topic-focused at the necessary expense of concentration on general planning skills applicable to the full range of police problems. The ability to reach a clear understanding of substantive law enforcement problems is, of course, the essence of good planning. But other skills are also important. These include techniques for calculating the costs—in dollars and man-hours—of alternative courses of action, methods for presenting complex operational plans in practical terms and formats easily comprehensible to the various departmental and nondepartmental readers who must absorb them, and systems for evaluating the effectiveness of plans after they have been tested in use. Police executives and planning staffs must take time from urgent and immediate concerns to ac-

quire whatever skills are required to plan adequately for the units over which they are given responsibility. National and regional programs that provide police executive and police management education should assist by enriching the training for planning offered in their curriculums.

Civil Authorities and the Process of Planning for Mass Disorders

This standard recommends that before any police antidisorder plan is adopted, it should be reviewed by the elected or appointed civil executive responsible for overall supervision of law enforcement in the jurisdiction to which the plan applies—the mayor or manager of a town or city, the county executive, and the Governor of a State are obvious examples. It is further recommended that police planners take the initiative in securing such review.

The purposes of involving the civil authorities in the final stages of the antidisorder planning process are twofold. First, such involvement will tend to guarantee that a plan once arrived at will be observed in practice. Obviously the power of civil authorities to order deviations from the plan in particular emergency situations cannot be divested by giving those authorities a role in planning. As a practical matter, however, civil authorities will be less inclined to upset a police plan if they have reviewed and approved its contents in advance.

Second, participation of civil authorities in the planning process is a means, albeit an indirect one, for police planners to test the public acceptability of their planning decisions. By virtue of his or her position at the head of the jurisdiction's governmental structure, the civil executive has a responsibility to the community at large and an understanding of its needs and desires that may exceed those of police officials. In the planning process, this unique source of advice and counsel should not be bypassed.

The Public and the Process of Planning for Mass Disorders

Planning for disorders as for all extraordinary violence is generally an internal function, even when it ceases to be the exclusive activity of a law enforcement agency and involves the civil executive authorities. The public is seldom notified that planning is underway or invited to contribute views and opinions. When a plan has been completed, its existence—to say nothing of its contents—is seldom publicized. And it is obvious that there are practical and operational issues that must be addressed in comprehensive antidisorder planning as to which public input will be of little help, just as there are de-

tailed tactical elements of a completed antidisorder plan that cannot practically be made matters of general knowledge without detracting from the usefulness of the plan.

A well-defined public role is not a common feature of antidisorder planning processes. The possibilities of defining a significant but limited public role and of actively promoting public participation in planning, however, should be given careful consideration by law enforcement planners. Where many elements of a comprehensive antidisorder plan are concerned, police can benefit significantly from public input. In particular, views from outside the police agency and from outside government should be sought about those parts of the plan that deal with general assumptions underlying operations and with police cooperation with non-law-enforcement agencies and private groups or persons in times of emergency. Community tolerance for protest and violence on the one hand and for a full display of legal force by police in response on the other should influence planning assumptions. To show insensitivity to community attitudes in a disorder situation is to invite the spread of violence. And if a plan calls for reliance on nonpolice groups or private community leaders to supply information, to quiet rumors, to troubleshoot, or to coordinate services to victims in disorder situations, it is essential that police relationships with these groups should be set and hardened during the planning process.

The forums available to promote public participation in antidisorder planning are numerous, ranging from open hearings at one extreme to police-initiated discussions with small numbers of community leaders at the other. Planning needs and levels of community interest should dictate the forum employed, but the choice between inviting or discouraging limited public participation should be faced early and squarely.

Giving limited postplanning publicity to the general parts of police antidisorder plans is another available and attractive option. Knowledge that a realistic and practical plan exists can contribute to public confidence in police and to the preservation of order. On groups or individuals who may consider instigating organized disorders, such knowledge may have some deterrent effect. On the public at large, the effects will be different. Suspicions about negative police attitudes towards dissenters and minority group members that may find expression in antidisorder operations do exist; publicity devoted to rational, lawful police planning operations may prove to dispel them. Finally, because uncertainty over departmental practice—and the question of where the police will draw the line—is a factor in the development of some spontaneous disorders, steps that are designed to increase certainty about

police policy may yield benefits by reducing experimentation by potentially disorderly crowds.

The range of possible vehicles for public release of information concerning antidisorder plans is broad, although the vehicle ultimately employed will be at least as much a choice of the news media as it is of police authorities. Finally, however, the choice of a vehicle may be far less important than the choice to inform the public of the outcome of the planning process.

Planning for Spontaneous and Organized Mass Disorders

Mass disorders may be characterized by spontaneous, unorganized, or disorganized patterns of individual criminal activity (such as random looting and arson); by a mix of activities combining planned illegal acts and their secondary spread effects (such as general looting incited by leaders drawing riot participants from the general population); or by apparently leaderless individual activities following a general, but widely understood, prearranged criminal plan (such as mass traffic obstruction). The political content of mass disorders, spontaneous and organized, varies widely, with some incidents involving only the unfocused violent expression of discontent (as expressed, for example, through generalized property destruction) and others involving relatively articulate symbolic statements of particular grievances (as expressed, for example, through disorderly protests against national foreign policy or through selective destruction of absentee-owned businesses in minority population centers).

A comprehensive police-generated antidisorder plan, however, should be flexible enough to anticipate both the full range of disorder types and the full variety of motivations characteristic of disorder participants. The key to the type and level of the basic police response projected under the plan for a particular disorder should be the severity of the disorder in risk to life and property rather than its etiology or the motivation of the participants. Adherence to this approach will promote evenhandedness in police response and will serve the correlative value of enhancing police impartiality on political issues and non-law-enforcement-related citizen grievances.

Obviously, some elements of a comprehensive police antidisorder plan will be applicable only, or principally, to disorders of the organized or planned variety. Others will be effective mainly to cope with disorders of the spontaneous type. The plan should, for example, provide for the early identification of crowd leaders and staging areas and for focused operations against these persons and places. Where the plan cannot state clear rules for the making of onscene decisions, such as the choice between deal-

ing with an identified leader through arrest and detention or through persuasion, it should nevertheless specify the options clearly. But these elements of the plan will be of less significance when there is no leadership to be sought in the early stages of an incident. Conversely, although every plan should provide a system for delivering effective police warnings against involvement to potential participants in disorder, the elements of a plan describing this police function will be most applicable to incidents of the spontaneous and mixed types.

Differences between the planning requirements for different types of disorders, however, should not be overstressed. Every planned disorder with an identifiable leadership can—and will, if its organizers achieve their objectives—develop into one involving participants with no advance knowledge of a cause or of a design for violent protest. Conversely, most spontaneous disorders develop crowd leaders as they evolve, as those leaders achieve some degree of influence over their fellow participants. The phenomena of spontaneous secondary recruitment of participants and of onscene growth of leadership operate to blur analytic and practical distinctions between organized and unplanned disorders. Once fully underway, both must be handled, in the main, by similar means. Attempts to identify and communicate with the leaders of a disorder should usually be made. In some instances, it will be appropriate for police to attempt to work with apparent leaders; in others, sound tactics will dictate their arrest and removal from the scene. But the ability of leaders to influence other participants should never be assumed. Efforts to forestall recruitment by direct appeals or warnings to noninvolved citizens are also usually in order.

Finally, then, it is the practical character of a disorder, rather than any consideration of its origins, that should influence police response. Disorders—spontaneous and organized—may be characterized by property destruction, violent attacks on persons, or both. A disorder may be effectively limited to a particular district within a jurisdiction or may threaten to spread away from the points at which violence has begun. Police plans that are both comprehensive and flexible will allow responses to be adapted to any disorder as it develops.

Content of Antidisorder Plans

Important in the overall design of a useful police antidisorder plan is a clear policy statement reflecting the objectives of antidisorder operations. Although the detailed content of such a statement may vary from jurisdiction to jurisdiction, its thrust should reflect what is the general consensus among American law enforcement officials participating in

the preparation of this report: That the goal of anti-disorder operations is the restoration of order with minimum harm to nonparticipants and their property, to law enforcement officers, and to participants in this form of extraordinary violence.

In the specific provisions for police action that follow and flow from the overall statement of departmental policy, every comprehensive contingency plan for police handling of threatened and actual disorders must make clear rules for five stages or phases of operations: prevention, detection, mobilization, tactical response, and postoperational review. Specific issues that will arise during practical planning exercises addressing these elements of response are treated in detail in the standards and related commentaries that follow. In this section, which deals with the format of plans and the planning process, it will be appropriate to list some of the problems that an adequate plan must attempt to solve and to indicate where in this report additional discussion of those questions can be found.

Prevention. The planning objectives for this stage of anti-disorder operations include the development of systems to (1) forestall the development of planned legal mass protests into disorders, (2) assure that police law enforcement operations do not tend unnecessarily to trigger disorders, and (3) provide an adequate information base for determining when and where spontaneous disorders are most likely to occur. To meet these objectives, it may be desirable to employ the anti-disorder plan to fix intradepartmental responsibility for maintaining continuing attention to the problem of disorders in nonemergency periods. Further discussion of disorder prevention is contained in Standards 6.4 (Self-Regulation of Police Intelligence Operations), 6.7 (Preventive Measures Against Mass Disorders), 6.17 (Avoiding the Spread of Extraordinary Violence), and 6.25 (Relations With the News Media).

Detection. Under this operational heading, planning objectives include the development of methods to (1) assure the prompt reporting by individual officers of information indicating a practical likelihood of mass disorder; (2) provide for the prompt and systematic analysis of all information received, from any source, bearing on short-term potentials for disorder; and (3) guarantee the prompt reporting of disorders actually in progress. Again, the achievement of these objectives may require that a plan designate a point of intradepartmental responsibility for nonemergency anti-disorder operations. Further discussion of disorder detection can be found in Standards 6.4 (Self-Regulation of Police Intelligence Operations), 6.5 (Police Specialization for Prevention and Control of Extraordinary Violence), 6.6 (Bureaucratic Organization of Prevention and Response Efforts), 6.7 (Preventive Meas-

ures Against Mass Disorders), 6.19 (Relations With Local Police Authorities in Other Jurisdictions), and 6.20 (Relations With State and Federal Law Enforcement Agencies).

Mobilization. Under this heading, planning objectives include determining (1) what departmental personnel should be summoned to the scenes of disorders of differing sizes and severities, (2) what command structure should apply in anti-disorder tactical operations, and (3) when and how outside assistance will be requested and employed. Discussion of these issues is contained in Standards 6.5 (Police Specialization for Prevention and Control of Extraordinary Violence), 6.6 (Bureaucratic Organization of Prevention and Response Efforts), 6.18 (Defining Federal, State, and Local Responsibilities), 6.19 (Relations With Local Police Authorities in Other Jurisdictions), 6.20 (Relations With State and Federal Law Enforcement Agencies), and 6.21 (Relations With the Military).

Tactical Response. A multitude of planning objectives are included under this general heading. All can be broadly categorized, however, as either (1) organizational objectives, (2) policy objectives, or (3) technical objectives. Organizational objectives are those that concern the planning of the division of responsibility for tactical response; standards containing material related to these objectives have been listed previously under the heading "Mobilization." Policy objectives are those that involve advance determinations of the general guiding principles that will apply to tactical response; standards relating to these objectives include 6.15 (Use of Force in Tactical Responses to Disorder, Terrorism, and Quasi-Terrorism), 6.16 (Negotiation Under Duress), 6.17 (Avoiding the Spread of Extraordinary Violence), and 6.25 (Relations With the News Media).

Postoperational Review. One important planning objective under this heading has already been discussed: providing—in an anti-disorder plan—for postoperational reviews of the adequacy of the plan itself as a practical guide to action. Additional objectives include (1) the development of other methods for evaluating police experience in anti-disorder operations, (2) the establishment of channels for communicating these experiences outside the police agency, and (3) the establishment of policy for dealing with the community in the wake of anti-disorder operations. Because community reaction to anti-disorder operations is a critical measure of the success of anti-disorder plans, the review process should include careful assessment of local public opinion and police-initiated discussions with persons and groups indirectly affected by any police action against disorder. Issues relating to the objectives of postoperational review are discussed in

Standards 6.19 (Relations With Local Police Authorities in Other Jurisdictions).

References

1. Wilson, O. W. *Police Planning*. Springfield: Charles C. Thomas, 1971.
2. Farmer, David J. *Civil Disorder Control*. Chicago: Public Administration Service, 1968.
3. Callahan, W. T., and Richard L. Knoblauch. *Prevention and Control of Collective Violence, Volume I, Guidelines for the Chief of Police*, Washington, D.C.: Government Printing Office, 1973.
4. Smith, Deen R., and Richard Kobetz. *Guidelines for Civil Disorder and Mobilization Planning*. Gaithersburg, Maryland: International Association of Chiefs of Police, 1968.

5. *Report of the National Advisory Commission on Civil Disorders*. Washington, D.C.: Government Printing Office, 1968.

Related Standards

The following standards may be applicable in implementing Standard 6.2:

- 4.1 Contingency Planning
- 4.2 Interagency Cooperation
- 6.6 Bureaucratic Organization of Prevention and Response Efforts
- 6.8 Tactical Management of Mass Disorders in Progress
- 6.18 Defining Federal, State, and Local Responsibilities
- 7.1 Judicial Participation in Planning for Response to Extraordinary Violence

Standard 6.3

Planning the Police Response to Individual and Small-Group Terrorism and Quasi-Terrorism

A sound police plan for incidents of extraordinary small-group violence is one that stresses practical issues concerning emergency decisionmaking and command responsibilities in emergency situations. Even when what is to be done cannot be specified in advance by a plan, who is to make choices among the options can—and must—be specified.

1. The police planning process for terrorism and quasi-terrorism should draw on departmental expertise and, where appropriate, on advice and views from outside the jurisdiction and from outside law enforcement. In whatever manner police contingency plans for these forms of extraordinary violence are formulated, however, they should be submitted for preadoption review to the civil executive authority exercising general control over law enforcement in the jurisdiction to which the plan will apply.

2. The level of detail achieved by departmental response plans for incidents for individual and small-group terrorism and quasi-terrorism should vary with the needs and resources of departments, but every police agency with direct law enforcement responsibilities should adopt a plan for such incidents. At a minimum, however, it should prescribe guidelines for four types or phases of operations:

a. **Nonemergency operations.** Every departmental plan should specify methods that will be used on a continuing basis to collect general information relating to the risk of extraordinary vio-

lence to identify violence-prone persons and groups, to pick out high-risk targets of potential violence (both persons and institutions), and to achieve the goal of prevention.

b. **Threat analysis.** Every departmental plan should anticipate in detail how the agency will react to apparently plausible warnings of impending small-group violence. The plan should provide a clear focus of intradepartmental responsibility for threat analysis operations and should identify any extradepartmental resources that may be available to assist in threat analysis exercises that pose difficult psychological or technological issues.

c. **Emergency field operations.** At a minimum, every departmental plan should specify rules and principles applicable to all incidents, regardless of target. The generally applicable parts of a plan governing emergency field operations in incidents of terrorism and quasi-terrorism should include:

i. Identification of an intradepartmental command structure to direct all police efforts at prevention and response;

ii. Designation of the various departmental specialists and specialized units that may be called upon in incidents of extraordinary small-group violence, along with definition of their roles and of the principles that govern when they will be called to an incident scene;

iii. Emergency rules governing the conduct of

all departmental personnel present at an incident scene, including rules on weapons use and on contacts with press and public;

iv. Principles to guide the conduct of negotiations with terrorists and quasi-terrorists prescribing when to negotiate, what unit or individual is to negotiate for the police, and what issues may be treated as negotiable; and

v. Methods to limit the geographic spread of incidents, to limit the access of uninvolved persons to incident scenes, and to minimize risks of harm to uninvolved persons.

d. Postoperation functions. Every departmental plan should include principles for policy relations with persons who have been directly or indirectly affected by a terroristic or quasi-terroristic incident and for postoperational review of the plan itself.

3. All plans for operations against terrorism and quasi-terrorism that are adopted by police agencies should be marked with the date of their adoption and should be reviewed in detail within 30 days of any major incident or 7 days of any minor incident or after 2 years have elapsed since adoption, whichever occurs first. Reviews should attempt to determine (a) appropriateness of scope, (b) adequacy of detail and specificity, and (c) usefulness as a guide to action. Plans should be revised in the light of every review.

4. In addition, mechanisms should be developed for the exchange among police agencies of plans that have been tested in actual operations; it is suggested that a central planning bank to which all police agencies could have ready, inexpensive access be developed with Federal funding support.

5. Whenever possible, police planners should also compile a list of high-risk targets for terrorism and quasi-terrorism, including government office buildings, courthouses, and similar public facilities; major industrial plants, power stations, and other potential targets of anti-institutional violence; potential abduction victims such as politicians, major corporate executives, administrators of controversial government agencies, and those persons' families; and branch banks and other likely locations for quasi-terroristic hostage holding. Adequate planning for emergency field operations will then include specific principles applicable to incidents involving these targets and in particular:

a. Specification of what information on high-risk targets—from the design and layout of buildings to the personal schedules of possible kidnap victims—is to be gathered on a continuing basis, how the cooperation of high-risk persons and institutions is to be secured, where information is to be collected and stored, and how it is to be retrieved in emergencies.

b. Provisions governing the participation in op-

erations of persons and organizations with special interests in particular high-risk targets, including the advance identification of those having such interests and specific provisions for contacting them in emergencies, housing them at or near an incident scene, and promoting effective communication between them and the responsible on-scene officials.

Commentary

In this report, the term "terrorism" (or "true terrorism") is used to describe planned efforts to achieve impersonal ends (which may be legal or illegal in themselves and which include but are not limited to political objectives) through the means of extreme coercive violence or intimidations employing threats of such violence. "Quasi-terrorism" is used to describe planned or spontaneous attempts to further the accomplishment of personal criminal ends (ranging from financial gain to psychic gratification) by these same means. For a discussion of the problem of definition see Chapter 1.

Contingency planning for individual and small-group terrorism and quasi-terrorism is a police activity that is as important as planning for mass disorders. Although a mass of data drawn from experience, research, and previous planning exercises exists to support law enforcement efforts in mass disorder planning, most U.S. police agencies, like most U.S. communities, have little hard information about true terrorism. Occasional quasi-terroristic incidents—those involving the use of extreme coercive violence in connection with conventional criminal acts—always have been part of the day-to-day business of law enforcement. But as the frequency of such incidents increases and as their incidence comes to be recognized as a special law enforcement problem closely related to that of true terrorism, the relevance—to say nothing of the retrievability—of the lessons of experience is called into doubt.

Some of the planning problems that arise from lack of experience with terrorism and quasi-terrorism are apparent. With the occurrence of every major operation involving specialized tactical units or specialized police negotiating teams, understanding of how such units can be best employed increases markedly. And as the existing police capability to anticipate incidents of terrorism and quasi-terrorism through intelligence operations is tested in practice, the elements of an intelligence system adequate to meet the challenge posed by novel forms of extraordinary violence will be progressively better understood.

Every police operation in a terroristic or quasi-terroristic emergency is still, in one sense, experi-

mental. Drafters of police plans for small-group extraordinary violence must face and resolve provisionally a number of open issues of law enforcement practice without the benefit of a substantial base of experience. But a process of planning from general principles, followed by the testing of plans in operation and their revision in the light of experience, can assist in bringing greater certainty.

Because of the provisional nature of police planning against the contingencies of terrorism and quasi-terrorism, participation by civil authorities in the planning process is particularly essential. Only if the appointed and elected officials with ultimate responsibility for law enforcement are involved in the planning process itself can police agencies expect that the details of the plan will be translated into reality in an emergency situation. And only if the civil authorities are involved will police agencies have the necessary guidance when practical planning verges into policymaking.

Policy and Policymaking

Special problems arise in planning for the contingencies of terrorism and quasi-terrorism when value-laden issues, going beyond the feasibility and effectiveness of various alternative law enforcement strategies or tactics, become involved. Two examples of such issues are selection of principles to govern the use—or withholding—of force in dealing with barricaded terrorists or quasi-terroristic criminals and the making of rules to govern capitulation—or noncapitulation—to hostage holders' demands.

Tactical experience can supply some of the principles required. Thus, for example, it is clear that where the lives of hostages will be endangered by an assault on the barricaded position, it is usually desirable to adopt a tactic of delay. Demands for weapons, to cite another example, should almost invariably be rejected. But for situations in which only barricaded suspects' lives will be seriously jeopardized by the use of force or situations in which granting a demand will not upset the balance of tactical advantage, an appeal to experience will not yield operating rules. Instead, rules must be devised in the light of general principles.

Police assessment of public opinion is not an appropriate guide to the correct planning choices on this and other policy-related questions. Moreover, such inquiries into community sentiment are practically limited in their usefulness. In the planning against the contingency of mass disorder, it is feasible for police to ask—and answer—certain questions about community tolerance for various kinds of collective violence and police responses to them. In planning against the novel contingencies of terrorism and quasi-terrorism, however, similar

assessments of community tolerance will usually prove impossible to make.

Like other planning choices involved in anticipating terrorism and quasi-terrorism, the selection of a general rule for use of force or of a general principle to govern the evaluation of demands must be treated as a policy issue. This is not to say that such planning choices should be avoided or that they should be made exclusively by policymakers outside law enforcement. It is to say that in making them, police officials must consult the general standards of professional conduct applicable to law enforcement as a whole and must take advice from the official and unofficial leaders of the community in deriving explicit guidelines. Once formulated, such guidelines should represent a policy decision that police and civil executive authorities are willing to explain to the public or even to defend against adverse public opinion.

Police Planning and Outside Agencies

In anticipating operations to prevent or control incidents of terroristic and quasi-terroristic crime, local police agencies may be able to make particularly good use of nondepartmental resources. Planning assistance may be available from such diverse sources as the local medical-psychiatric and academic communities, the private security establishment, police agencies of nearby jurisdictions, and Federal law enforcement authorities, as well as from such professional training organizations as the International Association of Chiefs of Police. Some of these sources of expert planning assistance will be useful only for limited consultations during the planning process itself; others may also be potential resources for assistance in actual police operations under the plan. As many extradepartmental resources as possible should be identified and assessed during the planning process.

Adequate planning for extraordinary small-group violence requires detailed knowledge on a wide range of subjects that are not within law enforcement's traditional purview. Whether the information sought is the floor plan of a private office building or a sketch of psychological theories of terroristic motivation, it will often be available only outside the department. Similarly, an adequate plan for response to terroristic and quasi-terroristic incidents will anticipate some reliance on nondepartmental resources. This reliance may be severely restricted (as, for example, where a plan designates a nondepartmental source for specialized emergency equipment), significant but limited (as, for example, where a plan provides for use of nondepartmental personnel in a few key roles, such as explosives disposal or negotiation), or general (as,

for example, where a small department's plan contemplates turning over the management of an incident to the specialized tactical and negotiating teams of a larger law enforcement agency). Whatever the extent of reliance, however, it should be specified in advance—after consultation with the persons or agencies relied upon—during the planning process.

In considering what roles to allot to non-law-enforcement actors, police planners should bear in mind that unlike mass disorders, which may be generally perceived as mixed law enforcement and sociopolitical problems, incidents of extreme violence involving small groups and individuals will always be popularly identified as police matters. Credit—and blame—connected with their management will be attached primarily to police agencies. Even more important, real responsibility for the success and failure of operations will rest squarely with law enforcement agencies and personnel. Multidisciplinary or team approaches to planning should be encouraged; so should plans that contemplate possible multidisciplinary approaches to the management of certain incidents. But final decision-making authority and the responsibility for weighing expert viewpoints in making operational decisions should be concentrated in the police.

When a plan calls for possible extensive use of outside law enforcement personnel in incident management, it should provide that final operational responsibility will be exercised by the chief executive of the local police agency—except where another assignment of command responsibility has been formally agreed upon in advance. When planners foresee that officials from outside law enforcement will have critical roles in incident management, these roles should be specified in advance. Thus, in anticipating hostage situations in which demands will be made for large sums of cash or for the release of prisoners, a police plan should indicate when and how—if ever—such demands will be relayed to non-law-enforcement officials capable of acting on them. If outside third parties are to be used to conduct mediation between police and terrorists and quasi-terrorists, a plan should include guidelines for their intervention.

Finally, two additional points concerning participation in planning deserve special stress. First, police planning for extraordinary small-group violence should be conducted in context. Terroristic (and even quasi-terroristic) incidents can evolve into mass disorders or, if modern technologies of violence are employed, into large-scale disasters of primary official concern outside law enforcement. Police plans for the management of terroristic and quasi-terroristic incidents must be designed to interlock with general, multiagency plans for disorder

and disaster. In particular, police plans should clearly indicate when, in the course of an escalating incident, general emergency plans should be invoked.

Second, although a wide variety of contributions to police planning efforts from outside sources is desirable, special care must be taken to assure that any final plan for police operations against terrorism and quasi-terrorism is maintained in close confidentiality by the agency adopting it and by any other law enforcement or non-law-enforcement agency to which its contents are communicated. This consideration should not rule out limited public participation in the planning process. It should, however, be an important consideration where invitations to outsiders to participate in any aspect of the planning process are under consideration.

Planning Problems of Smaller Police Agencies

The small size of a police agency obviously is no assurance against its encountering serious incidents of terroristic and quasi-terroristic crime, neither is the small population or nonurban character of the area it polices. Although terroristic and quasi-terroristic crimes will continue to occur less frequently in smaller and less urbanized jurisdictions, there is nothing in the theory of terroristic crime or in the records of American terrorism and quasi-terrorism to date to suggest that any jurisdiction is immune. In fact, the risks posed for the smaller jurisdictions may, in some respects, be peculiarly serious. The subjective damage done by an unsuccessfully managed incident, measured in terms of increased public apprehension and decreased public confidence in government, will differ according to where it occurs. In urban areas, the public may already be partly acclimatized to extreme violence and its consequences; in less sophisticated jurisdictions, a single explosive incident may be a drastic collective trauma.

Planning for terrorism and quasi-terrorism should be regarded as no less necessary by small departments than it is by large ones. The mechanics of planning, however, will differ with departmental size. Smaller departments' planning tasks may be eased by the informality of relatively simple bureaucracies; they may also be best situated to make effective use of model plans in their own planning processes. On the other hand, the task will be complicated by the need for smaller departments to plan jointly with the outside agencies from which manpower and other support will be required in emergencies. If, for example, the only realistic plan for adequate response by a small police agency involves either the invocation of a mutual aid agreement with other nearby local police forces or the use of

State police personnel, planning must be accomplished jointly with the agencies on which such calls may be made.

General Planning and Target-Specific Planning

The backbone of an adequate police contingency plan for emergency operations against terrorism and quasi-terrorism consists of what are termed in this standard its generally applicable elements. Planning for specific, anticipated emergencies (or classes of emergencies) is a refinement, but it is one that may make the difference between successful and unsuccessful operations in practice.

In practice, the planning problem posed by the target-specific approach is not developing a list of potential institutional and individual focuses of terroristic and quasi-terroristic crimes. In almost every jurisdiction, these will be apparent and usually numerous. Rather, it is selecting those potential targets that will receive detailed attention during the planning process.

A few targets will be so attractive and so vulnerable as to practically dictate their coverage if any target-specific planning is undertaken. Examples of institutions in this class include the plants and offices of major corporations in single-industry communities, courthouses and law enforcement office complexes, and Federal office buildings. Individual targets of an extreme high-risk character include controversial local politicians, representatives of foreign governments, and highly visible corporate executives—along with their respective families.

Beyond this limited class of targets and sometimes even within it the coverage of the target-specific portion of a police plan against terrorism and quasi-terrorism will be determined largely by the extent of police planning resources, on the one hand, and the degree of cooperativeness shown by high-risk individuals and organizations, on the other.

Limits on police intelligence gathering (see Standard 6.4—Self-Regulation of Police Intelligence Operations) practically prohibit effective target-specific planning without the knowledge and cooperation of the target. Even if the means were available, the cost of gathering sufficient information on an uncooperative subject would be a bar in itself. Thus, the first high-risk targets to be made the topics of target-specific planning should be those institutions and individuals showing the greatest willingness to cooperate in response to an invitation from the police planning unit. In general, cooperation with police planning has two aspects: willingness to supply or make available information (ranging from building plans to personal schedules) and willingness to participate actively in the planning of police responses. Only the potential target who dem-

onstrates cooperation of both sorts will be an appropriate focus for effective planning efforts. (For a more complete discussion of issues in official law enforcement interaction with potential targets, see Standard 6.22—Relations With Foreign Police Agencies.)

Planning against terrorism and quasi-terrorism should be a continuing police activity, not a one-shot exercise. Thus, a decision to begin target-specific planning with the most cooperative potential targets does not imply any limitations on the eventual coverage of focused planning efforts. In fact, if the police planning process is an effective one, the cooperativeness of high-risk institutions and individuals should increase with time, as the practical value of target-specific planning is tested in a jurisdiction.

In large jurisdictions, cooperative high-risk targets may be sufficient in number to justify grouping them by type and location and to plan on the basis of these groupings at an intermediate level of specificity. Such planning could allow variations on the generally applicable plan for response to terrorism and quasi-terrorism to be made according to where an incident is focused. Even a planning choice as fundamental as the designation of centers of intradepartmental responsibility for emergency operations may be varied according to the nature of the target, with one pattern of emergency command anticipated for a terrorist attack on a public building and another anticipated for a spontaneous hostage incident in a branch bank.

Target-specific planning should be conducted with two principal objectives in view: (1) the reduction of delays in police response and tactical decisionmaking in the event of an incident involving a target and (2) the introduction into tactical decisionmaking of considerations peculiar to the target. In addition, exercises in target-specific planning may sometimes serve indirectly to promote the objective of incident prevention by stimulating reconsideration of the nonofficial security measures employed to protect targets. The information and participation required by police to make target-specific planning work, at least insofar as will promote the first of these objectives, represent significant but not necessarily forbidding demands on the private sector and on non-law-enforcement agencies of government. Every police agency that engages in planning against the contingencies of terrorism and quasi-terrorism should consider the target-specific planning approach.

Content of Plans

In the standards that follow, some of the issues and choices faced by police planners in anticipating terrorism and quasi-terrorism are specifically ad-

dressed. Here, however, it may be useful to present a review of what the list of issues and choices includes and where those items are addressed.

For the discussion of planning, police actions involving extraordinary small-group violence are subdivided in this standard into four stages or phases: nonemergency operations, threat analysis, emergency field operations, and postoperational functions. Planning objectives and issues for each follow.

Nonemergency Operations. Such operations are essentially preventive in nature and are either informational or security related in nature. Planning objectives include (1) assuring the flow of useful and legitimate intelligence data on persons and groups posing potential risks of terrorism and quasi-terrorism, (2) providing for the promotion of sound physical security to protect high-risk targets, and (3) designing the presentation of police policy to the public in a way that tends to discourage potential terrorists and quasi-terrorists. Discussion of the issues raised by efforts to plan for the achievement of these goals is to be found in Standards 6.5 (Police Specialization for Prevention and Control of Extraordinary Violence), 6.10 (Deterrence of Terrorism and Quasi-Terrorism), 6.22 (Relations With Foreign Police Agencies), and 6.24 (Relations With Mental Health Professions).

Two essential components of any plan concerned with nonemergency preventive operations are (1) the clear identification of the personnel or units within the police agency responsible for the day-to-day conduct and the general oversight of those operations and (2) detailed provisions for police cooperation with other official agencies and private groups having information to share or tasks of preventive security to perform. Related issues are discussed in Standard 6.6 (Bureaucratic Organization of Prevention and Response Efforts).

Threat Analysis. A plan should provide clearly for promotion of the two purposes of threat analysis: (1) the evaluation of real risks posed by threats (whether received from potential participants in such violence through departmental intelligence efforts or as tips from third parties) as a basis for protective and responsive measures centered on potential *targets* of violence and (2) identification of the sources of threats as a basis for actions centered on potential *participants* in violence. Discussion of issues in threat analysis is contained in Standard 6.11 (Evaluation of Terroristic Threats).

Because threat analysis operations merge into emergency field operations against terrorism and quasi-terrorism, plans should be particularly specific as to where within a department responsibility for the oversight of threat analysis is vested. And because effective threat analysis may require local police agencies to resort to outside expertise for assist-

ance in functions ranging from psychological profiling of persons offering threats of violence to bomb identification and disposal, plans should specify clearly where various forms of aid are available, and the planning process should include consultation with persons or agencies whose assistance may be relied upon. For substantive discussion of the roles of outside expertise in threat analysis, see Standards 6.19 (Relations With Local Police Authorities in Other Jurisdictions), 6.20 (Relations With State and Federal Law Enforcement Agencies), 6.23 (Relations With Private Security Forces), and 6.24 (Relations With Mental Health Professions).

Emergency Field Operations. Under this heading, a number of distinct planning objectives are included. They will be listed here in the order in which they have been cited in this standard.

First, a plan must specify a clear command structure for emergency field operations. In particular, the plan should specify whether headquarters-based officials, on the one hand, or district or area field commanders, on the other, will be in overall charge of emergency operations. If the latter pattern is selected, the plan should also specify what advisory roles headquarters personnel are to have at an incident scene and under what circumstances they will assume overall command. Discussion of the issues involved in these planning choices will be found in Standard 6.6 (Bureaucratic Organization of Prevention and Response Efforts).

Second, a plan for operations should specify the roles of specially trained personnel and specialized units in incidents of terrorism and quasi-terrorism. A plan should make clear whether officers specially trained in such skills as the use of gas or special weapons or the practice of negotiations or psychological crisis management will invariably be called to the incident scene and given practical responsibility or whether members of such units will be held in a backup capacity. If the latter option is selected, the plan must go on to specify when backup units will take primary charge of an incident. Discussion of issues in specialization is contained in Standard 6.5 (Police Specialization for Prevention and Control of Extraordinary Violence).

Third, a plan should lay down basic rules for the conduct of police officers at incident scenes, with an emphasis on rules promoting controlled use of force and contacts with the press and public. These topics are covered in Standards 6.13 (Tactical Responses to Terroristic Acts), 6.14 (Tactical Responses to Quasi-Terroristic Acts), 6.15 (Use of Force in Tactical Response to Disorder, Terrorism, and Quasi-Terrorism), and 6.25 (Relations With the News Media).

Fourth, a plan should prescribe principles to

govern the conduct of negotiations with terrorists and quasi-terrorists, describing what demands will be treated as nonnegotiable, what demands may be conceded in negotiations, and what demands may be treated as negotiable but not in fact conceded. Responsibility for negotiations should be clearly located, and, if circumstances in which persons other than police officials will be permitted or requested to negotiate are anticipated, they should be detailed. Discussion of issues in negotiation is to be found in Standard 6.16 (Negotiation Under Duress).

Fifth, a plan should address the questions of how the spread of terroristic and quasi-terroristic incidents is to be controlled and of how harm to uninvolved persons is to be prevented. Choices related to these objectives include the selection of principles and procedures to govern use of force and the establishment of perimeter control systems, crowd management techniques, and rumor control mechanisms. These choices are discussed in Standards 6.13 (Tactical Responses to Terroristic Acts), 6.14 (Tactical Responses to Quasi-Terroristic Acts), 6.15 (Use of Force in Tactical Response to Disorder, Terrorism, and Quasi-Terrorism), and 6.17 (Avoiding the Spread of Extraordinary Violence).

Postoperation Functions. A final objective of police contingency planning for terrorism and quasi-terroristism is the anticipation of the actions that should be taken when an incident has been dealt with—whether successfully, through early intervention or through management and control, or unsuccessfully. Although not properly elements of police *operations*, efforts to explain police actions to the public and to dispel the misconceptions or unrealistic apprehensions that police operations may have stimulated are necessary parts of a routine followup to operations, along with the postoperational review of the effectiveness of police performance and evaluation of the adequacy of the plan on the basis of which those operations were conducted. Discussion of is-

suces relating to followup is contained in Standard 6.26 (Community Relations Efforts in the Aftermath of Extraordinary Violence).

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Related Standards

The following standards may be applicable in implementing Standard 6.3:

- 4.1 Contingency Planning
- 4.2 Interagency Cooperation
- 6.5 Police Specialization for Prevention and Control of Extraordinary Violence
- 6.6 Bureaucratic Organization of Prevention and Response Efforts
- 6.9 Prevention of Terrorism and Quasi-Terrorism through Physical Security
- 6.11 Evaluation of Terroristic Threats
- 7.1 Judicial Participation in Planning for Response to Extraordinary Violence

Standard 6.4

Self-Regulation of Police Intelligence Operations

Responsibility for intelligence operations relating to extraordinary violence should be clearly located within every police agency, and a high degree of executive control should be exercised—pursuant to written policies and procedures—over the conduct of such operations.

1. Every police organization, whatever its size, should include an official designated by the police chief executive to oversee all information gathering, record maintenance, and information dissemination for the following types of data:

- a. Overtly available general material on special crime trends, political events, and other subject matters relevant to extraordinary violence;
- b. Preventive intelligence material on persons and groups suspected of having serious potential for future criminal involvement in acts of disorder and terrorism; and
- c. Strategic and tactical intelligence material on persons or groups currently suspected of criminal activity related to extraordinary violence.

Wherever possible, day-to-day responsibility for operations relating to each of these types of data should be separately located, with the official designated by the executive providing overall supervision and coordination.

2. For all classes of intelligence data, departmental rules should establish:

- a. Procedures for screening potential record entries on the basis of relevance and reliability;
- b. Policies and procedures for limiting direct access to departmental intelligence personnel, for guaranteeing the physical security of the records, and for maintaining detailed lists of all disseminations of information from the records;
- c. Procedures permitting indirect intradepartmental access to records on a need-to-know basis only and establishing a clear chain of authority for processing intradepartmental requests for intelligence data;
- d. Procedures establishing a chain of authority for processing extradepartmental requests and permitting extradepartmental dissemination of intelligence only on the basis of both a particularized need-to-know and a showing that the recipient will not redistribute data received according to less stringent procedures;
- e. Policies barring dissemination of intelligence to nongovernmental agencies or persons or to governmental agencies having no major public safety responsibilities, with closely defined exceptions permitting (i) dissemination pursuant to court order of information affected by freedom of information legislation, (ii) dissemination of data (with indications of the identity of subjects deleted) to legitimate researchers, and (iii) dissemination of data summaries to private organizations and per-

sons known by the police agency to be subject to a serious and imminent threat; and

f. Procedures for the dating of intelligence records, procedures for regular review of such records no less often than annually to determine their continued relevance, provisions for the discretionary purging of records deemed nonrelevant after review, and procedures for the automatic purging of inactive records that have not been consulted or updated during the preceding 5 years (or a fixed lesser time) should also be included.

3. For preventive intelligence operations, departmental rules should provide, in addition,

a. Standards of justification, stressing the nature of existing grounds for suspicion, to be satisfied before an information-gathering operation is undertaken or before information received is filed with reference to a person or group and a clear administrative procedure for approval from the designated intelligence supervisor on the basis of the satisfaction of those standards;

b. Special standards of justification, stressing demonstrated necessity, for the approval of any operation involving photographic surveillance, paid informants, or undercover officers, with procedures for regular review no less often than monthly of the continued necessity of the operation;

c. Procedures for segregated storage and retrieval of preventive intelligence records;

d. Policies prohibiting the maintenance in preventive intelligence records reflecting any information on the personal lives of intelligence subjects that is not directly relevant to anticipated criminal activity;

e. Policies barring non-court-ordered dissemination of preventive intelligence material except in the form of summaries or abstracts prepared by the departmental intelligence unit and any dissemination to agencies not guaranteeing against redissemination; and

f. Procedures for reviewing and purging preventive intelligence records no less often than bi-annually and for automatic purging of inactive records at least after 2 years have passed, if not before.

4. Every designated intelligence supervisor should report formally and regularly to the police chief executive, and every report should, at a minimum, document:

a. The number of files (or other record units) currently maintained under each major intelligence data classification;

b. The number of new files opened in each classification during the reporting period;

c. The number of files purged during the period,

with indications of what files were purged during each record-clearing action;

d. The names of the individuals or groups on whom preventive intelligence files have been opened during the period, with an indication of the justification for each such action;

e. The number of instances in which, during the reporting period, preventive intelligence gathering has involved the use of photographic surveillance, electronic surveillance, paid informants, or undercover officers; and

f. The number of requests for dissemination of intelligence processed during the period, indicating the type of data requested, the requesting agency, and the action taken.

5. Every department conducting preventive intelligence operations should assure that those operations are consonant with local, State, and Federal laws. At a minimum, every department should provide for regular review of its rules governing preventive intelligence operations by a departmental legal counsel or attorney consultant.

6. Every department should consider all practical additional methods for addressing public concerns relating to police intelligence operations. In particular, police chief executives and intelligence supervisors should be prepared to respond fully to inquiries from duly constituted oversight bodies concerning departmental rules governing intelligence operations and their observance by departmental personnel.

Commentary

The importance of police intelligence operations in preventing and responding to incidents of extraordinary violence is clear. Where organized campaigns of disorder and terrorism are involved, in fact, intelligence operations can be viewed as the linchpin of an effective overall law enforcement program.

Equally clear, however, is the existence of widespread public resistance to any police activity that carries overtones of domestic spying and of general concern that the abuse of police intelligence capability for coping with extraordinary violence may take the form of focusing attention on unpopular persons and groups, rather than on dangerous ones. Increasing sensitivity to the maintenance of individual privacy as a goal in State-citizen relations is another apparent bar to the conduct by police of intelligence operations with the full sweep now permitted by law.

Clear constitutional limits on police intelligence operations are relatively few. In the leading case of *Laird v. Tatum*, the U.S. Supreme Court rejected

the argument that the building of files on persons and organizations by techniques such as culling press reports and conducting surveillance of political meetings should be generally barred to avoid any potential chilling effect on the exercise of first amendment rights of free speech and assembly or any violation of individual rights of privacy. Although the use of some intelligence-gathering techniques, such as electronic surveillance, has been closely circumscribed by statute, legislative limitations on police intelligence operations generally are minimal as of today. But in the programs of the Congress and of State and local lawmaking bodies further regulation of police intelligence operations has a high priority. Many of the approaches to legislative regulation now under discussion would seriously compromise the ability of police to cope with the problems of criminal disorders and terrorist activities. (See passim this chapter for definitions of the terms "preventive intelligence," "strategic intelligence," and "tactical intelligence" as they are used in this report.)

The tension between law enforcement needs and public concerns is particularly great in the area of preventive intelligence. Because this form of intelligence is not related to particular acts or criminal charges and because the gathering of such intelligence involves inquiries into legal as well as illegal activities of individuals and groups, the grounds for heightened public concern are obvious. At the same time, however, most experienced law enforcement officials believe that only if police have the capability of intervening before the fact of an incident can extraordinary violence generally—and terrorist violence in particular—be effectively controlled.

The standard takes the approach that voluntary self-regulation of police intelligence operations can help to restore public confidence in the ability of police to maintain order while observing the values of free dissent and personal privacy. In essence, this standard recommends that such self-regulation should be achieved through centralizing departmental supervision of disorder- and terrorism-related intelligence operations by establishing clear departmental rules on how such intelligence can and cannot be gathered, stored, and used and by assuring that the police chief executive is personally responsible for the intelligence policies and practices of his or her department.

Without question, such self-regulation will prove burdensome for departments that engage in it. Formalizing intelligence capabilities and responsibilities may involve additional manpower and additional expense. Moreover, the sort of self-regulated intelligence system recommended in this standard will not always prove to be as useful to police as an optimally staffed and organized system under

no restrictive internal or external regulations governing data gathering and use.

An example of a limitation on the usefulness of the proposed system is the requirement for purging of inactive intelligence files, which will inevitably require some repetition of work already performed—as when a new inquiry is ordered into the activities of a group formerly found to pose no risk. On the other hand, some of the negative effects of police self-regulation on the usefulness of intelligence systems may, of course, prove less severe than initially expected. The routine purging of inactive files, for example, may actually promote efficiency where the time and manpower available to receive, record, and analyze intelligence data of varying kinds and qualities is limited. This report suggests, however, that any additional burden imposed by self-regulation is an appropriate one to be borne by a police establishment and more generally by the society that supports that police establishment if the interests of effective law enforcement and individual liberty are to be put in real and apparan balance.

An Approach to Self-Regulation (1): The Importance of Executive Responsibility

All the recommendations of this standard for the bureaucratic organization of police intelligence efforts are aimed at one end: to put the police chief executive in clear charge of intelligence operations relating to extraordinary violence. This is deemed essential for two reasons.

First, only the police chief executive can or should make the difficult balancing choices that intelligence operations generally and preventive intelligence operations in particular demand. Within a department, only the police chief executive is in a position to take advice from the elected and non-elected officials of the community in setting intelligence policy. And, because final accountability for unpopular or abusive exercises of police intelligence capabilities lies properly with the executive, it is appropriate that he or she should have the responsibility for making and monitoring policies designed to prevent excesses.

Second, the public demands or should demand that a clear intradepartmental focus of responsibility for police intelligence operations exists. The recent record of criticism directed against government intelligence operations gives a general impression of overall disorganization and lack of coordination, which is as disturbing as any particular set of acts or omissions. Although an intelligence system that is closely monitored by an identifiable executive can still be abused, it cannot be seriously compromised without the executive's knowledge. Thus, for a self-regulated police intelligence system of the sort de-

scribed in this standard, the office of the police chief executive is a logical and appropriate point for the lodging of complaints and inquiries by citizens and their representatives. Providing such a focus of responsibility is a necessary first step in rebuilding public confidence.

This standard does not recommend that the police chief executive take day-to-day responsibility for oversight of intelligence operations involving extraordinary violence or that he or she be routinely informed of all details or even all sensitive details of those operations. It does, however, recommend that the executive serve as a source of policy guidance, that oversight of practical operations be undertaken by an official personally designated by the executive, and that the executive receive enough data on those operations to judge whether policy is being observed or be able to request and receive more detail where doubt exists.

An Approach to Self-Regulation (2): Standards of Relevance and Standards of Justification

Essential to the scheme of self-regulation proposed in this standard is that the day-to-day supervisor of police intelligence operations involving extraordinary violence should exercise meaningful control over information gathering and information storage. Where overtly available information and strategic or tactical intelligence data are concerned, this control will be exercised primarily through the administration of standards of relevance. Such standards, in turn, should govern what data collected in the course of a justifiable investigation should be preserved in intelligence files. Data unrelated either to crimes of extraordinary violence or to police tactical planning should generally not be recorded. Mere personal data on individuals should be recorded only if it can be related to a reasonably foreseeable police tactical planning need. And information of dubious reliability, if recorded at all, should be clearly indicated as such in intelligence files.

Preventive intelligence poses a more difficult problem. These standards of relevance applied to the fruits of preventive intelligence gathering must be as stringent as or more stringent than, with respect to retention, those applied to the products of less controversial information-collection efforts. In addition, minimum standards of justification must be satisfied before the preventive intelligence capability is brought to bear on a subject in the first instance. By definition, preventive intelligence involves inquiries about persons and groups not suspected of past or present criminality. Traditional legal tests such as probable cause or reasonable suspicion, designed to be applied in judgments concerning the likelihood that a criminal act has taken place or is taking place, can be of only limited help in the

search for standards appropriate to the regulation of preventive intelligence gathering.

The standard of justification that is adopted as a test of the permissibility of a proposed police preventive intelligence operation must have two characteristics. First, it must be stringent enough to operate to screen out frivolous potential investigations; concern for both departmental economics and privacy considerations supplies arguments against indiscriminating standards. Second, it must be clear and simple enough so that it can be relatively easily and consistently applied and so that its application can be readily monitored and assessed.

One approach to the construction of such a standard is to concentrate attention on the basis for police interest. Thus, for example, recently proposed Federal legislation on preventive intelligence data would restrict its collection to "official law enforcement purposes," and limit the occasions on which it can be made available by one law enforcement agency to another to those instances where a request is based on "specific and articulable facts . . . warranting the conclusion that the individual has committed or is about to commit a criminal act . . ." (S. 1427, 94th Cong., 1st sess.). This standard has been borrowed from the law of police procedure in stop-and-frisk situations, as articulated by the U.S. Supreme Court in *Terry v. Ohio* (392 U.S. 1, 1968). One drawback of this proposal is that the standard may be impossible to meet in some cases of extreme potential danger—as, for example, when an unsolicited, unverifiable informant's tip warns of a major terroristic attack by a tight-knit political organization that has previously given police no "specific and articulable" grounds to conduct investigations. Such problems will appear whenever a standard that focuses exclusively on the basis of police interest is employed, unless that standard is established in terms so vague or permissive as to make its very usefulness as a screening device questionable.

Another approach is through a standard of justification that focuses on the nature and magnitude of the harm anticipated from the subject proposed to be investigated. Such a standard could, for example, require that any investigation must be founded on a belief that the subject is likely, within a specified period of time, to engage in an act of terrorism or to foment or organize a criminal mass disorder. The standard could require any person proposing an investigation to employ all possible specificity in the statement of justifying belief and therefore could operate to bar investigations motivated by a mere sense that a potential subject's political rhetoric suggested the possibility of unspecifiable risk. The proposal for frequent review and purging of police preventive intelligence records contained in this

standard provides a partial safeguard, after the fact, against the inevitable subjectivity of such a nature-and-magnitude-of-harm standard.

Finally, a standard of justification that provides for sufficient stringency and sufficient clarity might be devised by borrowing something from each of the approaches just outlined. Using this mixed approach, a standard might provide, for example, that no preventive intelligence gathering could be commenced unless there existed (a) "specific and articulable" facts to suggest that the proposed subject was likely to engage in some form of extreme violence or (b) a strong belief that the proposed subject was likely to be involved in a particular, anticipated incident of a highly dangerous character and a persuasive explanation of why no more particular justifying facts were available. Whatever the standard adopts, however, it will fall to the day-to-day supervisor of intelligence and, through that official, to the police chief executive to see that it is clearly understood and generally observed in connection with all preventive intelligence operations.

An Approach to Self-Regulation (3): Special Justification for Intrusive Preventive Intelligence Gathering

Perhaps the most controversial aspect of police preventive intelligence operations involving extraordinary violence is the use of certain intelligence-gathering techniques—such as photographic and electronic surveillance, paid informants, and undercover police infiltrators—to gather data on legal activity of preventive intelligence subjects. Thus, this standard recommends that departmental roles be established to assure that such techniques will be employed only when specially justified.

One approach to the setting of minimum standards of special justification is through the concept of the least restrictive alternative. Under such an approach, intelligence officers intending to employ an intrusive technique would be required to show either that (a) interviewing, gathering of publicly available materials, and visual surveillance had been attempted, with the result that the original justification for initiating preventive intelligence against the

subject had been confirmed and a need for further information had been established or (b) that the less intrusive techniques had produced no useful information or were highly unlikely to do so in the time believed available for the conduct of investigation. Again, the effectiveness of such a formula in limiting the unnecessary use of intrusive investigative techniques in preventive intelligence gathering will depend on the force with which it is announced and the consistency with which it is applied by the police chief executive and by the official in charge of intelligence relating to extraordinary violence.

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Related Standards

The following standards may be applicable in implementing Standard 6.4:

- 5.3 The Intelligence Function
- 5.4 Other Counterterrorist Measures Undertaken by Intelligence Units or Agencies
- 6.11 Evaluation of Terroristic Threats
- 6.13 Tactical Responses to Terroristic Acts
- 8.2 Information Systems

Standard 6.5

Police Specialization for Prevention and Control of Extraordinary Violence

A variety of police specialties in dealing with disorders, terrorism, and quasi-terrorism can be readily identified. They include two that can be adequately developed only by the establishment of relatively large specialized units—special operations (or special weapons and tactics) and riot control—and a number of others that can be supplied by relatively small units—bomb detection and disposal, security liaison, negotiation, intelligence, and threat analysis.

1. Specialists in each of the skills just identified should be immediately available, either in-house or through mutual aid agreements, to every police agency. The roles of these specialists and the numbers required to perform those roles are:

a. **Negotiation.** Specialists in negotiation should be capable of conducting and controlling extended discussions with persons engaged in the coercive use of criminal violence (or threats of violence). They should be capable of developing and maintaining rapport with fanatical, disturbed, or abnormally excited persons. This function is to be distinguished from preliminary or short-term efforts to bring about a resolution of presently or potentially violent incidents through communication with suspects, which should be within the capability of every patrol officer who may be the first to arrive at an incident scene and which, even if unsuccessful, may be the basis for later efforts by negotiation specialists. Every police agency

should have a minimum of two such specialists on call at all times; in addition, every department should have one part-time negotiation supervisor who is fully trained in negotiation techniques and who can conduct departmental training for other officers. Wherever possible, a negotiation unit should be able to call upon a trained psychologist with practical experience in law enforcement problems to assist in training, candidate evaluation, and postoperational review.

b. **Special Operations.** This specialty is variously known as SWAT (Special Weapons and Tactics), TOU (Tactical Operations Unit), ESS (Emergency Service Squad), etc. Specialists should be capable of performing unusual assignments (including barricaded-suspect incident resolution and dignitary protection) calling for skills and levels of discipline not associated with day-to-day police duties. Working in closely disciplined teams of 5 to 10 officers each, they must be prepared to accomplish incident containment duties, reconnaissance and search under fire, and assaults involving skilled use of nonlethal and lethal weapons. No fewer than one team per duty shift should be readily available—either from other departmental assignments or an on-call basis or from other police agencies pursuant to interdepartmental agreement or mutual aid compact—to every police agency.

c. **Riot Control.** Specialists should be prepared by training to control and manage hostile or violent crowds, to form and maintain police barricades and lines, and to effect large numbers of arrests for major and minor law violations in mass assembly situations. Adequate coverage in this specialty must be determined according to local need on the basis of the sizes of anticipated violent crowds. In addition to rank-and-file riot-control specialists, every police agency should be able to call on enough officers skilled in the direction and supervision of riot control to maintain close control over operations. Whenever possible, riot-control specialists should be available within a department rather than by arrangement with other agencies.

d. **Bomb Detection and Disposal.** Specialists should be capable of identifying, transporting, and disarming (or discharging under controlled conditions) a wide range of incendiary and explosive devices. They should be trained on a continuing basis and should be familiar with outside sources of specialized technical aid, such as those offered by the Army Ordnance Service. Whether a department requires in-house specialists in this area of expertise will depend upon the rate at which bomb detonations and reported threats occur and on the response capability of the best source of outside expertise. Whenever possible, a police agency should have at least one trained departmental bomb specialist on call. In jurisdictions experiencing or anticipating systematic terroristic bombing campaigns, for example, adequate additional standby coverage should be provided.

e. **Security Liaison.** Specialists should be capable of working closely with representatives of nonpolice government agencies and of private organizations and firms in upgrading provisions against attack and seizure of facilities or the abduction of personnel. When an incident involving an organization with its own security plans and personnel occurs, police security liaison specialists should be capable of managing on-scene relations with representatives of that organization. Wherever practical and necessary, a police agency should have at least one full-time security liaison specialist; smaller jurisdictions should assign one officer to security liaison duty part time.

f. **Intelligence.** Police intelligence specialists must perform the tasks of collection, analysis, storage, and dissemination of both tactical and preventive intelligence data. In addition, they must be capable of implementing any system of self-regulation for police intelligence operations. The responsibilities of these specialists should also include maintaining a current knowledge of local, national, and international trends in politically related and terroristic crime. Every police

agency, regardless of size, should designate at least one qualified officer to take primary responsibility for performance or oversight of all intelligence functions and to take exclusive charge of preventive intelligence. Larger departments should add full-time personnel to intelligence units as needed and should consider designating distinct subunits to manage different types of intelligence operations. In any department, at least one officer with legitimate access to intelligence records should be on duty or available for emergency duty at all times.

g. **Threat Analysis.** Threat analysis as a police function in situations where terroristic or quasi-terroristic crime is anticipated has been described in Standard 6.3. Briefly, it consists of systematically evaluating seriousness of threats and warnings of impending extraordinary violence and attempting to identify the sources of risk. A department with a specialization in threat analysis should be capable of bringing together officers competent in bomb and weapons identification, experts in abnormal criminal psychology (officers, nonsworn police personnel, or consultants), and persons knowledgeable about local, national, and international trends in extraordinary violence and should be capable of expanding to include persons with special knowledge relevant only to the evaluation of particular threats. Every police agency should either designate an individual officer to oversee threat analysis operations on an as-needed basis (supplying that officer with the resources needed to recruit assistance) or locate an already organized threat analysis team that could be readily available to it in emergencies.

2. In arranging for the performance of any of the specialized departmental functions just enumerated, with the exceptions of intelligence and security liaison, a system of secondary assignments in which every nonsupervisory member of a specialized unit undertakes another full-time duty assignment, perhaps unrelated to his or her specialized skills, is preferable to one of regular full- or part-time assignments. Specialized unit supervisors and supporting clerical personnel should maintain current rosters of unit members, with emergency contact information; unit members, in turn, should have readily available any special uniforms or portable gear required for emergency duty.

3. Several specialized functions can be, and in smaller departments should be, performed by the same officers. In merging specializations, however, care should be taken not to make combinations—such as that of negotiations and special operations—that involve serious potential role conflicts for individual officers. The following combined speciali-

zations should be considered by police agencies facing personnel or resource limitations:

a. **Security Liaison/Intelligence.** This combination of specialized functions is suggested by the importance of information gathering in each and by the need for permanently assigned full- or part-time personnel to perform each.

b. **Special Operations/Riot Control.** This combination is suggested by the common need for specialists in both functions to work under close discipline and to achieve tactically considered responses to violence.

c. **Bomb Detection and Disposal/Threat Analysis.** This combination is suggested by the relatively high proportion of threats of extraordinary violence that involve possible use of explosive or incendiary devices. If this combination is used, however, care must be taken to establish a capability to deal with psychological and motivational questions posed by threats.

4. In arranging for the performance of specialized police functions related to extraordinary violence, careful personnel selection, provision of continuing training, and guidance by regulations are critical.

a. Personnel selection policies and procedures must be geared to selecting specialists who are motivated to assume extra duties and responsibilities. With the possible exception of members of riot control units (who may be required to be so relatively numerous as to make an all-volunteer policy impractical), specialists should be actively recruited from all ranks of the department but never drafted. They should generally be selected only from the pool of experienced officers possessing such personal characteristics as

i. Good physical condition,

ii. Emotional maturity and stability,

iii. Intelligence and learning ability, and

iv. Relevant prior experience, including but not limited to military service, academic course work, and previous special police assignments. Specialists should be selected to achieve fair representation of minorities and of other identifiable subgroups of the local population.

b. Only the largest departments should consider establishing in-house training programs for specializations other than riot control. Generally, training for specialists and specialized units should be obtained from such outside sources as

i. National law enforcement training schools or programs, including the FBI's National Academy, which offer a variety of practical courses for local police specialists; and

ii. Regional or multijurisdictional training academies, which offer specialized training to officers of police agencies within their service areas.

For all police specialists involved in the prevention and control of extraordinary violence, regular update of training is essential, so too is access to professional journals and information services.

c. Every specialized police function should be conducted according to a detailed set of written guidelines and regulations; these may take the form of a manual or of a set of integrated general orders or both. Among the topics that the rules regulating each specialized function should address are

i. General policy and specific regulations on the use of lethal and nonlethal force and on fire control procedures;

ii. Authority relationships in emergencies and nonemergencies, including command links between specialized units and general departmental authority and between unit leaders and members;

iii. Communications procedures and rules for the use of communications equipment in emergency situations;

iv. Storage, maintenance, and transportation of specialized equipment generally; and

v. Relations with the public and the news media and clearance procedures for release of information about specialized-unit policies and operations.

In addition, of course, each specialized unit will require rules particular to itself—such as rules on information gathering and dissemination for intelligence specialized-unit policies and operations.

Commentary

The general issue of police specialization has been widely discussed. Some of the arguments for and against this means of conducting a wide range of police functions are germane to a consideration of the role of police specialists in dealing with extraordinary violence. But many of these arguments are at least partially irrelevant in this context. Over-specialization and specialization for specialization's sake should be avoided, but a considerable degree of specialization appears practically essential to anti-disorder and antiterroristic operations as well as to effective response to incidents of quasi-terrorism. The real question posed is not *whether* to specialize but *how* best to do so.

The Problem of Elitism

Any attempt to create intradepartmental specializations carries with it certain inherent risks. Among the most serious is that a schism between police specialists and regular-duty officers will develop.

Aspects of specialized training and special duty do tend to create in the specialists a sense of superiority to or distance from the force as a whole; training in nonroutine skills, access to elaborate equipment or restricted information, and close quasi-military discipline promote this tendency.

No complete solution to this problem exists. Nor is it clear that one is actually desired. Because concomitants of elitism are high professional standards and pride of work, a measure of this quality is inseparable from good performance by specialists. To the extent that elitism is an undesirable side effect of specialization, however, several of the practices recommended in this standard (on independent grounds of equity or efficiency) may aid in minimizing its negative effects. These practices include the active, departmentwide recruitment of qualified volunteers for specialist duty and the provision of regular general-duty assignments for police specialists.

Finally, however, the problem of elitism is less that of specialists' attitudes than that of the non-specialist officers' attitudes toward specialists. And not even the most equitable system of specialist selection can eliminate the possibility of resentment on the part of those officers not selected when specialist assignments involve novelty, variety, or visibility. Movement toward specialization, then, must be accompanied by continuing efforts to increase the prestige, rewards, and inherent interest of all police work.

In the performance of their duties, police specialists in the handling of extraordinary violence cannot look or act like the generalist officers whom the community generally accepts or even welcomes. Ironically, the aspect of specialization that is most likely to arouse public resentment or fear also provides a considerable measure of real protection to the public during field operations by some specialist units. Close discipline along quasi-military lines is essential to achieving control over use of force; nevertheless, the disciplined style of a well-trained riot control or special weapons and tactics unit may be negatively perceived.

Observance of certain essentially cosmetic principles in special-unit operations can help to resolve this problem. As a general rule, unit members should be dressed and armed as similarly as possible to general-duty officers. In instances, of course, special dress and gear will be unavoidable (as, for example, for special operations unit duty) or tactically desirable (as, for example, when a show of force is to be employed in attempting to resolve an incident). Unnecessary military-style uniforms, ordinance, and equipment, however, should not be displayed during operations. Particular articles of equipment that tend to depersonalize special-unit mem-

bers, such as full-time masks and protective shields, should also be distributed and employed only when actually needed.

The longer term solution to the problem of negative public perceptions of police specialists, however, lies in public education. Sensational and potentially alienating specialized-unit operations have first call on media attention and the public mind, but public interest in all aspects of police operations is generally high. Because the records of most specialized units—in terms of incidents resolved and of lives lost and preserved—are respectable or even exemplary, the movement toward specialization should be carefully and accurately explained to the public through responsible use of media. Factual coverage rather than sensational publicity should be actively sought, even at the cost of some bad press along the way.

Specialist Functions and Roles

In organizing new departmental capabilities to deal with extraordinary violence, it is essential that the various responsibilities of specialists and specialized units be clearly delineated. In particular, it is important to distinguish between the routine and nonroutine functions of each specialty. Some specialists, like those making up special operations units, are called from their regular duty assignments to participate in numerous nonroutine assignments. Others, like security liaison officers, will perform their specialized duties principally on a routine, nonemergency basis. The discussion that follows is intended to suggest along what lines routine functions and nonroutine operations might be specified for the various specialists and specialized units enumerated in this standard.

Negotiation specialists, other than unit supervisors with ongoing responsibility for training and coordination of on-call unit members, have no specialized functions in the day-to-day departmental routine. But they must retain readiness while working in their regular departmental assignments.

In emergency situations, the working role of the negotiation specialist may be the most vital of any officer at an incident scene. That role, as this standard emphasizes, is in the conduct of extended discussions with persons threatening violence or resistance to apprehension, taking up where preliminary discussions initiated by nonspecialist officers have run their course. In emergencies, however, it is critical that negotiation specialists be available at the scene as soon as possible, even when their intervention does not appear immediately necessary. Negotiation specialists should always be prepared and available to fill the role of the detached intermediary; thus, they should never have any other

direct involvement in police operations at an incident scene.

It should be emphasized that successful performance of the negotiator's role in emergency situations depends, in the first instance, on careful selection of officers to serve as negotiators. More than any other police specialty involved with extraordinary violence, negotiation demands that individual specialists possess qualities of emotional maturity and stamina—both physical and psychological. Intra-departmental personnel procedures designed to identify negotiation specialists must be designed not only to weed out the unsuitable candidates but also to discriminate effectively among suitable ones and identify the best qualified.

When not on specialized duty, the members of special operations units have a variety of routine roles, as individuals, within a department. Special operations units have another critical routine function: that of maintaining readiness for emergency duty. This function implies the necessity of designating a unit supervisor to work full or part time to oversee recruitment, training (or retraining), maintenance and upgrading of equipment and supplies, and the keeping of a current roster of unit personnel with emergency contact information. Officers designated and trained as unit members, in turn, should be prepared to participate in regular training and should carry with them or store for ready personal access as much personal gear as they may require to respond immediately to an emergency summons.

In nonroutine situations, special operations units will play any or several of three critical roles: protection, containment, and apprehension. The first of these will be performed in connection with such preventive duties as the guarding of dignitaries against assassination or attack. The latter two will be performed in the context of incidents of extraordinary violence. Depending on the nature of the terroristic or quasi-terroristic incident to which they are called, units may be required either to support attempts toward a nonviolent resolution (through such techniques as negotiation) by clearing areas, establishing perimeters, and providing defensive fire or to attempt a direct resolution through the use of the force necessary to take a threatening individual or group into custody. Often, the apprehension role will develop out of the containment role as an incident progresses; nevertheless, the importance of the distinction is too great to be understressed. Different governing assumptions, different operating rules, and even different command patterns may apply at an incident scene, according to which role a special operations unit assumes.

Like special operations unit members, riot-control specialists as individuals perform many routine

departmental functions in nonemergency periods. But in its specialized capacities, a riot-control unit has no significant routine functions. Most departments will nevertheless require a part- or full-time unit supervisor to oversee the administrative work required to guarantee unit readiness. In addition, the unit supervisor can participate in antidisorder contingency planning, demonstration permit application review, and other police activities related to but not actually part of the riot-control specialty.

In emergencies and nonroutine situations involving disorderly assemblies, the role of riot-control units is a complex one. During relatively small incidents, their members should be the only officers in direct contact with disorderly groups and should be charged with establishing barriers and lines, attempting to disperse crowds, or effecting arrests of crowd members. In larger mass disorders, or as the size of a disorder grows, specialists must delegate more and more of their less sensitive duties to nonspecialist officers working under the direction of riot-control unit members. Thus, the role of the riot-control unit may be partially practical and operational and partially supervisory. Local riot-control units can de-emphasize their supervisory responsibilities in the management of large disorders when their numbers are supplemented with outside police units, guardsmen, or troops; even then, however, the supervisory role cannot be altogether abandoned. In antidisorder operations many nonspecialized and specialized police units—from traffic division officers to intelligence specialists or special operations units—may participate. But riot-control specialists are the basic source of manpower to handle or supervise the handling of contacts between law enforcement and hostile (but unarmed) crowds.

Bomb detection and disposal specialists are another group with few ongoing routine functions—except those that arise in the aftermath of emergencies, such as attempting to identify bombers from physical evidence. Bomb specialists may or may not be involved directly in a department's threat analysis procedures, but when a threat involving a bomb or incendiary device has been determined to be credible, bomb detection and disposal specialists are facing a nonroutine, emergency situation.

The emergency role of these specialists is, in turn, twofold. First, they must perform searches to locate suspected explosives; this responsibility cannot be discharged by the specialists alone but requires that they direct the efforts of nonspecialist police officers, of private security personnel, and even of members of the public. This is sensitive duty, involving hard discretionary choices made under severe time pressure. Specialists often must elect, for example, between evacuating a threatened structure (thus safeguarding lives but causing disruption and compli-

cating the identification of suspicious personal articles) and searching without evacuation (thus creating increased risk to occupants but minimizing disruption and sometimes simplifying search procedures). After what may be a destructive device is actually discovered, a second aspect of the specialists' emergency role comes into play: their responsibility for the removal and the disarming or detonation of bombs. Again, a high degree of judgment, as well as of technical skill, is required, particularly where the device is of a type with which a departmental specialist is unfamiliar. Bomb detection and disposal experts may require outside assistance; performance of their emergency role requires a recognition of their own limitations and a knowledge of other sources of aid. The ability to call on military expertise and to work closely with such organizations as the Army Ordnance Service is particularly critical to the effective emergency functioning of these specialists.

The routine, day-to-day duties of security liaison specialists take in their most critical functions. In contacts with private companies and organizations and with non-law-enforcement agencies of government, they must promote the prevention of extraordinary violence while laying the foundations for effective police response in the event that it does occur. Because the security liaison specialist's contacts will often be with persons or firms that resist the notion of upgraded security (on grounds of efficiency, economy, or privacy), this nonemergency function involves the exercise of persuasion and diplomacy as well as technical expertise.

In emergency situations, the role of the security liaison specialist is secondary but nevertheless vital. On the scene of an incident involving a private, nonresidential plant, store, or office, the specialist must act as an intermediary between the operational police units and the owners or occupants of the premises, relaying information and suggestions between these concerned groups while preventing unnecessary interference with police performance.

Intelligence specialists and specialized intelligence units have significant routine duties and critical nonroutine roles in emergencies. On a day-to-day basis the functions of collecting, safeguarding, analyzing, and weeding intelligence data and of making difficult discretionary choices concerning the initiation and continuation of preventive intelligence gathering fall to those officers regularly detailed to full- or part-time specialized intelligence duty. Irrespective of any legislation or self-regulation applicable to a police agency's intelligence operations, the personal integrity of its intelligence specialists and their sensitivity to the often competitive values of public security and personal privacy will determine the quality with which these routine functions are

performed. To guarantee quality control, a supervisor for departmental intelligence operations involving extraordinary violence is essential.

The emergency role of intelligence personnel is twofold: to organize existing intelligence files containing data bearing on an incident and to supervise the on-scene collection of new information required to support tactical operations. The nature of the on-scene emergency intelligence role will differ significantly with incident type: In mass disorders, emphasis will be on coordinating the receipt of information from dispersed points and on forecasting the growth of the incident; in terroristic or quasi-terroristic incidents, the primary task will be to gather facts about the participating individuals or groups and about the locations they occupy.

The functions and roles of threat analysis specialists are complex. On one level, threat analysis can be described as a police function designed to determine when emergencies exist. It is a routine function in the sense that it must be performed repeatedly, although not according to any regular schedule on a day-to-day basis. Thus, although threat analysis specialists may have other regular departmental assignments, they will be called on to perform their expert functions when the department as a whole is not on an emergency footing.

Of the many threats—in the forms of phoned or written warnings from self-alleged bombers and terrorists and of tips from informants and members of the public—that come to the attention of police, only a minority are initially credible, and fewer still remain so on examination. Police agencies—to say nothing of communities—could not function if all threats were treated as occasions for full-scale emergency operations. Threat analysis specialists function as more than early warning systems; they also constitute a screening system that permits uninterrupted normal functioning of the police agency as a whole.

The responsibilities of threat analysis specialists do not end, however, where a risk sufficient to trigger emergency operations and engage other groups of specialists in their emergency roles has been identified. Information about a credible threat will usually be one that nevertheless lacks important particulars—the time or place of an impending attack, for example, and almost uniformly the identity and location of the potential attackers. The non-routine emergency role of threat analysis specialists is to work in cooperation with intelligence specialists to analyze threatening communications in an attempt to supply this absent information (or at least to narrow the range of possibilities) and to equip other specialized units with some understanding of the motives and personal characteristics of persons making threats.

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Related Standards

The following standards may be applicable in implementing Standard 6.5:

- 4.9 Antiassassination Measures
- 6.3 Planning the Police Response to Individual and Small-Group Terrorism and Quasi-Terrorism
- 6.9 Prevention of Terrorism and Quasi-Terrorism Through Physical Security
- 6.11 Evaluation of Terroristic Threats
- 6.16 Negotiation Under Duress
- 8.1 Contingency Planning

Standard 6.6

Bureaucratic Organization of Prevention and Response Efforts

In nonemergency and emergency situations alike, clear specifications of command responsibilities during responses to extraordinary violence are essential to effective operations. Wherever possible, such specifications should be made in advance, and ad hoc command designations should be avoided.

1. A single senior officer should be designated by every police agency to take staff responsibility for routine nonemergency functions relating to extraordinary violence. In smaller departments, this individual should be the police chief executive or a member of his or her immediate staff; in larger ones, this individual should head an independently staffed and organized oversight unit and report directly to the police chief executive. The responsibilities of the designated officer should include

a. Monitoring the performance of specialists and specialized units that have day-to-day functions relating to the prevention and early detection of incidents of disorder, terrorism, and quasi-terrorism;

b. Assessing the readiness of specialized units with emergency responsibilities in incidents of extraordinary violence;

c. Maintaining liaison with all "outside" police agencies relied upon for assistance in either emergency or nonemergency situations;

d. Reviewing overall departmental prepared-

ness on a regular basis to establish compliance with existing contingency plans;

e. Directing any special exercises required to test departmental capabilities to put contingency plans into effect; and

f. Responding to any initial determination of the existence of an emergency by assisting in the calling up of specialized units and the early-stage implementation of contingency plans.

2. Initial responsibility for determining that an emergency involving extraordinary violence exists and that special responsive measures are required should be the responsibility of the senior command official on duty in the police district or area where an incident has arisen. In doubtful cases or where several areas or districts are involved, the determination should be made in consultation with headquarters' officials.

3. When an emergency exists in which a police agency has primary responsibility and contingency plans for extraordinary violence are in effect, intra-departmental responsibility for the direction of field operations and departmental backup functions should be concentrated in a single command-level officer, working from a specially established command post located as near as possible to the incident scene; all information, orders, and suggestions relating to the management of an incident should be directed

to this officer and his or her staff. Duties of the emergency field commander should include:

a. Determining the kind and number of departmental personnel required and directing their deployment at the incident scene;

b. Establishing emergency field stations for units performing specialized backup services or performing specialized roles in incident management;

c. Dictating any special rules of engagement that are to govern the performance of officers taking part in field operations;

d. Requesting outside assistance in the forms of nondepartmental manpower or equipment for use in operations and of nondepartmental expert advice to aid decisionmaking;

e. Determining tactics to be employed and supervising operations; and

f. Making provisions for adequate coverage of extended incidents, stressing arrangement for the regular relief of all police personnel involved (including the emergency field commander himself or herself).

4. When several law enforcement or non-law-enforcement agencies have overlapping or coordinate responsibility for management of an emergency incident, an emergency command task force with a single representative from each responsible agency should be established, with headquarters at a central field command post. Each task force member should be a command- or executive-level representative of his or her agency, with full authority to act for that agency in making tactical choices. Wherever possible, the task force should delegate direct command responsibility over all personnel involved to one of its members and act thereafter as an advisory body.

Commentary

The clarity with which command responsibility is specified in advance and the degree to which the principle of unified command is followed in practice will determine the speed, quality, and effectiveness of police response in emergencies involving mass disorders, terrorism, and quasi-terrorism. The extent of a department's capability to centralize command responsibility in emergencies will depend, in turn, on the degree to which the department has given continuing centralized attention to the potential for extraordinary violence and to specific issues of departmental preparedness during nonemergency periods.

An important goal of centralizing command responsibility for nonemergency police functions related to extraordinary violence is the improvement of intradepartmental coordination. An intelligence

unit may, for example, be fully capable of concluding that an upcoming demonstration has potential to become a mass disorder; a riot-control unit may be fully capable of reviewing its personnel rosters and equipment inventories to determine its readiness to respond if required. But a center of command authority for both units is required if the two are to function in coordination and if the conclusions of one are to influence the preparations of the other. Critical to the effective performance of nonemergency functions, then, is a bureaucratic structure that can serve as an efficient medium for an intradepartmental exchange of information.

The critical goal in centralizing command responsibility for emergency police field operations involving extraordinary violence is control. Emergency decisionmaking involves a series of choices, some relatively easy and some extremely difficult, among different courses of action. Often, sets of choices—whether or not to permit media access to the scene of an incident of quasi-terrorism, for example, and whether or not to order police marksmen to fire on a barricaded suspect—may appear only on serious examination to be interrelated. And far too often the temptation to choose a course of action because of a desire for the results that would flow from success without adequate consideration of the consequences of failure is great. Again using the example of a quasi-terroristic incident, the decision to mount an assault on a position is one that should be made in light of its effects—in the event of failure—on prospects for subsequent negotiations. Finally, because one natural response to violence is the use of force, the minute-to-minute tactical choices that response to extraordinary violence demands may have the most serious of negative consequences even if the tactic chosen should succeed. Thus, there is little place in such field operations for decisionmaking on the initiative of individual line officers or unit commanders; control requires centralization.

Centralization and Departmental Structure

Designation of particular command officers to take central responsibility for nonemergency and emergency functions related to extraordinary violence poses difficult problems, because these selections will create authority patterns in potential conflict with the departmental authority structure as a whole. These conflicts can be minimized through careful selection processes, but they cannot be altogether eliminated.

In selecting a coordinator for nonemergency functions, it will ordinarily be desirable to avoid officers with existing command responsibility over units that figure in departmental response plans and to choose instead an officer with staff responsibilities only.

Much of the work of coordination consists of resolving bureaucratic conflicts, mediating intradepartmental disputes, allocating resources among competing units, and auditing the readiness of individual units; these functions will be best performed by an official without ties to any particular unit or responsibility for performance in any particular emergency role. Such an officer may also be relatively more free of conscious and unconscious biases for or against particular methods of prevention and response and relatively better able to exercise truly independent judgment on that account. Thus, the placing of oversight authority for nonemergency functions in the unit commander of a large or highly visible specialized unit (such as riot control or special operations) should generally be avoided.

Moreover, when the centralization of nonemergency authority over departmental preparedness for extraordinary violence is undertaken, the selection should be made from a list of jobs or positions rather than a list of individual candidates. Given the relatively high rates of promotion and turnover that apply to the command level of larger police agencies, choosing a nonemergency coordinator on the basis of special personal characteristics, rather than on the basis of a fit between the task of coordination and the other tasks that are already part of the position he or she occupies, is to risk trading off high efficiency in the short run against failure of continuity over time. Equally important is the necessity of avoiding even the appearance of ad hoc style in making this delegation of authority; if the non-emergency coordinator's role is to be performed effectively it must be accepted as a legitimate continuing function by those specialized-unit members and commanders who are required to work under the coordinator. Thus, the selection of individuals to fill that position must be made in a way that emphasizes its permanence.

Selections of officials to take responsibility for emergency field operations pose particular problems. Although a single official can be charged with oversight of all nonemergency operations related to extraordinary violence, designation of emergency field commanders must depend on the nature of the emergency presented. In small-scale incidents, for example, the appropriate emergency field commander may be the head of the specialized unit (such as riot control or special operations) that has the greatest operational responsibility for incident management. In larger, but still geographically confined incidents, the appropriate field commander may be the official with general responsibility for all police field operations in the district or sector where the incident is taking place. In large incidents without clear geographical focus (such as mass disorders) or

in incidents with significant potential for spreading (such as major terroristic crimes), the general departmental commander for field operations or even the police chief executive may be the most appropriate choice. Because the possible choices are relatively numerous and because the risks of confusion or even dissension when an ad hoc selection is made are real, the predesignation of appropriate emergency field commanders for various classes of incidents is essential to sound planning.

In planning, the identity of the right emergency field commander for particular incidents can be debated—often without a universally satisfactory resolution. In managing an incident, however, it is essential that the emergency field commander's selection has been made positively and unambiguously, according to a clear principle. The emergency field commander may be required to direct or manage officers who are his or her superiors in point of rank and to maintain a coherent tactical view in the face of considerable pressure from inside and outside the department. Thus, the emergency field commander's claim to authority must provide a solid foundation for independence in judgment and action.

Bureaucratic Infrastructures in Prevention and Control Efforts

The designation of a central point of general responsibility is, of course, only a first step in locating within a police agency all the particular responsibilities for operations against extraordinary violence. Under the official taking overall responsibility, there must be a system of personnel and equipment, either permanent or temporary, to support the exercise of centralized authority.

Where the nonemergency coordinator's position is concerned, the design of this system is a relatively simple matter; a coordinator should receive as much support as is required to keep currently informed of the status of the various units under his or her supervision and of the progress of their day-to-day work. One device that is available to reduce the need for any large coordinator's staff is a regularly scheduled series of staff meetings, chaired by the coordinator, attended by the commanding officers of all units involved or potentially involved with operations against extraordinary violence and at which the task of information exchange can be directly accomplished. When the size of a department and the extent of its planning against disorder, terrorism, and quasi-terrorism justify it, however, the non-emergency coordinator should be supplied with some independent staff—distinct from staff on loan from various specialized units—to conduct independent reviews of planning and preparedness.

The infrastructure of command in emergency

situations, by contrast, can be large and complex; as a general rule, it is better that some possibly unnecessary support personnel be held in readiness by the emergency field commander than that operations be delayed or interrupted while needed personnel are located and summoned to an incident scene. Although the exact composition of the on-scene official complement assembled to support the emergency field commander will depend on the nature of the incident, its makeup should err, if at all, on the side of inclusiveness. In almost every instance, it should include a command-level representative of a special operations unit, a negotiation specialist, a departmental intelligence official, representatives of the departmental traffic division, and the patrol command for the incident area or district. Communications system specialists, clerical personnel, and drivers should be present for practical on-scene staff support. Officials such as riot-control unit commanders or bomb detection and disposal specialists should be recruited as the situation dictates.

Because the field command post will operate most efficiently when occupied only by personnel needed to assist the emergency field commander on a continuous basis, secondary command posts located near the incident scene and linked by radio to the principal command post should be established for units of personnel in reserve. Secondary command posts should house officials whose work at an incident scene does not require constant communication with the emergency commander (such as intelligence personnel, traffic division officials, and even negotiators). Additional secondary command posts can also be established to buffer the emergency field commander and his or her working staff from those who have potentially valuable suggestions to make on practical questions related to the incident but have no clear role in the structure of emergency operations. Persons who can be accommodated in this way include community leaders, non-law-enforcement officials (and law enforcement officials with no direct responsibility in the management plan for the incident), representatives of private security forces, experts (such as physicians or psychologists) present to provide backup advice, and private persons with ties to individuals suspected of involvement in the incident.

As the parts of the emergency commander's field organization grow more numerous, more varied, and more dispersed, the necessity for liaison officers, responsible for maintaining contact with various secondary command posts and for reporting the occupants' activities and suggestions to the emergency commander, will increase. Wherever possible, they should be selected by the emergency commander from among his or her regular coworkers.

The Police Chief Executive and the Emergency Command Structure

In the management of incidents of extraordinary violence, there will sometimes arise a necessity to circumscribe the decisionmaking authority of the emergency field commander or to countermand his or her tactical decisions. The role of the emergency commander does not imply policymaking responsibilities; rather, it is this official's responsibility to translate existing departmental policy—as expressed in planning documents—into practice. It is in the nature of extraordinary violence, however, that even the most scrupulous planning process cannot anticipate every policy issue that will arise in the course of actual operations. Thus, the police chief executive must be prepared to intervene in emergency operations in order to impose his or her own policy positions or those of higher civil authorities on the conduct of operations.

Wherever possible, such intervention should occur in a way that does not disrupt the emergency command structure. Thus, for example, if the police chief executive concludes that, on policy grounds, police negotiators must refrain in a particular incident from discussing demands that would ordinarily be open for discussion (or, on the other hand, should be permitted to negotiate on points that would ordinarily be considered nonnegotiable), this conclusion should be communicated by the police chief executive to the emergency field commander and by the emergency commander to departmental negotiation specialists.

When the police chief executive (or another headquarters official superior in rank to the emergency field commander) chooses to be present at an incident scene, that official should make clear, upon arrival, the capacity in which he or she is present. If this is as an observer or adviser, the emergency field commander should be so informed; if it is to assume operational command, this too should be explained. And when the police chief executive departs an incident scene after having assumed command, the transfer of command authority back to the emergency field commander (or to another official) should be explicitly noted.

Multiagency Responsibility and Emergency Command

The situation in which a panel of representatives of separate law enforcement and non-law-enforcement agencies is the smallest practical command unit that can direct emergency operations in an incident of extraordinary violence should be avoided. When it exists, control over the actions of participating law enforcement personnel will generally be

weakened, and the important value of speed in decisionmaking will often be sacrificed to the necessity of obtaining consensus. It is a function of comprehensive, multiagency planning to avoid such situations, by specifying through advance agreement which agency will have practical responsibility for the management of incidents that are technically under multiagency jurisdiction. Planning, for example, should anticipate the overlaps of authority that arise in mass disorder that flows across jurisdictional lines—a prison riot in a State institution or a hostage holding in a federally insured bank, for example. In such cases, the planning process should include the advance designation of one of the agencies with coordinate responsibility as the agency that will take overall charge of operations in the event of such incidents.

Foresight, however, is never perfect; moreover, even when a plan anticipates overlapping problems of authority and posits practical solutions, political realities may prevent that plan from being put into effect. Thus, it is inevitable that a necessity for incident management by command committees will sometimes arise. When it does, it becomes critical that the command committee develop a simplified decisionmaking process for use in its own deliberations.

By far the simplest is the self-limitation of the committee's direct decisionmaking power to the selection of one of its members to function as an emergency field commander, directing the use of the personnel and material resources of all participating agencies. Such a designated commander will, of

course, report to and take advice from the command committee. Wherever possible, multiagency command conflicts which have not been resolved in advance through planning should be eliminated and simplified through the use of this device at the incident scene.

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Related Standards

The following standards may be applicable in implementing Standard 6.6:

- 6.2 Planning for Mass Disorders
- 6.3 Planning the Police Response to Individual and Small-Group Terrorism and Quasi-Terrorism
- 6.12 Response to Terroristic Threats
- 8.1 Contingency Planning
- 10.6 Professional and Nonprofessional Intervention in Incidents of Extraordinary Violence

Standard 6.7

Preventive Measures Against Mass Disorders

Some mass disorders—especially those of the truly spontaneous and the thoroughly planned types—are beyond the capacity of police agencies to prevent. The majority of disorders, however, can be forestalled or effectively limited by routine, nonemergency police performance of the following functions:

1. Initiating advance consultation with organizers of mass protest demonstrations to review the selection of march routes and assembly areas, to suggest methods of self-regulation (such as the use of demonstration marshals), and to give notice of risks of provocative counterdemonstrations;

2. Continuing two-way communication between police and protest organizers, before and during the demonstration itself, to permit the early resolution of potential police-participant conflicts;

3. Providing adequate numbers of uniformed police to cover demonstration march routes and assembly areas and to handle isolated law violations before a pattern of violence is permitted to develop;

4. Maintaining an intradepartmental advance clearance system for police law enforcement actions, related or unrelated to mass protests, that have the potential for stimulating various adverse public reactions;

5. Operating an intradepartmental early warning system that permits rapid reaction, by way of arrest or otherwise, to isolated incidents of public violence

by small groups before recruitment for a mass disorder is underway; and

6. Publicizing the extent of police capacity and willingness to respond actively to all mass disorders in progress.

Commentary

Because every mass disorder represents a failure of prevention, the historical record offers apparently discouraging evidence on the issue of how effective police-initiated preventive measures can prove. Unfortunately, there is no system for enumerating incidents that did not occur because effective preventive techniques were employed.

In fact, of course, some disorders do resist preventive measures. The spontaneous localized riot crystallizing around a street fight or touched off by an unsubstantiated rumor can be handled by effective early intervention but cannot be much affected by prevention as such. The planned campaign of mass, nonviolent civil disobedience will resist preventive measures if substantial numbers of participants have been recruited in advance; the only form of prevention that can affect the incidence of such disorders—the early identification and apprehension of those who actively foment mass violence—is generally unfeasible.

Many disorders, however, can be substantially

affected or even altogether prevented by police actions in advance. Some apparently spontaneous disorders are, in fact, triggered by injudicious police conduct such as the poor timing of controversial arrests in hostile neighborhoods. Others develop slowly enough to permit intervention when collective violence has not yet become a mass phenomenon. Thoroughly planned disorders, moreover, represent a tiny minority of all mass disorder incidents. In general, those subscribing to a plan are a tiny minority of all participants, and those who are not committed to violence in advance are amenable to police influence.

In addition, there exists a significant class of disorders that grows out of legitimate mass protests. The scope of legally permissible protest is considerable, so too is the potential for violence posed by any large gathering of discontented individuals. It is on this class of disorder that police-instituted preventive measures have their most obvious hearing.

Legitimate Mass Protests and Illegitimate Collective Violence: The Place of Prevention

Because the nominal interests of all legitimate protest organizers and the real interests of most include the avoidance of violence and because permit application procedures usually involve police in the review of demonstration plans, early contact between representatives of groups proposing to demonstrate and police officials is easily achieved. The essence of an effective preventive campaign against mass disorders is to maintain that contact and to render it substantive rather than perfunctory.

Police agencies are a natural and appropriate source of security advice to demonstration organizers. Police expertise can be of real value in route and assembly point selection, in the choice of mobile communications systems, and in the design of a pattern of internal organization (including marshals or other protest group members assigned to monitor participants' compliance with the law). Police are also well situated to caution protest organizers of the potential provocations to violence—particularly in the form of hostile counterdemonstrators—that participants are likely to encounter; this advice can, in turn, be relayed by organizers to participants, with clear instructions to avoid compromising the goals of the protest by rising to provocation.

Because the nature of protest demonstrations is antiauthoritarian and because incidents of police overreaction to legitimate and nonlegitimate protests are long recollected, rapport between police and demonstration organizers may be difficult to achieve. Tact, persistence, and tolerance for frustration are essential to attempts to achieve effective liaison with protesting groups. In selecting contact officers to assist protestors, flexibility and an appreciation of

the character of the groups with which they will work should be stressed. In some instances, an officer associated with one of the specialized units—such as riot control, special operations, or intelligence—popularly associated with disorder-control functions may command special respect. In other instances, as where tension is already high, a contact officer selected from among personnel with special skills in community relations work may be able to mediate more successfully; whatever subject-matter expertise such an officer lacks can be supplied through consultations with departmental specialists directly concerned with extraordinary violence. By whatever means the contact officer is selected, however, the process of achieving the confidence of protest organizers may prove difficult; sometimes it can be advanced by an officer who is able and willing to act, for some purposes, as an advocate for the protest group within the police bureaucracy and with other agencies of government.

Once established, a constructive contact between police and protest organization must be maintained. As the time of a scheduled demonstration approaches, and logistical problems develop for protest organizers, police officials should make themselves available to assist. Similarly, information newly obtained by police—on subjects ranging from counter-demonstration plans to special traffic problems—should be relayed as it becomes available.

It is during the protest itself, however, that the maintenance of two-way communications becomes most important. Continued use of contact officers as intermediaries between police command and protestors can afford such communication, while providing for control over the content of the messages conveyed. The officer (or, in the case of a large demonstration, the unit) assigned to contact duty should be immediately available to demonstration backers to receive reports of unexpected disruptions, to take requests for aid in resolving practical logistical problems, and to respond to questions and complaints about police assignments in the demonstration area. The contact officer should also be available to notify demonstration leaders, in turn, of correctable law violations by demonstration participants and, where appropriate to the overall police tactical plan for the prevention of disorders, of changes in police deployment and of impending law enforcement actions.

Before confrontation occurs or arrests are made, contact officers and demonstration backers should explore the possibility that reports on which impending police action are premised are inaccurate or overstated and should discuss prospects for the resolution of potentially threatening situations without police intervention. And if police intervention is to occur, the contact officer should take pains to explain its sources, aims, and limits and should request

that this information be relayed through the demonstrators' leadership ranks to the rank-and-file participants.

Prevention of Disorder in Multigroup Demonstration Situations

Often, it will be impossible to determine which demonstration group represents the main thrust of protest and which consists of counterdemonstrators. Indeed, if groups involved in simultaneous conflicting protests are even roughly equivalent in size and take similar approaches to the dramatization of their views, the demonstration/counterdemonstration distinction has little practical significance; each group is similarly entitled to dissent in public, each poses similar risks of mass disorder, and each is in similar need of police services.

Wherever possible, however, those police services should be delivered in a way that minimizes the likelihood of confrontation between mutually antagonistic protest groups. Permit requests should be processed so as to provide buffers of time and space between gatherings of politically or ideologically opposed protestors, and separate police contact officers should be assigned to each group in a multigroup patrol situation. Although the demands that this approach puts on police manpower and time are relatively great, they are believed worthwhile; of all protest situations, those involving opposing private interests are the most likely to evolve into disorders.

Advance Clearance of Controversial and Potentially Provocative Law Enforcement Actions

Retrospective inquiries in the wake of major urban riots have often identified the trigger for the explosion of disorder as a particular police-citizen law enforcement transaction—sometimes proper and unavoidable, sometimes legitimate but ill judged on the part of police, and sometimes questionable or even improper. The risk of this sort of triggering cannot be altogether eliminated; nor is it certain that, if it were avoidable, disorders would not crystallize around other classes of events. Nevertheless, police responsibility for the prevention of disorder embraces a responsibility to avoid presenting real or perceived provocations to citizens in predictably volatile situations.

To prevent the triggering of disorder, an antidisorder plan should provide a system of advance clearance for potentially inflammatory law enforcement operations and should specify clearly what sorts of operations should receive advance clearance. Arrests of local political figures or militant group leaders constitute one obvious class of sensitive operations. If residents in some parts of a jurisdiction have shown hostility or suspicion toward

police, certain arrests in which a need to conduct an extensive search or in which a possibility of armed resistance is anticipated constitute other sensitive operations. Operations at or near certain locations, such as youth gang headquarters or offices of known extremist groups, are others of a sensitive nature. A planned clearance system for such operations should allow for the routine consideration of the possibility of postponing a contemplated operation or for the selection of the least inflammatory practical means available to carry it out. In addition, it should allow for deployment of adequate backup manpower to check violent public reaction before general disorder develops.

An Early Warning System for Disorder

No refined system for predicting the incidence of mass disorder exists; even if it did, its practical usefulness in law enforcement decisionmaking—which must be conducted on the basis of limited data—would be questionable. At the same time, experienced police officers are able to point out likely trouble spots and high-risk periods. Devising an early warning system for disorders involves no more than systematizing the making and sharing of such essentially intuitive judgments and, in the process, developing an improved assessment of their accuracy. The early warning system proposed here is a method of pooling what officers in all ranks of a department already know about the causes and prevention of disorders in their jurisdiction and of attempting to assure that the value of that knowledge will not be lost to the department as a whole. The importance of such a system is that it gives a department at least some basis for consistent efforts to prevent disorder through adapting police response action to community conditions.

In practice, the system should include a compilation of places and topics deserving special police attention and a method for providing that attention. The first element of a system could take the form of a regularly updated master list of volatile areas (including those in which past disorders have occurred or have been narrowly averted), sensitive addresses (including the headquarters of militant organizations and youth gangs), and inflammatory local issues (including controversial actions of non-law-enforcement authorities). Such a listing can be prepared from police department records, local media reporting, general information, and the special knowledge of patrol officers concerning the areas they police; it need not be the product of police intelligence operations. The second element of a system could consist of a routine procedure to be performed by dispatchers and district-level patrol supervisors for comparing details of certain incident reports—those involving group fights, noisy street

gatherings, and other protodisorders, for example—with the master list.

The usefulness of such a system should not be overstated. At best, it can provide a key to the level of response calculated to prevent development of disorders under certain circumstances. A street fight in an area with disorder potential, for example, may be best handled by a local car with additional cars for backup or with the support of a specialized tactical unit (such as special operations or riot control). Alternatively, a noisy gathering of members of a known militant organization may be best handled by nonuniformed community relations or negotiation specialists with tactical support on call. But relatively elementary as such response decisions may be, effective riot prevention by police demands that they be made consistently, not just when an officer involved in formulating them has personal knowledge of special considerations bearing on response.

Publicity as a Tool of Disorder Prevention

Most potential participants in disorder are far from oblivious to the consequences of participation. Many, of course, weigh those consequences and elect to risk them. But, although rioting and allied forms of mass disorder involve a testing of governmental authority generally and police authority in particular, potential rioters may not put authority to the test when they can predict reliably the character of the official reaction. A majority of disorder participants are not professional lawbreakers or even chronically irresponsible or reckless individuals; for them, foreknowledge that joining in collective violence will lead to arrest and consequent disruption of their own lives may be a persuasive consideration.

Authorities on the theory and practice of deterrence disagree widely. There is a general consensus, however, that, to the extent that deterrence does operate, it is a function more of the perceived degree of likelihood that crime will be followed by an official reaction rather than by the expectation that official reaction will be severe. (See F. Zimring and G. Hawkins, *Deterrence* (1973), pp. 158–173.) In practical terms, this means that publicity given to police response plans in an effort to deter mass disorder should emphasize the number of officers and units available to respond and their commitment to effecting arrests of all persons found in violation of the laws.

Considerable discretion must be exercised in using publicity as a tool of disorder prevention. Where a risk of disorder is highly uncertain or no specific risk is anticipated, undue emphasis on the police response capacity can prove provocative rather than palliative. In addition, of course, any publicity de-

voted to response capacity should be relatively un-specific where particulars of police tactical planning are concerned. Finally, the goal of maintaining long-term credibility demands that publicity not be permitted to overstate significantly the real capacity or willingness of police to respond vigorously.

Nevertheless, when police agencies have reason to believe that the eruption of disorder is particularly likely—as, for example, where militant group leaders have announced protest plans and have refused to rule out the possibility of violence by individual protestors—the publicity tool can be effectively employed. Conventional publicity is available through news and print media, which will report policy statements on disorder control by command-level police officials. Often, the same message can be directly conveyed—through, for example, the medium of protest organizers—to potential participants in disorder. Finally, indirect publicity is available through the deployment of increased numbers of regular-duty uniformed officers in areas where disorder is expected.

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Related Standards

The following standards may be applicable in implementing Standard 6.7:

- 4.3 Facilitating Peaceful Demonstration
- 4.4 Permits for Demonstrations
- 10.1 Nonviolent Protest Alternatives
- 10.3 Community Cooperation with Law Enforcement and Prevention Efforts

Standard 6.8

Tactical Management of Mass Disorders in Progress

Successful tactical management of disorder is a matter of matching tactics to general objectives and of avoiding response for the sake of response. In addition, response strategies must include special tactical provisions for special law enforcement problems.

1. When an illegal mass disorder with one or more points of geographical focus presents itself, the objectives of a tactical response are clear:

- a. Protecting persons—including nonparticipants and participants alike—and property at risk;
- b. Dispersing disorderly or threatening crowds in order to eliminate the immediate risks of continued escalation and further violence; and
- c. Arresting individual law violators with a view to their subsequent prosecution and penalization.

These objectives are stated here in order of importance; to a significant degree, however, and particularly where (a) protection and (b) prevention are concerned, they are practically interdependent.

2. In managing disorderly crowds, a number of distinct tactical options are available to fulfill the objectives just stated. They include:

- a. Deployment of police personnel and equipment to isolate and contain the crowd (or elements of the crowd) without direct confrontation;
- b. Display of police force to impress upon

disorder participants the police capacity for forceful response in the event of nondispersal;

- c. Informal negotiation between police representatives and crowd leaders or members;
- d. Issuance of formal orders to disperse, employing public address equipment to assure notification of all leaders and crowd members and to maximize the beneficial psychological and legal effects of such notification;
- e. Use of moving police lines and other crowd management formations to promote dispersal through force;
- i. Mass arrests of participants;
- g. Use of nonlethal weapons (including release of chemical agents and baton charges); and
- h. Use of lethal weapons.

These tactical options are not listed here according to any suggested or generally accepted view about the order in which they should be employed. The most difficult tasks in police management of mass disorders are to determine, in advance, a general departmental policy on the sequences of all possible elements of tactical response and to apply that policy at incident scenes in light of the special characteristics of particular disorders.

3. Special law enforcement problems that may arise in the course of mass disorders and that require special tactical responses include:

- a. Illegal inciting of participants and non-

participants by crowd leaders. The appropriate response may be a special tactical effort to achieve arrests of inflammatory individuals even when multiple arrests of other participants are not deemed to be in order.

b. **Looting and other extreme forms of property destruction.** The appropriate response, again, may be to devote tactical manpower to the specialized task of achieving the arrest of persons involved, while deploying other police personnel to protect vulnerable areas not yet under attack.

c. **Sniping, bombing, and arson.** The appropriate response may be to send specialized departmental units, rather than general-duty officers or riot-control units, to the location for the apprehension or suppression of individuals involved.

d. **Mass obstruction of roadways or interference with the movement of emergency traffic.** The appropriate response may be an accelerated or compressed version of the same tactical sequence chosen for use with nonobstructive disorderly crowds; whatever technique is used to address the disorder itself, the public should be informed of obstructions and detours through the news media.

Commentary

The broad goals of antidisorder tactical operations are noncontroversial. Few authorities, for example, would dispute either the proposition that police should retain a duty to protect citizens, despite their participation in disorderly crowds, or the view that some goals of conventional nonemergency law enforcement—such as the making of arrests for serious, prosecutable illegal conduct—must be subordinated to other objectives—such as restoring and maintaining public order—in incidents of collective violence. Controversy and the necessity for hard choices by individual police agencies enter with the consideration of the available tactical options and the selection of an overall strategy to dictate the sequence that will be followed.

The nature of this controversy is ethical as well as practical; most departments, for example, would reject a strategy permitting the use of lethal force against participants in collective violence, even as a last resort, even if such a tactic were deemed effective, and even if it were legally permissible. Furthermore, an ethical commitment to the principle of limiting physical harm inflicted by police to an effective minimum interpenetrates practical questions in strategy formation. Thus, for example, professional judgment about the relative risks posed by the use of chemical agents, on the one hand, or of forceful mass arrest procedures, on the other, will dictate the sequence of these two tactical options in a local

disorder control strategy. The importance of departmental policymaking on the subject of use of force and on the nontactical considerations that go into such policymaking are treated in greater detail in Standard 6.15 (Use of Force in Tactical Responses to Disorder, Terrorism and Quasi-Terrorism). Here, attention will be given to considerations of effectiveness and practicality that bear on the order of tactical options to produce a coherent departmental antidisorder strategy.

Planning and Emergency Decisionmaking

Determinations of the order in which tactical options should be employed in disorder control operations should be made with the following general consideration in mind: (1) the sequence should progress from options involving relatively lesser commitments of police manpower and equipment to those involving relatively greater ones, and (2) the sequence should be designed so that each tactical option will lead naturally to the next and so that no early choice of a tactic bars a later choice to use another available tactic. Thus, for example, it may be generally inappropriate to accomplish containment and isolation of a disorderly group without first attempting to achieve dispersal through persuasion or threats of arrest, and it will almost certainly be inappropriate to employ any direct force against disorder participants before testing the effectiveness of persuasion and direct orders.

Finally, however, the development of a general strategy that determines the sequence of tactical options will be critically influenced by the professional judgment of responsible departmental officials. Personal experience and knowledge of local conditions, for example, will determine where in the strategic sequence the tactic of a police show of force should occur, and views will differ widely. Similarly, planners may have strong views on the desirability or undesirability of postponing physical confrontation between police and disorder participants from the standpoint of effectiveness; such views will influence the placement of the tactical option of employing nonlethal weapons in a strategic sequence. Another planning consideration that will influence the determination of the sequence of tactical options is the weight attached by planners to the disruption of public routine resulting from disorders; where relatively great importance is given to the restoration of normal conditions, relatively early use of active police tactics will be indicated.

Finally, then, it is impossible to arrive at any particular test ordering of options; it is possible and necessary both that a single strategy sequence be devised for the general guidance of all antidisorder operations of a department and that this strategy

reflect the considered judgment and collective experience of departmental leadership. Thus, determining the sequence of tactical options is properly part of the comprehensive antidisorder planning process; it is not a function that should be left to be performed when an emergency has already arisen or is about to arise.

Once devised, the antidisorder plan, with its listing of tactical options in sequence, should be widely disseminated within the department. By the devices of training units, unit manuals, and general orders, it should be made familiar not only to officials who may participate in antidisorder operations in command roles but also to all officers who will participate in such operations. It should also be communicated to outside agencies (including other local and State police departments and military units) that may be called upon to assist departmental personnel in antidisorder operations. Such wide dissemination of the strategic plan is a foundation for sound tactical decisionmaking in the field, which consists largely of devising situation-specific variations on the terms of the plan.

Emergency tactical decisionmaking in disorder situations is the province of the emergency field commander, and, because police response often must be directed against multicentered disorders, additional responsibility for making minute-to-minute tactical choices falls on the individual officers who are responsible—under the emergency field command—for operations against particular concentrations of disorder participants. In making emergency tactical decisions, field commanders may be called upon to vary from the strategic plan in either or both of two ways. First, an on-scene judgment may be made that a disorder has progressed too far before police intervention to permit that intervention to begin with the initial (and most limited) tactical option provided for under the strategy plan; crowd size, for example, may be too great to allow effective containment and isolation or successful informal negotiation, or the present level of violence may dictate that active dispersal tactics should be implemented without an order to disperse preceding them. Under such circumstances, the emergency tactical decisionmaker may elect to enter the strategic sequence midway but to follow the sequential order from that point onwards. Second, a judgment may be made that the demands of the situation require reordering the sequence in which tactical options are tested. Usually, such reordering will involve a decision to attempt a tactic generally reserved for later use soon after intervention—the election, for example, to use chemical agents before achieving the degree of containment that permits effective channeling of escaping participants away from centers of potential future danger. Occasionally, however, reordering will involve re-

verting, after tactical operations have progressed to relatively advanced stages, to a tactic previously employed without good effect; thus, for example, persuasion to disperse may sometimes be viewed as newly promising after a first set of relatively uneventful participant arrests have been concluded.

How tightly should emergency field commanders and their area commander subordinates regard themselves as bound by departmental policy in the form of a sequential list of tactical options? And if such a list is, in some degree, binding, how is the flexibility of command to be preserved? If good communications systems are available, a requirement of advance clearance for certain variations on the plan—as well as for certain tactical actions taken pursuant to it—is a possibility.

No clearance, of course, should be required for tactical decisions that involve only backtracking and reemploying relative less drastic tactics than those justified by the progression of an incident. Nor should any clearance be required for variations that consist only of the omission of one or two early-stage tactics. But wherever a variation involves proceeding directly to confrontation tactics (such as mass arrests, sweeps and charges, and weapons use) or omitting preliminary tactical stages in reaching the confrontation level, a positive decision by the emergency field commander, acting on his or her own initiative or at the suggestion of a subordinate command official, should be a prerequisite; additional levels of variations from the sequence should be cleared at the discretion of the emergency field commander. The desirability of such a clearance system underlines the need for clear, unambiguous command authority structures applicable to incidents of mass disorder. And the existence of a clearance system implies the need for clear departmental roles limiting the independent tactical decisionmaking authority of subordinate command officials in disorder situations.

Regardless of whether they are cleared in advance and regardless of where they occur in a tactical sequence, some antidisorder tactics must always be employed with special caution. Tactics involving firearms, however employed, are obvious examples. But so too is any use of chemical agents. Because disorderly crowds include persons of all ages and physical conditions, precautions should be taken to use chemical agents only in concentrations unlikely to threaten physical harm and to release such chemical agents, wherever possible, selectively rather than generally. Observance of such cautions necessarily implies that only thoroughly trained officers should be designated to employ chemical agents and that police discipline and communications should be sufficient to assure that the use of chemical agents, once commenced, can be promptly discontinued.

Choices in Planning Tactical Response

Three basic approaches to or philosophies of tactical response in disorder situations can be identified. Each dictates a different order for the employment of the tactical options available to police. In the planning process and in the emergency decision-making, responsible police officials must determine which approach or philosophy is applicable and shape strategy accordingly.

The first approach emphasizes conciliation and deemphasizes confrontation; its premise is that in disorder situations a strong, visible police presence is more likely to prove provocative than positively influential. Obviously, adherence to this approach demands that tactical options involving multiple arrests or direct use of force should be deferred as last resorts; it also dictates that the making of a show of force by police should be delayed until persuasive techniques have been demonstrated to be unavailing. Pursuant to this approach, physical containment of disorderly groups can be attempted early in a tactical sequence only if it can be achieved unobtrusively.

The second approach stresses the importance of limited confrontation between police and disorderly groups. Its first premise is that in disorder situations, the principle of official authority must be symbolically reinforced and practically demonstrated before persuasive dialog with disorder participants can prove effective; its second premise is that direct confrontation will tend to erode whatever regard for authority disorder participants may retain, thus making the achievement of control more difficult. Under this approach, the early stages of a tactical sequence should entail establishing a visible police presence and making an effective show of force. Because its stress is on limited confrontation, however, this approach also dictates that direct physical contacts between police and disorderly persons (including arrests and the use of tactical formations) should be deferred as long as possible—even until after nonlethal weapons (such as chemical agents) have been employed.

The third and last basic approach puts its emphasis on the value of direct confrontation and use of nonlethal physical force. The premise of this approach is not so much a positive belief that early direct action is a highly effective method of achieving control as it is a skepticism about the effectiveness of other methods. Pursuant to this approach, persuasive efforts to disperse disorderly groups without direct confrontation should still be made early in a tactical sequence, but tactics—such as the show of force—that tend to alert disorder participants to the shape of potential direct action should be delayed or omitted altogether. Steps to achieve dispersal through mass arrests and/or tactical for-

mations should be taken relatively early in the police strategy, and tactics that tend to interfere with or complicate physical confrontation—such as the use of chemical agents—should be considered last resorts.

The collective experience of U.S. police agencies in disorder situations is of very limited value to individual agencies seeking a philosophy of response. The choice will depend finally on local experience and local conditions, as well as on the professional judgment of local police officials. Where, for example, anticipated disorders are of a political character and where disorder participants are likely to be protesters caught up in an escalation of violence, the first philosophy may be the best applicable choice. Where incidents tend to involve low-level violence only and to lack issue orientation—as, for example, where disorders with youthful participants are common—the ordering of tactical options may be best done according to the second approach. And where relatively intensive, violent, and large issueless disorders are anticipated, adoption of the third approach demands serious consideration.

For some departments, different approaches will appear appropriate for different classes of disorders. Nothing should prevent a department from promulgating several distinct alternative strategies for response to disorders—provided that it can be made clear to an emergency field commander which strategy applies in an operation he or she is called upon to direct.

Special Tactical Problems

The law enforcement problems described as special tactical problems in this standard are distinguished from other aspects in disorder control because their management may require significant departures from the overall departmental response strategy applicable to disorders. Thus, for example, it may be necessary to arrest leaders of disorderly groups selectively when mass arrest would not be tactically appropriate, to employ lethal force against snipers when the use of even nonlethal force against disorder participants generally would be barred, or to station police personnel to prevent looting after the general utility of a show of force has passed.

When such departures from a plan are required, however, the need to maintain centralized command over antidisorder operations increases. Even when specialized units are called upon to deal with special tactical problems, they must operate under the direct control of the emergency field commander. A special operations team engaging in suppressing sniper fire, for example, cannot operate without endangering itself and risking aggravation of an incident of disorder as a whole unless its decision to

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employ firepower is cleared in advance through the emergency commander and unless other field personnel are notified in advance that the specialized team may be discharging weapons.

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Related Standards

The following standards may be applicable in implementing Standard 6.8:

- 4.5 Response to Demonstrations
- 6.2 Planning for Mass Disorders
- 6.15 Use of Force in Tactical Response to Disorder, Terrorism, and Quasi-Terrorism
- 8.4 Tactical Response to Disorders

Standard 6.9

Prevention of Terrorism and Quasi-Terrorism Through Physical Security

Many incidents of extraordinary small-group violence occur or prove difficult to resolve because existing building designs and security systems permit easy access by armed persons to target areas. These designs and security systems also may complicate the work of the police in removing armed persons from the building once installed. Although police agencies have no direct responsibility for measures taken against extraordinary violence by the private sector or by other government units, they should be empowered to offer their expertise to encourage the upgrading of preventive design and physical security.

1. In the design process for new buildings that will be potential targets for terrorism and quasi-terrorism (including courthouses, government office buildings, corporate headquarters, and banks), architects and their clients should be encouraged to take advantage of police expertise in considering the inclusion of such features as:

- a. One or more secure alternate means of entrance and exit, preferably unmarked;
- b. Dispersed working areas for occupants;
- c. Window designs permitting outside inspection of a maximum amount of interior space;
- d. Screened observation positions or checkpoints covering main entranceways;
- e. Multiple means of one-way access from building interiors to roof areas;
- f. Adequate cables or ductwork to accommo-

date alarm systems, closed-circuit television, and internal communications' systems;

g. Master-key locking systems for securing all interior spaces, including lavatories and storage areas; and

h. A security office with an independent locking system, monitors for alarms and closed-circuit systems, internal communications with all building areas, and external communications separate from main phone lines.

2. In connection with renovation of existing structures that are potential targets, tenants should be encouraged to take advantage of police expertise in considering whether to incorporate or approximate the design features of secure design desirable in new construction, and, in addition, to:

a. Seal off or barricade unused storage and service areas;

b. Provide locking devices for unsecured doors and windows; and

c. Eliminate unnecessary public entrances.

3. All occupants of potential target buildings should have available to them police advice on adopting security procedures, including:

a. Visual inspection of contents of hand-carried bags, packages, etc.;

b. Identification checks and, where feasible, outside visitor escorting;

c. Closed-circuit television monitoring of entranceways, halls, and public areas;

d. Routine and spot checks of offices, public rooms, and storage areas for unfamiliar articles;

e. Announced and unannounced bomb threat drills;

f. Visual and electronic inspection of incoming mail envelopes and packages; and

g. Direct alarm system and telephone linking to local or central police headquarters.

Commentary

Discussion of preventive design and other preventive security measures against terrorism and quasi-terrorism is included among the standards for police agencies because of the real although indirect responsibility that police agencies bear for upgrading security in the community as a whole. For many private organizations and arms of government, local police agencies constitute the sole source of expert advice on matters of security and the source from which such advice is sought as a matter of course. And although the expertise of many police agencies themselves may be severely limited where preventive design and security are concerned, they are relatively well situated to acquire additional information on these subjects. The security precautions of many firms and organizations can be positively influenced by local police departments that take a cooperative attitude toward requests for advice. Because both the incidence of extraordinary violence and the effectiveness of police countermeasures against incidents of terrorism and quasi-terrorism in progress are influenced by the quality of preventive security in a community, police agencies should be expected to build expertise in the field of preventive security and to disseminate their knowledge on request.

In departments with a security liaison specialization, the work of advising organizations in physical security should be a part of the specialists' (or specialized unit's) function. In other departments, security advice in connection with new construction should be available through an officer designated by the police chief executive. In order for advisory services to be effectively used, moreover, some effort must be made to make the potential recipients aware of the police capacity to advise.

Whatever its bureaucratic arrangements for providing security advice, a department should consider cooperating with local architects and contractors in generating a security checklist pamphlet or similar advisory publication for general distribution.

In addition to making their advisory services readily available, police agencies can promote the upgrading of preventive security by making general

presentations on the topic of physical security to interested groups. Local chambers of commerce, architects' or contractors' professional societies, and bankers' meetings are obvious examples of possible forums. Together with a police-approved publication stressing general principles of secure design and detailing advisory services available through police, public presentations of this kind can function to develop general awareness of secure design as an element in the successful prevention and control of extraordinary small-group violence and to encourage potential target organizations to seek expert advice.

Preventive Security and New Building Design

Theoretically, extraordinary small-group violence can occur in any imaginable physical context. Practically, however, the occurrence of many incidents of terrorism and quasi-terrorism depends on the existence of architecturally hospitable structures to serve as targets for destruction, defensive positions, or staging points for offensive operations. Once a new building has been designed and constructed so that it is hospitable to incidents of extraordinary small-group violence—erected, for example, with multiple, uncontrollable access doors or with a floor plan that would impede a systematic search of its interior—the loss in potential preventive security can never be fully repaired. Thus, the provision of advisory services to those engaged in new building design should be a particular emphasis of police efforts to achieve the upgrading of security in the private and official communities.

In advising on security aspects of new construction, police agencies should distinguish between recommendations for architectural features that are themselves intended to provide protection against extraordinary violence or facilitate operations against it and those that are intended only to make architecturally feasible the subsequent installation of security devices and features. In discussions with organizations involved in new construction to look beyond the additional short-term costs of secure design, this distinction is an important one. Although present levels of risk from terrorism and quasi-terrorism may not justify the immediate installation of all components of a complete security system in a new structure, the possibility that levels of risk will increase may favor undertaking the relatively smaller expense of building in the capacity to install such a system in the future. Thus, for example, the company that is unwilling to make a closed-circuit television system a feature of its new headquarters building may nevertheless be receptive to the suggestion that it lay cables sufficient to service such a system at some time to come.

The police role in advising on security precautions for new construction is a delicate one. Because there may be a greater demand for such police service than resources permit a department to meet, the selection of organizations that are to receive it must be made according to relatively objective standards. First emphasis should be placed on assisting the planning structures of those organizations that, in view of police, are particularly likely to be targets for terrorism and quasi-terrorism. This category includes structures whose prospective occupants have experienced incidents or received apparently serious threats in the past, as well as structures that, if completed, would be classified as high-risk targets in a comprehensive local police plan for the prevention and control of extraordinary small-group violence.

Just as favoritism or the appearance of favoritism should be avoided in selecting recipients for police advice on security aspects of new construction, any suggestion of a hard sell or of scare tactics should be avoided in the actual delivery of that advice. Decisions on the kind and level of security features to be incorporated into a new structure lie with the builder and tenants. The overall effectiveness of police advice to such organizations will be undercut if police overstate risks or indulge in speculation on risks that are later proved unjustified by events.

Finally, in giving advice on security features of new construction, police obviously should avoid making judgments or recommendations about the comparative worth of privately marketed security devices and systems. Advice to organizations involved in construction should be limited to recommending generic types of equipment for possible installation and to indicating the private sources from which equipment or detailed advice on equipment purchasing is available. Specific purchasing decisions should be left to the organization receiving police counsel and to its independently retained security advisers.

Preventive Security and Building Renovation

Renovations that present opportunities for the upgrading of preventive building security are of two kinds: those undertaken with a specific view toward improving precautions against extraordinary small-group violence and those undertaken for an unrelated purpose. When the occupant of a high-risk target building undertakes either, police should be prepared and should make the occupant aware that they are prepared to offer advice on security problems and preventive design.

The extent of planned renovations will determine the scope of the useful advice, if any, that police can provide. Some renovations will be so relatively extensive as to permit consideration of all or most of the security features that are available for introduction in new building construction; others will be far

more limited. In order to determine what advice can be useful, a police security liaison specialist or another officer performing similar functions should be able to assist occupants of buildings about to undergo renovation by performing on-scene assessments of security strengths and shortcomings. From the results of such an assessment and from the occupant's existing plans for renovation, suggestions for potential improvements in security can be generated.

Issues in Design and Security

In formulating policy on advice to the public concerning preventive design and security, police agencies should consider possible conflicts between security features and building or fire code requirements. Account should also be taken of potential conflicts between the objectives of sound preventive design and security and other interests unrelated to problems of extraordinary violence.

To accomplish the dual ends of preventing incidents of extraordinary small-group violence and of facilitating police response to incidents that are not prevented, designs for construction and renovation should reflect a reasoned approach to the problem of building access. On the one hand, such designs should minimize (or provide a capability for minimizing) the number of points of public access to target buildings. On the other hand, they should provide nonpublic access (and exit) routes that may be available to admit police or to evacuate occupants in an emergency.

These objectives may well be in conflict with other design goals—such as creating clear traffic patterns within a large structure, visually establishing a public agency's openness, or making efficient use of space. Police cannot undertake to resolve such conflicts when they arise, but they can provide advice that will assist its recipients to reach clear definitions and reasoned resolutions of conflicts.

Another area of potential conflict between security objectives and other design goals is that of window layout and interior visibility. From the special standpoint of preventive security, maximum window area—and with it, maximum visibility—is desirable; such design reduces the attractiveness of a building as a target for occupation and aids police in viewing and evaluating incidents in progress within it. Esthetic and financial concerns, however, may militate against visibility-maximizing design. Again, police are not well situated to resolve the conflict and should limit their advice to outlining the design approaches most consistent with security considerations.

Design-Related Security Procedures

Preventive design is of relatively little utility against extraordinary small-group violence unless buildings are operated so that their built-in security features are used. Even where adequate preventive design is absent, some upgrading of security against extraordinary small-group violence can still be achieved. Police advice on preventive physical security thus can sometimes extend beyond design issues into the area of security procedures.

In discussions with a firm or organization with security concerns, for example, police can point out that systems for visual bag and package inspection will be most effective when access is limited and permanent security stations are constructed to oversee access points, but that, with greater personnel expense, inspection systems can be installed in multi-access buildings. To cite another example, police can recommend building designs that provide the means for rapid evacuation and the background for quick and thorough searches in the event of serious bomb threats; in addition, however, police can make assistance in drills for evacuation and search procedures available to occupants of secure and less-than-secure target buildings.

The police role in encouraging the use of security-enhancing operating procedures differs from procedure to procedure. For some, like package inspection and identification checks, police can do no more than recommend. For others, like bomb-threat drilling, they can assist on a regular basis. For still others, such as direct communication links between target buildings and law enforcement, police can work in continuous cooperation with organizations with security problems.

Extreme Security Procedures

Some technologically feasible security procedures are not included in this standard's listing of those that should be actively urged by police as routine elements of a physical security program. Notable among them is the use of portal metal detectors, of the kind now in use in airport security systems, at the access points to target buildings. Such omissions are intentional.

Although extreme physical security measures are effective in preventing or limiting incidents of extraordinary small-group violence, routine use is not necessarily the most efficient way of employing them. Where most target buildings are concerned, such measures should be put in place temporarily only when a threat, tip, or other relatively specific warning of impending violence will justify the expense and disruption of routine that their use entails.

Independent from efficiency arguments but lead-

ing to the same conclusion are public relations and legal considerations bearing on extreme physical security procedures. Without the existence of a clear threat or a demonstrated emergency, it is doubtful the U.S. public will readily accept the more intrusive and more inconvenient varieties of preventive security procedures. And there is real question whether—again without a clear emergency—the public can legally be compelled to submit itself to these procedures. The case law developed out of constitutional challenges to airport security systems indicates that before procedures that demand unusual concessions of individual interests in privacy and free movement can be imposed, the danger that those procedures are designed to avert must be both imminent and serious in magnitude. (See, e.g., *United States v. Epperson*, 454 F. 2d 769 (4th Cir. 1972), cert. denied, 406 U.S. 947 (1972); *United States v. Davis*, 482 F. 2d 893 (9th Cir. 1973).) Thus, extreme physical security in and around public buildings might be justified in the midst of a campaign of terrorist bombings; it probably could not be justified in anticipation of such a campaign.

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7. "Aids to the Detection of Explosives - A Brief Review of Equipment for Searching Out Letter Bombs and Other Explosive Devices." *Security Gazette*, Vol. 17, February 1975, p. 48.

Related Standards

The following standards may be applicable in implementing Standard 6.9:

- 4.8 Security of Public Facilities and Systems
- 6.3 Planning the Police Response to Individual and Small-Group Terrorism and Quasi-Terrorism

6.11 Evaluation of Terroristic Threats
6.23 Relations With Private Security Forces

10.5 Private Security Measures Against Terrorism
and Quasi-Terrorism

Standard 6.10

Deterrence of Terrorism and Quasi-Terrorism

The police role in the deterrence of extraordinary small-group violence is a limited one. Certain general principles should nevertheless govern all police actions and communications designed to discourage participation in terrorism and quasi-terrorism.

1. Fixed, inflexible police policies on the management of extraordinary small-group violence that impose clear limits on the kind or extent of concessions that may be granted to participants should be made widely known through the news media. Flexible policies and policies that have not been followed in practice should not be actively publicized by police.

2. In the aftermath of incidents of extraordinary small-group violence, actual details of police response should be made available to the public (to the extent legally permissible) through the news media. In police communications regarding completed incidents, emphasis should be placed on details that underline the speed and effectiveness of police response.

Commentary

Three variables in the quality of official response to crime are agreed to be relevant to general deterrence—that is, to the effect of the handling of one criminal act on the future incidence of similar acts by other offenders. [See F. Zimring and G. Hawkins, *Deterrence* (1973), Chapter 4.] These variables

are: certainty of punishment, speed of punishment, and severity of punishment. From a theoretical standpoint, deterrence of small-group extraordinary violence could be maximized if participants in incidents were uniformly apprehended, brought to trial quickly, uniformly convicted, and surely sentenced—and if all these events were made widely known to the public.

In most cases, however, police can significantly influence the first factor in the deterrent equation—certainty of punishment—directly. But by their apprehension practices, police agencies can affect the rate at which terroristic or quasi-terroristic crime is eventually followed by punishment of some kind. Significantly, it is this variable that is generally regarded as having the clearest correlation with effectiveness of deterrence. The Danish experience during the “policeless months” of the World War II German occupation, when the rate of incidence of crimes that could not be solved without police work increased tenfold, is dramatic evidence of its apparent importance.

The level of deterrence of terroristic and quasi-terroristic crime that can be achieved through police apprehension practices is unknown. General deterrence is an imperfectly understood phenomenon, and most of the evidence on which present understanding is founded concerns the effect of official responses on the incidence of conventional crimes.

Its applicability to crime by persons whose motivations lie in intense ideological belief, in personal psychopathy, or in both, is open to question. Nevertheless, there is some evidence to suggest that a well-publicized high certainty of apprehension (and eventual punishment) does affect offenders of this class. The drastic decline in hijackings of U.S. airliners to Cuba after the upgrading of airport security and the two countries' bilateral understanding on the return of hijackers for prosecution, suggests that the certainty factor may be influential in deterring unusual crimes by atypical offenders.

In any event, there is no necessary tension between the primary police goal of concluding incidents of extraordinary small-group violence through apprehension and arrest, and the secondary goal of deterring future incidents. However great (or however small) the effect of police practices on deterrence, the quality of the former will inevitably enhance the latter in some degree. The principal issue in police deterrence of terrorism and quasi-terrorism is how the inevitable deterrent value of effective incident handling can be reinforced.

Deterrence and the Character of Police Response to Extraordinary Small-Group Violence

The apportionment of penalties for crime is the province of the legislature and the judiciary. Even though police responses to terrorism and quasi-terrorism will sometimes involve de facto penalization of incident participants as a matter of tactical necessity (see Standards 6.13 and 6.14), sound operational decisions relating to the severity of police response and the use of force in that response will always be made with a view to controlling the incident at hand. Because the character of police response may sometimes nevertheless be perceived as punitive, however, the possibility that some police actions may stimulate—rather than deter—future acts of terrorism and quasi-terrorism should be noted.

Where ideologically or politically motivated terroristic crime is concerned, a common goal of participants is to provoke official actions that will influence public sentiment or undermine public confidence in official agencies. When police response to a terroristic incident is perceived by the public—or any minority of it—as punitive, this goal is immediately fulfilled. For the small number of individuals with any potential for involvement in true terrorism, the character of the police response to one incident may prove an incitement to future action.

Understanding of persons psychopathologically predisposed to participate in terrorism and quasi-terrorism is limited. Indications do exist, however, that some individuals who plan—or become en-

meshed in—incidents that oppose personal violence against official force are suicidal or homicidal/suicidal types; their violence—although it may be truly destructive in its intent—invites an annihilating reaction. [See, e.g., the description of Japanese Red Army member Kozo Okamoto in P. Clyne, *Anatomy of a Skyjacking*, 1973.] Thus, police response leading to the death or serious injury of persons involved in terrorism or quasi-terrorism—particularly following a dramatic confrontation—may influence some persons toward future violence.

Unlike the severity of punishment, the speed of punishment is a factor in the deterrent equation that can be at best marginally affected by the design of an appropriate police response. A question remains, however, whether considerations of deterrence should influence the timing of police actions in response to extraordinary small-group violence. It is an important question because police planning and tactical decisionmaking for some classes of incidents will involve choices between the protracted siege, on the one hand, and the rapid direct assault, on the other.

It is increased speed in achieving penalization itself, rather than the acceleration of any particular step of the official process leading to the imposition of penalties, that may enhance deterrence. There is no reason to believe that a difference of hours or days in the speed of apprehension—making up a negligible fraction of the months or years that may elapse between an incident and judicial disposition of the case growing out of it—will affect levels of deterrence significantly. Special grounds may, of course, exist to strive for a quick termination of particularly inflammatory incidents—grounds related not so much to a hope that speedy apprehension will deter future violence as to a fear that extension of an incident may encourage it. As a rule, however, police decisions concerning the necessary speed of the resolution of an incident of terrorism or quasi-terrorism must be made on tactical grounds unrelated to deterrence.

As already noted, however, the certainty of punishment is a factor in the deterrent equation on which police response can and does have a potentially significant bearing. Through planning for sound response to individual incidents, through managing each incident with a view toward achieving the apprehension and arrest of persons suspected of involvement, and through careful attention to the gathering of evidence that will enhance the likelihood that such persons will ultimately be convicted, police agencies make a contribution to the deterrence of incidents of terrorism and quasi-terrorism.

Publicity and Deterrence Through Police Response

The deterrent effect (however great or slight) of

effective police work will be diluted if the public—including participants in extraordinary small-group violence—is not aware of it. Incidents just underway—a terroristic bombing, for example, or the self-installation of a quasi-terrorist in a barricaded position—have inherent news value. Successful police resolution of the same incidents—the arrest, months later, of a bombing suspect, for example, or the peaceful surrender, after protracted negotiations, of the barricaded quasi-terrorist—will sometimes receive little or no coverage.

The scope of police activity in encouraging or cooperating with followup coverage on incidents of extraordinary violence is, of course, limited by the developing line of pretrial publicity. In communications with the press, police should take care not to compromise a subsequent prosecution by discussing, for example, any of the matters barred for discussion by lawyers in pending criminal cases by the American Bar Association's *Standards Relating to Fair Trial and Free Press* (1968): the criminal record and reputation of suspects, the existence of confessions or admissions of guilt (or the possibility of a guilty plea), tests or examinations of suspects, prospective witnesses against them, or opinions on guilt or innocence (American Bar Association Standard 1.17). The same *Standards*, however, permit the announcement of "the facts and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons)," as well as "the identity of the investigating and arresting officer or agency, and the length of the investigation" (American Bar Association Standard 1.1). And it is precisely this information that will serve to illustrate the performance of effective police work in the resolution of incidents of terrorism and quasi-terrorism.

Police relations with the news media in regard to extraordinary violence is a topic treated elsewhere in this report (see Standard 6.25). Here, however, one aspect of those relations deserves stress: To secure appropriate media coverage of successful operations against terrorism and quasi-terrorism, police must be willing to give media personnel the best access practically possible to information, persons, and places under their control.

A problem exists in determining the nature and extent of the police publicity that should be accorded to operations that successfully terminate—at the cost of lives of persons involved—incidents of extraordinary small-group violence. Obviously, no attempt should be made to conceal news of such operations, although consideration of the propaganda goals of true terrorists and of the possible effects of the media reports on unstable persons might be the basis for an argument against any active police solicitation of publicity in connection with them. In practice, however, followup reporting cannot be encouraged on an incident-by-incident basis only.

Indeed, a strong argument exists for the desirability of full followup coverage of all incidents. Full coverage of police operations against terrorism and quasi-terrorism should reveal that some incidents end in the death or serious injury of suspects and many more in a nonviolent arrest. In a jurisdiction with adequate planning and tactical control, full coverage will not show that fatal and dramatic conclusions to episodes of extraordinary violence are necessary, inevitable, or even common. Given the little that is known about who potential terrorists and quasi-terrorists are—and considering how much remains unknown—the promotion of public knowledge that the outcome of such incidents is uncertain in terms of consequences for participants, and that no participant can be optimistic about accomplishing his or her political or personal goals, may well prove valuable in enhancing the deterrent effect of police work.

Deterrence and Police Policies Concerning Incident Management and Response

The police commitment to resolving incidents of terrorism and quasi-terrorism through apprehension and arrest should be publicized as an aspect of departmental policy and as a feature of actual practice. The willingness of police agencies to devote the time and resources required to bring certain classes of suspected offenders into custody can have maximum deterrent effect only if it is widely understood. Thus, for example, the success of FBI operations in limiting the incidence of kidnaping in the United States—and, at least arguably, in forestalling a wave of terroristic political kidnapings in the United States—is not attributable to the agency's high apprehension rates alone. It is also due to its consistent self-portrayal as a law enforcement body prepared to take any and all steps necessary to identify and apprehend kidnapers. By analogy, law enforcement agencies wishing to deter terrorism and quasi-terrorism should state, as well as demonstrate, the high priority that they place on the identification and capture of those who participate in these forms of criminal violence.

With the exception of a general policy stressing the importance of incident resolution through apprehension, however, hard-line departmental policies on police response to extraordinary small-group violence should be formed only with extreme caution, if the objective sought is that of achieving deterrence. The real deterrent effect of such policies, if any, is unknown. For example, it is possible that a firm no-ransom policy will discourage attempts at extortion through violence more effectively than will a policy that stresses only the apprehension of persons who engage in such extortion—successfully or unsuccessfully. But this possibility is not

now a demonstrable one. The loss in police response flexibility that an advance commitment to any hard-line response policy implies, on the other hand, is indisputably real.

Inevitably, however, flexibility has its limits. At some point, known in advance to police officials, the capacity of law enforcement to strive for the resolution of violent incidents through nonviolent means is exhausted. Likewise, some demands of terrorists and quasi-terrorists cannot be met, however forcefully the demands are made. Often, the limits on flexibility of response are set by the police themselves, on grounds of tactical necessity. Thus, for example, the police may make it departmental policy to employ lethal force as the sole means of dealing with barricaded snipers not holding hostages. In other instances, limits are set by the political processes and institutions to which police agencies are answerable. Thus, for example, a policy barring official ransom payments to terrorists and quasi-terrorists under any circumstances is one that police must implement, although it is not one that they can establish. The same is true, to cite another example, of a policy barring the exchange of prisoners for hostages.

Although deterrence is at best a minor consideration in the making of policies applicable to police operations against extraordinary small-group violence, achievement of a deterrent effect may be a legitimate consideration in choosing steps to be taken where such a policy has been formulated on any grounds. Here, a limited question is presented: How to maximize the deterrent effect of hard-line response policy once arrived at—however and by whomever it has been formulated. The answer is that the exist-

ence of such a policy should be given the widest possible publicity by police. It should be immediately announced through the press and electronic media even without the occasion of a specific incident; public knowledge of the policy should then be reinforced by reference to it in every police-media communication during or after an incident in which the policy has guided or influenced police operations.

In making the public aware of hard-line policies, of course, police should refer only to those that are firm and that are actually observed in practice. Policies that amount to unfulfillable goals should not be stressed, because the appearance of disparity between precept and practice in police operations against terrorism and quasi-terrorism can serve only to dilute deterrence—and to weaken general public confidence in law enforcement.

References

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Related Standard

The following standard may be applicable in implementing Standard 6.10:
6.25 Relations With the News Media

Standard 6.11

Evaluation of Terroristic Threats

Police agencies should develop the capacity to deal systematically with the potentially large volume of terroristic threats, by applying analytical techniques designed to distinguish between those that suggest serious risks of impending violence and those that do not. Generally, the first critical steps in threat evaluation will be those taken by an individual command officer who must decide immediately what police response, if any, is called for. To assist in the first steps, to follow through on long term evaluation efforts, and to build a body of knowledge about threats and threatmaking, police agencies should also develop independent threat analysis capabilities wherever possible. However responsibility is distributed, the following aspects of comprehensive evaluation should be stressed in practice:

1. **Complete Reporting.** Local police departments should serve as clearing houses for all coercive threats of violence received by individuals, private companies and organizations, news media personnel, and government agencies, as well as law enforcement agencies themselves. Every local department should take positive steps to encourage the reporting to it of all threats against persons or property within the jurisdiction for which it has primary law enforcement authority. Law enforcement agencies should take particular care to relay to the appropriate agencies threats pertaining to possible impending violence outside their own jurisdictions.

2. **Uniform Recordkeeping.** Standard reporting procedures should be used by police officers receiving threats or reports of threats and should be recommended by police to nonlaw enforcement agencies particularly likely to receive threats. Data to be recorded—when available—on every threat should include:

- a. Person or organization receiving threat, date and time received, and mode of communication;
- b. Nature of act or acts threatened, including identified targets and indication of timing;
- c. Communicated information bearing on the practical aspects of the threat (such as indications of weapons to be employed);
- d. Stated demands or grievances accompanying threat;
- e. Stated political or organizational affiliation of threatmaker;
- f. Claims of responsibility for past incidents of violence incorporated in threat;
- g. Apparent personal characteristics of the threatmaker, including age, sex, race, level of education, and place or area of residence;
- h. Stylistic characteristics of communication, including length, coherence, and sophistication of language;
- i. In the case of a telephone threat, any background sounds overheard by recipient; and

j. In the case of a written threat, the physical characteristics of the note or letter.

Reporting forms should be completed by police agencies for all threats received by or communicated to them, and should be filed by date with an indication of the evaluation made, the preventive measures (if any) taken, and the result; these files should be cross-referenced by recipient, target, and (where known) threatening individual or group.

3. **Assessment and Analysis.** The process of determining the seriousness of a threat should be performed by a team including officers (or extradepartmental consultants) with expertise in local and national trends in terroristic violence, weapons and explosives technology, and applied abnormal psychology. The stages in the assessment and analysis of a threat should include:

a. Evaluation of plausibility on the basis of internal stylistic evidence;

b. Verification of information concerning targets, organizations and persons involved, and other particulars;

c. Outside checks to determine the feasibility of any threatened act of violence;

d. Comparison with similar communications received in the past;

e. Determination of the practicality of meeting any communicated demands; and

f. Psychological profiling of the threatmaker, where possible. The assessment and analysis process can be concluded at any stage at which findings justify the conclusion that a threat is implausible or otherwise nonserious. When the full process as just outlined is inconclusive, the following additional steps may be justified:

g. Consultation with extradepartmental experts in such fields as nuclear and biochemical weapons, political extremism, or abnormal psychology; and

h. Public appeals to the threatening person or group to supply additional information or verify existing information.

4. **Information Sharing.** Upon determining that a threat is serious and inherently credible, a local police agency should notify local law enforcement agencies in other jurisdictions, as well as State and Federal agencies, of its conclusion and of the particulars of the threat, taking care to protect the identity of the confidential sources—if any—that have been utilized. Any similar threats known to the agencies contacted should be requested. Every agency should give priority to the processing of such requests.

5. **Experimental Evaluation Methods.** Police agencies should support and should employ experimentally promising but unproved scientific techniques for assessing and analyzing terroristic threats.

Commentary

Methods for evaluation of terroristic threats are already—in effect—a part of the routine of many police agencies. They are the techniques now employed to deal with bomb threats, assassination threats, and—to a lesser degree—threats of abduction. Two differences between the demands made on police by the normal run of threats of violence and those accompanied by terroristic threats should, however, be noted. The first, and more obvious, is a difference in frequency; because the threat is a favored terrorist technique, any overall increase in the rate of terroristic crime will manifest itself prominently through a greatly increased rate of threats of violence demanding police attention. The second is a difference in the nature of threats made and received; because a plausible, concrete threat can be an effective terroristic tactic without any ensuing act of violence, an increase in terroristic activity will mean new difficulties in police efforts to distinguish serious and nonserious threats.

Thus, the prospect of an increase in rates of terroristic crime implies the need for systematization and upgrading of police agencies' capabilities to evaluate threats. The desirability of delegating threat analysis duties to departmental specialists is discussed in detail elsewhere (see Standard 6.5—Police Specialization for Prevention and Control of Extraordinary Violence); the general scheme for threat evaluation described in this standard can also be followed whether or not an agency has specialists assigned to threat analysis duty on a continuing basis. This is not to say, however, that successful threat analysis can be conducted without the benefit of expertise; in a department where the rate of threats is too low to justify specialization, the teams convened to review particular threats must bring to this work special skills and personal characteristics in the form of psychological insight, knowledge of destructive technology, and understanding of the community and any extremist forces working within it.

This standard, then, addresses itself to a general procedure for evaluating terroristic threats that should be followed, with individual variations, by all police agencies. As written, it applies directly only to threats—that is, only to communications by or on behalf of groups or persons expressing the intention to commit acts of violence. With relatively few alterations, however, the same procedure can be followed in evaluating tips and warnings of impending violence received from third parties—another important police function in controlling terrorism. Of these alterations, two are particularly important: First, the police reporting form for indirect warnings should include entries on the informant and his or her characteristics; second, the process of

analysis and assessment should include an inquiry into the reliability of the informant, including a review of the proved value of prior tips, if any, from the same source. In this discussion, however, emphasis is placed on direct threats because, as already noted, the threat—in itself—is an important terroristic tactic. In the standards that follow, the issues raised by the need for a measured law enforcement response to serious and plausible terroristic threats are considered. Here, however, only the important preliminary question of how best to assess seriousness and plausibility is addressed.

The Need for Systematization

The thrust of this standard is in its recommendation that procedures for the recording and analysis of terroristic threats by police should be reduced to a routine—even though not all steps in the routine will be required to be taken with regard to every threat, and even though satisfactory analysis of some threats will require nonroutine steps. Three interests are served by making threat evaluation techniques routine: First, the likelihood that most threats potentially requiring police attention will become known to the police is increased; second, the police capacity to handle and evaluate large numbers of threats, which would be tested in any campaign of terrorism, is enhanced; and, third, the beginnings of a data base that will allow an agency's future threat evaluation operations to benefit from past successes and failures are created.

Systematization implies efforts toward centralization. Centralization, in turn, requires changes in internal police agency procedures and changes in police agencies' modes of dealing with the public. Important goals in building a system for the evaluation of terroristic threats are to assure that critically important decisions concerning their seriousness will not be made by persons—whether or not they are police personnel—who lack information and expertise and will also not be delegated to private persons who—unlike the police—will not bear the full blame for the consequences of errors in evaluation.

Informal screening of threats at the area or district level of a police agency cannot, of course, be eliminated. Often a quick and limited assessment must be undertaken as the basis for immediate action. Nevertheless, a central reporting mechanism for all threat information should exist within every police agency; local commands should report all threats known to them, from the obviously serious to the apparently frivolous, through that mechanism. As a practical matter, some will be reported only after a preliminary local assessment has been completed; of these, a minority will require further evaluation, and the balance will need only to be recorded for future reference. Wherever possible,

however, threats should be reported within a police agency while assessment efforts at the local command level are underway; the threat that appears implausible or unlikely in isolation may appear otherwise in combination with others. And, of course, where preliminary assessment of a particular threat poses special difficulties for police personnel at the local command level, it is desirable that some form of specialized assistance be immediately available to them.

Along with increased utilization of police information collection and analysis operations relating to threats, reporting to police of threats received by private persons and organizations (and by non-law-enforcement agencies of government) must be stimulated. Some encouragement can be provided through improving police routines for receiving information concerning threats. An officer trained in receiving and recording threat reports should be available at all times to take details from the public, and all police communication operators should know how to put members of the public in direct touch with that officer. In addition (and particularly in times of relatively intense terroristic activity), the dedication of special, direct phone lines with well-publicized numbers may serve to increase rates of reporting.

A campaign to increase the rate at which threats are reported to police by their recipients requires considerable diplomacy; the public must be assured that by relaying such information to police they will not expose themselves to unnecessary publicity, disruption of routine, or even danger. For this reason, the giving of persuasive assurances of confidential handling of threats during the evaluation process and of routine consultation with threat targets before response operations are begun (see Standard 6.12—Response to Terroristic Threats), is integral to any police effort to increase reporting rates. Two other factors—one partially within police control and the other altogether outside it—will also affect reporting rates: the degree of success that police experience in averting violence pursuant to reported threats and the level of terroristic activity in the community. Police cannot, however, depend on the second of these factors to solve the problem of underreporting; although reporting rates will increase as the problem of terrorism becomes more apparent, without active police campaigns to encourage reporting the increase will not occur sufficiently fast or extend sufficiently far.

Elsewhere in this report (see Standard 6.3, Planning for Police Response to Individual and Small-Group Terrorism and Quasi-Terrorism, and Standard 6.9, Prevention of Terrorism and Quasi-Terrorism Through Physical Security), the importance of police efforts to identify in advance local

high-risk targets for potential extraordinary small-group violence is stressed. Because the organizations and individuals thus identified are also the most likely recipients of terroristic threats, special efforts should be made to encourage them to report to police all threats received—however serious or nonserious they may perceive them to be. Wherever possible, the security personnel of high-risk target organizations should be acquainted with standard threat reporting procedures used by local police, as an aid in organizing information concerning threats and reporting them in full detail.

Finally, all potential threat recipients, including police agencies themselves, should be encouraged to gather and retain as much information as possible when a threat is made. Some principles appear obvious—the importance, for example, of retaining envelopes or wrappers from threatening notes and letters. Others—such as the desirability of attempting to tape-record telephone threats—may be less obvious. But all deserve to be stressed in a campaign to upgrade threat reporting.

Problems in Threat Evaluation (1): The Use of Intelligence Data

The first stage in threat evaluation is that which must often be performed immediately at the local command level—assessment of plausibility on the basis of internal evidence. Although obvious hoaxes may be thus screened out, the bulk of apparently terroristic threats will require further evaluation.

The second stage in a systematic evaluation process for reported threats is verification. In assessing the seriousness of a threat, it is important, although not necessarily determinative, to know that the named target actually exists or that a self-designation by the threatmaker corresponds to the name of an organization or individual known to police. Thus, thorough verification checking of threats will involve ready access to departmental intelligence files. Because access to some intelligence files will be restricted to officers with a demonstrable need to know (see Standard 6.4—Self-Regulation of Police Intelligence Operations), and because even the best organized intelligence file system may require an experienced searcher to locate needed information quickly, it is desirable that any police team engaged in systematic threat evaluation—whether it be an ad hoc group assembled to consider a particular threat or a permanently constituted specialized threat analysis unit—include a supervisory-level officer with responsibility for intelligence records collection and dissemination.

On occasion, the verification stages of threat evaluation may involve the making of requests for in-

telligence data sharing to law enforcement agencies other than the one conducting the evaluation. Every agency should be prepared to cooperate effectively with such requests—not by lowering or waiving its standards for dissemination, but by processing requests that meet those standards on an expedited basis.

The importance of sensitive intelligence data—and particularly of preventive intelligence data—to threat evaluation should not, however, be overstressed. The objective of threat evaluation is simple: to distinguish serious from nonserious threats. In most instances it can be accomplished without the extensive intelligence checks that may be required for effective postevaluation police operations.

Problems of Verification (2): Novel Technologies of Violence

The third stage in systematic threat evaluation consists of outside checking to determine the practicality of the violence threatened; it is a meaningful part of the evaluation process only when the threat itself is relatively specific, and in most instances it will give rise to no special difficulties. In some cases, however, neither the target, the police agency conducting the evaluation, nor any other local source of information will be equipped to say whether the threat is an evident hoax or a serious promise of destructive violence. This may be the case, for example, when the threatmaker declares a capacity to employ nuclear weapons, nuclear materials, or destructive biochemical technology.

The science-fiction overtones of threats involving novel destructive technology should not be permitted to obscure the possibility that they may be practical and serious. Instead, outside expertise—from the military establishment, Federal law enforcement, public health and safety agencies, and the academic community—should be sought immediately by a local police agency considering such threats. Even after outside consultations, of course, the results of the evaluation may be inconclusive. In that event, despite the low statistical probability of seriousness, threats involving novel technologies of mass destruction must be treated as serious threats for the purpose of subsequent police operations; the level of potential destruction involved permits no other course of action.

In devising a system for threat evaluation, every police agency should determine in advance where it can obtain expert consultation on novel technologies of destruction. Expert advice should also be sought in advance of any actual exercise in evaluating threats of this nature, to devise screening criteria that nonexperts can apply when expert advice is unavailable or delayed in any emergency.

Problems of Verification (3): Threats in Large Volume

As noted above, a systematic threat evaluation capacity is a necessity for effective antiterrorism law enforcement precisely because the prospect of an increase in the level of terroristic crime includes the prospect of a dramatic increase in the rate of terroristic threats. The problem of threats in volume may be further aggravated by the phenomenon of imitation—for every serious terroristic act or threat that becomes known to the public, there may be a number of imitative hoaxes, which must be distinguished from serious, practical terroristic threats, on the one hand, and from threats that are intended to terrorize but not to be implemented, on the other hand.

In general, nothing short of a sufficient commitment of police personnel to threat evaluation can address the problem of threats in volume. There is, however, a possible—and potentially important—exception to this generalization: Because terroristic groups may be themselves averse to seeing the impact of their own threats diminished by hoaxes competing for official attention, they may sometimes be induced to cooperate in some degree with police threat evaluation efforts.

Police appeals for additional confirming details should be made only when absolutely necessary because they necessarily involve giving publicity to threats, thus conceding one objective of terroristic threatmakers. Nor should information received as the result of such appeals be given great credence because it may consist of nothing more than compounded hoaxing or terroristic efforts to spread confusion. But when the volume of threats—as, for example, an intense campaign of bomb threats or bombings—appears to impede effective police evaluation efforts the direct public appeal for confirmation may be one of the few special techniques of evaluation available to police.

Information Sharing Among Law Enforcement Agencies

This standard notes the importance of interagency communication concerning what have been locally determined to be serious threats. Such communication is stressed because it can achieve two important ends: confirmation of local determinations of seriousness and notification of the existence of risk to police agencies in jurisdictions where threats have not been received.

Federal and State law enforcement agencies have special responsibilities for information-sharing because they may receive—or receive notice of—threats that have not been communicated to local

officials in the jurisdiction affected by the threatened violence. Rather than completing extensive threat evaluation before communicating their information in such instances, Federal and State agencies should consider relaying to local authorities full details on all threats that meet the test of internal plausibility and permitting evaluation to proceed thereafter at the local level.

Serious campaigns of terrorism often spread across jurisdictional lines. The experience of foreign nations that have been seriously affected by terroristic activity in recent years—and, to a lesser extent, the recent U.S. experience with terroristic bombings—demonstrates the necessity for interdepartmental coordination among law enforcement agencies. Beyond the limited proposal for regular communication in threat evaluation made in this standard, other more ambitious systems of coordination of evaluation activities are possible. Important among these is a national clearinghouse of threat information to receive information from and disseminate it among law enforcement agencies of all kinds. The future course of terrorism in the United States will determine the necessity of undertaking the design of such special-purpose systems.

References

1. Shaw, P. D. "Extortion Threats—Analytic Techniques and Resources." *Assets Protection*, Vol. 1, Summer 1975, p. 5.
2. *Bomb Threats and Search Techniques*. Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C., undated.
3. Clutterbuck, Richard. *Living with Terrorism*. London: Faber & Faber, 1975.
4. Hubbard, David. "Extortion Threats—The Possibility of Analysis." *Assets Protection*, Vol. 1, Summer 1975, p. 17.

Related Standards

The following standards may be applicable in implementing Standard 6.11:

- 6.3 Planning the Police Response to Individual and Small-Group Terrorism and Quasi-Terrorism
- 6.4 Self-Regulation of Police Intelligence Operations
- 6.5 Police Specialization for Prevention and Control of Extraordinary Violence
- 6.9 Prevention of Terrorism and Quasi-Terrorism Through Physical Security
- 6.12 Response to Terroristic Threats
- 6.24 Relations With Mental Health Professions

Standard 6.12

Response to Terroristic Threats

The appropriate police response to terroristic threats will depend on whether or not a threat has been evaluated to be serious—that is, to be plausible and apparently practical.

1. In cases of serious and nonserious threats alike, police response should emphasize the identification, apprehension, and arrest of threatmakers, with a view to their prosecution under applicable statutes prohibiting coercion through threats of violence. Although not constituting emergency operations, such response efforts are integral to effective anti-terroristic law enforcement and should receive high internal priority and wide external publicity. Specific nonserious threats, however, should not be publicized except in connection with the arrest of a suspected threatmaker.

2. In cases of serious threats, additional short term police responses should be considered as an emergency operation and should be conducted according to the departmental plan for terroristic and quasi-terroristic emergencies. Among the considerations that should govern such responses are:

a. Prior to the visible deployment of police personnel, publicity should be given to threats only as required for the protection of persons and property at risk.

b. In notifying threat targets of the existence of serious threats, police should stress (i) the importance of continuing close cooperation with law

enforcement and (ii) the undesirability of general publicity;

c. Where the nature of the target permits, the following steps should be undertaken by police: (i) systematic search of target area, (ii) evacuation of target area, and (iii) provision of police protection to individual targets;

d. Increases in the visible level of police presence in the target area should be avoided unless clearly justified by the nature of the threat, and operations in particularly sensitive target areas (such as hospitals and places of public assembly) should be conducted with extreme tact;

e. Specialized units and personnel qualified to participate in a police response to actual incidents of terrorism should be put on call whenever a terroristic threat has been determined to be serious and should be gathered at either (i) a point convenient to the target of the threat or (ii) a central assembly point where transportation is available; and

f. Where a serious threat includes demands or statements of grievance, and these have been determined to be practically capable of satisfaction or redress, police should take responsibility for determining, in addition, the willingness of public officials or private individuals to make such concessions if and when it becomes tactically desirable to do so.

Commentary

Police response to terroristic threats must be considered distinct from police response to acts of terrorism. The threat of violence has independent standing as a tactic of terroristic crime, and adequate official antiterrorism law enforcement must give no lower status to responsive operations focused on the threat. The dilemma in the design of each operation, however, is plain: By responding too visibly or too strongly to mere threats, police concede an objective of the terroristic threatmaker. Life in a society constantly and repeatedly disrupted by threats and official countermeasures is potentially almost as uncertain and uncomfortable as life in a society periodically scarred by terroristic violence. Extreme official countermeasures taken against threats, moreover, can appear significantly more repressive than countermeasures against terroristic violence itself. In the latter case, official action is in some measure justified for the public by the demonstrated seriousness of the risk; in the former it is not. Thus, in responding appropriately to terroristic threats, police agencies must walk a cautious line between doing less than is required to protect the public, on the one hand, and fulfilling the expectations of the terrorist, on the other.

Apprehension of Threatmakers

Arrest, prosecution, and penalization of persons making threats of violence—whether or not they intend to put them into practice—should be a principal focus of antiterroristic official policy and practice. Existing State and Federal laws provide, for the most part, an adequate foundation for such law enforcement efforts (see Chapter 5, Goal 5.1). Although new legislation (or modification of existing legislation) may be desirable, police efforts to identify and apprehend terroristic threatmakers need not await legislative initiative.

The natural reaction to the nonfulfillment of a serious threat is one of relief. In official life, however, the existence of this reaction cannot be allowed to cloud policymaking. The terroristic threat—like the terroristic act—is an intentional effort to disrupt social functioning and undermine public confidence in government. In assigning priority to the police investigation of terroristic threats, the significance of the threat as an independent criminal offense should be borne in mind.

Two obvious problems arise in implementing a law enforcement policy stressing the identification and apprehension of threatmakers. The first is the risk that ill-considered efforts to this end will pose a risk to freedom of expression—a right that embraces the freedom to voice extreme political posi-

tions, including the advocacy (although not the direct incitement) of political violence. To avoid this risk, and to concentrate resources where they are most urgently required, antithreat law enforcement should concern itself with specific threats of impending violence, rather than with generalized extremist pronouncements, no matter how menacing.

The second problem is the difficulty of the proposed task. Because most terroristic threatmakers are either anonymous or members of a fugitive underground, and because most threats leave little in the way of physical evidence, the rates at which it is realistic to expect that threatmakers will be identified and apprehended are necessarily low ones. Furthermore, some of the investigative techniques practically best suited to increasing these rates—such as the use of undercover personnel and paid informants—are both expensive and extremely controversial and should be employed only with extreme caution. In this set of circumstances, it is inevitable that demoralization and frustration can attend attempts to apprehend the makers of terroristic threats. No ready solutions to this problem can be proposed, except the partial ones of emphasizing the importance of this work to those officers engaged in it and of making all available departmental resources, including required intelligence data, available to them. It should be noted, however, that in order for anti-threat law enforcement to be a success, it need not necessarily achieve high clearance rates; to demonstrate official concern with the terroristic threat as a criminal offense and as a social irritant, and to discourage in some degree the making of nonserious terroristic threats, it is necessary only that arrests (and subsequent prosecution based on evidence developed by police) occur with some regularity and receive sufficient public attention.

The Problem of Publicity

Police communications to the public regarding emergency operations triggered by serious pending threats deserve special consideration. As a general rule, this standard proposes that communications relating to terroristic threats be made where possible only to those citizens who must be informed if they are to be protected, are to take self-protective measures, or are to assist police operations; general public notification of the purpose of visible police operations in response to threats and of the apprehension of persons to be charged under a threat statute represents an exception to this principle.

The rationale for this suggested principle is a simple one: If the installation of fear and uncertainty is an objective of the terrorist, the agents of the State should do as little as possible to assist in its achievement. The public right to know can—where ter-

roristic activity is concerned—be satisfied by means less drastically unsettling than full public disclosure of every serious pending threat known to police; the incidence of threats can, for example, be generally described by type of threat and even type of target in periodic police-generated news releases, without disclosing particulars of all threats.

Where some pending threats are concerned, however, serious practical and ethical issues are posed by any consideration of how much notice to the public—whether or not amounting to general disclosure—is justified or required in a particular case. In the case of a police-received bomb threat against an industrial plant or office building, for example, is it sufficient to notify private security forces or corporate management and to depend on them to notify employees? Or should police themselves undertake to notify all persons who could be directly affected by the realization of the threat? Or, to cite another—and far more speculative—example, what stance on publicity should be adopted in the event of a serious threat involving nuclear or biochemical technology against the population of an entire city? The difficulty of such questions, and the importance of their correct resolution, should not be underemphasized.

Police agencies themselves are the most authoritative sources of expert judgments on how far police can go in assisting potential victims of extraordinary violence and on what assistance police require from the public in preventive or protective operations in anticipation of violence. Police agencies are not, however, equally well equipped to judge what self-help measures informed persons may be capable of taking on their own behalf. Thus, one element of a general set of principles governing communications to the public should be provision for giving information to those who can be identified as potential victims, even at the risk of secondary publicity and attendant panic or disruption. The making of exceptions to this provision will sometimes be necessary—as, for example, when disclosure of an imminently threatened bombing of a crowded building could not contribute to a timely evacuation, but could interfere with police efforts to locate a destructive device. Although exceptions will arise, occasions to make them should not be sought. When police omit to notify persons potentially at risk, they should do so only with a recognition of the heightened responsibility that they thus assume.

No policy governing public notification of terroristic threats can succeed without news media cooperation. Police can, of course, attempt to limit their communications with print, radio, and TV reporters and can attempt to discourage secondary publicity by persons at risk. The value of these information control techniques in preventing the dissemination of inflammatory information, however, is dubious.

Finally, however, the publicity goals of terroristic crime will be successfully frustrated only through the conclusion of an understanding between police and media.

Police-media relations with respect to extraordinary violence are discussed in further detail elsewhere in this report (see Standard 6.25). Here, however, it can be noted that as part of an overall effort at cooperation with the media, police should propose the concepts of temporary moratoria on all reporting of serious pending terroristic threats and of selective continuing moratoria on the reporting of serious threats that have gone unrealized. Conversely, however, when a visible police response operation has commenced on the basis of a threat, public fear and uncertainty should be addressed by providing the media with immediate access to details of the operation's nature and purpose. If domestic terrorism should develop into a significant U.S. social problem—rather than as a subject for serious speculation—the necessity for police-media cooperation to limit social disruption through alarmist publicity will become increasingly apparent.

Police Agency/Target Relations

Among those who must be notified as a matter of course of a pending, serious terroristic threat are the individuals and organizations who have responsibility for the security of any person, building, or facility that is a specific target of that threat. Effective police operations to prevent the threatened violence or to mitigate its impact require the targets' acquiescence at a bare minimum; in fact, their active cooperation will often make the difference between success and failure in police operations. Some of the general issues posed by the necessity for police cooperation with non-law-enforcement agencies in antiterroristic operations are discussed elsewhere (see Standard 6.23—Relations With Private Security Forces). Here, some specifics of the cooperation required to operate effectively under the pressure of a serious terroristic threat will be noted.

First, private organizations and individuals with security responsibilities—including threatened persons responsible for their own security—should be actively encouraged to accept the police judgment as to any threat already assessed as serious. Police should thus be prepared to share—within the limits imposed both by policies restricting access to certain intelligence data and by the necessity of protecting confidential sources—the basis for their assessments of seriousness.

Second, private organizations and individuals with security responsibilities, once notified of a threat, should be encouraged by police to undertake any required secondary notifications, such as communi-

cations to employees of a threatened company. The psychological impact of such notifications will be cushioned somewhat—and the possibility of panic reactions thus reduced—if the source is a familiar one. Police should not, however, permit private or non-law-enforcement security personnel to forgo the making of notifications that police themselves deem necessary.

Third, police should cooperate with threatened persons and organizations to preserve normal routine, to the greatest degree possible, during the pendency of a threat. If searches are to be conducted, they should—wherever possible—be conducted without evacuation. Where police guards are to be assigned to individuals, they should adapt themselves to the subject, rather than demand his or her adaptation. If police units are assigned to a building or facility, their presence should be inconspicuous, rather than obvious. In particular, police should exercise care to avoid stimulating panic reactions in specially sensitive target areas, such as theaters and medical facilities. The rationales for a policy favoring the preservation of routine are several—psychological, economic, and law enforcement concerns all militate in favor of such preservation. Not least among the relevant considerations is the necessity for police to work with the targets of threats in a way that will assure effective cooperation in the short term and good relations in the future. Often, police operations (such as searches) require extensive aid from persons at risk. And even where police threat-assessment efforts are of high quality, most threats believed to be serious will eventually prove to be false alarms—that is, they will be resolved by neither an incident of violence nor an obviously successful police effort at averting such an act. If police intervention on the basis of threats is to be tolerated well over time, then it must be minimally disruptive whenever and wherever it does occur.

Emergency Mobilization

The bulk of this standard is devoted to responsive law enforcement measures appropriate to serious terroristic threats as such—measures designed to promote the apprehension of threatmakers and to protect against or minimize the risk posed. Simultaneously with such measures, however, police agencies must also ready themselves to act quickly and effectively if the threatened act of terroristic violence is actually carried out. Upon a determination that a terroristic threat is serious, the planned departmental emergency command structure for response to acts of extraordinary small-group violence should be put into effect (see Standard 6.6—Bureaucratic Organization of Prevention and Response Efforts). A

temporary emergency command post should be established near the site of the indicated target (if known) or at a central location. Members of specialized units should be assembled, notified of the nature of the threat, issued equipment, and placed on emergency duty status. Outside law enforcement specialists whose capabilities are relied upon in departmental plans should be notified of the possibility of an urgent call for assistance. Special intelligence gathering concerning the target, the target area, and the threatening individual or organization should be commenced.

Some of the steps required in moving to an emergency status overlap with protective and preventive measures; search of an indicated target building, for example, is both an effort to avert violence and an attempt to gather information that will be useful if violence occurs. Thus, in the event that a threat is determined to be serious, all succeeding operations should be placed as quickly as possible under the immediate direction of the predesignated emergency field commander.

One critical difference exists, however, between the police mobilization that should follow a serious threat and the mobilization that should follow an act of terroristic violence. In the latter, no special care needs to be taken to avoid creating public fears, because the act itself will have made such caution unnecessary. In the former, however, mobilization efforts should take a low profile; to the extent that they can be conducted without alarming the public—and with it any potential terroristic criminal—such efforts will be doubly effective, permitting possible apprehension of terroristic criminals in the act, while avoiding unnecessary disruption of routine. As noted above, a tactical show of force by police may be the only available preventive/protective response to some serious terroristic threats; wherever possible, however, emergency mobilization under a pending threat should be conducted with extreme discretion.

References

1. *Bomb Scene Procedures: The Protective Response*. Gaithersburg, Md.: International Association of Chiefs of Police, undated.
2. Shibutani, Tamotsu. *Improvised News: A Sociological Study of Rumor*. New York: Bobbs-Merrill, 1966.

Related Standards

The following standards may be applicable in implementing Standard 6.12:

6.6 Bureaucratic Organization of Prevention and
Response Efforts
6.11 Evaluation of Terroristic Threats

6.23 Relations With Private Security Forces
6.25 Relations With the News Media

Standard 6.13

Tactical Responses to Terroristic Acts

Acts of terrorism, whether or not preceded by threats, can be divided into two groups for purposes of police tactical decisionmaking: completed acts and continuing acts. For each group, a different pattern of police response is appropriate.

1. **Completed Acts.** Where an episode of terroristic crime coming to the attention of the police has consisted of one or more violent attacks on persons or property, such as assassinations or bombings, police tactical response should take the form of intensified efforts to protect against further acts and to apprehend the persons responsible. Elements of an adequate response will include:

a. Intensive onscene investigation, including interviewing of individual victims and other witnesses, and the gathering and preservation of forensic evidence;

b. Provision for increased levels of police protection to persons and facilities similar to any that have been the target of an attack and to those that have been involved in any threat pursuant to which an attack has occurred;

c. Review of intelligence files and of extra-departmental intelligence sources to determine the identity of the attacker or attackers;

d. Institution or upgrading of surveillance of known local terrorists and terroristic organizations; and

e. Immediate arrest (or institution of surveil-

lance) of persons as to whom probable cause exists to believe that they participated in the attack.

2. **Continuing Acts.** Where an act of terrorism is in progress when brought to the attention of police—as will be the case with abductions, hijackings, and building occupations where persons or property are seriously threatened—police response should take the form of intervention designed to minimize the harm to persons and property and to apprehend the persons responsible. Elements of an adequate response will include those listed as items “a” through “d” in paragraph 1 of this standard and in addition:

a. Intensified efforts to locate those participating in the act and their hostages, if any, and to achieve their physical isolation and immobilization—although not their immediate apprehension.

b. Establishment of a main emergency command post—near the incident scene, if it is known, or at a central location, if it is not—together with establishment of one or more secondary command posts to coordinate the work of specialized units and nondepartmental personnel;

c. Clearing of uninvolved persons from the area of the incident scene, if known, and establishment of a secure police perimeter around the area;

d. Where deemed necessary, deployment of marksmen and armed police special operations

units in positions commanding any known incident scene, subject to clear instructions barring the actual use of force without prior clearance;

e. Establishment of preliminary communication with the participants and—at a time that no tactical advantage appears likely to be gained through delay of further discussions—commencement of negotiations with them;

f. Establishment of direct or indirect communications with hostages, if any, where this can be accomplished without alerting their captors to the high degree of official concern with the hostage's security;

g. Prolongation of the incident until the release of hostages (if any) and the surrender of participants occur or until one or both of these events appears highly unlikely to occur; if these events appear highly unlikely, further prolongation until the attention or stamina of the participants appears to be exhausted or until the possibility of exhaustion appears unlikely;

h. The use of nonlethal weapons, including chemical agents, to reduce or end continued resistance; and

i. As a last resort, the use of physical force to terminate the incident and apprehend the participants.

Commentary

Where a terroristic crime has occurred or a continuing terroristic act is in progress, many of the constraints applicable to police response to terroristic threats are removed. Police can operate openly and visibly. Subject to obvious reservations about revealing elements of the police plan that are unknown to criminal participants, police operations against actual acts of terrorism should be matters of general public knowledge, and the news media should be kept informed of their progress and outcome.

Some of the concerns discussed in connection with Standard 6.12 (Response to Terroristic Threats) remain applicable here. The necessity of maintaining close contacts with private security personnel responsible for the safety of a target, for example, will be heightened in the event of an actual terroristic attack on that target. And the difficulties of maintaining such contacts may be exaggerated by the new urgency of the situation.

This standard concentrates on the internal organization and conduct of the police response to terrorism. It emphasizes tactical considerations peculiar to the conduct of police operations during terroristic incidents. Tactical options are described in the sequence in which it is recommended that they be put into effect.

In arriving at their own plans, local departments

may wish to ignore, vary, or recast the recommended sequence according to local considerations and assumptions. And it should be emphasized here that the recommended sequence is, in large part, necessarily a tentative one. U.S. law enforcement has not yet been confronted with any significant number of serious terroristic incidents; thus, the tactical recommendations made here are derived not from immediately relevant practical experience, but from the lessons of analogy—to the police handling of terrorism in other countries, on the one hand, and the domestic handling of quasi-terrorism and incidents of nonterroristic small-group violence, on the other.

Thus, the tactical sequence described in this standard cannot be described as a proven prescription; in the handling of terroristic crime, experimentation with and testing of tactical concepts are obviously in order. Nevertheless, in planning their own response strategies for acts of terrorism, law enforcement agencies should consider—even if they ultimately reject—each of the tactical elements recommended here and the recommended implementation sequence in which they are presented.

A final introductory point, intimately related to the difficulties in devising adequate practical definitions of terrorism, deserves special stress; the incident that appears, on first notice, to be terroristic in nature will often prove during the course of police response to be—or to have been—something quite different. Police response to apparently planned acts of extreme senseless violence—that is, violence without any discernible immediate goal or objective—must begin by assuming its terroristic nature. Later, however, a conventional criminal motive—ranging from revenge to acquisitiveness—will often be revealed. When such a revelation occurs, it will alter the police overall response strategy in some respects, although not in others. The need for enhanced protection of potential secondary targets, for example, may or may not dissolve with the discovery that an assault or bombing was an act of personal revenge. Similarly, the need to conduct detailed reviews of intelligence data may be affected by the character of an incident.

The discovery that barricaded suspects or hostage holders began their campaign of violence as conventional ransom kidnapers or robbers, and are thus quasi-terrorists rather than true terrorists, will also affect subsequent tactical decisionmaking by police. Although the establishment of communications and the commencement of negotiations will be important in either event, for example, police approaches to negotiations and their timing may differ. And to cite another example, tactical preparation for the possibility of massive fire from the barricaded position may become unnecessary.

The tactical format discussed here, then, is one that is relevant in all its details only so long as an incident is believed to be terroristic in character. Although it can be useful as a partial outline of police tactical options in dealing with quasi-terrorism, modifications should be considered whenever the character of an incident is shown to be nonterroristic. (See Standard 6.14—Tactical Responses to Quasi-Terroristic Acts.)

Response to Completed Acts of Terrorism

None of the recommended elements of the tactical plan for terroristic crimes that are completed when they come to the attention of police is unfamiliar. Intensive investigation, evidence collection, upgrading of preventive police protection, intelligence records reviews, surveillance of possible suspects, and speedy apprehension of actual suspects are all elements of an appropriate police response to any serious crime of violence. The special nature of police response to terroristic crime becomes apparent only when these aspects of response are reviewed in additional detail.

In the investigation of terroristic acts, several special considerations should be borne in mind. First, any witnesses who are also victims (and some who are not) can be expected to feel shock, disorientation, and other aftereffects of the event for some time. Even though their evidence may be essential to an identification of the participants in the act, attempts at questioning them on the incident scene should not be prolonged if they prove initially unproductive. Instead, such witnesses should be interviewed, preferably in familiar surroundings, after a period has been allowed for reorientation; what their information will have lost in some of the value of immediacy will generally be compensated for in added detail and coherence.

Second, in interviews with victims of and witnesses to apparent acts of terrorism, police should not overlook the possibility of their complicity or of the complicity of other persons with close ties to the person or institution that has been the target. The aggrieved employee, for example, is a frequent source of anti-institutional violence. And true terroristic attacks on secure targets are often facilitated by insiders. In postincident interviewing, police should assess not only the knowledge of interview subjects but their attitudes towards the incident as well. And in postincident investigation, secondary sources of information bearing on the possibility of insider participation, including personnel officers and personnel files, should not be overlooked.

Third, special care must be taken in the collection of physical evidence relating to acts of terrorism

and of evidence relating particularly to highly destructive acts. Only such care will assure the benefit of the insights to be gained, for example, from the analysis of the fragments of exploded destructive devices. In searching for such fragments, for relevant books and papers, or for other physical evidence, police must be prepared to expend considerable time and manpower.

The importance of following up on completed incidents of terrorism by temporarily upgrading police protection of other potential targets can hardly be overemphasized. The occurrence of a terroristic act implies the possible existence of a planned terroristic campaign. Furthermore, the phenomenon of imitation may result in one terroristic act being followed by other similar acts, committed by persons unrelated to the participants in the original incident. Because the ability of police to cover all potential future targets suggested by a completed act of terrorism is obviously limited, close cooperation between police and private security personnel is essential to effective postincident police operations (see Standard 6.23—Relations With Private Security Forces).

The duration of the increased security measures that should follow a completed act of terrorism will vary with circumstances. Where the act is apparently linked to an ongoing event, such as a controversial criminal trial, that event will provide a time scheme for increased security. Where no apparent ongoing stimulus to terroristic activity exists, and there is no independent ground—such as a terroristic threat naming multiple targets—for an expectation of repetition, increased protective security should continue at least as long as the completed act is receiving any extensive public attention and media coverage.

The use of intelligence record reviews and surveillance of known local terrorists to identify perpetrators of completed—and continuing—acts of terrorism is a necessary, although potentially controversial, feature of an adequate police response. These intelligence activities should be conducted according to applicable departmental guidelines (see Standard 6.4—Self-Regulation of Police Intelligence Operations), but should be given urgent priority. Thus, it is highly desirable that a supervisory-level departmental intelligence specialist be given a place in the emergency command structure established to direct police operations.

Postincident intelligence operations—as well as those conducted in regard to continuing acts of terrorism—should not be limited to review of locally available files or surveillance of local groups and individuals. An appeal to other local, State, and Federal law enforcement agencies for intelligence assistance should be an integral part of the departmental response to terroristic crime, just as the serv-

icing of such requests—again within the limits of established departmental rules—should be given high priority by departments receiving them.

The stress given in this standard to the rapid apprehension of suspects in completed acts of terroristic crime deserves some explication. Prompt apprehension is a general tactical goal of effective law enforcement. But where nonterroristic crime is concerned, numerous factors may tend to diminish or eliminate the urgency attached to completing an arrest. The desires to amass further evidence, to identify additional suspects, or to avoid interference with other continuing investigations all may weigh against immediate arrest in cases of conventional crime. In cases of terrorism, however, none of these motives should ordinarily dominate over the compelling grounds for maximum speed: the high risks of suspects' flight or disappearance, the relative ease with which the internal structures of many terroristic groups can be upset, and the need to reassure the public.

One exception to this general rule should be cited at once. When a suspect in terroristic crime who may be a member of an organized group can be identified and when police contact with that suspect can be established, consideration should be given to delaying his or her arrest so long as accurate and valuable information on the group and its other members is received. The gathering of such information will necessarily involve police surveillance of the suspect and may or may not involve direct police-suspect contacts. The cautions that surround any use of informants are particularly applicable to investigations of terrorism; in particular, complicity in further terroristic activity by persons cooperating with police must be avoided in all events. But, on occasion, informants may be literally the only source of information readily available to police, and their employment should not be ruled out entirely.

Response to Continuing Acts of Terrorism (1): Early Phases

All the recommended elements of a tactical plan for completed terroristic acts are applicable to continuing acts as well—with the single exception of the element of speedy apprehension. Where terroristic crime is prolonged, tactical efforts at apprehension should be delayed until risks to the public, to hostages, to police, or even to terroristic criminals—can be minimized. But intensive investigation, security upgrading, intelligence review, and surveillance of suspects should begin at once.

In a discussion of antiterrorist police tactics, two varieties of continuing terroristic crime must be distinguished. The first is that in which the location of the persons involved is initially unknown to police—

such as the political kidnaping or the systematic bombing campaign. In such incidents, the elements of police tactical response are basically those of the response to completed acts described above, with two important additions.

One of these additional elements is the full mobilization of specialized units and other emergency personnel whose participation in antiterrorism operations has been foreseen in a local departmental contingency plan. Where mobilization cannot occur around a command post convenient to a known incident scene, it should occur nevertheless and provisions for the transfer of the center of operations to the incident scene at a later time should be made. The second additional element in a tactical plan to manage continuing terroristic acts by persons whose location is unknown is a strong initial concentration of investigative efforts and intelligence gathering on determining the immediate whereabouts of the participants, rather than their identities alone.

The point just made may appear self-evident, but the importance of achieving the physical isolation and containment of persons engaged in terroristic activity cannot be overstated. Thus, investigative work tending to assist in achieving isolation and containment must itself be stressed in planning and practice. When a continuing terroristic crime, such as a hostage taking within a fixed structure, has a known center or when police investigation has revealed the location of a suspect or a group of suspects, the balance of a tactical plan can be put into effect.

Accomplishment of two of the early goals of such a plan, however, may be complicated when the suspects are not obviously aware that police have determined their whereabouts. Isolation and containment, on the one hand, and area clearance, on the other, are operations involving considerable manpower and significant amounts of movement; they may be difficult to conduct without attracting the attention of suspects. The attempt should be made, whenever possible, to complete the maximum number of tactical phases before alerting suspects to the fact or extent of the police presence at the scene. But neither isolation and containment nor area clearance, both tactical efforts with primarily protective aims, should ordinarily be compromised in an effort to maintain suspects' ignorance. Although exceptions will obviously occur, as when the number of hostages jeopardized by premature disclosure of police presence outnumbers the population at risk in an area to be cleared, public safety should ordinarily take precedence over immediate tactical advantage.

Indirect police contact with isolated terrorists, by telephone or through intermediaries, should be es-

established at the earliest possible point. It need not await any preliminary police operations at the incident scene and may indeed have begun before the scene has been fixed. Direct contacts, including any face-to-face discussions or negotiations, however, should be delayed until capacity and freedom of police to respond with force—when and if required—have been guaranteed. Although the goals of direct police-participant contacts are nonviolent resolution, at the most, and the improvement of police understanding of the situation, at the least, unpredictable and even violent responses to police initiatives can never be ruled out. Thus, area clearance, full deployment of personnel, and establishment of a secure perimeter should all precede direct negotiation.

The commencement of negotiations should also be delayed when it appears that by merely stating a willingness to accept surrender and then waiting out the participants, police may be able to succeed in achieving that surrender; such delay, however, will not be appropriate where no clear likelihood of a nonnegotiated surrender exists.

In the early phases of police operations dealing with hostage-holding terrorists, the establishment—wherever possible—of direct or indirect police-hostage communications is an important goal. Although information concerning hostages, including their number, condition, location, and identities, can be obtained by other means, only a communications link will permit cooperative efforts toward the escape of the hostages or an alternative nonviolent resolution. It is also the best means available to police to verify the characteristics and mood of the hostages, including their degree of emotional affiliation with their captors, as an incident progresses. To these ends, where hostages are involved in a terroristic crime, general communications with the outside world by participants and others inside police lines should be permitted and indeed encouraged; the larger the overall volume of messages, the higher will be the likelihood that some information can be exchanged between hostages and police, if only through intermediaries. Two actions, however, should be stressed in connection with police-hostage communications. First, police should take care not to demonstrate apparent concern for the condition and security of hostages to incident participants. Such demonstrations will generally serve only to harden the hostage-holders' positions. Second, hostages should not be given detailed information on police tactical planning unless it is essential that they possess it in order to cooperate in a design for incident resolution. In general, the physical and psychological stresses on hostages render their ability to keep such information confidential questionable.

In all early-phase police contacts with participants (and hostages, if any) and in all visual surveil-

lance of an incident scene, attention should be directed to determining the exact number of persons within police lines, their locations, and their statuses. In the event that later tactical phases involve any exchange (or escape of hostages), or any use of force by police, this knowledge will be critical. Because appearances can be misleading and because situations of extreme violence are fluid, all information gathered on persons inside the police boundary should be verified and periodically reconfirmed.

Response to Continuing Acts of Terrorism (2): Later Phases

The goals and tactics of negotiation under duress are discussed in detail elsewhere in this report (see Standard 6.16—Negotiation Under Duress). Here, however, one general observation and several special considerations peculiar to negotiations with true terrorists—persons motivated to violence in whole or part by political or ideological sentiment—should be noted.

In general, police negotiators entering into discussions with true terrorists should be prepared to deal with persons with fixed—and even fanatically held—views. They should anticipate the political training background in polemical discussion and debate that will be characteristic of many terrorists and should be prepared to meet strong resistance to any persuasion they may make. Police negotiations with terrorists can be expected to be difficult, protracted, and—perhaps most significant—frustrating for the official participants.

The first of the special considerations bearing on negotiation with true terrorists is the communicative significance of terroristic acts. Among the conventional goals of terrorism—along with the creation of disruption and undermining of public confidence in government—is to publicize and dramatize extreme points of view for audiences initially attracted by the inherent interest of violence itself. Thus, negotiations with terrorists should serve a twofold purpose: To promote actual resolution of an incident through agreement and to permit the verbal expression of the views of the participants. Only if the participants' struggle for attention and public communication is apparently successful will it be possible to prolong a terroristic incident in the hopes of devising an ultimately nonviolent solution. To deny opportunities for expression to participants in terrorism, by contrast, is to risk new violence arising from their frustration.

The second of these considerations is that some or all of a true terrorist's or terrorist group's demands may be apparently outrageous and in fact unfulfillable. Police negotiators should expect this likelihood and should be prepared to offer compro-

mises, to play for time, and otherwise to delay the ultimate necessity of refusing any apparently serious terrorist demand. Police negotiators must maintain a delicate balance in testing the seriousness with which terrorist demands have been put forward while avoiding any break in discussions; one sound rule is never to refuse a demand without making a counteroffer as a basis for continuing negotiations. Another is to bear in mind that, in the conduct of negotiations, the prolongation of an incident may be a goal in itself.

The third special consideration is implied in the emphasis just placed on the goal of prolonging incidents through negotiation. It is that, where incidents of terroristic crime are concerned, negotiation should be considered primarily as one police tactic in a coordinated strategy and not as a technique of conflict resolution independent from other tactical options.

The immediate aim of negotiators should be, of course, to achieve an agreed upon solution to any confrontation in which they intervene. But the character of true terrorists is such that, in all probability, only a minority will ultimately give affirmative acceptance to a nonviolent resolution of the sort in which police can ordinarily concur—one that leaves the terrorists themselves in police custody. Whether any appreciable number of true terroristic incidents involving multiple participants can be thus resolved through negotiation, moreover, will depend in addition on the skill of police negotiators in appealing indirectly to the relatively less committed or less fanatical members of a group while maintaining discussions with their leader or spokesman. Most typically, terroristic incidents will eventually be successfully resolved through the use of tactics other than negotiation, including the use of force. Thus, the secondary goals of negotiation—such as temporarily preventing escalation of violence and securing tactically useful information—are of special importance in incidents of terroristic crime.

Police negotiators are not, of course, neutral third parties; their first commitment is to the accomplishment of overall departmental tactical objectives. Nevertheless, ethical problems are raised whenever negotiations are undertaken with aims that are unknown to—or actually concealed from—any of the participants. Ethical tensions experienced by police negotiators will be particularly severe when the principal real goal of discussions with participants in terroristic crime is to promote the subsequent tactical use of force. In some instances, as when terroristic crime poses immediate risks to persons other than the participants, doubts over the propriety of negotiations in such cases will be relatively easily settled. In others, they will present a continuing problem for police negotiators. It should

be stressed, however, that negotiation with ulterior motives is not synonymous with bad-faith negotiation. Negotiators can and should strive for resolution through nonviolent settlement, even when they realize that the chances for such resolution are poor. Where this justification is unavailable or unsatisfactory, police negotiators should consider the real prospect that the nonnegotiated tactical resolution that follows a period of negotiation will involve relatively less risk of harm to all persons involved than one that is not similarly prepared will involve.

Beyond negotiation, the late phases of a police response strategy for continuing terroristic incidents involve consideration of the use of force, both nonlethal and lethal. Again, a general discussion of the topic is included elsewhere in this Report (see Standard 6.15—Use of Force in Tactical Responses to Disorder, Terrorism, and Quasi-Terrorism), although certain special considerations applicable to terroristic incidents are noted here.

This standard presumes a response strategy established through contingency planning that reserves use of force as a last resort in dealing with incidents of terrorism. Whatever the content of local policy on the use of force, and whatever onscene decisions are made pursuant to it, it is essential to their implementation that actual use of force at incident scenes be carefully controlled and monitored. In particular, no weapons' use should occur without the advance knowledge and approval of the emergency field commander. Where, for example, it is decided to attempt to out-wait the occupants of a terrorist-controlled structure, the need for tight administrative controls on weapons' use is obvious. But where either general policy or the special characteristics of a situation dictates the decision to attempt an assault instead, the need is equally great; without effective fire control, police personnel will be endangered in tactical operations involving the use of force.

The importance of controls on the use of force and weapons is given special stress here because of the exceptionally volatile and provocative nature of terroristic crime. By virtue of their aims and orientation, terroristic criminals can be expected to behave belligerently in confrontations with police; unless checked, one tendency of police officers as individuals may be to respond in kind—and thus inadvertently satisfy a common terroristic goal. Any tendency toward the ill-considered and uncoordinated use of responsive violence must be controlled if the overall tactical objectives of achieving resolution with minimum risk and of providing minimum satisfaction to participants in terroristic crime are to be fulfilled.

The sequence of responses involving the use of force discussed in this standard assumes that all

official weapons' use will be under tight administrative control. It also assumes that terroristic criminals do not take the initiative in escalating the level of violence in a confrontation with police. Where this occurs, a controlled acceleration of the recommended tactical sequence on the part of police may be the appropriate police response.

Two important qualifications to this generalization should be underlined. First, tentative or uncoordinated outbursts of violence should not necessarily be taken as marking a definite escalation, thus putting an end to the tactical value of prolonging an incident. Isolated gunfire from a terrorist position, for example, may be the result of erratic individual action rather than an indication of any coherent aim to defy police force. Every outburst should be analyzed in context, and occasional or intermittent low-level violence by terrorists should never be allowed to serve as a pretext for an otherwise unjustified acceleration of the police response plan.

Second, although any evident increase in violence practiced by terrorists will justify the acceleration of the recommended police tactical sequence, it should not ordinarily support a change in the order in which the elements of that sequence are put into practice. Whenever possible, the first police response to increased belligerency should be the use of non-lethal weapons and suppressive fire to deescalate the level of violence. Where this effort succeeds, police should then return to the tactic of prolongation. The use of extreme official force should be con-

sidered only where an increase in terroristic violence cannot be controlled without it.

References

1. Namruddin, D. "Kidnapping of Diplomatic Personnel." *Police Chief*, Vol. 40, February 1973, p. 18.
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3. *Tactical Manual for Hostage Situations*, New York City Police Department, mimeographed, undated.
4. *Countersniper, Barricaded Suspect and Hostage Tactics*, Los Angeles Police Department, mimeographed, undated.
5. Seedman, Albert. *Chief*. New York: Avon Books, 1974.

Related Standards

The following standards may be applicable in implementing Standard 6.13:

- 4.6 Responses to Terrorism
- 5.4 Other Counter-Terrorist Measures Undertaken by Intelligence Units or Agencies
- 6.4 Self-Regulation of Police Intelligence Operations
- 6.14 Tactical Responses to Quasi-Terroristic Acts
- 6.15 Use of Force in Tactical Response to Disorder, Terrorism, and Quasi-terrorism
- 6.16 Negotiation Under Duress

Standard 6.14

Tactical Responses to Quasi-Terroristic Acts

When police are notified of a completed or continuing act of extraordinary violence, its character—either true terroristic or the quasi-terroristic—will often be unknown. Until it can be determined, police tactical response should follow the sequence recommended in Standard 6.13 (Tactical Responses to Terroristic Threats). For acts that have been established to be quasi-terroristic in character, the appropriate police response patterns will resemble, but not duplicate, patterns applicable to terroristic crime.

1. **Completed Acts.** The completed acts of quasi-terrorism should not ordinarily be treated as a law enforcement emergency. Postincident police operations should be conducted without disturbing regular departmental command structures, but should be given high priority. Although no special tactical sequence can be prescribed for such operations, they should be conducted with the following considerations in mind:

a. Prompt identification and apprehension of participants in quasi-terroristic crime are important objectives, and police tactical elections should be to promote their achievement;

b. The necessity of employing protective, preventive tactics in the aftermath of quasi-terrorism should be determined on an incident-by-incident basis, according to the likelihood of recurrence; and

c. Comprehensive reviews of intelligence files

and other intelligence operations appropriate to the investigation of true terrorism will ordinarily be inappropriate or unnecessary in the police response to quasi-terroristic incidents; limited-purpose intelligence operations, however, may be valuable in identifying quasi-terrorism.

Where police have reason to believe that a quasi-terroristic crime represents one of a series involving the same offender or offenders, the principle of not treating the response to completed quasi-terroristic acts as an emergency should be observed in modified form; a team of officers should be assigned full-time to the investigation and resolution of the incident, and preparations to invoke emergency plans in the event of further violence should be made.

2. **Continuing Acts.** Where police have notice of an ongoing act of quasi-terrorism, and of its location, the tactical elements of an adequate response and their sequence should be those recommended in Standard 6.13 (as elements of a police strategy for response to true terrorism). Beyond them, the police response pattern to quasi-terrorism may include the following additional tactical elements:

a. Police facilitation of discussions and negotiations between participants in quasi-terroristic incidents and third parties. This may occur before or after a failure of police-participant negotiations or in connection with ongoing police-participant negotiations, but the tactic should be tested,

wherever possible, before any police tactic is used involving the threat or use of force;

b. Limited use of lethal force, short of a general police assault on participants. This should occur after other tactics (including use of nonlethal force) have failed where the resolution of an incident is deemed necessary but where more extensive use of force would be—or appears to be—inappropriate;

c. The making of a police show of force to incident participants. This may occur, as appropriate to reinforce other police operations, at any point in the tactical sequence.

Commentary

The phenomenon of quasi-terrorism—the use of unusual kinds or levels of coercive violence by persons engaged in the commission of conventional crimes—is a growing problem in U.S. law enforcement. Its growth is attributable in part to overall increases in police efficiency and in part to an apparent increase in violent psychopathy among offenders. The rising rate of confrontation between police and crime suspects holding hostages or occupying barricaded positions, for example, clearly reflects the new ability of police to respond quickly to incidents in progress so that they often interrupt the commission of a crime and the escape of the participants. It also reflects a new willingness on the part of persons engaged in crime to attempt the violent defiance of official authority and official force.

Police agencies can do little or nothing to head off incidents of quasi-terrorism, except through promoting preventive security measures that make their development less likely (see Standard 6.9—Prevention of Terrorism and Quasi-Terrorism Through Physical Security). Improved police communication technologies and apprehension techniques can hardly be abandoned because their secondary effects include the promotion of a dramatic, although still relatively infrequent, form of criminal incident. And changes in the personal characteristics of offenders and in their attitudes toward the use of violence are outside the sphere of direct police influence.

Police do have special public responsibilities in the area of quasi-terrorism, however, that transcend their duty to achieve resolution of individual incidents of this form of crime. One consists of an obligation to achieve resolution of incidents of quasi-terrorism with minimum disruption of social routine and minimum offense to general sensibilities and value. Like true terrorists, quasi-terrorists often strike self-dramatizing poses and seek wide public attention. Although their motives are different and more limited ones, the effect of their actions on the

community may be similar. Indeed, without intending to demoralize the public or to shake confidence in social forms and institutions, quasi-terrorists often create these effects. The objective and subjective disruption resulting from quasi-terrorism can be amplified by poorly planned or badly executed police response action, which suggests official inability to respond effectively to small-group violence, or by police action that appears inappropriate in severity to the character of the incident. Disruption resulting from quasi-terrorism can be limited by police actions that suggest a controlled, methodical, and even compassionate official approach to this form of crime. Thus, one police responsibility in the control of quasi-terrorism is to plan and act with the public interest clearly in mind.

Another police responsibility is to conduct operations in response to particular incidents of quasi-terrorism in ways that will tend to discourage the occurrence of future incidents of quasi-terrorism. As noted in the discussion following Standard 6.10 of police response to terrorism, the suicidal and homicidal/suicidal character of some individual participants—and, thus, of many potential participants—in extraordinary small-group violence appears well established. [See, e.g., the description of Japanese Red Army member Kozo Okamoto in P. Clyne, *Anatomy of a Skyjacking*, 1973.] Through provoking confrontations with police, these persons can simultaneously express aggression and invite destruction. If police response is to discourage the imitation of one quasi-terroristic act by other actors, it must be calculated to deny participants in that act their opportunity to inflict harm on others. But it must also be structured to avoid—wherever possible—dramatic and violent resolutions with fatal consequences for participants. The more moderate, more routine, and more consistent police response to incidents of quasi-terrorism appears, the less likely it will be that the phenomenon of quasi-terrorism will perpetuate itself.

True terrorism and quasi-terrorism have much in common. In their effects on the public, in the tactics employed by participants, and even—in part—in the motivation of those participants, they are allied forms of criminality. And, as noted in this standard, the outline of an appropriate police tactical response to true terrorism is generally applicable to quasi-terrorism as well.

Significant distinctions between these two forms of extraordinary small-group violence—and, thus, between the police response patterns appropriate to them—should also be noted. The most obvious, and arguably the most important, is the absence of political or ideological motivation in incidents of quasi-terrorism. Because participants are concerned

exclusively with personal aims—ranging from acquisitiveness through the desire for revenge to the impulses of self-glorification and self-punishment—they can be expected to be both more flexible and more unpredictable in their interaction with authority than true terrorists who adhere to an externally established system of values and goals. Because the personal aims of quasi-terrorists may prove to be shifting or fluid in nature, the scope for the exercise of influence over them by police, and thus for the resolution of incidents of quasi-terrorism through patient negotiation and persuasion, is considerable.

Another important general distinction, not one that will always exist in practice, is between the quasi-terrorist's ability or willingness to inflict drastic or general harm on the public, compared to that of the true terrorist. In terms of psychological orientation, the quasi-terrorist does not generally present the same level of risk to the safety of the community as the true terrorist does. In terms of weaponry and material preparation, the quasi-terrorist's practical ability to inflict drastic harm may often be non-existent or severely limited. Obvious exceptions to this generalization exist—an active sniper in a position commanding a public area is an example. In general, however, the more modest risk posed by quasi-terrorism should permit the moderation of police response in ways not always tactically appropriate where true terrorism is concerned.

Response to Completed Acts of Quasi-Terrorism

Cases involving completed acts of quasi-terrorism provide clear illustrations of situations in which the police response pattern appropriate to true terrorism can be adapted to extraordinary small-group violence of a relatively less drastic and less threatening character. Because repetition or flight are no more inherently likely in ordinary instances of quasi-terrorism than in cases of serious crime not involving extraordinary violence, no necessity for emergency police operations will generally exist. Maintenance of police confidence does demand that completed criminal incidents involving extraordinary violence be investigated with special intensity and actively followed up by police until an apprehension is achieved or determined to be unlikely to occur. Many of the principles of investigation applicable to true terrorism, such as the need to take special care in the interviewing of witnesses and victims, moreover, apply with equal force to quasi-terrorism. But the special urgency that dictates an emergency footing for police tactical operations in the aftermath of true terrorism is absent—except, of course, when a campaign of quasi-terroristic violence (such as a series of revenge-motivated bombings) is apparently in progress.

In the wake of quasi-terrorism, the avoidance of emergency status operations—and with them, special emergency command structure—will promote overall police efficiency. Even more important, perhaps, will be the effect of such avoidance on public attitude. Although the public requires reassurance that crimes involving serious violation of norms relating to the use of violence have a high police priority, reassurance that such crimes can be investigated and resolved without major alterations in official routine is also desirable. The less exceptional the nature of the police response to a completed act of quasi-terrorism appears, the less disruptive the effects of that act on the public's morale and on its confidence in authority will prove.

Public confidence is also undercut by police tactics that appear to limit or impinge upon the personal freedom of persons not suspected of complicity in extraordinary violence. Thus, police response to quasi-terrorism should include heightened police protection for potential institutional and individual targets only when a real risk of repetition can be detected; no matter how tactfully police act in providing—or imposing—such additional protection, it will inevitably be perceived by its recipients and others as a disturbing departure from routine. The same considerations apply to other postincident police operations. Although some limited new intelligence gathering may be justified in the aftermath of quasi-terrorism—as, for example, where a list of suspects can be shortened only through surveillance—intensification of intelligence operations—which will unavoidably be viewed as repressive and intrusive official action to some elements of the public—should not be a police reflex. In general, ordinary modes of investigation should be employed and active public cooperation in investigation should be sought.

Response to Continuing Acts of Quasi-Terrorism (1): Considerations Relating to Police Deployment and Use of Force

Where a quasi-terroristic incident is in progress, the police response tactical pattern should follow—in general outline—the pattern applicable to continuing acts of true terrorism. At every stage, however, the elements of that strategy should be adapted to the peculiar characteristics of quasi-terroristic crime in general and to the qualities of the incident in progress in particular. And, as this standard suggests, additional new elements should be involved in the response pattern for continuing quasi-terroristic crime.

One important set of modifications involves the extent and kind of police tactical resources assembled at an incident scene and the nature of any

force actually employed by police in resolving an incident. Where true terroristic incidents are concerned, police agencies cannot ordinarily respond at less than their maximum potential; the fanatical, inflexible character of many terroristic criminals and the likelihood that they are well supplied with weapons and are expert in their use make police preparation to use extreme and massive force essential. From the outset of a quasi-terroristic incident, however, or at a point during its development, the limited nature of the risk posed may be apparent to police. When this occurs, the extent of police personnel and equipment deployment at the incident scene and thus the potential of police to deliver force at the scene should be held at or reduced to the minimum level that will guarantee the clear tactical superiority of law enforcement.

Such limitations on deployment will permit the prolongation of the incident (with a view toward nonviolent resolution) for longer periods and at less expense. They will also diminish the negative public impact of quasi-military police operations by reducing their scale. Finally, they will help to insure that if force eventually is employed to terminate an incident of quasi-terrorism, the force employed will appear appropriate to the violence of the resistance offered. Accomplishment of this last aim is a further guarantee against a public backlash to the style and quality of police emergency operations.

With true terroristic crime as with quasi-terroristic crime, the actual use of force by police should be considered as a tactical last resort. But in cases of true terrorism when only this option remains, it will generally be appropriate to employ the maximum force available; the risks involved in underestimating terrorists' willingness and capacity to return violence will usually be too great to permit attempts to adjust police use of force accordingly. The same generalization should not apply, however, to many incidents of quasi-terroristic crime. It is this conclusion that underlies this standard's recommendation for limited use of lethal force or for the availability of a tactical option in the later phase of quasi-terroristic incidents.

Through observation of and interchange with the participants in nonpolitically and nonideologically motivated extraordinary small-group violence, police will often be able to gauge the real level of risk they pose and to adjust the use of official force accordingly. Police may then be able to assure that the violence capabilities of the incident participants will be more than balanced by the force employed by police while avoiding any appearance of an effort to overwhelm the participants with force, permitting them final opportunities to escape harm through capitulation.

Response to Continuing Incidents of Quasi-Terrorism (2): Considerations Relating to Negotiation and Incident Prolongation

Among the special tactical elements of a police response to quasi-terrorism recommended in this standard, beyond those noted in Standard 6.13, is the promotion by police of discussions between participants in quasi-terrorism and third parties. This addition reflects other and more critical differences in the approach to negotiations that should be taken by police in instances of quasi-terroristic crime.

As noted in the discussion following Standard 6.13, police negotiation with true terrorists may sometimes be an effective mode of incident resolution in itself, but is far more often a means of achieving overall tactical advantage. Although little is known about the conduct of negotiations with true terrorists, participation in such discussions by third parties is not generally recommended because those who participated in the preparation of this Report believe that such intervention involves a high likelihood of police loss of control over the conduct and context of discussions and a low likelihood that third parties can exercise persuasive influence over dedicated terrorists.

In incidents of quasi-terrorism, by contrast, the opportunities to achieve a complete nonviolent resolution through negotiation are considerable. Although negotiation must still be considered in relation to other tactical options, it takes on new importance as a promising tactic in itself. In discussions with quasi-terroristic criminals, police negotiators themselves may be able to satisfy—or to give the impression of satisfying—the practical demands and emotional needs of participants. Or, through extended negotiations, police may be able to bring about a modification of those demands and needs that renders their satisfaction practical. In so doing, however, police negotiators will often require the assistance of intervening third parties to participate with them—or to substitute for them—in discussions with participants; this will be particularly true where the quasi-terrorist appears to be motivated, in whole or part, by strong positive or negative feelings about persons not present at the incident scene.

Great care must be exercised in introducing new parties into negotiations, just as it must be exercised in a police negotiator's efforts to introduce new elements of content into discussions with quasi-terrorists. The reactions of incident participants are never completely predictable and will sometimes diverge drastically from expectations. But the quasi-terroristic incidents that have been resolved through the intervention of participants' relatives, religious advising, or psychiatrists—to say nothing of third parties previously unknown to participants—are too

numerous to permit their lesson to be overlooked in tactical planning. No useful general rule can be stated to govern when intervention in negotiations by third parties will be appropriate. Usually, it will follow at least some discussion between police negotiators and participants. On other occasions, however, interchange between third parties and participants may already be underway when police negotiators arrive at an incident scene. On still others, police negotiators may conclude that an attempt at persuasion by a third party should precede their own entry into discussions with a quasi-terroristic suspect.

Another tactic recommended in this standard for consideration in police response to quasi-terrorism, but not included in the sequence for true terrorism outlined in Standard 6.13, is the show of force. Whether it is used early—to put participants in quasi-terrorism on notice of the police capability to deliver force—or later—as a last step before assault—it may sometimes be useful in providing the quasi-terrorist with the basis for a decision to capitulate. Just as this tactic is not recommended for some incidents of true terrorism by reason of its potentially provocative effect, it should be employed only with caution in incidents of quasi-terrorism. Nevertheless, experience with this technique, particularly as it is employed by well-trained, highly disciplined special operations teams, indicates that it is sometimes the critical factor in nonviolent incident resolution.

Finally, it should be noted that in incidents of quasi-terrorism, the tactic of prolongation should always be given serious consideration. This Report recommends that prolongation be attempted in incidents of true terrorism and quasi-terrorism alike. But in particular incidents of true terrorism, restrictions on the value of this approach to incident resolution may often exist: The pressure of public opinion, the level of risk, the potential for spread, and the inflexibility of the dedicated terrorist are all considerations that may militate in favor of setting outside limits on the prolongation of such incidents. In many quasi-terroristic incidents, by contrast, levels of present risk and potentials for future spread may be insignificant. And the participant in quasi-terrorism, lacking the objective, final goals of the true

terrorist, is relatively more vulnerable to shifts of mood and orientation—including movement from belligerency to cooperativeness. Often, even the initially most hostile barricaded suspect can be literally exhausted into either nonviolent surrender or vulnerability to apprehension with minimum force.

To assure such results, a real police commitment to the tactic of prolongation as a means of gaining additional advantage and as a device for promoting incident resolution is essential. The essence of the tactic, of course, is the pressure toward reasoned thinking and calculation of risks that the prolongation exerts on incident participants. But in order to take advantage of any failure in an incident participant's physical or emotional defense—or of any apparent movement toward conciliation on a participant's part—that appears with the passage of time, police must be prepared to maintain not only an attitude of patience, but a stance of extreme alertness as well. These requirements are different from the demands of much conventional police work and may be foreign to the personal attitude of many officers participating in emergency operations. Patience and alertness inculcated through training, must be constantly reinforced through the exercise of command authority at incident scenes.

References

- See References to Standard 6.13, and, in addition:
1. Bell, J. Bowyer. *Transnational Terror*. Washington, D.C.: American Enterprise Institute, 1975.
 2. "Cellblock Takeover." *The Marshal Today*, December 1974, p. 9.
 3. Miller, Burton T. "N.Y.P.D.'s Emergency Service District." *Guns and Ammo*, Vol. 19, April 1975, p. 68.

Related Standards

The following standards may be applicable in implementing Standard 6.14:

- 6.13 Tactical Responses to Terroristic Acts
- 8.4 Tactical Response to Disorders

Standard 6.15

Use of Force in Tactical Responses to Disorder, Terrorism, and Quasi-Terrorism

Independent of other policymaking and planning efforts, the chief executive of every police agency should establish clear, written, uniform departmental policies governing the use of force in law enforcement transactions involving extraordinary violence. The general purpose of such policymaking should be to achieve the greatest limitation practical on use of force by police consistent with maintaining effectiveness of tactical operations and satisfying legitimate public expectations.

1. The elements of a departmental policy on use of force in response to extraordinary violence should include:

- a. Clear and detailed specification of the different levels and types of force available for use by police in tactical response, arranged in order of risk of infliction of permanent injury;
- b. Detailed itemization of the different classes of incidents involving extraordinary violence that may require police response, including breakdowns under each item according to levels of severity;
- c. Statement of any absolute policy bars against the use of any particular kind or level of force in response to any particular class of incident;
- d. Identification of the particular kind and level of force permitted to be used in response to a particular class of incident, with clear indication of the order in which the kind and level of force are

to be employed and any special preconditions for the use of each;

e. Limitations restricting the practical responsibility for employing an authorized level of force to particularly designated, specially qualified personnel; and

f. Rules and procedures to assure that any authorized use of force will cease rapidly and completely upon command or when the justification for such use of force no longer exists, and that the use of such force will be recommended only where new events provide the basis for its authorization.

2. In forming a policy statement on the use of force in response to incidents of extraordinary violence, the police chief executive should:

a. Consult widely with members of all ranks of the department and in particular with members of any specialized tactical units designated to employ special nonlethal and lethal weapons;

b. Evaluate specifications on the full range of nonlethal and lethal weapons available for police use;

c. Review departmental records to locate complaints of misuse or overuse of force by police in the handling of past incidents of extraordinary violence;

d. Determine the nature of relevant statutory

and nonstatutory legal limitations on police use of force; and

e. Obtain public views on the appropriateness of use of force in police response to incidents of various classes, while recognizing that policy-making must finally be governed by professional standards rather than popular opinion.

3. Once formed, a policy on use of force in response to extraordinary violence should be widely disseminated within the department:

a. The policy, with specific illustrative examples drawn from practical experience should be included in all training units for newly recruited departmental personnel and made part of inservice training units for all personnel whose hiring pre-dates the policy;

b. The policy should be reduced to a series of departmental orders, each covering use of force in one major subtype of incident, and distributed generally to all members of the department; and

c. The policy should be prominently incorporated into the departmental contingency plans for various types of incidents and into manuals and special departmental orders governing the operation of specialized tactical units.

4. Compliance with departmental policy on use of force should be reinforced through:

a. The routine requirement of advance command clearance for any unusual use of force in the course of tactical response efforts; and

b. The use of regular departmental disciplinary procedures in the cases of officers who are believed to have knowingly violated the policy or to have failed to request advance clearance for unusual exercises of force.

Commentary

The making of policy on the use of force by police is perhaps the most controversial aspect in the design and execution of response strategies for incidents of extraordinary violence. But to approach mass disorder, terrorism, or quasi-terrorism without such a policy is to gamble the continuing good reputation and effectiveness of law enforcement on the outcome of each incident.

Extraordinary violence is not now a commonly occurring U.S. law enforcement problem. But detailed anticipation—and resolution—of the tension between the dual necessities of using official force in controlling extraordinary violence and of avoiding official participation in any general escalation of prevailing levels of violence is nevertheless essential. Policymaking on use of force should not be delayed until its urgency is generally apparent; at that advanced point, sound policy is difficult to arrive at

and even more difficult to enforce. Rather, use-of-force policies should be made well in advance of the incidents that will test them and then should be maintained regardless of the pressures exerted during incidents of extraordinary violence.

No feature of police practice incites more public hostility or works more consistently against public confidence than the excessive or ill-considered use of force. Even where there is apparently wide public acceptance and support of a particular police operation involving high levels of force, considerable hidden damage may have been done through increasing the degree of alienation between the nonsupportive minority and the police. Moreover, as the police capability to deliver force is upgraded, the grounds for public apprehension about police practice—and with them the needs for effective policymaking and policy implementation—increase.

As an objective for use-of-force policymaking, this standard recommends the minimization of the amount of force authorized to be employed, or employed in practice, in any incident involving extraordinary violence. This objective can be simply stated. Its translation into actual departmental policies, however, raises immediate problems. In some police responses to incidents involving real threats of extraordinary violence, such as arrests of participants in potentially disorderly but presently peaceful illegal assemblies, the level at which police use-of-force is tactically required (and publicly acceptable) may be extremely low. In other incidents involving actual extraordinary violence, such as random sniping from a barricaded position, immediate use of the most effective lethal weapons available will be the response that sound tactical judgment requires. The role of a use-of-force policy is to reduce possible police responses to all types of extraordinary violence, into a single system of rules and guidelines applicable to all use of force in the control of extraordinary violence and faithful to the overall objective of minimizing all official use of force in practice.

The Goal of Minimization

Use of low levels of official force is not, of course, the tactic appropriate in a police response to all incidents of extraordinary violence. But no general goal, other than the use of the minimum official force adequate to tactical objectives, can be translated into particular rules applicable to the many kinds of law enforcement situations involving extraordinary violence. Tactical use of all available legitimate force, for example, might represent the minimum required in some extreme incidents of sniping or serious terrorist bombing. By contrast, where a barricaded quasi-terrorist poses no present threat, the minimum

required force is none; law enforcement can watch and wait without risking an assault. Adherence to the principle of minimization will yield an appropriate tactical plan for both these extreme cases, and for the many intermediate incidents in which sound judgment requires that some measure of the official force available be withheld. But only the goal of minimization can be applied to these cases—and to the many instances in which sound tactical judgment requires withholding the use of some or all of the official force available. A related consideration is: Can a use-of-force policy constructed with minimization as its objective feasibly be enforced on the members of a police agency? If various kinds and levels of force are presented as a progression and if justification is required for every movement from the less to more severe, it will be possible to instruct members of a department on their permissible options—and to monitor their compliance with those instructions.

Adherence to the goal of minimization appears likely to reinforce public confidence in police. As the incidence of extraordinary violence increases, so too does a police agency's reliance on citizen cooperation. Use-of-force policy should be made with this need—and the allied need to avoid generating unnecessary citizen hostility—firmly in mind. Adoption of an overall goal of minimization for use of official force will also tend to offset the traumatic secondary effects of private criminality involving extraordinary violence. In some degree, rioters, true terrorists, and quasi-terrorists alike all aspire to disrupt social order by inviting extremely violent official response to their acts. In the interest of the public's sense of security, these invitations should be consistently rejected.

The tendency of the courts to hold police agencies and their members responsible for excessive use of force in their tactical responses to such diversive forms of extraordinary violence as mass disorder and aircraft hijacking should also be noted. [See, e.g., *Washington Mobilization Committee v. Cullinane*, 400 F. Supp. 182 (D.D.C. 1975); *Downs v. U.S.*, 522 F. 2nd 900, 6th Cir. 1975.] The cases stand for the principle that mere extremity of circumstances does not excuse police from their general obligation to adapt the means of law enforcement to its ends. The department without a practical use-of-force policy recognizing this obligation is poorly situated to argue in justification of any particular challenged use of force.

Finally, however, the strongest support for recognition of minimization as the appropriate goal in use-of-force policymaking is not found in practical or legal arguments. This approach to departmental self-regulation is dictated by the recognition of the special professional duty of conscientiousness that is

imposed on any person or agency whose use of force is legally sanctioned.

Devising a Use-of-Force Policy (1): The Problem of Ranking

The extremes on a use-of-force scale are easily identified—unarmed individual physical force being at one end and multiweapon high-volume gunfire at the other. Between the extremes, however, there exists considerable room for disagreement over the relative risks to life and physical integrity posed by various forms of official force. The primary and secondary risks posed by different chemical agents (and by different chemical agent delivery systems), for example, are open to debate. The existence of disagreement, however, should not prevent every police chief executive from arriving at his or her own ranking of varieties of force in terms of risk, on the basis of experience and in the light of expert advice and opinion.

This standard recommends, however, that this ranking be devised only after a complete review of all the potentially available varieties of police equipment and weaponry—lethal and nonlethal. No department can be said to have arrived at an adequate use-of-force policy unless the policymaking process has included consideration of old and new technologies that may promote the goal of minimizing use of force. Alternatives to firearms and conventional chemical agents as tools in crowd control and the suppression of violence, for example, should be actively sought. Issues ranging from the tactical use of police horses to the advantages and limitations of the water cannon deserve investigation in connection with use-of-force policymaking. In addition, many police arsenals are in need of review and reconstitution, to replace less easily controlled weapons with those that may be employed with greater accuracy and with less risk in a variety of situations.

Some otherwise desirable changes in police weapons and equipment may prove impossible to effect without substantial delay. Nevertheless, sound use-of-force policymaking involves more than the ranking of existing weapons and techniques. It also requires consideration of additions to—and subtractions from—the set of police options in the use of force.

Devising a Use-of-Force Policy (2): The Problem of Public Acceptability

Determining whether, when, and by whom various weapons and techniques may appropriately be used in response to extraordinary violence is the second step in the use-of-force policymaking process. The major consideration to be borne in mind

—tactical necessity—is essentially a professional one; through consultation with members of the department and outside experts, the police chief executive should determine what minimum level of force is required in different sorts of incidents and at different stages of progression to achieve police tactical aims.

Another important consideration—the public acceptability of a use-of-force policy—is far more difficult to take fairly and accurately into account. Although nonprofessional opinions on this topic are strongly held, consensus is absent. In some situations of extraordinary violence, elements of the public will oppose certain forms and uses of official force, even though they may be no more than tactically adequate in official judgment; in others, elements of the public may appear to demand a forceful police response that appears to exceed any requirement of tactical necessity.

The fundamental unreasonableness of some generally held attitudes on use of force creates its own difficulties for the policymaker. Opposition to the expansion of the police arsenal of nonlethal weaponry, for example, frequently overlooks the proposition that the use of nonlethal weapons is an alternative to other less discriminating and more dangerous methods of delivering force. Despite the existence of such apparent inconsistencies, however, the strength of public opposition to some equipment and weapons' technologies is too strong to be ignored; any step in the adoption of these technologies must be carefully, completely, and persuasively justified.

In assessing outside attitudes toward use of force, police officials should take pains not to confuse the stridency with which an opinion is expressed and the generality with which it is held. As noted above, police use of force is an emotionally charged public issue. Opinions concerning it will often be conveyed with extreme passion, and this will be as true of views demanding increased police use of force as of those insisting on use of force at reduced levels.

This standard does not recommend that either the public-at-large or its elected representatives be made formal parties to the use-of-force planning process. Rather, it urges that the process be undertaken as an internal departmental function. Nevertheless, it is essential that the civil executive authorities of the jurisdiction be consulted before a policy is promulgated. Not only are these officials well-situated to represent public views, but they possess the practical power—which they may feel impelled to exercise in emergency situations—to vary the policy by issuing direct orders to police command officials. Where the views of other officeholders are in discord with the professional judgment of police officials, the latter should prevail in the formulation of rules for

police use of force. But strenuous efforts should be made to secure general concurrence of executive authorities in advance of implementation.

Similarly, an informal direct sampling of public views should be taken by police officials as background for the use-of-force policymaking process. But public opinion should not be allowed to countermand police policy judgments based on tactical necessity and the principle of minimization. Rather, attempts to assure the public acceptability of a use-of-force policy should take the form of efforts to justify that policy—once formulated—through persuasion and through practical demonstration of its utility.

Implementation of Use-of-Force Policy

Elsewhere in this Report, the importance of close command control over the use of force by individual police officers and police tactical units has been stressed. The establishment of command structures and communications systems that permit the exercise of such control are integral to sound contingency planning for extraordinary violence and to effective onscene operations. It is the character of departmental policy on use of force, however, that will finally determine how effective any exercises in control will prove.

In order to be effectively implemented at an incident scene, a policy obviously must be promulgated and disseminated in advance. The form of its dissemination, moreover, is critical. To command compliance, the policy must be stated in detailed and unambiguous terms. It should leave no doubts as to when an exercise of police force is barred, when it is permitted without prior clearance, and when it is permitted only with prior clearance. It should specify how authority to make or request clearance for a particular exercise of police force is to be concentrated in police specialists or specialized units. Where a policy sets advance clearance requirements for certain exercises of force, it should detail the facts and circumstances—in terms of the nature, severity, and duration of the incident in progress—that must be present before approval can be granted. Finally, after making it clear that justifications for use of force are not open ended and persist only so long as the tactical necessity for use of force itself persists, a policy should discuss—in detail—by what procedures a clearance once given can be withdrawn and the circumstances in which a command decision to use force made without prior clearance must be reconsidered.

The use of regular mechanisms of internal departmental discipline for violation of the use-of-force policy is also recommended in this standard. To make discipline work as a technique of imple-

mentation, it is important that a spectrum of penalties—ranging from the symbolic reprimand to the loss of rank or pay—be available to be imposed. Only where there exist nondrastic sanctions will it be realistic to expect less than dramatic violations to be reported with any regularity. In the context of use-of-force policy implementation, discipline serves two ends—one admonitory and the other educative. The value of the disciplinary procedure as a forum for reinforcement of policy should not be lost in the attempt to sanction individual violators of policy. Obviously, this recommendation cannot stand alone. Only when a use-of-force policy is clearly enough stated and widely enough disseminated so that an expectation of compliance is reasonable, can penalties for its violation be fairly and effectively assessed.

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Related Standards

The following standards may be applicable in implementing Standard 6.15:

- 5.6 Law Enforcement Under Emergency Powers
- 6.8 Tactical Management of Mass Disorders in Progress
- 6.13 Tactical Responses to Terroristic Acts
- 8.4 Tactical Response to Disorders

Standard 6.16

Negotiation Under Duress

Development of the capability to negotiate with persons threatening to engage in—or actually engaged in—extraordinary violence is an element of effective police preparation for response to mass disorder, terrorism, and quasi-terrorism. The process of negotiation, which consists of extended discussions between police representatives and incident participants, should be distinguished from the initial or preliminary police-participant contacts (including demands for surrender and the giving of assurances against police use of force in the event of surrender). Whatever form of incident is in progress, certain principles apply to police negotiation efforts:

1. Negotiations generally should be commenced at the earliest feasible point in the life of an incident and should continue thereafter until either resolution is achieved or tactical necessity dictates discontinuation. In particular:

a. Where participants in an incident desire or are willing to negotiate, commencement of negotiations should not be delayed because no negotiable issues are apparent; and

b. When negotiations have been once broken off, either by withdrawal of participants or by the introduction of other police tactics, attempts to revive them should be made (and renewed where not initially successful).

2. Negotiations generally should begin as police-participant discussions, and the addition of outside

parties should usually be made only when police-participant negotiations either have failed to produce progress toward resolution or can be advanced through such intervention. Maximum feasible police control of negotiations should be maintained at all times. In particular:

a. Police negotiators should preferably be officers specially trained and prepared for this assignment working under the direction of a departmental negotiation supervisor. At any incident scene, no fewer than two police officers designated as negotiators—with no other duties or assignments—should be present at all times and other officers (including command-level officers) generally should not take initial direct roles in negotiation;

b. Broad participation in negotiation by primary participants is recommended, and they should be encouraged, wherever possible, to represent themselves in negotiations, rather than electing spokesmen;

c. Where the intervention of third parties into negotiations is requested by participants or suggested independently by a possible intervenor, the desirability of this development should be considered in terms of (i) the identity, background, and character of the intervenor, (ii) the likely impact of intervention on the incident participants, and (iii)

the constructive potential (if any) of further negotiations between police and participant only;

d. Before any intervenor is permitted to join in negotiations, police should establish clear guidelines for his or her participation (including limitations on subject matter to be discussed with participants) and should agree with the intervenor that he or she is to act as either (i) an advocate for the participants, (ii) a neutral third party mediator, or (iii) the representative of an official point of view; and

e. Persons with ultimate authority to grant or deny participant demands that lie outside the sphere of police authority ordinarily should be discouraged from intervening directly in negotiations. They should be encouraged to make themselves available for consultation with police negotiators.

3. In advance of negotiation, police negotiators should establish ground rules for their discussions with incident participants, in consultation with the officer in general command of onscene police operations. In particular:

a. Negotiators should establish which classes of participant demands will be considered appropriate for discussion and which will be rejected; and

b. Negotiators should establish what actual concessions, if any, may be made by them and what concessions may be considered on their recommendations.

4. In the actual conduct of negotiation, the goals of police representatives are twofold: to attempt resolution of the incident through negotiation and to improve the overall tactical position of police. In particular:

a. Police negotiators should attempt to gather a maximum amount of information concerning incident participants;

b. Police negotiators should generally attempt to work toward clear definition of the personal demands and grievances of participants and to present a clear impression of the official position;

c. Police negotiators should attempt to gain tactically significant concessions from participants and should be prepared (and empowered) to compromise in achieving this goal; and

d. Where no progress toward nonviolent resolution is apparent, police negotiators should nevertheless maintain negotiating contacts wherever possible, and for as long a period as possible.

Commentary

Negotiation—as it occurs between police (and third parties) and participants or potential participants in extraordinary violence—follows few of the rules and principles that govern the negotiated settle-

ment of disputes in general. The presence of the element of violence, actual or threatened, sets negotiations with rioters, terrorists, or quasi-terrorists apart. Perhaps the most significant practical distinction between police negotiations and negotiations not conducted under duress is one of objectives: Whereas the goal of a negotiating party in a labor-management dispute, a business disagreement, or a personal conflict is to resolve underlying issues, the overriding aim of police negotiators is an incident of extraordinary violence is to bring the incident to a safe conclusion, or assist in thus concluding it. In some instances, such as discussions with participants leading to the dispersal of a potentially violent issue-oriented illegal mass disturbance, police negotiation may create a foundation for later constructive negotiations concerning underlying grievances. In cases of terrorism and quasi-terrorism, however, the role of the police negotiator is circumscribed; if he or she can bring about the termination of the incident without harm to the public, police, or participants, the fact that no real progress toward mutual understanding has occurred will generally be viewed as irrelevant to any evaluation of the success of the negotiations.

Because police negotiations involving extraordinary violence differ basically from other forms of negotiation even more drastically than they differ superficially, this standard treats the special principles applicable to police negotiation at some length. That treatment, however, is necessarily preliminary. Although informal conduct of negotiations with suspects is a familiar aspect of police work, the concept of a special or formalized police negotiating capability is new. Almost equally novel are the high stakes characteristic of many police negotiations involving extraordinary violence.

In this standard, and elsewhere in this Report, the use of police negotiation specialists is strongly recommended as a means of meeting the new needs for frequent, serious discussions with participants in extraordinary violence (see Standard 6.5—Police Specialization for Prevention and Control of Extraordinary Violence). The recommendations of this standard, however, are intended to apply to all police negotiations involving extraordinary violence, however the police negotiating capability is provided. Although special training and expert supervision are essential to guaranteeing the maximum effectiveness of police negotiation efforts, a police negotiating team organized on an ad hoc basis should be governed by the same general principles.

In any consideration of negotiation policy—or of the role of specialists in that policy—the distinction noted in this standard between negotiations and preliminary police-participant contacts should be borne in mind. Establishing lines of communication with suspects, presenting the basic official position to

them, and attempting to persuade them against immediate violence are functions of the first officers to arrive at an incident scene. The conduct of extended discussions, involving potential give-and-take with suspects, however, may require special skills. It does require adherence to special rules of conduct.

Objectives of Police Negotiations

As noted above, even the ultimate aims of police negotiators in situations involving extraordinary violence are limited ones: dispersing a crowd, ending a building occupation, and achieving the surrender of an armed suspect are a few examples. Often, however, even these narrowly defined objectives will be beyond the scope of what can be accomplished through negotiation alone. For this reason, police negotiators should give special attention to the fulfillment of their secondary objectives—those that relate to improving the general tactical position of the police and to assisting in the resolution of an incident with minimum risks to all persons involved.

In preceding discussions of police tactical response to mass disorder, terrorism, and quasi-terrorism, the importance of obtaining accurate, detailed information on participants—and on their hostages, if any—has been stressed. Because negotiation involves direct police-participant communication, it is often the best practical source of such data or of leads to such data. Throughout their discussions with participants in extraordinary violence, police negotiators should attempt to establish and verify details of the participants' identity, background, motivation, physical location, psychological condition, and preparedness. Where hostages are involved, police negotiators should attempt in addition to monitor their condition and attitude. In order to make best use of the information thus obtained and to gain insights from other sources that may advance the course of negotiation, police negotiators should have regular periodic contact with other officers responsible for incident-related intelligence gathering and analysis.

Another important secondary objective of police negotiation is securing tactically important concessions, short of bringing an incident to conclusion. Thus, for example, where hostages are being held, police negotiators should attempt to secure the release of some of their number, even if the release of the hostages as a group appears to be an unrealistic goal; every hostage thus released marks a diminution in the risk potential of an incident and a corresponding increase in the potential scope of police tactics involving the use of force. To obtain such real concessions from incident participants, police negotiators must be prepared to make concessions of their own. Often, however, gestures of compromise by police that are meaningful to participants are not of real tactical significance. In barricaded suspect

situations, for example, food, electricity, and access to communications become bargaining counters; not infrequently, the making of such concessions can actually improve the overall police tactical position, by creating distractions for participants. In situations involving incipient mass disorders, participants may be willing to forgo violence, at least temporarily, in response to a police offer of a concrete alternative opportunity to air grievances and seek redress; such a concession on the part of police can lead not only to a reduction of the risk inherent in the situation, but to possible prevention of future incidents as well.

When mutual concessions involve no possible tactical advantage to police, the choice faced by the negotiator becomes more difficult to make. Some choices will have been made in advance if the prenegotiation conference recommended in this standard has taken place; such a conference will give police officials in overall charge of emergency operations an opportunity to determine which participant demands will be regarded as negotiable, and which nonnegotiable. And, it will generally be the rule that some participant demands, such as requests for weapons, cannot be honored, regardless of the concessions offered in exchange. But no amount of preplanning can resolve all particular negotiation dilemmas before they arise. Demands for transportation, for example, or for the substitution of hostages must be evaluated on a request-by-request basis, with one standard in view: Will the advantage gained by police more than compensate for the tactical gains of incident participants? Wherever possible, this determination should be made by negotiators in consultation with the officer in overall charge of police operations; because such consultation will not always be practical, however, it is especially important that the general scope of the negotiators' authority to grant concessions on the basis of their own judgment be determined in advance, as part of a prenegotiation conference.

Beyond the gathering of information and the securing of tactically significant concessions, any effort at police negotiation has one additional important secondary goal: the prolongation of the incident. As a general rule, the longer a police-participant nonviolent confrontation can be maintained, the greater the chances for nonviolent (or minimally violent) ultimate resolution becomes. Exceptions to this principle exist, of which the most obvious is the incident in which participants have not been fully contained and isolated when negotiations are commenced; in such instances, prolongation should become a goal of police negotiators only if containment and isolation are achieved during the early stages of negotiation. Where no significant risk exists that new participants will be recruited into an incident of extraordinary violence or that present participants will

gain significant tactical advantage from a shift in position; however, the advantages of prolongation are clear. The possibility of reflection, reconsideration, and even eventual physical exhaustion on the part of incident participants all favor the principal police objective of nonviolent resolution; the passage of time usually can only increase the likelihood that these possibilities will become realities.

Prolongation can occur without negotiation. But the advantages of maintaining negotiating contact so long as any possibility of constructive interchange is apparent to either police or incident participants are great. In incidents prolonged without continuing police-participant discussions, the danger that frustrated participants will resort suddenly to new violence is increased. The risk of frustration from the continuation of obviously fruitless negotiations may, of course, be even greater. Wherever possible, however, police negotiators should attempt to maintain at least the appearance of a potential for progress in discussions as they strive to obtain the benefits of time for the overall police tactical response.

In the conduct of discussions with all classes of participants in extraordinary violence, police negotiators should constantly consider the communicative significance of the incident in question and the advantages that may flow from permitting participants to air their views and grievances completely, and even repetitively, in the course of negotiation. Whether the aim of negotiation is resolution, information concessions, or simply prolongation, an increase in the participants' level of frustration will interfere with accomplishment of the aim. And because the bulk of incidents of extraordinary violence represent, at least in part, participants' desperate or calculated attempts to attract attention, interest, or concern, police negotiators should be prepared to hear them out at length. The use of police negotiations as a forum for the expression of participants' views will not always be an insignificant concession on the part of police; in incidents of true terrorism, for example, it may partially fulfill the participants' objective of creating anxiety and insecurity in the community-at-large. But such a use of police negotiations will almost always prove a lesser evil than would the frustration of participants' desires to communicate.

Third-Party Intervention

In the course of negotiations, the entry of parties other than police negotiators will often be demanded by incident participants or suggested by the potential third parties themselves. When decisions on response to such requests are within the scope of police authority, they should be made by the overall emergency commander in consultation with police

negotiators. Third-party intervention will always involve some degree of loss of control over the course of an incident by police; often, however, the potential advantages will outweigh this clear risk. No general principles can be stated as to when the balance should be struck in favor of intervention, but some of the factors considered can be outlined.

Elsewhere in this report, it is suggested that third-party intervention will seldom be appropriate in incidents of true terroristic crime. The rule appears to be a sound one—although one as yet untested in U.S. law enforcement experience. Where incident participants are confirmed adherents of an extreme political or ideological point of view, the moderating persuasive influence that others can exercise is limited or nonexistent, whereas the risks of frustration from obviously unfruitful discussions with third parties are great. Obvious exceptions to this principle exist: where, for example, an extremist political leader offers to intervene to resolve an incident involving his or her followers or where some participants in a true terroristic incident appear to be less fixed in their beliefs and thus more amenable to influence than their companions.

The lack of domestic U.S. experience with true terroristic incidents in which intervention by high non-law-enforcement officials is demanded or proposed hampers the discussion of this particular hypothetical case of third-party participation in negotiation. On the one hand, there exists persuasive general grounds for disfavoring such intervention—derived from experience with quasi-terrorism and outlined below. On the other hand, however, the level of the risk posed by a terroristic incident and the political nature of the issues involved may render such outside intervention necessary or even desirable.

In incidents not involving true terrorism, as suggested in this standard, direct participation in negotiations by high executives of civil non-law-enforcement authority, or by executive level police officers, is generally undesirable—whether suggested by incident participants or by potential intervenors. Unless potential intervenors with real or apparent authority to grant participant demands are prepared to make significant concessions, the effect of their entry into negotiations and subsequent refusal to grant concessions is highly likely to be a polarizing one. By contrast, where higher police and enforcement authorities and non-law-enforcement authorities are available for consultation with police negotiators, their indirect influence in prolonging progress can be positive. When the possibility of direct intervention by high executive authorities is posed, of course, police officials in overall charge of emergency operations will often be powerless to bar it, although they can exercise their persuasive powers to discourage

it. In so doing, they should stress the inconsistency between such intervention and the goal of prolonging incidents without increasing participant frustration.

In general, the desirability of any particular intervention by a third party must be evaluated in light of the general considerations outlined in this standard and of the specifics of the situation. Family members of incident participants, for example, should be permitted to enter negotiations only after an assessment of the degree of hostility that participants appear to feel toward them; even where no overt hostility has been expressed, it should not be assumed that the influence of a family member will have a moderating effect on the level of anger and frustration actually experienced by participants.

No third-party intervention should be permitted by persons who are expected to play a neutral role, but who police believe to have personal objectives that they may be unwilling or unable to subordinate to the goal of incident resolution. Thus, for example, news media representatives and leaders of political organizations should be carefully scrutinized before their intervention is allowed. Intervention by professionally neutral persons, such as psychiatrists and members of the clergy, or by other persons who would act as neutral mediators in negotiation should be carefully considered in advance. Although the experience and skills of such persons may be relevant, their entry can change the character of negotiations dramatically. In particular, ethical considerations peculiar to their training and background may limit their effectiveness in the limited operational goal of promoting incident resolution.

No potential intervenor should be rejected by police merely because he or she clearly intends to take an advocate's role in negotiations. So long as this stance is agreed upon in advance and so long as ground rules prohibiting the advocacy of obviously unreasonable demands are established, an outside spokesman for participant views may be a valuable addition to negotiations.

The addition of third parties involves inevitable uncertainty. For this reason, this standard recom-

mends that it generally be delayed until police-participant negotiations have failed to make continuing visible progress, or until they clearly can progress further or faster if parties are added. Exceptions to this principle exist—as for example, where discussions between incident participants and third parties have taken place before police negotiators have arrived at an incident scene. In considering third-party intervention generally, however, it should be noted that once permitted to enter, the third-party intervenor will usually be a fixture in negotiations until conclusion of the negotiations or of the complete incident. This consideration, in itself, is grounds for the exercise of a high degree of care in the screening of intervenors by police.

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Related Standards

The following standards may be applicable in implementing Standard 6.16:

- 6.5 Police Specialization for Prevention and Control of Extraordinary Violence
- 6.13 Tactical Responses to Terroristic Acts
- 6.24 Relations With Mental Health Professions
- 8.5 Negotiations With Inmates and Inmate Groups
- 10.6 Professional and Nonprofessional Intervention in Incidents of Extraordinary Violence

Standard 6.17

Avoiding the Spread of Extraordinary Violence

The spread of an incident of extraordinary violence can take any of three forms: the growth of the number of nonparticipating persons placed at risk, the recruitment of new participants in the incident itself, or the stimulation of distinct new incidents. Avoidance of all forms of spread is a primary objective of police operations involving extraordinary violence. Appropriate police measures to achieve this objective (in addition to self-limitation of use of force, discussed in Standard 6.15) are of several kinds:

1. **Establishment and Maintenance of Perimeter Control at Incident Scenes.** Wherever police manpower permits, a complete cordon should be erected around the incident scene at an early point in police operations and should be manned by officers with direct communications' links to the emergency command post. The functions of perimeter control include:

- a. Moving regular foot and vehicle traffic around the incident scene;
- b. Limiting access to the incident scene to persons approved by the emergency field commander;
- c. Checking unauthorized egress from the incident scene by participants;
- d. Maintaining physical distance between the incident and nonparticipating onlookers; and
- e. Repulsing attempts to assist or reinforce incident participants.

Where police manpower is limited or where the geographical extent of an incident scene is large, partial cordons should be formed at likely points of access and egress, and officers should be selectively stationed to observe and intercept persons entering or leaving the scene.

2. **Deemphasis of Incident-Related Publicity.** Police should attempt to develop standing arrangements with news media personnel that provide for appropriate coverage of incidents with high spread potential, including the omission of inflammatory details from initial coverage. Where such arrangements have not been arrived at in advance, attempts to strike similar understandings with media personnel should be made at the incident scene. Regardless of understandings, the following principles should be observed in police communications with the media regarding incidents of extraordinary violence:

- a. All inquiries should be referred to and answered through a single media information center;
- b. Although detailed information concerning police deployment and strategy should not be disclosed in advance of a resolution of the incident, accurate information about events should be provided to the media as soon as possible after their occurrence.

3. **Rumor Control.** In connection with any emergency operation involving extraordinary violence, police should open and publicize a direct telephone

line (or set of lines) to take and answer inquiries from the public. Whenever possible, media cooperation should be sought in the dissemination of information to counteract unfounded reports.

4. Operations Away From the Incident Scene. In connection with incidents with serious spread potential, levels of routine patrol should be increased throughout the jurisdiction, and officers not engaged in emergency operations should be notified that an incident is in progress and that for its duration:

- a. Potentially inflammatory law enforcement actions should be avoided;
- b. Suspicious persons apparently moving toward that location should be intercepted and questioned;
- c. Unusual assemblies should be carefully scrutinized and disorderly assemblies dispersed; and
- d. All information believed relevant to the incident should be transmitted to the officials in charge at the incident scene.

Commentary

Where there is an incident of extraordinary violence in progress, the concentration of police agency attention and resources to bring about its resolution is both natural and appropriate. Every police operation concerned with an actual incident, however, has an important secondary objective: the avoidance of spread. The tactical elements and strategic sequences recommended in previous standards concerning police emergency response generally (see Standards 6.8, 6.13, and 6.14), although not inconsistent with the objective of avoiding spread, are those designed to achieve the primary goal of incident resolution. In this standard, police tactics and operations concerned specifically with maintaining control over the replication of incidents are itemized in detail.

The occurrence of spread is an almost universal risk in emergency situations involving extraordinary violence. As noted in this standard, incident spread can take one or several of three forms: the recruitment of new participants, the growth of the non-participating population-at-risk, and the triggering of other distinct incidents. Loosely speaking, the first two forms of spread can be described as functions of the magnetic quality of incidents in progress, which attract both potential offenders and innocent observers to incident scenes. The third form of spread can be described—again in loose terms—as a function of the contagious quality of incidents in progress, which provide models for direct imitation or indirect stimuli to other forms of violent criminality.

The theoretical importance of the magnetic and contagious influences of one incident of extraordi-

nary violence as causes of others is open to debate. But there can be no doubt that counteracting these qualities poses real and urgent practical problems for emergency police operations. The countermeasures recommended in this standard for employment in such operations can be roughly classed in two groups: physical and informational. A selection of measures from each group is required to counter either incident magnetism or incident contagion effectively.

Physical Countermeasures Against Spread

Of the tactical steps available to police to avoid spread of extraordinary violence, the prompt and complete isolation of the incident scene through secure perimeter control is the most critical—and also the most obvious. To achieve best results from establishment of an incident perimeter, however, a number of guidelines should be observed.

First, to minimize the risks posed by the magnetic and contagious qualities of an incident, the distance between the public and the active center of the incident should be as extensive as the necessity for adequate coverage of its full length by police personnel permits. Along the perimeter itself, police personnel should be concentrated where it intersects natural entrance and exit routes, such as streets and alleyways.

Second, the police personnel assigned to perimeter-control duty should be carefully instructed in the special rules of conduct that apply to them. In no event—even under extreme provocation—should officers along the perimeter invite or seek confrontation with members of the outside public not actively attempting to breach the cordon. Although officers on perimeter-control duty should be prepared to resist forceful efforts to breach the cordon, their weapons should not be displayed when no imminent threat of such a breach is apparent. Because the function of perimeter control is largely a preventive one, restraint and tact are essential to the performance of perimeter-control duty. Also essential is a high level of discipline and coordination; before entering a verbal or physical confrontation with the public, before admitting possibly unauthorized persons to the incident scene, and before permitting any person to exit the incident scene without police escort, officers on perimeter-control duty should routinely consult the officer in charge of perimeter-control operations for instructions, and that officer should be in routine contact with the overall commander of emergency operations at the scene.

Third, officers on perimeter-control duty should not ordinarily be called upon to assist or reinforce officers engaged in tactical operations within the cordoned area. Where such assistance or reinforcement is required, additional personnel should be

summoned to the scene and passed through the perimeter. To depend on perimeter-control personnel for other functions is obviously to risk losing perimeter security precisely when the need for it is greatest. Even more fundamentally, such reliance will inevitably create confusion over the differing roles of police personnel and the emergency rules of conduct applicable to each.

The principles noted above have been stated as they apply to situations in which the establishment of a complete perimeter is feasible. In some situations of localized extraordinary violence, such as mass disorders involving a number of urban blocks, establishing a full cordon may prove practically impossible. Nevertheless, a distinct unit of police manpower should be assigned to controlling entry and exit, through the selective interception of groups and individuals in transit and the constant monitoring of principal natural access routes.

Special problems arise when a complete perimeter can be established, but only along lines relatively close to the active center of the incident scene. In such situations, the possibilities of perimeter-control personnel coming under attack from inside the cordon and of a serious contagion effect on members of the public outside the cordon are substantially enhanced. If either of these possibilities is deemed particularly serious in terms of likelihood and effect, the use of a complete perimeter should be abandoned, and a system of partial or selective perimeter control similar to that suited to geographically extensive incidents should be adopted. In the event that the decision to establish a complete, tight perimeter is made, officers assigned to perimeter-control duty should be provided with protective clothing and equipment. In addition, the security of such a tight perimeter should be enhanced through the deployment of additional officers to rove outside perimeter limits and intercept apparently hostile or violence-prone persons traveling toward those limits.

In general, the physical security of any police incident perimeter, complete or partial, can be enhanced through the efforts of law enforcement officers not directly involved in incident-related operations. Through careful observation and onstreet intelligence gathering, officers in this status will often be able to function as an early warning system for the police personnel or perimeter-control duty. On occasion, they may also be able to intercept incident-bound persons and groups directly, thus relieving pressure on perimeter-control personnel.

Informational Countermeasures To Avoid the Spread of Violence

Even where the access to an incident scene of potential new participants and victims—and the access of incident participants to the community—can be

controlled through physical perimeter security, the risk of a contagion effect is significant. Where the specifics of an incident in progress are widely and contemporaneously reported, direct imitation by nonparticipants remains possible. More serious still is the possibility that knowledge of the progress of one violent incident will stimulate nonparticipants to engage in extraordinary violence of entirely different kinds. Perhaps even more contagious than specific modes of violence is the willingness to engage in acts of violence.

Police will generally have a large measure of effective control over the dissemination of information relating to incidents of extraordinary violence in progress. Through their exercise of that control, they have the capacity to affect the risk of spread.

In this standard, two complementary approaches to dealing with the problem of incident-related information are suggested. The first depends on the making of standing or ad hoc arrangements concerning coverage with news media representatives. By this means, police agencies will be able to suggest what information may have a particularly damaging effect on law enforcement efforts if it is immediately redisseminated after becoming known at the incident scene. Although the concept of limited self-censorship is a controversial one (see Standard 6.25—Relations With the News Media), it should not be assumed that it does not provide the basis for a measure of police-media understanding on the reporting of extraordinary violence. The items of information concerning which police-media understandings on coverage are desirable include: details of incident location, details of intentionally provocative acts by incident participants, and details on police tactical decisions. Such matters cannot and should not be suppressed. In exceptional cases, however, some delay in its reporting may represent real progress in the control of spread.

The second approach to attempting to insure that media coverage will not stimulate spread is through the exercise of control at the source. Police cannot and should not attempt to bar news media representatives from incident scenes (see Standard 6.25). Thus, they cannot limit the flow of facts readily apparent at the scene, but they can and should exercise control to assure that police sources act responsibly and cautiously in providing the media with secondary details. In general, the rule governing such communications should be that police disclosures to the media during operations involving extraordinary violence should be limited to those that will directly promote the goal of incident resolution or promote generally balanced, accurate, non-inflammatory reporting of the incident.

In order for either approach to the regulation of information flow to succeed during emergencies, the centralization of police-media relations is a neces-

sity. A media information center should be established on an emergency basis near the incident scene and should be staffed by officers familiar with media liaison duty. Police officials with command responsibility should make their responses to specific media inquiries through interviews in briefings arranged by the media information center staff. Any officer designated to work with the media should be kept informed in detail of features of the incident and of the police response, so as to be able to make accurate, substantive responses to questions. Other officers should routinely refer questions addressed to them to the media information center, and a regular procedure should also be established by which officers staffing a media information center could call on other members of the department to respond to questions that they feel inadequately prepared to answer.

Closely related to the news media liaison function is the rumor control function, which this standard suggests should be routinely performed by police in connection with incidents of actual or potential public interest, and which should be considered particularly critical where the apparent intention of incident participants is to create public apprehension. In relatively small-scale operations, media information center and rumor control functions may conveniently be handled by a single officer. In larger operations, the rumor control function should be practically separate, although still under the general supervision of the officer designated to supervise the media information center.

References

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Related Standards

- The following standards may be applicable in implementing Standard 6.17:
- 6.25 Relations With the News Media
 - 6.26 Community Relations Efforts in the Aftermath of Extraordinary Violence
 - 10.7 Community Efforts to Prevent the Spread of Extraordinary Violence
 - 10.8 News Media Self-Regulation in Contemporaneous Coverage of Terrorism and Disorder

Standard 6.18

Defining Federal, State, and Local Responsibilities

In tactical operations, investigations, or non-incident-related law enforcement activities involving extraordinary violence, it is essential to achieve an effective division of functions among all law enforcement agencies permitted to cooperate by applicable laws. Such division of functions should be governed by formal interagency agreement.

1. Wherever laws do not clearly stipulate exclusive jurisdictional authority over incidents of extraordinary violence, every police and law enforcement agency should negotiate understandings on the division of responsibility with its counterparts at other levels of government as part of the contingency planning process. In particular, these understandings should stipulate:

a. What specific personnel, equipment, and support resources local, State, and Federal agencies will provide on request to various types of emergency and nonemergency operations;

b. The agencies that will take charge of particular specialized emergency and nonemergency functions;

c. The agency that will take overall charge of day-to-day or moment-to-moment decisionmaking in cooperative operations of various types; and

d. The circumstances under which resources, once committed, will be withdrawn from operations by the agencies providing them.

2. The initiative in arriving at formal prior under-

standings on the division of operational responsibilities among agencies at different levels of government should be taken as follows:

a. For emergency operations where the jurisdiction of agencies at Federal, State, or local levels is—in whole or in part—concurrent, the lowest-level agency with jurisdiction should initiate discussions; and

b. For nonemergency operations, Federal agencies should initiate discussions concerning operations of national scope, State agencies those concerning operations of statewide scope, and local agencies those concerning operations of local scope only.

3. Where exclusive jurisdiction over any class of operations involving extraordinary violence is rested by law in Federal, State, or local law enforcement, agencies at the level where jurisdiction is vested should initiate discussions with counterpart agencies. The purpose of these discussions should be to determine the extent and nature of the support—if any—that may be made available in emergencies, consistent with applicable principles of jurisdiction.

4. Where a law enforcement agency on any level of government is aware of an omission or inconsistency in the definition or division of agency responsibilities in planning for operations of any type, it should initiate informal discussions to remedy the deficiency.

5. When any emergency or nonemergency operation involving the cooperation of law enforcement agencies at differing levels of government is actually commenced, planned definitions and divisions of functions should be confirmed. Nonplanned definitions and divisions of responsibility should also be clarified for purposes of the operation in question only.

Commentary

Confusion or disagreement over the division of responsibility among cooperating law enforcement agencies can prove fatal to the effectiveness of combined operations when time is of the essence and seriously damaging when it is not. Confusion or disagreement that leaves what should be cooperative operations to a single police agency is also destructive of overall law enforcement efficiency. Nowhere is the potential for such misunderstanding greater than where operations against extraordinary violence involve—or should involve—cooperative efforts by law enforcement agencies at different levels of government. Because Federal, State, and local police agencies have relatively few occasions for mounting extensive joint operations, they do not possess an accumulated experience of cooperation that can be depended upon as a source of guidance when their resources must be pooled to prepare for, to prevent, or to deal with an incident of disorder, terrorism, or quasi-terrorism. Risks of poor coordination in multilevel joint operations are further increased by the problems of overlapping jurisdiction and unequal distribution of resources among agencies at varying levels.

Elsewhere in this report, the need for comprehensive contingency planning or police efforts in the prevention and control of extraordinary violence is stressed (see Standard 6.2—Planning for Mass Disorders). In this standard, the place of planning as a device for resolving interagency friction over the division of roles and functions before it arises is given special emphasis. No recommendations are made as to how roles and functions should actually be divided among cooperating agencies because this division will depend on factors peculiar to each set of cooperating agencies; the respective roles of local and State police in supplying specially trained tactical personnel to respond to barricaded suspect situations, for example, will depend almost entirely on such objective considerations as the comparative size and expertise of the agencies and on such subjective ones as departmental attitudes toward giving and receiving aid. Instead, this standard strongly recommends that the planning process be employed to achieve advance resolution of conflicts in authority and function and to assure that these resolutions are both practical

and agreeable for all cooperating agencies. Further, it recommends how planning for this purpose should be conducted—and, in particular, where responsibility for initiating discussions of multilevel inter-agency cooperation should lie.

Where jurisdiction over an incident of extraordinary violence is concurrent or overlapping, a special danger exists that the location of planning responsibility itself will be a subject of confusion or disagreement. Therefore, this standard suggests the rule that assumption of that responsibility should be regarded as a function of the lowest level of agencies—on the local/State/Federal scale—that has jurisdiction in a particular class of incidents. Thus, to note one example, local police departments should open discussions with Federal agencies on the cooperative handling of incidents of terrorism and quasi-terrorism involving federally insured banks. This principle is suggested as one that will tend to promote the resolution of problems of multilevel police agency responsibility through the regular process of contingency planning for extraordinary violence. Agencies at every level have a general obligation to plan for any incident that they may be responsible for handling, even if that responsibility will be a shared one; the most detailed planning, however, should naturally occur on the level of those agencies that would be physically and operationally closest to the incident if it occurred.

When jurisdiction is exclusively rested in agencies at one or another level by statute, cooperation planning cannot take the same form as where jurisdiction is concurrent. In such instances, planning for truly cooperative law enforcement operations is barred. Nevertheless, the agencies with exclusive jurisdiction may require emergency support. Thus, anticipatory planning with agencies at other levels of government is in order.

Jurisdiction and Planning Responsibilities

This standard states the principle that where one level of law enforcement has exclusive jurisdiction over a class of incidents, agencies at that level should take the lead in planning for multilevel cooperative responses to incidents of that class. Thus, for example, local departments should attempt to anticipate their resources and needs in handling ordinary barricaded suspect situations, to identify any State or Federal assistance that they may require, and to open discussions about the basis on which that assistance may be available. State and Federal agencies can and should notify local departments of the resources that they can make available in such simple quasi-terroristic incidents, but the impetus in planning for delivery of the resources should ideally be local. By contrast, Federal agencies antic-

icipating terroristic crime on Federal property should take the lead in seeking advance confirmation of the availability of emergency assistance from the State and local police agencies of surrounding jurisdictions and in setting clear limits on the respective Federal, State, and local roles in actual operations. The rationale for the principle illustrated by these examples is a simple one: Wherever possible, the apportionment of planning responsibility should parallel that of operational responsibility; thus, agencies at the level where ultimate blame will fall if multiagency cooperative efforts miscarry (or if none occurs) should initiate discussions of their own support needs.

Operational Scope and Planning Responsibility

Where large-scale cooperative nonemergency efforts—such as those in the areas of intelligence gathering and information exchange—are concerned, however, the concept of jurisdiction is inapplicable. Yet the problem of coordination, the potential for confusion, and the necessity for planned division of responsibilities are significant to cooperative non-emergency operations. Thus, another principle for locating initial planning responsibility is required. This standard suggests that the scope of a non-emergency operation should determine from which level of law enforcement the impetus for planning should come.

According to this principle, the apportionment of agency roles in a national intelligence-gathering effort should occur through discussion initiated with State and local police departments by Federal departments. In designing a local intelligence system, by contrast, a local department should be responsible for soliciting the aid of State and Federal authorities. Although the principle may appear too obvious to require statement, it has importance precisely because it underlines the critical need for planned division of roles and functions in all types of operations involving extraordinary violence. If official measures against extraordinary violence are to be effective, joint planning cannot be regarded as a necessity for some purposes and a luxury for others. It should occur—and the responsibility for making it occur should be clearly located—for operations of every character.

Planning for Division of Responsibility: Problems of Implementation

Because of the large number of police agencies that exist at each level of government and the variety

of possible incidents and operations involving extraordinary violence, even an ideal planning process will not succeed in anticipating every pattern of cooperation among them. Indeed, it is unlikely that the planning principles outlined in this standard will be so widely accepted and implemented as to test the practical limits of multilevel law enforcement contingency planning as a tool in resolving potential conflicts over authority and function.

Recognizing these realities, this standard recommends some second best means of obtaining basic agreement on division of responsibilities among Federal, State, and local agencies. The inclusion of these recommendations, however, does not indicate a conclusion that advance multilevel planning, initiated for every incident and operation by police agencies at the level of government where the greatest practical responsibility lies, is an optional feature of sound preparation for response to extraordinary violence. Planning initiated by agencies other than those with primary practical responsibility for an operation is superior to no planning, but it is no substitute for an organic planning process. A pattern of ad hoc, incident-by-incident understandings on multilevel cooperation is superior to a total lack of coordination, but it is no substitute for planned coordination of Federal, State, and local activities. Although the principal recommendations of this standard are concerned with the achievement of optimal planning processes, the risks posed by extraordinary violence do not permit law enforcement to be satisfied with less.

References

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Related Standards

The following standards may be used in implementing Standard 6.18:

- 5.11 Interagency Cooperation
- 6.2 Planning for Mass Disorders

Standard 6.19

Relations With Local Police Authorities in Other Jurisdictions

In contingency planning for operations involving extraordinary violence and in planning for the conduct of nonemergency operations involving extraordinary violence, local law enforcement agencies should devote particular attention to the definition of their expectations and responsibilities vis-a-vis local agencies in adjoining jurisdictions. In particular, the planning process should address and final planning documents should include:

1. Definition of the nature and level of general and specialized support that will be available from other agencies in local emergencies;
2. Specification of procedures for requesting support, of preconditions on which support will be made available, and of the circumstances in which support will be denied or limited;
3. Detailed descriptions of the command relationships that will apply in emergency operations involving support from other agencies;

4. Formulas for the reimbursement to agencies supplying support by jurisdictions receiving it;

5. Provisions for clearly defined command and management structures for operations in incidents that span jurisdictional lines or that involve multi-jurisdictional cooperation;

6. Listing of specialized units to be organized on a cooperative regional or multijurisdictional basis, with descriptions of the access that participating agencies will have to such units, and provisions for their local direction when operating within the local agency's jurisdiction; and

7. Statement of the mutual responsibilities of local agencies for the sharing of intelligence data and other information.

Commentary

(The commentary on this standard follows Standard 6.21.)

Standard 6.20

Relations With State and Federal Law Enforcement Agencies

In addition to the resources of local counterpart agencies, local police departments should consider those of agencies at the State and Federal level in planning for emergency and nonemergency operations involving extraordinary violence. The planning process should also include consideration of the responsibilities of the local agency to cooperate in State- or Federal-agency operations. In particular, planning should address and final planning documents should include the items listed as "1" through "7" in Standard 6.19 and:

1. Provisions for clearly defined command structures in operations involving incidents in which local agencies and State or Federal agencies have concurrent jurisdiction;

2. Listing of specialized units to be organized on a State-local cooperative basis, with descriptions of the access that local agencies will have to such units,

and provisions for their local direction when operating within the local agency's jurisdiction;

3. Description of State- and/or Federal-agency training and instructional programs available for local agency personnel, with an indication of the basis on which each is made available;

4. Identification of State- and/or Federal-agency advisory services available to the local agency, with indications of the procedure for making use of each; and

5. Statement of the mutual responsibilities of local and State and/or Federal agencies in the sharing of intelligence data and other information.

Commentary

(The commentary on this standard follows Standard 6.21.)

Standard 6.21

Relations With the Military

Military units represent a final potential source of general and specialized support for local police agencies attempting to deal with large-scale incidents of extraordinary violence on an emergency basis. Although law limits the extent to which direct military cooperation in civil law enforcement operations may occur, the police planning process should anticipate the possibility of a need for military support, and the final planning documents should include:

1. Details on the legal limitations governing tactical military support and the preconditions on which it will be made available and authorized, along with specification of the procedures for requesting such support and authorization for its provision;

2. Listings of the kind of material and personnel tactical support available from military units accessible to the local jurisdiction in emergency situations, with indications of the differing nature of the support available from military units of differing character;

3. Descriptions of the authority to be conferred on military personnel provided in support, of the relationships between civil police and military command structures where military support has been provided, and of the conditions under which personnel will be under direct control of police officials (or police personnel under that of military officials);

4. Definition of the circumstances under which military personnel provided in support will be held in reserve, used to perform security functions, used

in secondary tactical roles, and used in primary tactical roles;

5. Provisions for housing and supplying military personnel provided in support;

6. Specification of the circumstances under which military support, once provided, will be withdrawn;

7. Listings of specialized equipment, training resources, and advisory services available to the police agency from military units without special authorization; and

8. Statement of the mutual responsibilities of the local agency and military units in the sharing of intelligence data and other information.

Commentary (Standards 6.19, 6.20, and 6.21)

Organization and conduct of law enforcement is primarily a local responsibility. Incidents of mass disorder, terrorism, and quasi-terrorism, however, will continually test the capacity of most local law enforcement agencies to respond adequately using local departmental resources only. And although sources of outside support exist, local police operations should neither be premised on a mere assumption that such support is available nor be conducted without provisions for firm central control of local resources and any outside support actually obtained.

The preceding three standards recommend steps

to be taken during contingency planning by local law enforcement agencies to verify and detail the availability of outside support from three major groups of sources: other local law enforcement agencies, State and Federal agencies, and the military. They go on to itemize planning considerations that relate to how outside assistance will be employed. Finally, they note two critical planning issues related to emergency outside support; the identification of nonemergency resources and services available to local law enforcement from outside sources and the clarification of policy on interagency information sharing under emergency and nonemergency conditions. These standards have common primary and secondary themes. The former is that effective practical cooperation among law enforcement agencies is a function of foresight organized through planning. The latter is that local law enforcement's goal in planning its relations with agencies supplying outside support should be the establishment of a maximum level of centralized authority over operations as a whole—usually, but not invariably, established in the local law enforcement agency itself.

The planning contemplated in these standards is local planning, but it would be obviously incomplete if not conducted in close consultation with the outside sources of support that local law enforcement is urged to identify. Planning issues that touch local law enforcement's relations with outside agencies cannot be resolved unilaterally—especially where they concern local law enforcement's expectations of outside support.

Relations With Local Police Authorities in Other Jurisdictions: Standard 6.19

This standard recommends consideration of two devices for the formalization of local police agency relations in the area of emergency response to extraordinary violence: interagency agreements in resource sharing and support and joint multidepartmental or multiregional specialized units. Each device has value beyond its uses in rationalizing emergency operations concerned with disorder, terrorism, and quasi-terrorism. More generally, these resource-pooling mechanisms can and should be used in anticipation of localized natural and manmade emergencies of all kinds. Dealing with extraordinary violence should be only one of the contingencies anticipated in an interdepartmental mutual aid agreement and only one of the functions performed by a joint specialized unit. But because of the strain that they can place on police response capacity—and on public confidence in police response capacity—incidents of extraordinary violence should receive special attention in the overall planning process.

Cooperative emergency operations of any kind involve a potential for confusion. In this Report, the importance of a clear, unambiguous, centralized command pattern in police response to incidents of extraordinary violence has been stressed. Thus, this standard recommends that the planning process include the determination of the command relationships that will apply when the resources of one local department are called to the assistance of another and when a multidepartmental specialized unit is activated for emergency duty in a locality—as well as when several local agencies are directly involved in responding to a multijurisdictional incident of extraordinary violence.

In general, one principle should govern all planning for such emergency command patterns: wherever feasible, the source of operational direction should be the designated emergency field commander from the agency with primary law enforcement responsibility in the jurisdiction where the incident is located or centered. Exceptions to this principle exist, as when one cooperating agency—even though it does not have primary responsibility—has an overwhelming advantage in size or expertise over another. And in multijurisdictional incidents, of course, the determination of the agency that should take command pursuant to this principle will sometimes be a difficult one. The plan for cooperation, however, should anticipate exceptions and hard cases. It should also set out sure mechanisms for making a determination of command responsibility quickly—even if arbitrarily—in ambiguous cases. Finally, clear location of authority in emergency situations is even more critical than correct location.

With regard to local interagency relations in non-emergency operations, this standard singles out information sharing as a topic of special importance for planning attention. In significant degree, police action in the prevention and control of extraordinary violence depends on the quality and comprehensiveness of information available to police agencies. And it is clear that information known to one local police agency will have the greatest immediate practical significance to departments in surrounding jurisdictions. Similarly, where developing useful information depends on intelligence-gathering efforts, local interdepartmental cooperation will be essential to effectiveness. Thus, it is recommended that the local planning process specify what the agency expects by way of cooperation in information sharing from other nearby localities—and what it intends to supply. In addition, consideration should be given to the regionalization of intelligence gathering and analysis through the establishment of multidepartmental specialized units under the supervision of an official board on which the chief executives of participating agencies are represented.

Relations With State and Federal Agencies: Standard 6.20

The outstanding planning considerations in clarifying local police agency relations with agencies at the State and Federal levels are similar in outline to those applicable to problems of interagency relations at the local level. Expectations relating to emergency support, support request procedures, and emergency command structures all require detailed attention. Particular care should be taken in noting the anticipated situations, if any, in which the receipt of State or Federal support will involve the substitution of State or Federal authority for that of the local department in the emergency command structure.

In addition, nonemergency interaction between State or Federal and local agencies is a subject of special importance in planning multilevel interagency relations. In areas ranging from specialized training to advice on threat assessment—and, of course, on intelligence and information—State and Federal agencies make extensive resources available to local departments. Although these agencies should make it a practice to notify local departments of the kinds and levels of nonemergency assistance available from or through them, the responsibility for identifying local needs and matching them with outside services should remain with local planners.

Where information sharing and intelligence gathering are concerned, local planning of patterns of cooperation with State and Federal agencies is particularly critical. Every local department needs to be assured that it will be promptly notified of information known to State and Federal agencies that indicates a possibility of extraordinary violence within the local agency's jurisdiction. At the same time, the value and integrity of national and statewide police information-gathering systems depends upon the quality of local agency participation. In discussions with representatives of State and Federal agencies, local agency planners should therefore attempt to clarify interdependent mutual responsibilities and expectations—and to make practical arrangements for achieving the satisfaction of both.

Relations With the Military: Standard 6.21

Military support—whether in the form of National Guard units or of regular Federal troops—should be regarded as a last resort in acquiring the manpower and equipment resources necessary to the handling of a local incident of extraordinary violence. In most instances, the decision to seek such support will carry with it unfavorable implications concerning police capacity—and will have the effect of increasing overall public anxiety substantially.

Another disadvantage in local police agency reliance on military support is its limited availability.

The Federal Posse Comitatus Act (18 U.S.C. 1835) bars any routine use of Federal troops for tactical or direct support purposes in local law enforcement operations and limits the use of troops on the basis of special executive order to situations in which an emergency is both extreme and extensive. State laws place similar—although somewhat less stringent—limits on the circumstances in which National Guard units can be made available to aid local public agencies.

In practice, however, military support will sometimes be the only available support adequate to meet local needs in emergencies. Thus, the local police agency planning process should anticipate that possibility by providing specifically for both the policies that will control the military role in response operations and the practical details of police-military interaction.

In particular, planning should provide for the phased use of military support, with successive phases—from standby status to full participation—marked by relatively greater military involvement in operations. At the same time, it should identify a clear command structure to apply in instances where military support has been provided and should clearly indicate whether military officials or civil police officials will be in overall charge of operations. In detailing both the phasing of military support in emergencies and the emergency civil-military command structures, the plan should emphasize the twin objectives of minimizing the military presence and maximizing civil control over military units participating in law enforcement operations.

In planning emergency relations with the military, police officials should consult in detail with military authorities. In particular, they should weigh the provisions of existing military emergency plans, to determine how police plans can be adapted to their features—or where they may require modification to bring them into correspondence with police policy.

Local police agency needs for military assistance do not exist only in emergency operations involving larger scale incidents such as mass disorder. They are also prominent in specialized operations against extraordinary violence. Many agencies, for example, may require military supplementation of local expertise in the area of bomb detection and disposal. On some occasions, such specialized support may be advisory only; on others it will involve the use of military personnel and equipment. In general, however, planning for such exercises in police agency/military unit cooperation should be as detailed as planning for larger scale operations.

Finally, the nonemergency relations of local departments with military units require planning attention. Although less frequent than contacts with other local police agencies or with agencies at the

State and Federal levels, they are highly significant in the areas of weapons' technology and of specialized training generally. Nonemergency support expectations should be detailed, after their accuracy has been verified with military units, in the local planning document.

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Related Standards

The following standards may be applicable in implementing Standard 6.19:

- 4.2 Interagency Cooperation
- 5.11 Interagency Cooperation
- 8.1 Contingency Planning

The following standards may be applicable in implementing Standard 6.20:

- 4.2 Interagency Cooperation
- 5.11 Interagency Cooperation
- 8.1 Contingency Planning

The following standards may be applicable in implementing Standard 6.21:

- 4.2 Interagency Cooperation
- 4.7 Employment of Military Force
- 5.11 Interagency Cooperation

Standard 6.22

Relations With Foreign Police Agencies

United States police agencies should create, maintain, and develop links with their counterparts overseas in support of domestic U.S. efforts toward the prevention and control of extraordinary violence. In particular, the regular exchange of information on the following topics—subject to considerations of national security—should be promoted:

1. **Intelligence on Known Terrorists and Terrorist Organizations.** International intelligence-sharing systems should be rendered capable of functioning as early warning systems for participating nations and their police agencies. Of particular importance is the sharing of intelligence concerning:

a. The identities of individuals known as international terrorists and of the membership of international terrorist groups;

b. Movements or preparations suggesting the possibility of future criminal activity by terroristic groups or individuals in particular nations; and

c. Relations between international terrorist organizations and nonmembers in particular nations.

2. **Information on Technologies and Techniques of Extraordinary Violence.** In addition to data on the activities of individuals and groups, international information exchange in the field of extraordinary violence should include data on isolated trends in terroristic crime that may prefigure more general developments. In particular, information concerning the following should be shared:

a. The appearance of high-capacity weapons not formerly associated with private criminality in terrorist arsenals;

b. Developments in the sophistication of communications' systems employed by terroristic groups; and

c. New patterns of victimization in terroristic crime.

3. **Information on Law Enforcement Techniques and Technologies.** One nation's experiments with new means of coping with extraordinary violence—including disorders and quasi-terrorism as well as true terrorism—may indicate directions for others to follow. Subject to security precautions appropriate to the sensitivity of the materials involved, the following should be made the subjects of international information-exchange:

a. New weapons for the delivery of nonlethal and selective lethal force by police;

b. Progress in explosives' detection and disposal;

c. Developments in the fields of psychological threat assessment and negotiation; and

d. Other violence-related police research and development.

4. **Information on Case Histories of Particular Police Operations.** Many of the most critical lessons are best taught by example rather than precept. Police agencies of various nations should thus embark upon

a systematic program for the exchange of materials detailing completed operations against extraordinary violence—including logs, reports, photographs, interview transcripts, etc.

5. Exchange of Personnel. The international exchange of police observers during emergency operations should be promoted. In addition, opportunities should be made available to representatives of foreign police agencies and sought for members of U.S. agencies to observe and study counterpart agencies' operations against extraordinary violence on a longer term basis.

Commentary

The focus of this report and of the standards it contains relating to police planning and response is domestic U.S. extraordinary violence. In two senses, however, any approach to the problems of disorder, terrorism, and quasi-terrorism in this country that fails to take detailed account of the experience of other nations would be incomplete. First, where terroristic crime is concerned, any future serious domestic incidents may well involve groups or individuals with a record of past participation in incidents that have taken place abroad or with connections to terroristic organizations based outside the United States. In order to prepare adequately for response to domestic incidents, U.S. police agencies must be conversant with trends in foreign and transnational terrorist activity.

Second, where all forms of extraordinary violence are concerned, developments in the law enforcement techniques by foreign police agencies deserve consideration in the planning processes of U.S. police agencies. This will be particularly true where the development is one that has occurred in a nation have substantially more practical experience with a form of extraordinary violence—as, for example, most European nations have had with true terrorism—than the United States. Many foreign techniques are not transferable or can be adopted in this country only in modified form; some must be rejected for U.S. use despite their apparent effectiveness because they are based on political, social, or legal assumptions that contradict basic principles of U.S. law and government. Nevertheless, the process of screening and selecting transferable techniques should occur after U.S. police agencies have full information in hand and not before.

This standard proposes a systematic program for acquiring firsthand information about trends in extraordinary violence and responsive law enforcement techniques abroad, through the direct international exchange of information among police agencies. It recognizes that if U.S. agencies wish to acquire knowledge of the problems and activities of foreign

departments, they must be prepared to give information as well as to receive it. It should be stressed, however, that considerations of security impose important limits on the freedom with which such international information exchange should occur.

The Content of International Information Exchange

In order for a process of international data sharing among police agencies concerned with extraordinary violence to prove useful, its subject matter must be limited. Requests for information directed to foreign police agencies should be made as convenient as possible to respond to particularly, either through the specification of the information desired (details on the activities of a particular terrorist organization, for example, or test results on a newly developed nonlethal weapon), or through a careful indication of the purposes for which a more general inquiry is being made (to establish the identity of foreign-based terrorist organizations with known contacts in a particular U.S. jurisdiction, for example, or to compile a catalog of alternatives to chemical agents in crowd control). The temptation to request every item of information known to a cooperating agency that might bear on a general topic of interest should be resisted.

Wherever information requested from a foreign police agency might be interpreted as intelligence relating to the activities of U.S. citizens, requests should be made subject to the procedure for internal self-regulation of intelligence operations recommended in Standard 6.4 of this Report. And under no circumstances should a foreign police agency be requested to conduct surveillance of U.S. citizens abroad as a part of the general information-sharing program.

In this standard, particular emphasis is placed on the exchange of information concerning completed emergency operations. Just as all police agencies have much to learn from detailed postoperational review of their own efforts in response to extraordinary violence, they are well-situated to benefit from opportunities to analyze in detail the strengths and weaknesses of operations conducted by other agencies. Where new insight into negotiation techniques is to be extracted from the experience of a foreign police agency, for example, the best starting point will often be a transcript or detailed minute-by-minute record of negotiations in which that agency has participated.

In addition to the topics discussed in this standard, some special subjects relating to extraordinary violence will be of considerable mutual interest to police agencies cooperating in international information exchanges. Data on dignitary protection systems, for example, will be relevant to the concerns of each

cooperating agency. It will bear on the design of operations in which representatives of foreign police agencies may be called upon to cooperate operationally with their U.S. counterparts.

Limitations on International Information-Exchange

The sensitivity of the subject matter of extraordinary violence generally and the importance of preserving the confidentiality of detailed information relating to police response plans, necessitate careful regulation of the flow of information to foreign police agencies from a domestic law enforcement source. As part of its participation in an international information-exchange program, a U.S. police agency should be prepared to evaluate both the sensitivity of data requested and the ability of the requesting agency to maintain confidentiality before responding to any nonroutine request. Similarly, U.S. agencies must be prepared to see some of their requests declined in light of the security considerations of cooperating foreign agencies.

One of the principal justifications for international information exchange among police agencies concerned with extraordinary violence is the transnational character of terrorist activity. Thus, cooperating agencies should consider the possibility that details of their own tactical plans and response techniques provided to agencies abroad may—if not held in confidentiality—become known to potential participants in domestic terrorist activity. Some degree of risk, of course, is involved in any information-sharing effort. But before providing sensitive information, it will be appropriate for cooperating agencies to reach clear-cut reliable understandings on dissemination policy with their counterparts.

Other potential problems arise because the proposed security information-exchange system is designed primarily to link local police agencies, although the bulk of international intelligence operations relating to terrorism is performed by national government agencies. Possibilities include inadvertent interference with intelligence operations by police agencies engaged in the exchange of nonintelligence-derived information (such as terrorist group membership data). Wherever possible, local police agencies should attempt to clear potentially sensitive material with the intelligence agencies that might be compromised by its release before forwarding such information to counterpart agencies in other nations.

A final consideration in limiting the flow of information through an international police agency exchange system is the specific law enforcement use to which such information may be put by recipient agencies. United States police agencies should be aware that the political and legal systems of other

nations permit the taking of extreme measures against individuals on the basis of evidence less substantial than is required in this country to justify less drastic official action. Caution should therefore be exercised in forwarding material on individuals that a U.S. police agency maintains on file but believes to be of questionable reliability. No completely satisfactory rule governing the release of unverified incriminating material to foreign law enforcement agencies can be formulated in advance. But close attention should be given to the possible consequences of such release when requests for information are considered on a request-by-request basis.

International Police Personnel Exchange

This standard suggests that an international information-exchange system incorporate opportunities for law enforcement of differing nations to observe emergency and nonemergency operations involving extraordinary violence in other nations. It is a suggestion that may require some notes of clarification.

First, it should be noted that—like many of the elements of the general information-sharing scheme proposed here—the practice of international interdepartmental exchange is already established on an ad hoc agency-by-agency basis. Some of the most valuable particular techniques now in use in this country to counter extraordinary violence have been developed, at least in part, from understanding gained through onsite observations and discussions of the successes and failures of foreign police agencies. The export of lessons from U.S. experience by this means has also been substantial. What is proposed in this standard, then, amounts to an intensification of existing efforts.

Second, it should be noted that this standard does not propose direct participation (whether tactical or advisory) by U.S. police officers in operations abroad; nor does it propose such participation by foreign officers in U.S. law enforcement efforts. Rather, it is suggested merely that official personnel exchanges be promoted in order to improve the quality of opportunities for officers involved in work involving extraordinary violence to engage in passive observation (and active discussion) of techniques of police agencies other than their own.

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Related Standard

The following standard may be applicable in implementing Standard 6.22:

5.15 International Cooperation

Standard 6.23

Relations With Private Security Forces

Extraordinary violence—particularly terrorism—poses special risks for persons and institutions whose safety is the responsibility of non-law-enforcement agencies engaged in preventive security work. To promote the effectiveness of such agencies and to secure maximum benefit from their cooperation in the control of extraordinary violence, official police agencies, preferably through specialized security liaison personnel, should undertake efforts consisting of:

1. Providing services, including:

a. Regular briefings on general trends in terrorist and quasi-terroristic crime and on police planning of countermeasures, for representatives of:

i. Security firms privately retained to protect persons and places subject to risk in incidents of extraordinary violence;

ii. Security offices of corporations and other businesses potentially at risk;

iii. Security personnel of nonlaw enforcement agencies of government and of government agencies concerned with the procurement of office space and equipment;

iv. Firms and institutions engaged in the training of private security personnel.

b. Special-topic briefings for representatives of the organizations listed in section 1a above, on such subjects as: design and physical security threat-evaluation methods, bomb detection, and antiabduction measures.

c. Provision of individualized advice assistance to private security personnel with responsibility for the safety of particular high-risk targets, including assistance in the making of security plans and the conduct of drills and exercises to test their adequacy.

d. Transmission to appropriate private security personnel of summary information relating to threats (or other warnings) of extraordinary violence against persons or places for which they have protective responsibilities.

2. Encouraging private security forces to give cooperation to police planning and operations, including:

a. Providing to police (or making readily available for emergency reference) information on the personal schedules of high-risk individuals, the plans of high-risk buildings, and other data bearing on potential targets of extraordinary violence;

b. Reporting all privately received threats and warnings of extraordinary violence to police; and

c. Designation of senior private security personnel to receive and process police inquiries during emergency and nonemergency periods.

3. Creating joint police/private security plans for emergency operations involving attacks on particular targets or classes of targets, including:

a. Division of responsibility (for tasks such as performing searches, making notifications, and

communicating with incident participants) in joint operations;

b. Delineation of tasks that are the exclusive responsibility of police or of private security;

c. Specification of circumstances in which police intervention will be delayed or withheld on request; and

d. Provisions for cooperative investigative followup and postoperational review.

Commentary

About half the manpower devoted to direct anti-crime efforts in the United States is organized through nonpolice agencies—the bulk of them private, for-profit firms offering protective services or divisions of corporations and governmental agencies organized to provide security. No comprehensive law enforcement planning effort can afford to ignore this extensive—and various—private security establishment. In particular, however, planning for prevention and control of extraordinary violence must take it into account. To a considerable degree, the organizations and persons most likely to need the protective supervision of some element of the private security establishment are those who are at the greatest risk as potential targets of terrorism and quasi-terrorism.

The limits on the authority of private security personnel prevent full cooperation between private security agencies and official police. They do not bar close cooperation, particularly in prevention and in early-phase emergency operations—or effective information exchange.

Scope and Limits of Police Service to Private Security

This standard recommends that, so far as police provision of advisory and informational services to private security is concerned, the scope of those services should be as great as the resources of the police agency permit. The general briefings, special briefings, and individualized consultations recommended here are only examples of the sorts of police services that can substantially upgrade private security's capacity to prevent serious law enforcement problems from arising.

In suggesting that police services be limited to private security forces that either are actively engaged in the protection of high-risk targets or are performing training for others who are (or will be) so engaged, this standard attempts to accomplish two ends. First, to suggest a limit that, if observed, would work to conserve police time and resources; second, to propose a general rule by which the need-to-know of private security agencies seeking informa-

tion from police could be evaluated. Some of the material figuring in police counseling to private security firms will inevitably be of a sensitive character, in that it reveals details of police tactical plans involving extraordinary violence. And although redisclosure by or through private security forces is not viewed as a particular risk, the only practical way to avoid redisclosure is to limit disclosure in the first instance. Thus, a clear, nondiscriminatory standard for determining which private security personnel will receive police aid is required.

Regardless of the qualifications of the private security organizations in question, however, some forms of information relating to extraordinary violence should not be shared with them by police. The prime example is raw intelligence data, which—as suggested in Standard 6.4 above—should ideally never be regularly disclosed outside the official law enforcement community. Private security forces' needs for information derived from police intelligence records cannot be denied. On occasion any limitation will complicate police/private security disclosure summaries. Such summaries must contain relevant details, exclude irrelevant ones, and protect the identities of sources and possible suspects alike.

Scope and Limit of Private Security Force Cooperation With Police

In order to assure that needed cooperation from private security forces is forthcoming, police must limit their requests for cooperation to what is believed truly necessary for effective official prevention and control of extraordinary violence. To tax private crime prevention personnel with excessive and unreasonable demands on their time and manpower is to risk causing a breakdown of private-official relations.

The forms of cooperation itemized in this standard, however, should be regarded as among the most critical—and as highly desirable—elements of even a limited program of cooperation. In Standard 6.11, the importance of uniform and complete threat reporting for both the immediate and long term effectiveness of police operations has already been stressed. Here, it should be noted that assuring such reporting should be urged on private security forces by police, as a part of their responsibility in cooperation against extraordinary violence.

This standard's stress on private security force cooperation in making details concerning high-risk targets available to police is potentially more controversial. Obviously, this recommendation touches on sensitive issues of privacy and private sector autonomy. It should be emphasized, however, that the purposes for which such information should be sought by police—and provided by private security forces—are limited ones. It is neither feasible nor

desirable that police assume direct responsibility for nonemergency preventive security protection of persons or places (other than public officials and public buildings), except on specific request. In emergencies, however, police response will be simplified if background data on the target are immediately available. This standard does not propose an official usurpation of nonofficial roles. Rather, it recommends provisions that will permit the making of transitions from private control to official control of incident management under emergency conditions.

Joint Planning by Police and Private Security Forces

When emergencies involving threats or acts of extraordinary violence occur, speed is of the essence in the law enforcement response. Equally important, however, is the need for a clear definition of the nature of response. Because in practice—although not in law—police agencies and private security forces have overlapping responsibilities for early-stage emergency operations involving attacks on certain targets, a degree of coordinated planning is necessary to assure that response in incidents relating to those targets will be rapid and well defined.

This standard recommends that in joint planning exercises with private security forces, police agencies attempt to reach advance agreements of three principal kinds. The first relates to onscene cooperation. Because a number of functions that must be performed in emergencies can be undertaken by either police or private security forces, advance agreement as to how they will be divided will reduce delay and confusion in the actual organization of response efforts. Actual decisions on division of responsibility will depend, of course, on such considerations as relative levels of manpower and relative degrees of expertise. Thus, it may be appropriate for police to plan with one corporation to leave building evacuation to private security personnel in the event of an emergency during company hours and to assume that responsibility directly in joint planning with another firm.

The second variety of joint planning for emergency operations relates to situations in which active police intervention will be withheld or delayed. If some restraints on official intervention may be desirable, the value of advance planning is clear; without it, the advantages of leaving control in private hands will be lost through inadvertence. Although the number of such situations will be relatively few—limited, in the main, to incidents of ransom kidnappings or of threats accompanied by demands addressed to non-law-enforcement organizations—their importance in the overall scheme of extraordinary violence will be considerable.

Decisions on the discretion of withholding official

intervention will be hard ones, and not every department will choose to acknowledge that situations may exist in which—as a regular matter—private efforts at resolution should be allowed to run their course before official efforts begin. Much will also depend on the energy with which private security organizations urge a policy of selective nonintervention on police in joint planning, if they urge it at all. Finally, however, such decisions are too critical to be made ad hoc, and are thus appropriate subjects for advance official/private sector consultation.

The third and final kind of understanding on emergency interaction for which joint planning should strive relates to the class of incident in which private security forces should recede in favor of official law enforcement, insofar as direct operational roles are concerned. Because this represents the largest class of incident of extraordinary violence, special care should be taken in noting and defining it in advance. In fact, private security forces have no direct role to play in the direction or onscene tactical management of response to the bulk of quasi-terroristic incidents, true terrorism, or mass disorders. And it is well that this limitation on the extent of police/private security force cooperation be mutually understood.

This is not to say, however, that private security forces do not have important—and even critical—functions in the management of incidents involving many high-risk targets. Their contributions of detailed knowledge of the target and of general expertise can be invaluable to police in designing and carrying out responsive actions. Thus, although one focus of joint private-official planning for incidents that will be managed by police should be the clear definition of the limits on private security forces' direct participation, the other should be the provision of mechanisms to promote private security forces' effectiveness in an advisory capacity.

Planning should detail not only the sorts of information and opinion that will be sought by police or offered by private security forces in emergencies; it should also detail where and how responsible private security officials will be housed at an incident scene and how—in concrete terms—they will communicate with responsible police officials. Only if such details are specified in advance, can the goal of effective onscene cooperation be expected to be realized.

In addition to joint planning for three classes of emergency situations, this standard also recommends planning for police/private security forces, cooperation in followup investigations—and in post-operational reviews of emergency responses. The importance of the former species of cooperation should be evident: for many crimes of extraordinary violence, and particularly those involving (or believed to involve) insiders or other persons related to a

target, private security forces will be as well or better prepared than official law enforcement agencies to perform some investigative tasks. The latter form of cooperation, however, is also critical. Whether a response operation involving a privately protected target has been carried out by police alone, private security alone, or both in cooperation, the views of both bear on the measurement of that operation's success. Interests and objectives differ, and what represents a successful operation for police (in terms of measures such as apprehension of participants and preservation of life) may appear less successful to private security (in terms of such measures as the minimization of disruptions of routine).

This is not to say, of course, that joint post-operational review will assure that future operations satisfy the interests of both the official and non-official communities. To the contrary, it is inevitable both that differences will persist and that—where they persist—the official formulation of tactics and objectives will prevail. To some degree, however, differences can be reduced, harmonized, or at least clarified. And because the postoperational review of one incident is, in effect, the first stage in the planning for response to the next, a commitment to joint planning implies a commitment to joint review.

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Related Standards

The following standards may be applicable in implementing Standard 6.23:

- 4.8 Security of Public Facilities and Systems
- 6.9 Prevention of Terrorism and Quasi-Terrorism Through Physical Security
- 6.12 Response to Terroristic Threats
- 10.5 Private Security Measures Against Terrorism and Quasi-Terrorism

Standard 6.24

Relations With Mental Health Professions

Incidents of extraordinary violence are situations of extreme stress for participants and police alike. Understanding of psychopathic motivation and psychopathically motivated behavior is necessary to the design of a comprehensive program of official response. Police agencies should cooperate closely with mental health professionals (and representatives of related disciplines) in attempts to upgrade police capacity to deal with extraordinary violence and in attempts to manage particular incidents of such violence. In particular, the following forms of cooperation are desirable:

1. **Mental Health Professional Participation in Police Training.** Wherever possible, mental health professionals should be sought to participate in curriculum design and in the actual delivery of training units. Such participation should be sought to increase police understanding of the psychology of incident participants and to improve the ability of individual officers to understand their own reactions to extraordinary violence. Among the subject matters as to which such participation should be sought are:

- a. Community relations;
- b. Threat evaluation;
- c. Negotiation techniques; and
- d. Specialized duty assignments (including special operations).

2. **Mental Health Professional Participation in Threat Analysis.** In assembling multidisciplinary

teams to assess the plausibility and seriousness of warnings of impending extraordinary violence, police should routinely include persons with expertise in the field of offender psychology. Wherever possible, particular mental health professionals should be sought to participate in police threat analysis efforts on a continuing, as-needed basis.

3. **Mental Health Professional Participation in Negotiations With Suspects.** Although police negotiators should generally be in direct control of discussions with suspected participants in extraordinary violence, mental health professionals should be sought to:

- a. Advise police negotiators on the conduct of negotiations;
- b. Intervene directly in negotiations, where such intervention is regarded as likely to prove useful by both police negotiators and potential intervenors; and
- c. Assist in the postoperational review of negotiations.

4. **Mental Health Professional Participation in the Overall Postoperational Review Process.** Wherever possible, the evaluative followup of police operations in response to extraordinary violence should include the taking of opinion from mental health professionals on such topics as:

- a. The lessons in offender psychology to be derived from the incident;

b. The success or failure of psychological evaluation techniques and psychological management techniques employed; and

c. Police performance under stress.

5. Mental Health Professional Participation in Research on Extraordinary Violence as a Police Problem. Police should encourage qualified members of the mental health professions to undertake independent, objective inquiries into the issues of offender psychology and police response posed by extraordinary violence. Wherever possible, police records should be made available to qualified researchers.

Commentary

The place of psychopathy among the root causes of extraordinary violence is not precisely understood. Nor have the various techniques of psychological incident management available to police progressed far beyond the experimental stage. It is apparent, however, that all persons involved in incidents of extraordinary violence—whether as participants or as elements of the police response contingent—are under intense and immediate psychological pressure and thus may act in ways that do not correspond to rational expectations. It is equally apparent that without expert assistance police cannot be expected to incorporate a sophisticated understanding of psychological factors—relating to suspects' behavior and to their own—into their planning or tactical decisionmaking for extraordinary violence.

This standard, therefore, recommends that police undertake a special effort to secure the active cooperation of specialized mental health professionals in the design, execution, and evaluation of law enforcement responses to threats and acts of extraordinary violence. In particular, it recommends cooperation in improving police performance in the functions of training, threat analysis, negotiations, postoperational review—and in the field of research on extraordinary violence. Because the police functions for which participation by mental health professionals is recommended are discussed in detail elsewhere in this Report, the discussion that follows will treat particular issues of police/mental health professional cooperation that cut across functional lines.

Identification of Sources of Mental Health Professional Assistance

Most mental health professionals would be the first to stress that general experience in delivering therapeutic services to patients is an insufficient qualification for advising or training police on psychological aspects of extraordinary violence. In seeking expert assistance, therefore, police must look

to mental health professionals with specialized experience in the areas of offender psychology, police operations, or both.

Two approaches to the search for such specialized expertise exist. The first, which is most practical for medium- and large-sized police agencies, is to develop a continuing relationship between a department and one or more interested mental health professionals. Whether employed full time or part time, such departmental psychologists can develop expertise in police matters on the job; at the time of their retention, it is more important that they be willing to develop understanding of the police perspective on crime and law enforcement than that they possess any extensive experience.

The second approach, which is practical for departments of all sizes, is to seek the assistance of outside mental health professionals on an as-needed basis. Whether such services are donated or contracted for, however, the relatively slight continuing link between the department receiving them and the professionals delivering them has important implications. It should not be assumed that outside professionals who work with law enforcement on an occasional basis only will develop significant insight into police problems and viewpoints in the course of their assignments. Rather, police should seek occasional, as-needed services from professionals whose academic training or experience gives them special qualifications.

The two approaches just outlined are not, of course, mutually exclusive. A smaller department, for example, can obtain some of the benefits of each by arranging for a single mental health professional (although preferably one with some experience) to advise it on an irregular basis. Nor is the second approach necessarily more difficult to follow successfully. In many jurisdictions, and particularly in those where academic institutions or larger medical facilities are located, mental health professionals with specialized backgrounds in offender psychology or law enforcement will often be available.

Nevertheless, the first approach has much to recommend it. It is one that guarantees that the services of a mental health professional will be available when and where police require them and that promotes the development of a real understanding of police problems by the professional who will deliver those services. Before rejecting this approach on resource grounds, a department should consider the functions, in addition to the delivery of services specifically related to extraordinary violence, that a full- or part-time departmental psychologist could perform. In the areas of recruiting and personnel selection, short-term therapy or counseling to department members, and overall operational planning, these functions may be relatively

numerous. Thus, even smaller police agencies may be able to justify the retention of departmental psychologists.

Delivery of Professional Mental Health Assistance to Police

In all functions related to extraordinary violence, and particularly in those (such as assistance in training) that bring them into contact with line personnel, mental health professionals assisting police must exercise caution to assure that they do not alienate the client. By the same token, police officials employing mental health professionals must take special care over the manner in which such psychological assistance is delivered. Of particular importance is the avoidance of any unnecessary suggestion that the presence of a mental health professional as a police adviser suggests a lack of confidence in the psychological and emotional stability of the members of the force.

Earlier in this discussion, it was suggested that the objective conditions that prevail in incidents of extraordinary violence are sufficient to test—or exhaust—the emotional resources of even the most stable individual. In this sense, of course, the desirability of participation of mental health professionals in the design, conduct, and review of police operations involving extraordinary violence is related to a recognition that the stability of police personnel is limited. The manner in which mental health professionals deliver advisory services to police agencies, however, should be one that is calculated to emphasize that the problems of police response that those services address are, in fact, the problems of normal men and women in abnormal circumstances. Development of insight into personal attitudes toward extraordinary violence should be stressed as a form of professional education and not as a form of therapy. Psychologically oriented critiques of police performance in emergencies should be stated in positive terms and should include as little material as possible on the performance of individual officers.

Many of the services that mental health professionals can provide to police, of course, relate to the psychology of the offender rather than to the psychology of the officer. As to this form of assistance, mental health professionals should strive—and police officials should encourage them to strive—to achieve practicality and clarity of expression. No practical lesson can be adequately taught unless its basis in theory is at least suggested. But whether they are training line officers, advising specialized negotiators in the field, or conferring with command-level officials, mental health professionals should be aware that complex formulations and academic terminology will often prove incomprehensible—if not actually

objectionable—to police personnel.

Professional Intervention in Negotiations With Suspects

As this standard suggests, serious questions exist concerning the appropriateness of entry by mental health professionals into negotiations with barricaded suspects or hostage holders. Although such intervention cannot be ruled out as a possibility, it should be always carefully considered in advance in light of the issues that it poses.

A first issue concerning the appropriateness of intervention by mental health professionals relates to the identity of the intervenor. Here, it is not enough—and perhaps not even necessary—that a mental health professional be conversant with police problems and police viewpoints. Rather, it is necessary either that the potential intervenor have existing ties to the suspect/participant or be capable of developing rapport quickly and effectively. To state the point differently, a mental health professional cannot be assumed to be better-qualified than police officers (or another third party) to conduct negotiations in situations of duress; only a special relationship with the suspect or specialized training and experience in crisis intervention skills will provide such superior qualifications.

A second issue has both ethical and practical dimensions. As this Report emphasizes, police negotiation with suspects in incidents of extraordinary violence is a tactic; the negotiator's commitment to the safe resolution of the incident should take precedence over any commitment to the promotion of the interests of the suspect, and this should be true no matter how strong the personal rapport between suspect and negotiator may be. The personal standards and experience of mental health professionals, however, may make it difficult for them to negotiate with a suspect while subordinating all other concerns to that of incident resolution. Most mental health professionals are trained in therapeutic skills, and such training inevitably emphasizes the therapist's commitment to promoting the legitimate interests of the patient. The potential for inconsistency between the assumptions of therapy and the realities of incident management through negotiation are obvious.

A third and final issue is practical. It is that the maximum value will often be had from professional participation in negotiations when the participation is indirect rather than personal. Where, for example, there are several trained police negotiators and one mental health professional with special skills in crisis intervention present at an incident scene, there is good reason to reserve that professional as an adviser to the negotiators and as a potential intervenor

in case of later deadlock. Before committing scarce resources of professional mental health expertise to the all-involving task of negotiation, more conservative alternatives should be considered.

Situations will exist in which none of the concerns outlined here will militate significantly against committing mental health professionals to direct operational roles as intervenors in negotiation. Nevertheless, those situations may not be so numerous as first appears. As this standard suggests, mental health professionals' functions in training, advising, and evaluating police negotiators will—at least in the long run—prove more important than their performance as negotiators.

Research in Law Enforcement and Extraordinary Violence by Mental Health Professionals

In addition to suggesting police functions in the performance of which the assistance of mental health professionals should be sought, this standard suggests one function of the mental health profession to which police should give the most complete and active support possible—that of research in the causes, prevention, and management of extraordinary violence. As suggested above, both theoretical and practical understandings of the psychological dimensions of extraordinary violence are limited. Police agencies do not possess all the expertise required to advance these understandings, but they do maintain bodies of data for significant potential use by qualified, specialized researchers. Information ranging from statistics on crime incidence rates and offender characteristics to detailed records of law enforcement incident management can serve to increase professional knowledge—and, thus, indirectly, to inform police planning and operations.

A number of limitations—most significantly those governing the disclosure of information on pending criminal cases and those affecting dissemination of intelligence data—must be weighed when a request

for research data is submitted to police. In general, however, these limitations can be observed by police agencies without refusing cooperation altogether. The same techniques for depersonalizing sensitive records that are familiar in retrospective research involving medical data can be employed where most police records are in question, and data requests can often be modified in the light of real limitations on the police capacity to comply. Such cooperation between police agencies and mental health professionals should be actively promoted in the interest of both.

References

See the references to Standard 6.16, and, in addition:

1. Task Force on Third Party Intervention. *Intervening in Community Crises, An Introduction for Psychiatrists*. Washington, D.C.: American Psychiatric Association, 1974.
2. Esbeek, Edward S., and George L. Hulverson. "Police Officer's Stress Research," in *The Police Yearbook 1973*. Gaithersburg, Md.: International Association of Chiefs of Police, 1973.
3. Glass, Albert J. "The Psychological Aspects of Emergency Situations." *Police*, June 1972, p. 18.

Related Standards

The following standards may be applicable in implementing Standard 6.24:

- 6.1 General Recruitment and Training
- 6.11 Evaluation of Terroristic Threats
- 6.16 Negotiation Under Duress
- 10.6 Professional and Nonprofessional Intervention in Incidents of Extraordinary Violence
- 10.13 Research Efforts in the Aftermath of Extraordinary Violence

Standard 6.25

Relations With the News Media

Two principles should govern all police contacts with representatives of press and radio/television regarding extraordinary violence generally and particular incidents of extraordinary violence. First, police should be as candid and complete in their communications with the media as considerations of law enforcement necessity allow. Second, police should attempt to acquaint media personnel with the law enforcement problems that some forms of reporting may generate. With these principles in view, police should also undertake initiatives, including:

1. Encouragement of the routine coverage of police activities relating to extraordinary violence during nonemergency periods and of trends in crimes of extraordinary violence and their consequences. In particular, police should encourage and assist in coverage of:

- a. Law enforcement policies and capabilities;
- b. Outcomes of cases involving crimes of extraordinary violence; and
- c. Effects of extraordinary violence on victims and other nonparticipants.

2. Practical support and advocacy for the development by the media, whether or not in cooperation with police, of professional standards for the self-regulation of the reporting of extraordinary violence during emergencies, including:

- a. Standards concerning the content of coverage;

- b. Standards concerning the timing of coverage; and

- c. Standards concerning the techniques of reporting employed.

3. Organization of regular local forums for the exchange of police and news media views on the quality of news coverage, the quality of police performance, and the problems of police-media relations. Among the special topics that might be addressed by such forums are:

- a. The feasibility of developing specific police-media arrangements or ground rules for the coverage of incidents of extraordinary violence generally;

- b. The social impact of the extensive reporting of incidents of terrorism and quasi-terrorism; and

- c. The possibility of police-media cooperation in regulating the reporting of terroristic threats.

4. Development of departmental policies and procedures that maximize news media access to reliable, accurate information in emergencies involving extraordinary violence, including:

- a. The regular creation of a media information center;

- b. The development of clear rules governing news media access to incident scenes; and

- c. The making of prompt, factual replies to coverage believed inaccurate or misleading.

5. Creation of departmental policies to encourage

and support followup reporting of incidents of extraordinary violence.

Commentary

Experts disagree on how directly or significantly the reporting of one incident of extraordinary violence influences the occurrence of others; although the phenomenon of imitation is real, its extent is uncertain. Similarly, experts differ on how socially demoralizing wide publicity to acts of extraordinary violence may be; interestingly, reports from some nations where terroristic crime is both common and well publicized indicate little apparent effect on public attitudes and conduct. But there is no disagreement that the promotion of full and fair reporting of all matters of public interest is an important, independent objective of public policy, as well—at least in part—as a legal imperative.

Thus, extreme caution should be exercised in connection with any proposal to limit or check media coverage of events of extraordinary violence, whether through direct regulation or the encouragement of self-regulation. This is even more the case because there is some reason to believe that where extraordinary violence is concerned, it is more—and more balanced—coverage rather than less coverage that will best promote both crime prevention and public confidence in law enforcement.

Nevertheless, in a relatively small number of situations involving extraordinary violence, where emergency conditions exist or where a criminal objective would be furthered by press coverage, arguments in favor of temporary, limited, but effective regulation of the media should be given weight. This standard, however, does not evaluate the merit of such arguments. Because police agencies lack both the legal authority and practical ability to control media coverage of crime and law enforcement, it is instead suggested here only that police should initiate contacts with the media to promote the best possible general coverage of the phenomenon of extraordinary violence, to alert media representatives to the forms of media self-regulation believed desirable by police officials, and to improve mutual police-media understanding of the special problems that extraordinary violence poses for each establishment.

Police Promotion of Media Coverage

Police efforts to assist news gathering and news reporting must be considered in two aspects: emergency efforts and nonemergency efforts. The former consist of steps taken to assure a continuing flow of balanced reliable facts—and considered official opinions on them—to news media representatives during

an incident of extraordinary violence particularly to reporters at or near an incident scene. The latter consist of measures designed to give the news media assistance in following-up on incidents in which on-scene police operations have been concluded, to provide accurate details on police plans and policies to the public, and to treat the problems of extraordinary violence and its consequences in depth.

Efforts to promote emergency coverage revolve primarily around improving the structure of police-media information services. Although this standard also recommends clarification of rules governing media access to incident scenes, the degree to which police can affect the direct observation of incident detail by media personnel is extremely limited; police policies recommending that media access be maximized are, in effect, policies that acknowledge realities and provide against discrimination among various elements of the media establishment. Where supporting details and other information that cannot be derived from observation are concerned, however, police efforts can affect the nature and quality of coverage substantially.

Thus, the media information center proposed in this standard is more than a device to assure that information released by police is, wherever possible, noninflammatory (see Standard 6.17—Avoiding the Spread of Extraordinary Violence). It is also a device for insuring that police information of good quality begins to reach the media quickly and continues to do so thereafter. In achieving these goals, the staffing and location of an emergency media information center are critical. The officer or officers in charge should be persons known to and trusted by the media, with sufficient authority to make requests for additional data to operational commanders that will be honored. Except where an incident lacks geographical focus, or where presence at an incident scene involves substantial personal risk, the media information center should be located as near the scene as available communications technology allows; such a location will permit officers in charge better access to data and will encourage all news media representatives, including the most active and independent, to make use of the center's services.

Encouraging nonemergency coverage of extraordinary violence involves considerably more—and easily defies—police effort. Generally, however, the essence of such an effort is the maintenance of a continuing flow of information at all times—and the opening, to the maximum feasible degree, of departmental operations to media scrutiny. Responsible reporters cannot, for example, be expected to write or broadcast background stories on special operations units when they are offered information on this police specialization on a one-time basis; if the general subject matter of police specialization is treated

as a continuing topic of police-media communication, the natural result will be an increase in press coverage of the activities of particular units, including special operations.

Advocacy of News Media Self-Regulation

If police efforts to secure media cooperation in restricting certain forms of coverage of extraordinary violence are to be productive, they must be carefully limited to only those forms of self-regulation that are believed acceptable. In addition, they must be associated with a generally open—rather than restrictive—policy on news media access to police-controlled data sources. If self-regulation is to occur, it may be desirable that it do so pursuant to a comprehensive general statement of media policy. But the specific instances in which a code of standards for the media recommends actual restrictions on reporting activity must be few in number.

Individual police agencies must decide what form of media self-regulation—if any—would make a clear contribution to the solution of law enforcement problems involving extraordinary violence. This standard suggests that police consider in particular what they believe necessary to propose regarding means of news gathering (a proposal, for example, for self-regulation of the use of TV cameras and lights at certain incident scenes), the timing of coverage (a proposal that the media forgo reporting details of location or information on impending police actions for limited periods), and the content of coverage (a proposal that racial identifications be omitted from certain incident reports). All proposals actually made, however, should be carefully scrutinized in light of local conditions bearing upon their necessity.

In addition to exercising restraint in proposing media self-regulation, police agencies must be prepared to offer cogent arguments, backed by citations of the local history of media/law enforcement interaction, for their positions. Even media personnel who are sympathetic to the concept of limited self-regulation cannot be expected to accept any specific proposal for self-regulation unless they are given grounds to justify that acceptance—to themselves and to others.

Issue-Centered Police-Media Discussions

This standard recommends frequent, regular police-initiated meetings between police officials, on the one hand, and media representatives (including editors, news directors, and reporters) on the other. In part, these meetings should serve to reinforce police initiatives in facilitating general media coverage of extraordinary violence and in promoting specific proposals for limited media self-limitation. In

equal part, however, they should be forums for the airing of views on issues concerning which neither police agencies nor the media have fixed positions, but that each is interested in clarifying.

Several examples of such issues are noted in this standard, including the reporting of terroristic threats and the role of police in the development of media standards for the reporting of extraordinary violence generally. Of all the issues posed, however, the other example cited—the social impacts of reporting on terrorism—may be the most complex and the most critical.

Publicity—and through publicity, public attention—is a principal goal of most active terrorists and terrorist organizations. In some degree, any coverage devoted to this form of extraordinary violence represents a concession to a criminal objective. In addition, the coverage of particularly inflammatory details of particular incidents or of any intense or protracted series of incidents may prove seriously unsettling to the population at large. On the other hand, terrorist activity is a matter of obvious public concern; to the extent that terrorist activity represents political communication, a public right to receive the messages thus communicated can be identified. Finally, as noted before, the evidence as to the long-term effects of terrorism and the coverage of terrorism on public morale is by no means conclusive.

No resolution of the contradictory arguments is proposed here. Nor is it suggested that police and media can identify such a resolution with any certainty, at least so long as large-scale terrorist activity is not a reality on the U.S. scene. But no two groups are better qualified by experience or interest to discuss the problems of terrorism and publicity than are police agencies and the news media.

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2. American Bar Association. *Standards for the Urban Police Function*. Chicago: American Bar Association, 1973.
3. Ford, Rodney. "The Broadcaster's Viewpoint in Civil Disorders and Riots." *Police Chief*, Vol. 3, April 1969, p. 32.
4. *Press Relations Guide for Peace Officers*. Gaithersburg, Md.: International Association of Chiefs of Police, 1972.
5. National Advisory Commission on Criminal Justice Standards and Goals. *Police*. Washington, D.C.: Government Printing Office, 1973.

Related Standards

The following standard may be applicable in implementing Standard 6.25:

- 4.10 Civil Authorities and the Media
- 6.10 Deterrence of Terrorism and Quasi-Terrorism
- 6.12 Response to Terroristic Threats
- 6.17 Avoiding the Spread of Extraordinary Violence
- 7.10 Relations With the News Media
- 8.7 Relations With the News Media
- 10.2 News and Entertainment Media Responsibility for the Prevention of Extraordinary Violence
- 10.8 News Media Self-Regulation in Contemporaneous Coverage of Terrorism and Disorder
- 10.12 Followup Reporting of Extraordinary Violence by News Media

Standard 6.26

Community Relations Efforts in the Aftermath of Extraordinary Violence

Where an incident of disorder, terrorism, or quasi-terrorism has occurred, police personnel should employ special measures to respond to the concerns of the noninvolved public about the incident itself and about the police response. In particular, the following measures should be considered:

1. Maintaining the police rumor control capability after the conclusion of emergency operations;
2. Adjusting police duty assignments in the incident areas, including use of increased numbers of general duty personnel and community relations specialists;
3. Organization of public meetings in the incident area, as opportunities for citizens questioning of police officials and the airing of citizen views on police performance;
4. Formal and informal taking of public views in connection with the departmental postoperational review process;
5. Publication of popularly written documents explaining controversial aspects of police response;
6. Intensification of advisory efforts relating to preventive security—inside and outside the incident area.

Commentary

Incidents of extraordinary violence may have an unsettling—or terrorizing—effect on the public. Be-

cause, as a practical matter, police officers are representatives of the official establishment most visible and most accessible to the public, and because they are expected to be knowledgeable about issues of crime and law enforcement, they have a special responsibility for allaying unjustified public fears and for moderating justified ones. In addition, the police response to incidents of extraordinary violence may be a matter of public concern in itself—because it is perceived as unsuccessful, because it is viewed as having been excessively severe, or because it is seen as reflecting inappropriate leniency. Police have a special responsibility to address such issues.

Police activity, of course, is only a part of the overall design for special official contacts with citizens in the aftermath of incidents. And police cannot and should not take primary responsibility for some elements of that design, such as the conduct of inquiries into the social and political issues—if any—that an incident has highlighted. In general, however, police should take an expansive view of the potential of their efforts to restore the community's confidence in its own stability and—where necessary—its confidence in law enforcement.

This standard, which outlines the force that some of those efforts might take, must be read in light of two overriding considerations in postemergency police operations: First, that as soon as and as far as possible, police operations in the aftermath should

take on the general appearance of routine operations; and second, that insofar as any investigation or apprehensive efforts remain to be performed in the aftermath, they should receive high departmental priority. It is believed, however, that giving appropriate weight to these considerations need not be practically inconsistent with the limited special police initiatives proposed here.

Dealing With Public Fears

As noted elsewhere in this report, the extent of the increase in real public apprehension that the occurrence of extraordinary violence can be expected to generate is uncertain. But it is certain that, after at least some incidents, public uncertainty will increase. The occurrence of mass disorder, for example, has been observed to be followed by an understandable decline in the patronage of many businesses in or near the incident area and by an accompanying decline in patronage of some businesses—such as entertainment establishments—generally. Thus, there is real justification for special postincident police efforts to confront the issue of public fear directly.

In large measure, the best technique for dealing with the full range of public fears is the assignment to the area involved of increased numbers of well-informed general-duty police officers. Such assignment provides the public with a ready source of facts concerning past events, as well as a real and symbolic assurance of future police protection. In Standard 6.1 (General Recruitment and Training), it is suggested that basic training units in communications and community relations be made mandatory for all officers; in the aftermath of extraordinary violence, the relevance of such training (as reinforced by special briefings from departmental community relations specialists) is clear.

In addition, however, some efforts by specialized police personnel may also be in order. Thus, for example, this standard recommends putting community relations specialists on the street in the aftermath of extraordinary violence, to reinforce the efforts of general-duty personnel. As a supplement to the organized public meetings proposed elsewhere in this standard, these specialists can organize informal police-citizen exchanges when and where they are required. Also recommended is the maintenance, after an emergency, of any police rumor control capability organized during the emergency (see Standard 6.17—Avoiding the Spread of Extraordinary Violence). Although maintenance of such a capability, including a special phone line for taking inquiries from the public, may not always be necessary—and will frequently be a function that can be performed with reduced staffing—it should be con-

sidered in particular where any real risk of recurrence or repetition is believed to exist by police.

Dealing With Controversy Over Police Responses

No police response to extraordinary violence can be expected both to comport with professional standards and to satisfy all members of the public. But some police operations will be productive of more controversy than others. Where a particularly high level of dissatisfaction with police performance is observed (or believed likely) to exist, police efforts to deal directly with performance issues should be particularly intense. At some level, however, each of the suggestions for police-citizen exchanges about performance issues contained in this standard should be considered in the aftermath of every incident of extraordinary violence.

Of particular importance is the use of public meetings as a forum for exchange of views. Although it is a technique that must be employed with care—because an angry or unfruitful exchange may be more inflammatory than a lack of contact—it is also a potentially productive one. Many (although far from all) public concerns about police response to extraordinary violence are the product of correctable misunderstandings. Others can be reduced in intensity (although not eradicated) simply by the open expression of opinion.

In organizing such public meetings, two considerations should be borne in mind. First, the format should be such as to give a real appearance of openness; wherever possible, a person with no ties to the police establishment (such as a responsible public leader) should be sought to serve as moderator. Second, the police representatives in attendance should include not only community relations personnel; involvement of departmental officials with policy responsibilities and firsthand knowledge of the recently concluded operations is also highly desirable. By giving weight to these considerations, the credibility of the police views presented and the public's sense of useful participation will tend to increase.

Another technique suggested for dealing with controversy over police performance—the publication of explanatory documents—should be employed with extreme caution. Because such an effort represents an obvious departure from standard police procedure, its use will inevitably carry overtones of defensiveness. In addition, the possibility that such publication will increase or prolong controversy—rather than tend to resolve it—must always be weighed. Where there are real and unavoidable issues, however, or where the intensity of public feeling is great, police should not wait for a direction to put the facts on the record. When this approach is elected, of course, legal limitations on pretrial pub-

licity (see the discussion in the commentary accompanying Standard 6.10—Deterrence of Terrorism and Quasi-Terrorism) must be observed. Nevertheless, the amount of nonprejudicial explanatory detail that can be offered will be considerable.

Public Participation in Postoperational Review

Throughout this chapter, detailed postoperational review of police response efforts is stressed as a necessary adjunct to effective planning. The inclusion of public participation in postoperational review as a suggestion in this standard, therefore, is made with a dual purpose. By increasing the public sense of the importance attached to its views by police, such participation will tend both to allay fears and to moderate controversy. Even more important, however, is the likelihood that public participation will enrich the professional understanding of past events and broaden the base for future planning efforts.

Although it is not suggested that public views should be sought at every phase of a reviewing process which is necessarily an internal departmental responsibility, it is suggested that such views should be sought about every aspect of the operation under evaluation and from every element of the public. Finally, extraordinary violence is a social problem as well as a law enforcement concern.

References

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4. Wasserman, R., M. P. Gardner, and A. S. Cohen. *Improving Police/Community Relations*. Washington, D.C.: Government Printing Office, 1973.

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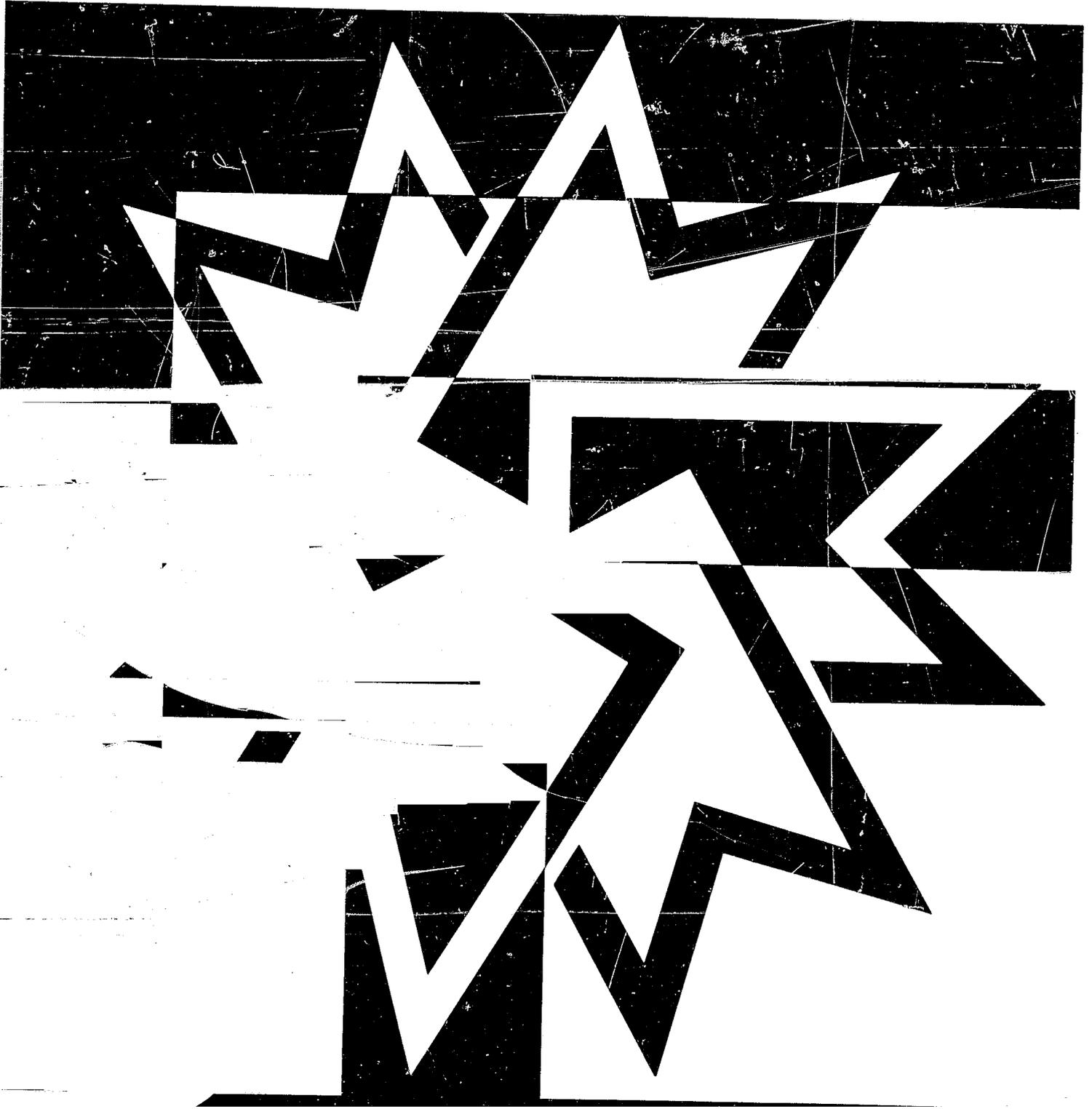
6. *Outline for Police Administrators to Establish Effective Techniques in Dealing with Community Tensions and Civil Disturbances*. Gaithersburg, Md.: International Association of Chiefs of Police, 1970.

Related Standards

The following standards may be applicable in implementing Standard 6.26:

- 4.11 Relief and Restoration Measures
- 4.12 Official Inquiries
- 4.13 Aftermath Measures
- 5.14 Legislative Attention to Underlying Causes
- 6.1 General Recruitment and Training
- 6.17 Avoiding the Spread of Extraordinary Violence
- 10.11 Community Action in the Aftermath of Disorder and Terrorism

**Chapter 7
Standards and Goals
for the Courts**





INTRODUCTION

The recommendations that follow are addressed to those officials and private persons who have responsibility for the character of society's responses to crime from the time of apprehension and arrest through sentencing. In the standards (and accompanying commentaries) that follow, the term courts is used in a broad sense, to include not only judicial officers, but also prosecutors, defense counsel, and others who play critical roles in the processes of adjudication.

These standards recognize that the primary gage of effective court performance is the degree to which the two primary functions of adjudication—determination of guilt or innocence and assessment of penalties—are adequately performed in particular criminal cases, whatever the character of the alleged offense or the characteristics of the defendant. The quality of a court system's performance of these primary functions is intimately related to the manner in which all the stages of case handling, including initial appearances and pretrial proceedings, are performed.

At the same time it should be noted that the courts have important secondary functions—as sources of reinforcement of social and legal norms. Thus, it is important not only that cases involving extraordinary violence be disposed of fairly and efficiently, but also that they be processed in a manner that underscores the seriousness of the offenses involved and the extent of the social disapproval that attaches to them.

Different forms of extraordinary violence pose different problems for the institutions of adjudication. The essential stumbling block for the administration of justice in mass disorder conditions, for example, is the sheer volume of individual cases, including those that are petty and those that are relatively serious, that arise for initial processing during an emergency. Although the eventual final dispositions of such cases pose problems of their own, their greatest challenge to courts is in the area of preliminary and pretrial proceedings. By contrast, the main dilemmas for courts posed by instances of alleged small-group terrorism and

quasi-terrorism occur at the later stages of the adjudication process, particularly during the trial stage.

Despite the numerous issues extraordinary violence poses for judicial administration, several general approaches can be defined. The approach that proceeds from an emphasis on the special character of crimes of extraordinary violence and of proceedings against their alleged perpetrators has been explicitly rejected. Consistent with recommendations for legislation and correctional administration found elsewhere in this report (see Chapters 5 and 9), this chapter does not recommend the creation of specialized tribunals or specialized procedures for the disposition of cases of so-called political crime, or for any other formal judicial recognition of the special characteristics of extraordinary violence. Nor does it recommend that there be any systematic differentiation in the imposition of penalties between persons convicted of substantive crimes in the course of incidents of disorder, terrorism, or quasi-terrorism, and persons convicted of committing the same acts in the course of conventional crimes. Rather, it is submitted that any differentiation of cases of extraordinary violence effects concession to participants in such crimes and distortion of a social process which should be—and appears to be—impartial in all respects.

It is the position of this report that the assumptions and procedures which apply to the adjudication of criminal cases involving charges of participation in extraordinary violence should be, as far as possible, identical to those which apply to other, more ordinary matters. Further, this chapter recommends that whenever adjudication of cases involving extraordinary violence varies from general practice in the administration of justice, the variations should be planned, explained, and justified in advance.

Taken together, these themes embody the proposition that all persons, no matter how heinous the crimes with which they may be charged, are entitled to equal access to the processes of justice. In addition, they express a conviction that the socially disruptive effects of extraordinary violence can be minimized best when integral social institutions, such as the institutions of justice, function during and in

the wake of extraordinary violence in ways that demonstrate continuity and stability.

Another major theme of this chapter addresses the following question: how, consistent with the view that cases involving extraordinary violence are to be dealt with as far as possible like other criminal matters, the courts are to convey, through the conduct of those cases, a sense of the gravity with which these offenses are viewed. The overall efforts of the courts to achieve excellence in the conduct of adjudication should be redoubled in cases of extraordinary violence. Speed and fairness in processing, and rationality of dispositions, are goals in all criminal proceedings, but they are of special import where a charge arises out of an incident of disorder, terrorism, or quasi-terrorism. By providing justice of the highest quality in such cases, the court system can demonstrate the special importance that attaches to them.

The responsibility of the courts to perform educative as well as adjudicative functions, and to perform those adjudicative functions with relative urgency in cases involving extraordinary violence, carries the risk of development of a fragmented or

compartmentalized approach to the dispensation of criminal justice. The standards included in this chapter suggest means by which the responsibility can be fulfilled, the urgency met, and the risks avoided.

Not every standard set forth below is applicable to the conduct of all the individuals and agencies which make up the court system. Some address only the judiciary; others are directed primarily at the prosecution. Finally, some deal not with adjudicative functions, but with ancillary court roles that touch or are touched by the problem of extraordinary violence. These are functions such as the maintenance of courtroom security, which are related to but are not part of the adjudicative process, as well as functions such as the issuing of injunctions against illegal demonstrations, which arise outside the context of criminal case processing. Except where such special application is clearly indicated, however, each standard should be read as a suggestion for the guidance of all those who have any role in the adjudication of criminal cases arising out of extraordinary violence.

Standard 7.1

Judicial Participation in Planning for Response to Extraordinary Violence

An independent judiciary is barred from participating actively in many aspects of official contingency planning for extraordinary violence. In particular, members of the judiciary should avoid any direct role in devising strategies and tactics for law enforcement. Nevertheless, because the manner in which other agencies respond to extraordinary violence affects court functioning significantly, the judiciary has a real—although limited—place in comprehensive contingency planning efforts. In addition, members of the judiciary must anticipate the possibility that they may become involved as victims or as intervenors in situations of extraordinary violence. Specifically, it is recommended that:

1. Members or representatives of the judiciary (particularly administrative judges and their designees) should cooperate actively with police and other law enforcement agencies in devising:
 - a. Plans for arrest, detention, and expeditious processing of large numbers of persons in mass disorder situations;
 - b. Plans for provision of immediate trial or administration of pretrial release following mass arrests in disorder situations;
 - c. Plans for provision of legal counsel to persons detained after arrest in disorder situations; and
 - d. Plans for special security precautions in connection with preliminary court proceedings and

trials involving defendants accused of crimes involving extraordinary violence.

2. Members of the judiciary should review all police contingency plans for extraordinary violence in their entirety, with the limited purpose of identifying and suggesting changes in planning elements (other than those itemized in Paragraph 1, above) that directly affect court functioning.

3. In coordination with police contingency planning for extraordinary violence, the judiciary (wherever possible through administrative judges or court administrators) should prepare its own contingency plans for emergency functioning and for the trial of cases involving extraordinary violence. The elements of such plans should include:

- a. Arrangement for provision of additional judicial (and support staff) manpower in emergencies;
- b. Provision for holding public court sessions during emergencies in places other than regularly used courthouse buildings;
- c. Specification of special rules or standards—if any—that will govern pretrial release decision-making during emergencies;
- d. Development, in consultation with news media representatives, of policies to regulate the release to the public of sensitive or inflammatory information concerning criminal cases involving extraordinary violence; and
- e. Description of special preventive security

measures to be applied during potentially inflammatory court proceedings.

4. Members of the judiciary should plan in practical detail with law enforcement officials for the prevention of and response to such eventualities as:

a. Abduction of or attacks on members of the judiciary or their families, and threats of such acts; and

b. Requests for judicial intervention in barricaded suspect situations or negotiations related to disorders in progress.

Commentary

The independence of the judiciary is an important and salutary principle in the administration of American justice in general, and in the administration of criminal justice in particular. But judicial reluctance to consider disputes or issues not presented as actual legal controversies, or to render advisory opinions to other branches of government, should not impede contingency planning for extraordinary violence by the judiciary on its own initiative, or limit judicial participation in multi-agency planning efforts.

In general, the classic approach of American courts to the solution of management problems can be characterized fairly as an ad hoc approach, paralleling the case-by-case approach to the resolution of jurisprudential issues, which is an integral concept of Anglo-American law. This classic approach, while perhaps satisfactory for ordinary court business, is relatively dysfunctional in major law enforcement emergencies or in the course of judicial proceedings involving special risks. The thrust of this standard is in direct opposition to that ad hoc approach to problem solving.

There has been a growing recognition during the past decade that a multi-judge court system is more than an aggregation of individual judges deciding particular cases; it is a complex bureaucratic structure, with many of the organizational characteristics of an executive department or a private corporation. With this recognition has come an awareness that, while the primary business of the courts—case-by-case adjudication—may be an inappropriate subject matter for planning and management efforts, that work cannot proceed effectively unless other aspects of court functioning, ranging from personnel selection to case scheduling, are thoroughly and professionally organized. During the same period, the functions of the administrative judge have assumed new importance, and the professional court manager has emerged as an important member of the staff of many State court systems and individual medium to large multi-judge courts.

Court Management and Contingency Planning for Extraordinary Violence

The developments outlined above are the basis for the recommendations contained in this standard. The interpenetration of practical court administration and the quality of justice has been generally recognized where day-to-day system functioning is concerned. If a need exists to plan and organize the utilization of court resources during nonemergency periods, that need then is far greater during times of unusual stress on the machinery of justice.

A capability for planning now exists in many of the courts and court systems that have most reason to anticipate the contingency of extraordinary violence. And for those individual courts with no independent management capability, expert advisory and consultative services are readily available, either through the management arm of the court system of which they are a part, or from outside sources.

In sum, conditions now exist to make comprehensive court system contingency planning for extraordinary violence, as well as court cooperation in multi-agency planning, realistic possibilities. The objectives, structure, and content of such planning, however, still must be addressed.

Objectives of Planning

In general, this chapter recommends that norms in the administration of justice be observed, even in exceptional cases or under emergency conditions. Where departures from the norm are inevitable, it urges that they be minimized. The use of advance contingency planning has two distinct values in attempts to realize this recommendation. First, planning provides a means for anticipating special steps and resources that may be needed to maintain maximum normality in court functioning under stress. For example, to afford preliminary hearings and trials to large numbers of persons arrested during mass disorders at roughly the same rate and on roughly the same basis as they are afforded in non-emergency periods, extra judicial and support personnel may be required. The value of contingency planning is that it can be a means for anticipating the level of extra personnel required and for providing for their availability.

Second, planning can be used to set outside limits on the departures from norms that will be condoned in particular stress situations. It is inevitable, for example, that trials involving alleged members of active terrorist organizations will be accompanied by special security measures in courthouse and courtroom. Planning, however, could be used to determine in advance a balance between the need for security and the need to conduct trials that have the reality

and appearance of openness. That determination, in turn, could govern reactions to future emergencies. For the courts, an advance understanding of what action will not be taken in emergencies is at least as critical as an itemization of what will be done.

Both these planning functions, which may be termed the "facilitating" and the "limiting" functions, respectively, require planning efforts that anticipate a wide variety of contingencies in considerable detail. They also require that the courts anticipate courses of action to be taken by other agencies. Reaching a determination on the legality, or even the general desirability, of noncourt agencies' contingency plans, however, should not be included among the objectives of court planning efforts. But a determination of the degree to which the plans of other agencies may affect court functioning is essential. For example, in most jurisdictions, the provision of detention facilities is a function of police (or local corrections departments); even the most ambitious judicial plan for the expeditious processing of large numbers of arrestees can be frustrated by another agency's design for emergency detention procedures. Therefore, to insure compatibility, the objectives of court contingency plans for extraordinary violence must include review of the plans and emergency procedures of other agencies. Where any incompatibility exists, attempts should be made to influence those agencies to reconsider their planning processes. Where the plans of other agencies on points directly affecting court functioning are incomplete, court planners should be prepared to take initiative in bringing about precise, compatible planning by those agencies.

Courts and the Planning Process

This standard recommends court system participation in planning of two different types—intrasystem planning and multi-agency planning. In the main, the former requires anticipation of the special problems posed by the actual trial of cases involving terrorism and quasi-terrorism (as well as direct judicial involvement in incidents of extraordinary violence). The latter requires anticipation of problems in the dispensation of justice during mass disorders. Overlap between the two forms of planning, however, necessarily will occur. Courtroom security, for example, is a primary concern of intrasystem planning, but coordination with other agencies may also be required to assure the availability of security equipment and extra security personnel. Thus, it is desirable that responsibility for all contingency planning be lodged at a single location within a court system, and that the person charged with that responsibility manage all intrasystem and interagency communications related to planning.

The identity of the appropriate staff member to designate as planning coordinator will vary from court system to court system. Where there is, in name or in fact, a court manager's position within a court system, the incumbent generally would be the most logical choice for planner. The role of the administrative judge, if there is one, or chief judge in a multi-judge court, will depend in part on whether a court manager is present. Where there is a court manager, the judicial officer with oversight responsibility for administration should direct the contingency planning generally. But where there is no court manager, that officer (or his or her designee) will be required to take practical responsibility as well.

Even where planning responsibility has been located definitively, the importance of consultation during the planning process can hardly be over-emphasized. The traditional independence of the judiciary makes it difficult for any court staff member, or any single judicial officer, to arrive at formulas for emergency operations that can command adherence by all the members of a multi-judge court. To help insure that a plan will be followed, it is necessary to solicit the views and opinions of each member of the court while the plan is in preparation, and then to secure their collective endorsement of the finished document.

Moreover, because a court—in the organizational sense—does not consist only of judges and their staffs, intrasystem planning must take into account the views of the prosecutor's office and the defense bar, as well as such distinct and important parts of the court bureaucracy as the security staff and the clerks' offices. Wherever possible, each distinct element that constitutes a court organization should be regularly represented during planning, as well as consulted before adoption of a draft plan has been devised.

Cooperative planning with noncourt agencies raises other, more difficult issues of process. In essence, the planning representative of a court system, in his or her dealings with law enforcement, must attempt to describe minimum requirements for judicial functioning under a variety of conditions and to suggest practical means of providing those conditions, without taking positions on legally disputed issues of law enforcement practice. Thus, for example, if questions arise concerning the paperwork that should accompany persons arrested in a mass disorder to court, judicial representatives involved in multi-agency planning would be advised to list the minimum items of information that must be recorded to permit expeditious court processing. The actual design of arrest record forms—as well as any decision to include items other than the necessary minimums—should be left to law enforcement.

Except where legally noncontroversial issues, such as assignment of law enforcement personnel to

security duty at high-risk trials or allocation of extra space for temporary courtrooms during mass disorders, are concerned, court representatives involved in multi-agency contingency planning should maintain a measure of distance from cooperating law enforcement agencies and avoid any appearance of involvement in the specific design of law enforcement tactics. Frequently, of course, there will be no bright line marking the limits on appropriate court system participation in multi-agency planning, and in the gray area between obviously controversial issues and obviously nonproblematic ones, the court planner will be required to move with extreme care.

A final process issue in multi-agency planning concerns the method of resolving matters that are the joint concern of law enforcement and one or more of the nonjudicial elements of what is broadly termed the court system, e.g., the defense bar or the office of the prosecutor. Some of these issues, such as defense access to persons in custody after arrest in a mass disorder situation, are properly subject to practical judicial mediation. Others, such as police-prosecution understandings on charging in the aftermath of disorder-related arrests, are not. None of these issues, however, is a primary judicial concern, although they may be closely related to judicial concerns such as counsel appointment plans and conduct of preliminary proceedings under emergency conditions. Thus, a court planning officer, such as a court manager, who represents the judiciary in multi-agency planning for extraordinary violence should not carry the full burden on such issues. Rather, special provision should be made for direct representation of nonjudicial elements of the court system in multi-agency planning whenever the views or independent plans of those elements are crucial.

Content of Plans

Intrasystem court contingency plans for situations involving extraordinary violence, and multi-agency plans devised with active court cooperation, should specifically address four distinct aspects of the administration of justice under conditions of special stress. The first is that of facilities and resources—both physical and human. It may be assumed that, when the pressure of judicial business is abnormally high, maintenance of relatively normal court functioning will require extra investments of time by court personnel. Planning documents should identify who will fill these emergency manpower needs and what assistance they will need to make their emergency service effective. Such planning documents should recognize that even the simplest preliminary criminal court proceeding cannot occur without the presence of a number of necessary parties in addition to the judge or magistrate and the defendant. The effect of additional judicial personnel during

emergency periods can be negated by failure to provide for commensurate increases in the number of stenographic reporters, for example, to say nothing of attorneys to represent the interests of the defendants and the State. Similarly, provisions to employ additional staff or expand court hours during emergencies may founder if necessary extra space is not provided for special sessions.

Moreover, needs for monetary support should be anticipated fully in court contingency plans. Such support may be required for construction of a courthouse or alterations to courthouse facilities (such as provisions for secure prisoner holding areas) or for equipment that will be employed only occasionally (such as portable metal detectors). The plan should indicate not only what features or items are required, but also how they should be made available—whether through expenditures in the court budget, for example, or through borrowing from other agencies.

The second major area of substantive concern in court contingency plans for extraordinary violence should be that of special procedures tailored to special needs. This broadly defined category of planning items includes procedures to assure expeditious preliminary processing of persons arrested during mass disorders (see Standards 7.5 and 7.6), and procedures to assure effective management of trials with a high potential for disruptive violence (see Standards 7.7 and 7.8). Because a major objective of court contingency planning is to minimize distortion of norms during emergencies and periods of high stress, it is important that the procedural sections of contingency plans be drafted in step-by-step detail, so as to provide useful procedural blueprints rather than mere general guidance. When a court is actually faced with cases arising out of extraordinary violence, ad hoc procedural innovation should be limited to issues and problems that could not reasonably have been anticipated.

The third major aspect of court contingency planning is that of security. In a complete plan, the different levels of physical security that a system is capable of achieving—both in the courtroom itself and throughout a courthouse facility—should be defined and graded in terms of restrictiveness. The personnel and material resources needed to achieve each should be described in detail. Finally, the sorts of emergencies and risk situations for which each set of security measures is deemed appropriate should be itemized.

In devising the elements of a contingency plan for courthouse security, planners should be aware that considerations of economy and appearance—to say nothing of jurisprudence—dictate that in every situation of risk the minimum effective level of security precautions should be employed. Again, it is the function of detailed planning to insure that court functioning under abnormal conditions will, insofar

as possible, parallel the routines applicable in normal periods.

The fourth and final element of complete court contingency planning involves provision for the possibility that members of a court staff, particularly judicial officers or their families, may become directly involved in an incident of extraordinary violence. At least two forms of potential involvement must be anticipated: victimization by terroristic or quasi-terroristic threats or attacks, and intervention in an incident of extraordinary violence as a third party, between incident participant and law enforcement.

In anticipating the first form of direct involvement, court planners should be concerned with both preventive and responsive measures. In essence, the precautions against victimization—and the procedures to be followed subsequent to victimization—that can be recommended to judges are similar to those that apply to any high-risk target, from politician to private executive. They include measures to reduce judicial exposure to attack, to provide special protection when risks of attack are especially great, to record personal data necessary for the rapid evaluation of an apparent attack or abduction, and to develop accurate systems for the complete reporting of unconsummated threats to law enforcement. In addition, of course, planning materials that address courthouse security are relevant to the special security problems involved in preventing victimization of court personnel in their professional setting.

In drafting materials relating to the problem of victimization, court planners must strike a balance between adequacy and acceptability, recognizing that members of the judiciary may be unwilling to impose self-restrictions, which they perceive to be unnecessary, on their freedom of movement and action. To be effective, a plan for prevention and response must command the acceptance of all or most of the members of the court to which it applies. Thus, security concepts that are objectionable to even a substantial minority of the judges to whom they are designed to apply should either be stricken from the plan or proposed in a form that permits individual discretion.

Judicial individualism presents even more of a

planning problem where the issue of third-party intervention is concerned. On occasion, members of the judiciary may receive requests—or perceive opportunities—to enter law enforcement/offender confrontations in the role of a nonjudicial intervenor. The logic of such intervention, if any, may arise from the judge's reputation in the community, his or her prior official involvement with an individual participant in extraordinary violence, or his or her involvement with a disputed issue around which an incident revolves. Realistically, planning cannot direct the decisions for or against intervention that individual judges will make in particular situations. At best, a plan can specify general principles for determining when intervention will be appropriate, and precautions to be taken to preserve the safety of the judicial intervenor if and when intervention occurs.

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Related Standards

The following standards may be applicable in implementing Standard 7.1:

- 6.2 Planning for Mass Disorders
- 6.3 Planning the Police Response to Individual and Small-Group Terrorism and Quasi-Terrorism

Standard 7.2

Judicial Regulation of Intelligence Gathering

Under existing law, the role of the judiciary in monitoring the use of intrusive intelligence-gathering techniques employed by law enforcement agencies is a limited one, confined to passing on applications for authorization to conduct electronic surveillance, requests to examine otherwise confidential records, and applications for certain search warrants. A requirement for prior judicial review of proposed intelligence gathering may be imposed, at some time in the future, for other forms of law enforcement investigations. If new intelligence-review functions conferred on the judiciary are to be exercised without damaging the capacity of law enforcement to cope with the problems of disorder and terrorism, the judiciary will be required to develop sensitivity to the peculiar nature of these problems. Therefore, it is recommended that:

1. The judiciary be prepared to scrutinize and question intensely the purpose, necessity, and underlying rationale of all requests for permission to take special steps in furtherance of intelligence gathering in investigations of extraordinary violence, and to consider law enforcement needs carefully in reviewing each request.

2. Wherever possible, requests for permission to conduct intelligence gathering directed to multi-judge courts should be assigned to a single judge sitting in rotation pursuant to designation by the chief judge of the bench; requests to extend or ex-

pand previous approvals should be directed to the judge who gave them in the first instance, regardless of his or her assignment at the time of the new application, unless that judge is unavailable.

3. Annual reports (and other statistical compilations) generated by the courts should include aggregate totals reflecting the number of applications for permission to conduct surveillance received, and the numbers approved and rejected, by type of surveillance involved.

Commentary

This standard is one of several dealing with ancillary court functions, i.e., functions other than those connected with the disposition of criminal cases, that are important in the overall pattern of official efforts against extraordinary violence. Specifically, it is concerned with the mandatory prior judicial review of intelligence-gathering techniques employed by law enforcement agencies. Because it anticipates possible legislative developments, this standard is necessarily a speculative one. But its thrust is that, where the judiciary is so situated as to be in effective control of some or all police intelligence operations involving mass disorder or terrorism, its members should be prepared to recognize the value of effective intelligence in the control of extraordinary violence.

Approaches to the regulation of intelligence gathering (and recordkeeping) designed to limit the potential for abuse without eliminating law enforcement's intelligence capacity are recommended elsewhere in this report. It should be noted that neither the recommended scheme of departmental self-regulation (see Standard 6.4), nor the proposal for new legislation, which stresses oversight by legislative committees (see Standard 5.3), contemplates any expansion of judicial control over the day-to-day conduct of intelligence operations.

At the same time, however, it should be noted that the extent of judicial involvement in monitoring intelligence is already considerable. Electronic surveillance—one of the most promising techniques from the standpoint of law enforcement, as well as one of the most disturbingly intrusive from the standpoint of the public—already requires prior judicial approval. Judicial permission to conduct electronic surveillance may be sought on a variety of grounds, and although only a few are related to intelligence gathering against extraordinary violence, this method of data collection has special importance where a suspected covert criminal conspiracy is under scrutiny. Other forms of intelligence gathering requiring prior judicial approval include physical searches for evidence, which are generally subject to the warrant requirement, and inspection of confidential records. Although neither of these techniques is of primary importance in preventive intelligence-gathering efforts, both may be critical in tactical intelligence gathering against individuals and groups suspected of involvement in crimes of extraordinary violence.

The present real but limited involvement of the judiciary in the regulation of law enforcement intelligence gathering is significant not only for itself but also because it creates a model for possible future legislation in the field of intelligence gathering. Of particular interest is the prospect that new Federal, State, or municipal laws may identify particular methods of intelligence gathering as posing particular threats to personal privacy. If such legislation follows existing wiretap laws, prior judicial approval would be required before those methods could be employed. An example of a bill embodying this approach is the Mosher-Mathias Bill of Rights Procedures Act, introduced in the Congress in 1975, which would require all Federal officers to secure a court order based on probable cause before conducting any surveillance of individuals by any of a wide range of techniques (including wiretapping, mail covers, or the examination of bank records). Other examples are two bills recently introduced in the New York City Council by Councilman Carter Burden, which would require city officers to secure advance judicial approval before employing photographic surveillance as an investigative or intelli-

gence-gathering method, and would require a court order to authorize the assignment of undercover agents or paid informants in any design for police information collection.

While it remains relatively unlikely that any of the legislative proposals just cited—or any other proposal of equivalent scope—will be enacted in the near future, piecemeal legislative extension of the judicial approval requirement to cover some additional intelligence-gathering techniques is not improbable. This standard advises, therefore, that the judiciary be prepared to assume new roles in the supervision of law enforcement intelligence operations when and if they are legislated and to work constructively with law enforcement to insure that necessary intelligence gathering in investigations of extraordinary violence proceeds in an acceptable manner.

A Jurisprudence of Intelligence Regulation

Because court orders authorizing (or refusing to authorize) electronic surveillance are issued on an uncontested application by law enforcement and only rarely publicized or subjected to further judicial review, relatively little is known about the bases on which judicial decisionmaking concerning such orders takes place. In general, it can be stated that judicial attitudes toward applications to conduct wiretaps—like judicial approaches toward applications for conventional search warrants—vary widely. Relatively passive acceptance of the applicant's claim of justification, however, is probably more common than active inquiry about its foundation. If judicial involvement in the regulation of intelligence gathering by way of prior review of particular operations is to continue or increase, a further articulation of the process by which such review should be conducted may be desirable.

Every application to conduct intrusive surveillance, or employ other privacy-compromising intelligence-gathering techniques, requires a balancing exercise by the judicial officer who passes on it. On one side, the privacy of the individual to be subjected to investigation (and, indirectly, society at large) must be weighed; the importance of this factor depends on the intelligence-gathering technique actually proposed to be employed. On the other side, the seriousness of the problem posed to law enforcement and the likelihood that it cannot be addressed without the use of unusual measures must be weighed; these factors are related to the subject matter of the proposed investigation.

This commentary, like the standard it follows, is limited to a consideration of the problems of interest-balancing that arise when a proposed investigation is directed at persons or groups believed by law enforcement to be connected with extraordinary

violence—either as instigators of mass disorder or as participants (or likely participants) in terrorist activity. The nature of any judicial balancing relating to proposed intelligence gathering is altered, although not transformed, by the gravity of the harm anticipated from the potential subject.

In order to discharge an intelligence-regulation function responsibly and effectively in cases involving extraordinary violence, members of the judiciary must be able to acquire considerable independent sophistication in dealing with an unfamiliar and problematic group of issues. In a contested civil or criminal case, the judicial decisionmaker can expect—at least in theory—to be provided with detailed versions of the important facts by the parties; there, independent knowledge of the subject in dispute can be more of a judicial liability (as it affects objectivity) than an asset. In an *ex parte* hearing, however, the judicial officer is presented with only one account of the facts—and, inevitably, a biased one. In deciding whether that account warrants a particular action, such as the issuance of an order authorizing intrusive surveillance, the judicial officer must either take an entirely passive role or act on the basis of some independently derived knowledge.

It is recommended that judicial officers passing on requests for authorization to conduct intelligence gathering take the latter course, informing themselves in some detail about the nature of the real threats posed by the phenomena of disorder and terrorism, the various law enforcement techniques appropriate to dealing with those threats, and the place of intelligence gathering (and differing modes of intelligence gathering) in a comprehensive law enforcement program.

Judicial sophistication of understanding can be only a first step in developing a jurisprudence of judicial regulation of intelligence operations. From that understanding, and its application to facts in particular cases, must flow a coherent series of decisions. From the decisions, in turn, an articulable body of general principles for balancing private interests against public needs must be distilled. Informal exchange of views among individual judges concerned with the intelligence-regulation function is essential. But because the stakes are high—in terms of the degree of potential incursion into personal privacy, on the one hand, and in terms of the risks posed by extraordinary violence, on the other—the development of such a body of principles can be expected to be a slow and difficult process.

Nevertheless, if legislatures elect to strike a balance between personal privacy and collective security by expanding the role of the judiciary in monitoring intelligence operations concerned with extraordinary violence—emphasizing again that, at this writing, such legislative developments are in the realm of speculation only—the judiciary can and should be

prepared to accept this new burden. Doing so should not mean adopting a passive, deferential stance toward law enforcement requests for authorization to conduct surveillance. Neither should it involve a posture of extreme skepticism where those requests are concerned. Rather, it should entail a reasoned and informed consideration of the opposing interests, giving equal weight to the needs of law enforcement and the rights of individuals to privacy.

Promoting Consistent Decisionmaking in Judicial Intelligence Regulation

In the preceding discussion, a goal is posited for the courts: to develop a set of principles and working rules applicable to the prior review of law enforcement intelligence operations against extraordinary violence. Like any special jurisprudence, such rules and principles will evolve primarily through the gradual, cumulative process of case-by-case decisionmaking and through the informal exchange of views among the judges who make the decisions.

Several devices, however, are available to promote the development of a jurisprudence of intelligence regulation. One, recommended in this standard, is the designation of particular members of multi-judge courts to hear and decide applications relating to intelligence operations. Such assignments, of course, need not (and indeed should not) be permanent. But the system of assignment should provide for rotation at a rate slow enough to permit every judge who receives the assignment to develop an understanding of the full range of problems related to intelligence gathering and to develop a coherent judicial approach to those problems.

This standard also recommends that, in order to achieve consistency in judicial handling of matters involving multiple applications relating to a single intelligence operation, all applications in such a series be referred—whenever possible—to the judge who heard the initial application. This practice is recommended even though, at the time of an application related to a prior order, the judge who issued that order might no longer be assigned to the handling of intelligence regulation matters. This variation on the recommended scheme of rotating judicial assignments would maximize the value of expertise in intelligence regulation developed by individual judges and minimize the effects of inconsistency of approach among judicial decisionmakers.

Finally, this standard recommends that any court regularly involved in passing on applications for authorization to conduct intelligence operations maintain and periodically make public a summary record of its actions on such applications. Of course, public disclosure should be consistent with needs for

maintaining the security and integrity of ongoing investigations.

Although it obviously would be inappropriate to include in such a record any detail beyond the numbers and general kinds of applications entertained and the actions taken on them, even these limited data may prove useful. To individual members of the judiciary, they could serve as a rough indication of the general approach to intelligence regulation followed by a court, and thus as a point of reference in assessments of their own approaches. And to legislatures and the public, the record could give some indication of how the judiciary as a whole is discharging any responsibility for intelligence regulations that have been delegated to it.

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Related Standard

The following standard may be applicable in implementing Standard 7.2:

5.3 The Intelligence Function

Standard 7.3

Prosecution Policies for "High-Risk" Defendants

In choosing a course of action with respect to persons suspected of systematic involvement in terroristic activities, or of criminal incitement of mass disorder, prosecutors often face a choice between making an early case on a relatively minor charge or charges, or waiting for evidence that will support a conviction of a more serious nature. It is recommended that this choice generally be resolved in favor of the earliest feasible prosecution. In particular:

1. Prosecutions of persons against whom it is believed a criminal charge involving extraordinary violence can be proved should not be delayed. Any delay could permit those persons to commit or attempt to commit a further criminal act that may threaten the lives or property of others; and

2. Prosecutions of persons suspected of involvement in extraordinary violence should not be delayed for the purpose of seeking information or cooperation from those persons, unless:

a. They are suspected to be subordinate members of a group or organization;

b. Other members of that group or organization cannot be prosecuted without their information or cooperation; and

c. There are strong grounds to believe that a delay in prosecution will pose no substantial threat to public safety.

Commentary

Unlike most of the standards contained in this chapter, this standard does not present guidelines for judicial action in cases involving extraordinary violence. Rather, it is concerned with guidelines applicable to a critical nonjudicial element of what has been defined, for the purposes of this chapter, as a court system: the office of the prosecutor. It addresses what may be termed the most critical independent discretionary decisionmaking authority of that office, the power to initiate prosecution, and the manner in which that authority should be exercised in cases involving extraordinary violence.

To address this standard and its recommendations only to the prosecution, however, involves an oversimplification of the problem of discretionary authority. Although formal authority to initiate prosecution is reserved for the prosecutor, the practical power to delay prosecution may, in particular cases, lie with law enforcement as well. This standard, then, should actually apply whenever any official within the criminal justice system exercises the prosecutorial function of deciding whether or not to commence a criminal case on charges related to extraordinary violence.

Typically, however, where criminal suspects are regarded as posing a potentially serious threat to public safety, the prosecutor for the appropriate

jurisdiction is (or should be) in overall charge of decisions concerning the making of a case against them, at least from the time when police investigation has revealed a potentially prosecutable charge. And it is with decisionmaking in the stages following initial investigation that this standard is concerned. For it is at this point that a critical decision concerning prosecution often must be made. The choice is either to take immediate action, perhaps on a relatively petty charge only, or against only some of the persons suspected of involvement in an offense, or to delay prosecution to permit further development of a case, to obtain evidence for more serious charges or against additional defendants. In ordinary criminal matters, this choice is often a difficult one, but a general rule of prosecution policy can nevertheless be posited: no delay in prosecution should occur when such delay creates a risk of irreparable harm or loss to innocent persons. Thus, delay may be in order where it is believed that a person who could be charged with relatively minor offenses involving, for example, receiving stolen property will, under further investigation, prove to be a major commercial "fence." Delay would not be appropriate, by contrast, where it is believed that a person who could be charged with a weapons offense is preparing to commit armed robbery.

Although general prosecution policy is not the focus of this standard, the above-stated rule may be applied to cases involving extraordinary violence as well. Because a serious threat to public safety is inherent in the phenomena of mass disorder, terrorism, and quasi-terrorism, there seldom will be any sufficient justification for delay in commencing formal criminal proceedings against persons who can be successfully prosecuted in connection with crimes of extraordinary violence. This is true even though delay might permit identification of additional persons involved in extraordinary violence or produce additional proof of involvement so that criminal penalties appropriate to the real extent of their involvement can be assessed.

The risks of any unnecessary deferral of action against offenders involved in extraordinary violence are simply too great to be tolerated. Thus, for example, there can be no justification for failing to prosecute persons for minor violations of statutes relating to explosives possession, in hopes that they may later be apprehended in the course of a bombing attempt. The possibility that such an attempt may in fact be consummated, even if it is regarded as relatively unlikely, entails a gamble in which the stakes, rather than the odds, are unacceptable.

As this standard suggests, however, where delay clearly will not increase the magnitude of any threat to public safety, the general principle of immediate prosecution may be excepted. Thus, for example, where evidence of a prosecutable conspiracy to com-

mit an act of extraordinary violence on a definite future date (such as an assassination coinciding with a scheduled political appearance) exists, and delay in commencing that prosecution would permit the identification of additional members of that conspiracy, deferral of official action would be justified where the prosecutor is satisfied that no change in the conspirators' plan will occur unknown to law enforcement. But it should be emphasized that there will be relatively few situations in which official knowledge of the intentions and capabilities of persons planning crimes of extraordinary violence will be sufficiently complete and reliable to bring this exception into play.

Another exception to the general rule of immediate prosecution applies when, by delaying official action against a minor figure in a criminal group involved with extraordinary violence, that individual's active cooperation with law enforcement efforts can be secured. In effect, delay of prosecution may be justified when the use of unpaid informants in investigations of extraordinary violence serves a real law enforcement interest and poses no increased risk to the public safety. In some circumstances, however, immediate prosecution of a minor figure may be the only official measure that can and must be taken, even though it may complicate the subsequent identification and prosecution of more influential members of an organization. This will be the case, for example, when the cooperation of an informant does not produce a clear determination of exactly how and when an organization intends to engage in extraordinary violence. Relatively often, however, an informant under threat of prosecution can help give law enforcement a current and accurate understanding of the plans for the group of which he or she is a member, while assisting in the development of prosecutable cases against other members of that group. When this is so, delay in prosecuting that informant may be appropriate.

Although this standard recognizes the utility of informants as justification for delay in prosecution, it does not accept as appropriate either the complete abandonment of prosecution against cooperating offenders or the giving of any concessions to serious offenders in return for their cooperation in investigations of extraordinary violence. To recommend either practice would be to compromise an essential principle of this report: that offenses involving terrorism and mass disorder should be treated as matters of special gravity by all officials of a criminal justice system.

Obviously, the use of minor group members as informants may necessitate the making of concessions in the direction of leniency by law enforcement and prosecution. It is suggested, however, that the extent of these concessions never should be so great as to permit a person against whom a case could be

made to escape prosecution altogether. The risk is too great that a decision to forego prosecution will be generally understood as a form of inconsistency in criminal justice practice.

Similarly, it may sometimes be the case that valid law enforcement ends might be accomplished through preprosecution dealing with a major figure in an organization involved in extraordinary violence. Given the difficulty of determining whether such dealings are genuinely fruitful, and the likelihood that, once revealed, they will reflect detrimentally on officials who have participated in them, it is suggested that the prosecution of major figures in crimes of extraordinary violence never should be delayed in expectation of cooperation.

Problems of Implementation

This standard describes broad policy guidelines governing the prosecution of criminal cases involving extraordinary violence. It does not purport to suggest how any prosecutor's office adopting these guidelines can insure their implementation. Nor does it address the special implementation problems posed by the role of police agencies as decisionmakers on questions of prosecution and nonprosecution.

A variety of devices is available to promote compliance with principles of the sort propounded here. They range from informal discussion within prosecutors' offices and police agencies to the centralization of interdepartmental control over cases involving crimes of extraordinary violence. But perhaps the most promising device is the promulgation of relatively detailed rules—by prosecutors and police officials, both separately and jointly—to govern decisionmaking in the precharging phases of official inquiries into such crimes. Such rules not only should indicate the policies to be followed, but also should outline procedures for communication among investigators and prosecutors, and among officials at various levels within agencies. The rules should insure that whenever a major investigation of extraordinary violence—one that may yield information that could form the basis of a prosecution—is underway, a senior member of the prosecutor's office would be kept continuously informed of its progress generally, and of the evidence developed in particular. Moreover, the rules should require that the senior prosecutor provide written justification for any decision to delay prosecution where adequate evidence has become available, and that that justifi-

cation be submitted to the chief of the office for review.

It is not suggested that a rulemaking effort of the sort just described can, by itself, bring about full adherence to the principles outlined in this standard; only the general understanding and acceptance of those principles within every affected police department or prosecutor's office, bolstered by rulemaking, will have this effect. Nor is it suggested that rulemaking can resolve the ambiguities inherent in the principles of this standard. Room will always remain for honest differences over when a prosecutable case exists, who constitutes a major figure in a criminal organization, what amounts to a substantial threat to public safety, and similar questions. A decisionmaking procedure that is clearly outlined by rule, however, at least can provide a format for discussion and resolution of these questions on a case-by-case basis, and for the gradual development of expertise in this special area of discretionary prosecutorial decisionmaking.

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Related Standard

The following standard may be applicable in implementing Standard 7.3:

- 5.4 Other Counterterrorist Measures Undertaken by Intelligence Units or Agencies

Standard 7.4

Use of Injunctions in the Control of Disorder

Where small-group terrorism and quasi-terrorism are concerned, the courts ordinarily can play no direct role in the management of incidents. Disorders, however, are another case. Official orders have demonstrated effectiveness in preventing the formation, or achieving the early dispersal, of some disorderly and potentially violent assemblies. It is recommended that, where legally justified, attorneys for local governments (and for nongovernmental institutions) be prepared to seek, and members of the judiciary be prepared to issue, court orders barring or commanding the discontinuation of mass gatherings that may develop into incidents of extraordinary violence. In particular:

1. Injunctions should be sought (and, where justified, granted) whenever legitimate grounds exist for disagreement over the legality of a particular threatened, planned, or ongoing mass assembly, as well as whenever the impact of a police order to disperse is believed likely to prove insufficient;

2. Whenever time permits, representatives of any group or organization against which such an injunction is sought should be encouraged to present arguments against its issuance;

3. When an injunction has been issued, special efforts should be made to insure that actual and potential members of the illegal assembly in question—and especially their leaders or organizers, if any—be made aware of its contents;

4. Where an injunction has apparently been disobeyed, proceedings to penalize such disobedience through judicial contempt powers should be undertaken, and where necessary should take place concurrently with criminal prosecutions arising out of the same incident; and

5. In periods of civil emergency, one or more members of the local bench should be designated by its chief judge to be available on a 24-hour basis to receive and process applications for injunctive relief.

Commentary

This standard addresses three elements of the court system: attorneys representing local governments in noncriminal matters (including, depending on the jurisdiction, district attorneys, city attorneys, and counsel to individual governmental departments, such as the police); attorneys representing private institutions that may be the focus of potentially violent disorders (including, most notably, counsel to private colleges and universities); and the judiciary. It is concerned exclusively with the use of prohibitory injunctions, restraining orders, and allied forms of equitable decrees to prevent or control violent mass assemblies. Its recommendations, therefore, are not intended to apply to the distinct problems of preventing and controlling other forms of extraordinary violence, such as terrorism and quasi-terrorism.

It should be stressed that the recommendations of this standard do not involve any departure from the conventional body of legal principles relating to injunctions and their use, or to the procedures by which they are sought and issued. It is settled law that a prohibitory injunction can issue only when an applicant can show that the activity to be enjoined is in fact illegal (or, where a temporary order is sought on an emergency basis, that the applicant is highly likely to be able to prove illegality), and that if the activity occurs or continues, irreparable harm will result. It is equally well settled that permanent prohibitory injunctions can issue only after a full hearing, at which the person or persons to be enjoined may present their arguments, and that, whenever possible, temporary orders also must follow a judicial proceeding during which both sides of the issue can be heard. This standard proposes no deviation from these principles.

Rather, this standard addresses the question of how injunctions available on the terms and through the procedures outlined above should be used in efforts to cope with civil disorders that pose serious threats of destructive violence. And it is only insofar as this standard recommends application of a familiar legal device in what may be, for some jurisdictions, relatively unfamiliar contexts that it should be regarded as doing more than restating existing law and practice.

The Injunction as a Tool for Disorder Control

Two characteristics of many situations with the potential for violent mass disorder make the court order a particularly valuable tool for prevention and control. First, many such situations, and particularly those with political overtones, involve genuine disputes between participants and law enforcement authorities over the legality of a nonviolent assembly or group protest. Where this is so, a court order's clarification of the rights of the participants may, in itself, discourage violent confrontation. Second, it is typical of all potential (as well as actual) disorders that a relatively small number of the persons involved are fully committed either to any clear objective or to defiance of law. Some of the many participants who are caught up in an event that they do not fully understand, or are less than wholeheartedly involved in, will respond readily to, if not actually welcome, an authoritative direction to disassociate themselves from a potential (or actual) disorder.

Relatively little is known about the group psychology of disorder. It is clear, however, that persons who are actually engaged in mass violence, or are participating in collective lawbreaking that may lead to disorder, are extremely open to outside influences. Generally, writers have stressed their susceptibility to

incitement, whether by leaders of a disorder, by rumors, or otherwise. But there is practical experience to demonstrate that mass susceptibility to pressure toward conformity with law is also a reality. Police experience with use of orders to disperse in confrontations with disorderly groups suggests that some group members always can be swayed by a clear, firm, nonbelligerent warning. How influential such an official declaration proves depends, of course, on the nature of the crowd and on how far the incident has progressed. Nevertheless, when such an order can be employed, it usually will reduce the size of the group, if not eliminate it as a law enforcement problem and a threat to public safety.

This standard recommends that, wherever appropriate, the judiciary be the source of official orders to disperse a crowd, desist from illegal collective activities, or forego some planned mass action. Although police-initiated orders have proved relatively effective as a method of crowd control and incident resolution, it is suggested that for most citizens, the judiciary is perceived to be a more potent and neutral source of authority. Thus, when police efforts to achieve voluntary dissolution of disorderly (or potentially disorderly) assemblies can be reinforced by judicial order, the success of these efforts is likely to be enhanced. A court order will not, of course, be of much assistance in containing a determined, hostile crowd, or in operations during a major disorder in progress. But in the early stages of the growth of an incident, or in incidents that have not reached a peak of violence, invocation of judicial authority may be of particular value.

The use of the injunction in the control of threatening assemblies is particularly appropriate where a substantial, good-faith disagreement exists between members of a crowd and the authorities. An example of such a case is the presently peaceful but potentially violent mass protest demonstration. Frequently, leaders of such assemblies will be at odds with local government officials, including police officials, over issues such as permissible routes of march and assembly areas. Participants may be as firmly convinced that they are acting within their rights as officials of government are convinced that these actions create an unreasonable level of risk. Where such ambiguity exists, a judicial proceeding leading to the issuance of an injunction serves two purposes: it clarifies the law applicable to the situation and bolsters the authority of those charged with enforcing that law.

Practical Issues in the Use of Injunctions for Disorder Control

A basic issue in the use of injunctions is that of timing—how far must an incident have progressed toward mass disorder before an application for in-

injunctive relief is appropriate? Unfortunately, there is no simple answer. In some cases, a credible threat or announcement of intention to engage in collective lawbreaking is sufficient. In others, where participants in an assembly have not declared an illegal purpose, the seeking of a court order will necessarily be delayed until some initial violation of law has occurred. In general, however, it can be stated that, because of the relatively high standards of proof demanded by the courts where injunctive relief is sought, applications based on suspicion only—even where supported by sound police intelligence gathering—will be unavailing. Rather, the decision to seek an injunction generally must be based on some word or act of the persons against whom the injunction is sought.

Once it appears that an injunction might prove valuable in preventing or controlling the development of a mass disorder, the next consideration is the identification of the appropriate applicant for judicial relief. Ordinarily, the proper applicant will be the jurisdiction whose laws are being—or are about to be—violated, acting through its chief legal officer. In practice, this means that the application will be filed by the State attorney general or the city or county attorney (if any) who represents the jurisdiction in noncriminal matters, at the direction of the chief executive of the jurisdiction. Where a district attorney or prosecutor has responsibility for a jurisdiction's criminal and noncriminal legal affairs, his or her office will originate the application. The chief executive, in turn, will usually rely on the advice of police officials. It is advisable that, where a police department has a legal counsel or adviser, that attorney should familiarize himself or herself with local rules and procedures applicable to injunctive relief. Although the police legal adviser will not represent the authorities in actually seeking an injunction, that official may be called upon to assist in the framing of an application that will serve the needs of practical law enforcement.

In some instances, a nonofficial or quasi-official institution, through its attorneys, may be the appropriate applicant for an injunctive order to avert or control disorder. The most obvious case is that of threatening mass gatherings, such as campus building occupations, which occur on nonpublic property and involve possible violations of institutional rules or private rights more than they do potential criminal infractions. In such cases, the affected institution—preferably after consultation with law enforcement authorities—should take the lead in seeking judicial relief.

Although this standard urges increased use of injunctive proceedings in connection with disorder, those responsible for deciding when and how to initiate such a process should be sensitive to the

risks of overuse. Obviously, injunctions should not be sought when the application is weak and the chances of judicial approval are poor. Nor should injunctions be routinely sought, in the absence of some special justification, to restate elementary legal prohibitions. These sorts of overuse will only tend to diminish the impact of any order actually obtained. Finally, and most importantly, care should be exercised to avoid even the appearance of a policy of seeking injunctions to curtail legitimate, nonthreatening attempts to express extreme or unpopular points of view. This last point is easy to state, but sometimes difficult to observe. One group's peaceful mass protest may, for example, trigger violence by others that cannot be prevented or controlled. In general, however, it is important to avoid alarmism and overanticipation, and to give significant weight to the preservation of political freedom when seeking injunctions against activities that are intended to express a position or dramatize a grievance.

In referring to the actual proceedings leading to the granting (or denial) of an injunction, this standard does no more than recapitulate existing law: whenever the persons against whom an injunction, if issued, would run can be located and notified in advance of a hearing, they must be; only temporary orders, of short effective duration and involving genuine emergencies, can be issued on any other basis. It is not necessary, of course, that the subject of a prohibitory injunction actually appear before that order issues, but it is essential that a meaningful opportunity to appear be afforded whenever delay would not frustrate the very purpose for which the injunction is sought.

On occasion, the use of the injunction in disorder control may be complicated by difficulties in locating a judge to consider an application outside of regular hours. Thus, this standard recommends that members of multi-judge courts be designated as on call for the specific purpose of considering applications for injunctive relief during emergencies. In addition, as a matter of sound judicial administration, at least one judicial officer should always be available to hear applications for injunctive relief (including those related to potential incidents of disorder).

Once granted, an injunction prohibiting some mass action or commanding its discontinuation poses special enforcement problems. Since the purpose of such an order is to influence group behavior, it is important that as many of the persons subject to it as possible be clearly notified of its contents. Service of a copy of the order on several presumed leaders of a mass assembly is not a satisfactory method of accomplishing this end, particularly where real doubt exists as to the influence that these persons actually exert over the group as a whole. In addition, notice of any injunction issued should be given by means

designed to disseminate it as widely as possible. Such means should include use of sound amplification equipment at the incident scene and the mass media.

Even if an injunction succeeds generally in accomplishing its purpose, it is unlikely that compliance will be complete. Moreover, it is inevitable that in some instances where court orders issue to disorderly or potentially disorderly groups, disobedience will be general. Thus, courts issuing such injunctions regularly will face the problem of dealing fairly and effectively with willful noncompliance.

The problem typically will be compounded by the fact that many of the same acts that constitute disobedience of an antidisorder injunction also will constitute independent criminal offenses. Thus, there is a potential for redundancy between enforcement of an antidisorder injunction and prosecutions arising out of disorder.

This standard makes the general recommendation that maintenance of a consistent, visible level of enforcement—through the exercise of the inherent powers of courts to penalize disobedience to their orders—is important if the antidisorder injunction is to command continuing respect. No fixed rules can be suggested to determine what level of enforcement through criminal contempt proceedings will be necessary to serve this purpose or when the pendency of criminal prosecutions will render parallel contempt proceedings unnecessary. The answers necessarily will depend on local circumstances and conditions. But it should be stressed that contempt proceedings—initiated either by the court or by the party originally responsible for seeking an antidisorder injunction—will be appropriate whenever there has been open, intentional disobedience to a court order and when no other pending proceeding against those engaged in such disobedience seems likely to vindicate court authority. It also should be emphasized that one means of employing contempt sanctions effectively in the aftermath of disorder is to employ those sanctions selectively, i.e., against those persons who were best situated to know of the existence of the order violated and to dissuade them from obedience.

Antidisorder Injunctions and the Potential for Abuse

Because the prohibitory injunction is a potent tool of social control, it should be used with caution.

Overuse will result only in a dilution of the authority of the courts and give rise to charges—justified or unjustified—that the neutrality of the courts in law enforcement issues has been compromised. Thus, an antidisorder injunction should be sought and issued only when it is believed necessary and likely to prove effective. Moreover, applicants for such injunctions, and courts considering their applications, should exercise special caution whenever the activity to be prohibited or regulated involves the expression of unpopular or dissident political viewpoints. When an injunction is issued in such a context, its terms should distinguish carefully between what conduct is permitted as legitimate political expression and what conduct is prohibited by reason of risk of disorder.

Recent history provides all too many illustrations of the use of injunctions to repress peaceful protest. But examples also exist that suggest their utility as a method of coping with serious disorders. Judicial officers and attorneys involved in the process of devising antidisorder injunctions must consider the distinctions carefully, and decide on the appropriateness of the technique for particular situations accordingly.

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Related Standard

The following standard may be applicable in implementing Standard 7.4:

- 5.8 Emergency Laws Relating to the Adjudicatory Process

Standard 7.5

Pretrial Release Policies for Disorder Emergencies

Pretrial release decisionmaking in periods of disorder raises dilemmas for the judiciary. On the one hand, arrests on any large scale tend to strain available detention facilities, making the judicial function of facilitating release, where justified, crucial. Following such arrests, and particularly when the incident during which they were made is completed or has been successfully controlled, members of the judiciary should invoke procedures that permit the early release of a substantial number of detainees, through release on personal recognizance, for example, or the setting of release bonds in low amounts.

Where an incident of disorder is still in progress, however, expansion of judicial opportunities for pretrial release, or even judicial adherence to generally applicable pretrial release policies, may enable persons arrested for relatively minor offenses to return to the incident scene. In addition, adherence to general release policies may facilitate the early release of persons charged with—and believed likely to repeat—relatively serious or inflammatory disorder-related crimes. The appropriate judicial response to these risks is not *de facto* preventive detention through delaying release hearings or setting higher bail than would ordinarily be required. Rather, it is recommended that, in emergencies involving large numbers of arrests, adoption of the

following judicial policies and practices be considered:

1. Modification or suspension of judicially authorized pretrial release procedures, such as collateral deposit or citation, which permit early release without court hearing in routine cases, when their use is inconsistent with emergency conditions;
2. Insistence on more complete verification than is routinely provided of information on defendants' identities and personal characteristics where risks of misidentification are increased;
3. Increased use of those forms of conditioned nonmonetary pretrial release, such as "third party custody," which provide for responsible supervision of released defendants;
4. Special consideration, in pretrial release decisionmaking, of the likelihood of post-release involvement in new offenses, which may result in individual defendants making subsequent court appearances; and
5. Implementation of procedures permitting detention on the basis of danger to the community where authorized by legislation, in selected cases.

Commentary

This standard addresses exclusively a special problem of court functioning associated with a particular form of extraordinary violence—the large-scale dis-

order involving mass arrests of participants. This problem is as simple to state as it is difficult to solve.

In emergency periods, as at all other times, the judiciary is charged with making pretrial release decisions to fulfill one basic set of purposes: assuring the promptest feasible discharge from detention of arrested persons who do not pose a significant risk of flight, and assuring the continued detention of persons whose mandatory subsequent court appearances cannot be reasonably assured. Although some non-controversial exceptions to this generalization, such as the use of restrictions on pretrial release to provide for the safety of witnesses, are widely recognized, and other, more controversial ones, such as limited, legislatively authorized preventive-detention schemes, are recognized in a few American jurisdictions, there is a clear general mandate to the judiciary to promote release where risk of flight is insignificant or can be overcome. Moreover, in emergency situations, the crowding of limited detention facilities with new arrestees provides a separate, practical impetus toward pretrial release.

Also during emergencies, however, the judiciary must recognize the impact that pretrial release decisionmaking may have on the course of an incident, and on the ability of law enforcement and justice agencies to cope successfully with that incident. Pressure on the judiciary to depart from the basic purposes outlined above in formulating pretrial release decisions will be strong.

The standard immediately following (Standard 7.6, Criminal Court Functioning in Emergency Situations), addresses some of the practical issues (including judicial assignments and scheduling) that arise when demands on the judiciary's capacity to conduct pretrial release decisionmaking are multiplied by a law enforcement emergency. This standard, in contrast, deals with policy issues in emergency release decisionmaking. And it is not recommended here (nor in related Standard 5.5, Emergency Powers, which deals with possible new legislation affecting pretrial procedure in emergencies) that existing pretrial release systems, or their underlying assumptions, be altered or adapted to cope with the special pressures of law enforcement emergencies involving mass arrests.

A review of the constitutional law governing bail and pretrial release provides no basis for such recommendations. The use of pretrial release decisionmaking as a device for preventing or forestalling future criminal conduct by persons in custody following arrest during mass disorders must, with the few limited exceptions discussed below, be regarded as an impermissible departure from fundamental legal principles. Moreover, it is an essential theme of this report that, wherever possible, official responses to extraordinary violence should be de-

signed to reinforce the integrity of basic institutions and the validity of conventional social assumptions. Any special preventive pretrial release policy for emergency situations clearly would run counter to this emphasis.

The underlying assumption of the recommendation included in this standard, then, is that preventing and controlling individual criminality during disorders are functions of law enforcement, in which the judiciary—and the judicial pretrial release decision—has no direct role. At the same time, however, it would be unrealistic to overlook the need to consider limited redefinitions of judicial pretrial release policies during emergencies, not to make the release system serve new purposes, but to help assure that it will continue to serve its traditional purposes. Redefinitions, for example, of specific responses to special difficulties of bail administration during disorders and their direct effects—positive or negative—on disorder-related recidivism should be regarded only as incidental to their immediate goal, that of making pretrial release systems during emergencies as effective as possible, in terms of conventional criteria of effectiveness.

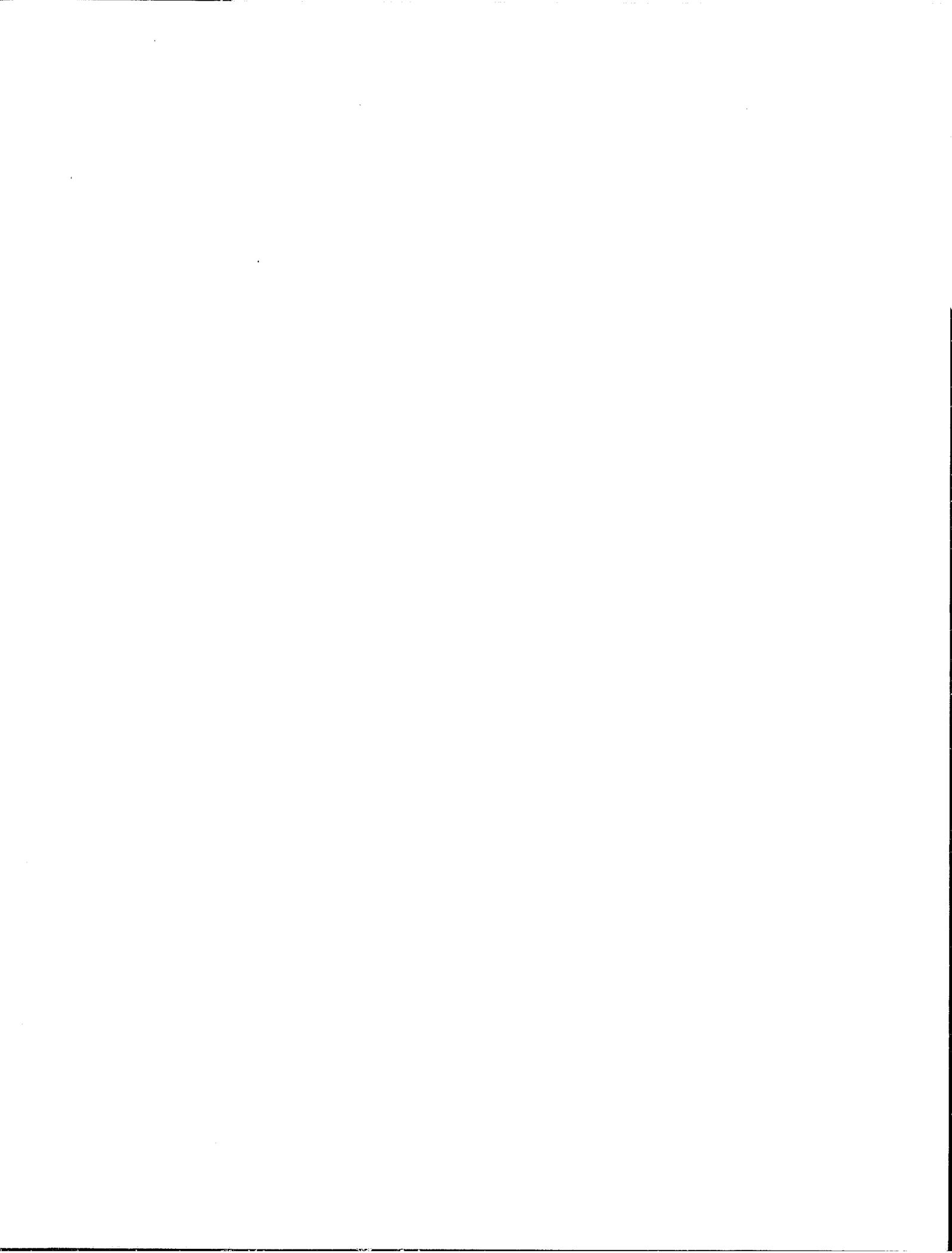
The Problem of Delegation

Although pretrial release decisionmaking is a judicial responsibility, the release systems operating in many jurisdictions during nonemergency periods depend on relatively extensive delegation of that responsibility to other agencies of the criminal justice system, including the police. In particular, police frequently are authorized to release, prior to any judicial appearance, persons taken into custody in connection with relatively minor offenses. In most jurisdictions, this authorization takes the form of a judicially approved "master bond" or "collateral" schedule, which establishes for various misdemeanor offenses the cash sums that may be posted with a police department clerk to entitle release of a person in custody pending disposition of charges. In addition to this form of judicially approved station-house release, some jurisdictions also have implemented judicially sanctioned citation release systems, under which misdemeanants are served immediately upon arrest with a summons to appear (roughly equivalent in form to a conventional traffic ticket).

In periods of disorder, however, these generally salutary innovations may prove philosophically and practically inconsistent with the general maintenance of an effectively functioning pretrial release system. The assumptions underlying the delegation of release authority to police are that the inherent risk of nonappearance is low for persons facing minor charges, which carry neither severe penalties

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nor significant opprobrium, or, alternatively, that such charges are so relatively insignificant that the purposes of justice are adequately served by a forfeiture of collateral in lieu of further criminal proceedings.

These assumptions, however, may be inapplicable during disorders, when large numbers of arrests are made on minor misdemeanor charges, such as breach of the peace or trespassing. Persons thus arrested may have special reason to fear that their cases will be handled with special severity, and thus have special motivation to evade facing those charges in later proceedings. And to permit disorder-related misdemeanor cases to terminate in forfeiture of collateral may be regarded as an abdication of the judicial responsibility to devote serious attention to significant allegations of misconduct, even when they involve offenses that are minor in terms of the potential criminal penalties that might be imposed. Consideration also must be given to the ability of the police to perform their functions when judicial authority over minor cases during emergency periods is delegated to them. Even a relatively minor disorder can produce extraordinary demands on law enforcement sufficient to compromise its practical capacity to perform special functions, such as the administration of a station-house release or citation release system.

This standard does not recommend the automatic or reflexive suspension of such delegation of pretrial release authority during emergencies. Rather, it recommends early judicial consideration of delegation whenever mass arrests arising out of disorder occur or seem likely to occur. In some instances, a complete suspension of station-house release procedures may be appropriate; in others, an adjustment of those procedures (through the limitation of eligible charges and/or the upward revision of financial schedules, for example) may be sufficient to insure that cases deserving judicial consideration will receive it and that administrative burdens on police will be relieved. Where citation release systems are concerned, no equivalent judicial action ordinarily will be required, because the form of court rules authorizing police to issue citations in lieu of arrest is generally permissive rather than directive. Nevertheless, if judicial expectations of police participation in the court-authorized system of citation release differ between emergency and nonemergency periods, this should be made known to police officials.

The Problem of Nonfinancial Conditions of Release

During the past decade, many jurisdictions have moved toward legislative and judicial bail reform. An example of one such reform is the partial replacement of release systems based on defendants' ability

to post cash or security bonds with provisions for the release on nonfinancial conditions of those who are relatively good risks. In such jurisdictions, the bail determination inquiry is often—and particularly often in cases involving relatively minor charges—an inquiry into the defendant's personal responsibility and community ties, based on previously conducted background interviewing and limited investigation for verification. The quality of the information available to the judicial officer overseeing the proceedings is crucial to the functioning of a system of pretrial release based on nonfinancial conditions. Unless that official can be reasonably certain that the conditions imposed are adapted to the real circumstances of the defendant, pretrial release decisionmaking that employs nonfinancial conditions becomes an empty exercise. And during mass disorders, where arrests have been made in large numbers, ascertaining personal information about individual defendants becomes particularly difficult.

This standard does not recommend any movement away from nonfinancial release during emergency periods. It does, however, suggest that when the mere quantity of arrests, or the special characteristics of the arrestees involved (such as nonresidence or lack of personal identification) complicates the accumulation and verification of information essential to the administration of a system of nonfinancial release, the courts should be prepared to take special, additional steps to gather information—even at the expense of delaying release discussions. This is not to say, of course, that the release of all persons arrested in the course of a disorder needs be delayed in order to deal with difficulties in giving some the informed consideration that the use of nonfinancial release requires. Indeed, the appropriate response to the pressures that mass arrests exert on bail decisionmakers may well be to waive certain informational requirements (such as the verification of nonessential personal data) for some defendants, while insisting on them for others. Nevertheless, it is clear that release decisionmaking in disorder emergencies demands special attention to the problem of personal data.

In addition, judicial administration of nonfinancial release during disorder emergencies may demand special care in selecting appropriate conditions for imposition on defendants whose backgrounds and circumstances are known to the court. Generally, the conditions available under the nonfinancial release system range from the minimally restrictive (release on recognizance with periodic telephone reporting to the court or an affiliated agency by the releasee), through those of intermediate restrictiveness (regular personal reporting to an official agency, with restrictions on travel, changes of residence, or employment), to the relatively highly restrictive

(intensive pretrial supervision by an official agency, a third-party custodian, or both, together with court-imposed restrictions on personal activities). At all times, it is the responsibility of the court to select the least restrictive set of conditions adequate to reasonably insure a defendant's subsequent appearance. In periods of disorder-related emergency, courts engaged in pretrial release decisionmaking should consider whether the existence of the emergency may dictate the imposition of relatively more restrictive conditions than would be imposed at other times on similar persons facing similar charges.

The rationale for such modification of pretrial release decisionmaking policies is found in the confusion and uncertainty that pervade the community during periods of disorder. Restrictions on activity and supervision requirements incorporated in conditions of pretrial release are intended to serve only the purpose of promoting future appearances. But in times when communication between official agencies and disaffected community members is poor, and when popular distrust or misunderstanding of the institutions of justice can be expected, the use of special release conditions may be appropriate. And, as this standard recommends, among the conditions that should receive serious judicial consideration is third-party custody—the designation of an organization (such as a private community group) or an individual (such as a parent or employer) to take direct responsibility for overseeing the conduct of a defendant released without financial security pending future proceedings. Although third-party custody release potentially can be time-consuming to arrange, it does have the distinct advantage of providing for close personal supervision without adding to the long-term commitments of court personnel.

The Problem of Recidivism

The preceding discussion of alterations in judicial pretrial release policies appropriate during periods of disorder-related emergency has dealt only with options available under the conventional interpretation of the law of bail. It has stressed adjustments in bail-setting policy aimed at enhancing the likelihood of defendants' appearance at subsequent court hearings rather than adjustments aimed at preventing future criminal conduct by persons in custody.

It should be noted, however, that statutory law governing pretrial release in a few American jurisdictions permits the weighing, in pretrial release decisionmaking, of a defendant's dangerousness, based on a determination of whether the person has been proved highly likely to engage in future crimes posing serious threats to public safety, and the outright denial of release (or, in other terms, the preventive detention) of such defendants. Where these

statutory options exist, it is appropriate that their implementation be given serious consideration by the judiciary during disorder-related emergencies.

This standard takes no position on the constitutional issue posed by bail legislation which authorizes consideration of dangerousness by the judiciary. Judicial officers in jurisdictions where such legislation is in effect should be prepared to exercise the special power it confers. During periods of disorder, this will mean readiness to consider both how likely an arrestee may be to resume his or her participation in continuing mass violations of law, and what real harm may follow from such a resumption of participation. In general, weighing those considerations will not justify withholding release (or create new barriers to the release) of persons charged with only peripheral participation, or with minor offenses not involving use (or threats of use) of serious violence. It may, however, be the basis for either continuing to detain, or releasing only under highly restrictive conditions, persons charged with offenses involving the possession or use of weapons and explosives, or the use of serious unarmed force against others, for the duration of the disorder.

Finally, it is useful to ask what consideration, if any, should be given a defendant's likelihood to resume participation in a disorder for which he was arrested—should he be released—in jurisdictions where the courts are not authorized to consider future dangerousness in setting bail. It is clear that such consideration can have no proper direct impact on decisionmaking. An argument exists, however, that a demonstrated probability of future participation in law-breaking may, in itself, be indirectly relevant to the issue of likelihood of appearance for trial.

The essence of this argument is that, a defendant arrested on one charge is more likely to appear voluntarily for proceedings leading to its disposition if, in the interval, that defendant has not exposed himself or herself to additional—and perhaps more serious—criminal liability. This argument deserves consideration particularly as it applies in an atmosphere of a disorder where the pressures toward (and attractions of) law violation are particularly strong.

Two caveats, however, must be stated immediately. First, even if the argument just outlined is accepted as theoretically valid by a judicial officer engaged in bail determination, that acceptance does not justify a general policy of impeding the release of any group or class of defendants. At most, it justifies the making of individual inquiries in particular cases that attempt to demonstrate any likely link between a defendant's propensity for future criminality and a risk of nonappearance at his or her trial; the cases in which such a probable link can be demonstrated will be relatively few, even during law enforcement emergencies. Second, acceptance

of this argument does not justify withholding release in order to prevent future criminality, even where a probable tie with an enhanced risk of nonappearance has been shown. At most, it supports judicial imposition of additional release conditions (such as supervision, reporting, and limitation on personal activities) designed to discourage criminality, and thus promote appearance.

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Related Standards

The following standards may be applicable in implementing Standard 7.5:

- 5.5 Emergency Powers
- 5.8 Emergency Laws Relating to the Adjudicatory Process

Standard 7.6

Criminal Court Functioning During Disorder Emergencies

During and after emergencies involving mass disorders and large numbers of arrests for related offenses, special and urgent demands are made on all elements of a court system: bench, prosecution, and defense bar. To meet these demands with minimum distortion of the routine character of criminal justice requires the taking of special organizational measures, using additional personnel, and achieving high degrees of coordination within the court and between it and other institutions of the criminal justice system. In particular, it is recommended that:

1. During emergencies involving mass disorders, the judiciary should, where necessary, sit on a 24-hour basis. Whenever possible, these emergency sessions should utilize regular judicial personnel and regular courtrooms; in serious emergencies, judicial officers from other jurisdictions should be employed as designated by the chief judge of the bench, and temporary courtrooms established in public facilities other than (or in addition to) regular court premises. Judicial personnel (and supporting staff) serving during emergencies should be assigned so as to insure adequate coverage and speedy disposition of:

- a. Initial appearances and pretrial release determinations;
- b. Bail review hearings;
- c. Special matters (including habeas corpus petitions);

d. Cases involving disorder-related charges; and

e. Previously scheduled criminal proceedings unrelated to the emergency (where the emergency is prolonged and the level of judicial personnel available permits).

2. During emergencies, and as long as a substantial number of cases arising out of arrests during emergencies remains on court dockets, the judiciary should direct the organization of specialized information centers to provide defendants, their families, and their attorneys with current information on such topics as pretrial release status, upcoming court appearances, and dispositions.

3. Immediately following any emergency involving large numbers of arrests, the judiciary should organize itself so as to be able to attend to regular business while processing cases arising out of the emergency; among the devices that should be considered to achieve this objective are:

a. The assignment of one or more members of the bench to emergency trial duty with a charge to deal exclusively with hearings and trials arising out of the emergency;

b. The continuation, as long as significant numbers of persons arrested during the emergency remain in pretrial detention, of special judicial assignments to bail review hearings; and

c. The use of "test case" procedures to deter-

mine whether groups of pending prosecutions involving similar factual allegations should be heard or dismissed.

4. In anticipation of emergencies involving large numbers of arrests, the defense bar should plan, and, in the event of such emergencies, should put into effect, special measures to insure the prompt availability of legal counsel to all persons requiring it. These measures should include:

a. Identification of a central institution (such as a public defender's office or bar association) to coordinate defense services in emergencies;

b. Compilation of a roster of local attorneys with some criminal defense experience who would be available on short notice to provide emergency defense services;

c. Provision of advice on pretrial release and other preliminary proceedings to persons detained after arrest;

d. Maintenance of a lawyer-referral service for the use of indigent and nonindigent defendants facing emergency-related charges; and

e. Coverage of all early-phase court proceedings in emergency-related cases to insure adequacy of representation.

5. In anticipation of emergencies involving large numbers of arrests, the prosecution should plan, and in the event of such emergencies should put into effect, special measures to insure that its functions will be adequately discharged. These measures should include:

a. Development of a prosecutor's handbook establishing guidelines and procedures for office functioning in emergencies;

b. Maintenance of liaison with police on such topics as arrest procedures and the maintenance of evidence;

c. Establishment of special streamlined procedures to guarantee prompt postarrest case-screening during emergencies;

d. Identification of personnel (including supplementary nonstaff personnel) who can be called upon for duty during emergencies; and

e. Cooperation with the judiciary in employing test case procedures to dispose efficiently of emergency-related prosecutions.

Commentary

Organizing and operating criminal courts to cope successfully with the special pressures exerted by disorder and disorder-related mass arrests is a large task. Such coping necessarily implies having space, personnel, equipment, and systems available to absorb heavy additional caseloads and meet special demands. It also requires providing justice—and appearing to provide justice—in the processing of disorder-related cases.

At a time when courts of general and special original jurisdiction are subject to extensive criticism for their performance in handling their regularly docketed business, the relatively detailed recommendations for special emergency measures itemized in this standard may appear unrealistic or inappropriate. This standard does not, however, assume that criminal court functioning in nonemergency periods represents an ideal or even an adequate official response to the general problems of crime and social responsibility. Rather, this standard proceeds from the premise that many of the practical court management issues that arise during mass disorders are only superficially related to the day-to-day difficulties of mass justice, and, therefore, are amenable to at least partial resolution even in the absence of any general improvement in the quality of court functioning.

Underlying this standard is an additional critical premise: that the quality of court functioning during emergency periods is an especially important determinant of the level of public confidence in the institutions of justice. Special accommodations to emergency conditions are not recommended here only because they are useful in maintaining the overall effectiveness of the interdependent institutions of the criminal justice system, including the provision of fair hearings to individual defendants. Special attention to the problems of court functioning during mass disorder is urged also because it is during periods of disturbance and uncertainty that public concern with the functioning of justice is greatest—when failures of performance can do most damage to the public perception of the courts, and successes can reflect most favorably.

Approaches to Court Functioning During Disorders

As this chapter emphasizes, a criminal court is a complex organization. No program for court operations under special circumstances can succeed unless it provides for parallel, complementary responses by the bench (including judicial support personnel) and bar (including both prosecution and defense attorneys). Thus, each of the steps recommended in this standard is largely meaningless when taken alone. Providing for extra judicial personnel, for example, will do little to ease disorder-related calendar congestion if attorneys to argue the positions of the State and of defendants are not also available in increased numbers.

The essence of the American ideal of justice resides, of course, in the concept of adversariness—that is, in the most forceful presentation of opposing positions and supporting arguments before a neutral judicial decisionmaker. In recommending coordinated strategies for coping with disorder-related problems in court functioning, this standard does not

recommend any deviation from this ideal. Rather, it is urged that bench, prosecution, and defense bar work together to address those problems that are merely administrative or technical in nature, in order to enable their traditional independent functioning where issues of substance are concerned.

Some of the recommendations detailed here may appear to urge still more extreme departures from the ideal of adversariness, touching matters of substance as well as procedural and administrative details. In actuality, these recommendations only stress the view that the forms of adversariness must sometimes be changed to accommodate particular conditions if the essence of adversary justice is to be preserved.

The suggestion that "test case" procedures be employed to dispose efficiently of disorder-related cases where there are many similarly situated defendants—persons, for example, arrested on identical charges during a single disorderly protest—clearly contemplates that the prosecution would forego its opportunities to litigate all disorder-related cases in which it might be possible to obtain convictions; instead, a single case would be selected for concentrated attention, and it is agreed in advance that if a conviction does not result, other similar cases would be dismissed. Implementation of this suggestion should not detract from the fulfillment of the traditional prosecutorial function, as broadly conceived. By concentrating its efforts on a pre-designated test case, the prosecution could make the most forceful possible presentation of its position on the facts of that case—and similar cases—with the expenditure of minimum resources. By agreeing to abide by the results of that case, as it affects similar cases, the prosecution could assure itself of having sufficient resources to devote to the litigation of other, still disputed disorder-related cases. Thus, such a procedure represents an accommodation to emergency conditions which could be said to enhance, rather than detract from, the adversariness of disorder-related criminal proceedings generally.

In general, this standard stresses the practical interdependence of various elements in a functioning court system and the importance of cooperative planning and action in maintaining conditions that make meaningful the assertion of institutional autonomy by each of those elements. Equally important to the creation of these conditions, however, is the promptness with which bench and bar are able to put emergency plans into effect. One aim of emergency measures to be implemented in disorder emergencies should be to prevent the development of a significant case backlog. Once such a backlog has been allowed to develop, it inevitably will generate its own pressures and produce its own distortive effects on the administration of justice. The

only sure guarantee against these effects is to process disorder-related cases speedily from the outset.

Specialization in Administration of Mass Justice During Disorder Emergencies

As stated earlier in this discussion, operational problems facing criminal courts during emergencies characterized by mass disorder and mass arrests are largely distinct from the day-to-day problems encountered by the same courts. In general, disorder-related court business has little of the complexity or variety that are the challenges of the regular docket. Thus, the mark of a court that copes successfully with mass disorder situations is its capacity to repeat a few relatively basic functions efficiently, without losing an appreciation of the individuality of each case.

In particular, this standard recommends that the bench, prosecution, and defense bar concentrate during emergencies on preliminary pretrial proceedings in disorder-related cases. Chief among these is initial pretrial release decisionmaking, which may demand so much additional attention that personnel regularly assigned to other tasks be reassigned to these proceedings for the duration of any emergency involving mass arrests.

Closely related is the function of reviewing initial pretrial release decisions. Bail review naturally assumes relatively greater importance whenever large numbers of bail decisions not resulting in immediate release of detainees are made. Such decisions take on still more importance when the external conditions that must be taken into account in setting conditions for release are in flux. Finally, one court function not directly related to bail becomes especially critical during mass disorder—the prosecutorial function of screening police arrests. If the prosecution is organized to discriminate quickly between prosecutable and nonprosecutable cases, and to make assessments with equal speed of the appropriate formal charges to be pursued in cases which will be prosecuted, unnecessary and repetitious preliminary proceedings can be avoided; where large numbers of cases are involved, the savings in terms of time accruing from effective prosecutorial screening can be enormous.

When the three specialized court functions just noted are being managed effectively during a disorder-related emergency—with the absence of a backlog as the principal measure of effectiveness—some of the attention of the bench and bar can be directed to other concerns. Among these, final disposition of disorder-related prosecutions should have first priority. The duration of a disorder-related emergency generally will be too brief to permit substantial numbers of these cases to reach final adjudication during the actual disorders. The scheduling of

such cases obviously must accommodate the needs of both prosecution and defense for preparation. Thus, this standard recommends that any criminal court that has passed through the actual emergency stage of disorder be prepared to institute special postemergency procedures wherever necessary, including the assignment of additional personnel to the trial of disorder-related cases for as long as necessary to bring the majority of those cases (including all cases in which defendants have been detained rather than released pending trial) to a resolution. If an emergency persists, of course, a court should not delay final adjudication in disorder-related cases any longer than absolutely necessary. The measures recommended here for expeditious postemergency disposition of disorder-related cases are also applicable to periods of protracted disorder emergency.

Finally, when a disorder emergency is protracted for more than several days, a court must be capable of resuming, at least to some extent, its regular caseload (including cases on the criminal and civil dockets), while continuing to deal speedily with disorder-related matters. The fact of disorder should not, and need not, be allowed to transform the nature of court functioning or the conduct of court business completely. Because the level of public confidence in the institutions of justice during emergencies will be influenced by how adequately they continue to perform their regular functions, as well as how effectively they meet special situational demands, the rapid resumption of regular business has important symbolic, as well as practical, significance.

Public Information in Periods of Disorder Emergency

In addition to suggesting adaptation of court procedures to deal effectively with the high volume of specialized tasks that arise during disorder emergencies, this standard urges adoption of special measures to provide information to members of the public. The general (and often extreme) public confusion about what criminal courts do and how they do it, together with the heightened public distrust of official institutions that may result in times of disorder, indicate the need for a court-based system of providing accurate, complete, and current facts on the status of disorder-related cases. Court information systems (including computerized systems, if any) should be designed to permit court personnel to determine such data as the charges pending against a defendant, the details of any bail or release conditions set for that defendant, the physical location of the defendant, the name of defense counsel, and the next court appearance scheduled in the case. During disorder emergencies, enough court personnel should be assigned to public relations duty to insure that such data can be promptly retrieved on the re-

quest of any friend, relative, or attorney of a defendant.

A court-based public information program for disorder emergencies has two distinct functions. First, it would lend efficiency to court processing of disorder-related cases through the encouragement of constructive participation by persons interested in the fates of particular defendants. Such a program, for example, could mean the difference between a defendant's release on third-party custody and his or her continued detention. Second, and perhaps more importantly, a complete public information program would function as a rumor control mechanism. Persons concerned about the status of a particular defendant would, in most cases, obtain information that is more accurate than what they may hear from other, less authoritative sources, or than what they may imagine in the absence of information.

Achievement of these goals depends, of course, on the accuracy of the information disseminated. Where the accuracy of such data cannot be assured, giving no information is clearly more advisable than feeding confusion. At the same time, however, practical difficulties in establishing a reliable public information program for emergencies should not provide an excuse for failing to make the attempt.

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Related Standard

The following standard may be applicable in implementing Standard 7.6:

- 5.8 Emergency Laws Relating to the Adjudicatory Process

Standard 7.7

Trial of Cases Arising Out of Incidents of Terrorism and Political Violence (1): Security Measures

Providing a judicial hearing that is fair and open—in appearance and reality—poses special problems when the defendant on trial is charged with an offense related to his or her extreme or inflammatory political views. These include security problems that are heightened when the offense charged is one involving extraordinary violence, and which may be further heightened when the case is a notorious one or when the defendant is believed to be a member of a criminal (i.e., terroristic) group of which other members remain at large. To resolve these problems without compromising the fair trial process, it is recommended that:

1. Courthouse construction and renovation, and the selection of rental space for courtroom use, should take account of design elements that will permit the invocation of special security measures, including:

- a. Barriers against public access to nonpublic areas;
- b. Controllable public accessways;
- c. Secure holding cells adjacent to courtrooms;
- d. Movable protective fixtures within courtrooms;
- e. Complete closed-circuit television wiring installations; and
- f. Alarm and emergency communication system installations.

2. In anticipation of possible violent disruptions

of trials, judicial and support personnel should receive special training in security management and emergency crisis management.

3. Where violent disruption of a trial by nonparticipants is anticipated, the chief judge—after consultation with the trial judge—should direct the taking of security measures at the minimum level of restrictiveness believed adequate to meet the anticipated threat, including:

a. Deployment of uniformed and nonuniformed security personnel in public areas and courtrooms;

b. Preclusion of the carrying of weapons into courtrooms or public areas by all persons, including security personnel and police witnesses, with strictly defined exceptions limited to security personnel whose functions require that they be armed;

c. Establishment of a “pass” system to regulate public attendance;

d. Temporary installation of weapons-detection equipment for the screening of potential spectators;

e. Routine search of public and nonpublic areas (including holding cells) for explosives and weapons;

f. Provision of personal protection to members of the judiciary, other court personnel, jurors, and witnesses; and

g. Closed-circuit television surveillance of courtrooms and public areas.

4. Where a defendant attempts to violently disrupt a trial, the trial judge should order his or her immediate removal from the courtroom to an adjacent secure holding area; and:

a. Where reasonable assurances of nonrepetition may be forthcoming, should adjourn proceedings until the defendant can be safely reintroduced; or

b. Where such assurances are not forthcoming, or where attempts at violent disruption are repeated, should adjourn proceedings to recommence when adequate arrangements have been completed for observation and participation by the defendant through closed-circuit television.

Commentary

Issues of physical security will prove genuinely critical to the conduct of only a small minority of trials arising out of incidents of extraordinary violence. For the majority, the issues relating to the conduct of trials addressed in Standard 7.8, which follows, will have far more direct relevance. But when the identity of a target cannot be accurately predicted in advance, adequate security precautions must be planned. This standard recognizes that some of these measures may seem overly protective in retrospect, but the recommendations contained in this standard are made precisely because it is impossible to predict which trials will be disrupted by violence and which will go unscathed.

If it is not possible to isolate in advance those trials that may be interrupted by violent disruption, the class of trials in which such disruption is in any way likely can be isolated. Where crimes involving extraordinary violence are concerned, the trials most prone to violent disruption are those involving alleged terroristic offenses (particularly where a defendant's membership in a subsisting terroristic organization also is alleged) and those involving charges against leaders of controversial disorderly protests. Whether violence should be anticipated in connection with trials growing out of incidents of quasi-terrorism will depend, in large part, on whether any members of the public—survivors of a fatally injured hostage, for example—may be motivated to attempt revenge against a defendant.

Trials of cases involving crimes of extraordinary violence are a relatively fertile potential field for additional violence. It should be emphasized, however, that the precautions recommended here are not necessarily appropriate for all trials—or even for all trials in this special class. Some, like a prohibition against carrying firearms within courthouse facilities by persons other than security personnel, may

need to be enforced generally if they are to be effective in preventing violence in connection with particular cases. Most, however, can—and should—be invoked only where there is some special reason to fear violent disruption.

Two independent grounds can be advanced for limiting the use of most physical security measures only to cases of risk. The first, and most obvious, are considerations of feasibility and cost. Most of the measures recommended here involve extra personnel, special equipment, and potential delay in court proceedings. To provide such coverage for all trials, or even all trials of cases involving terrorism and disorder, would impose prohibitive financial and logistical strains on even the best funded and best organized courts.

The second, and even more important consideration, is the negative effect that heightened security would have on the general atmosphere in which justice is dispensed. Few of the measures itemized in this standard are capable of being implemented in a truly unobtrusive fashion; most, in fact, will be noted by participants and spectators alike. Whether they may result in special (although perhaps unavoidable) prejudice against particular defendants is arguable. Without doubt, however, obvious measures to protect against violence by defendants and their associates will detract in some degree from the public perception of the trial process as open, neutral, and unbiased.

Selective Implementation of Design-Related Physical Security Measures

From the standard itself, and the foregoing discussion, it should be clear that general implementation of all the physical security measures itemized is not urged. Indeed, implementation is not suggested even for all trials of cases arising out of incidents of extraordinary violence. Thus, it is not critical that every courtroom in every jurisdiction be designed to permit invocation of special security measures, or that the general purpose areas of every courthouse facility be designed to permit close control of access to every courtroom within it. What is essential is that every court have regular access to at least one facility designed to permit the taking of special security measures in and around at least one—and preferably several—of its courtrooms. In addition, because a risk exists that violence in connection with high-risk trials may be deflected from “hardened” targets, such as a courtroom with special physical security systems, to “softer” ones, courthouse design should permit a significant measure of control over public access to the facility itself.

Most courts should be able to achieve the capabilities just outlined with a relatively small outlay of funds. The building of new facilities or to select

rental space to effect such capabilities requires little more than choosing appropriate configurations of hallways, courtrooms, and holding areas, and providing for some special wiring. To renovate existing facilities to achieve the same ends may, of course, involve reapportionment of existing space, and thus entail somewhat more cost—in terms of both dollar expense and temporary disruption of regular court business.

In the courtroom itself, adequate preparation for physical security again involves only relatively minor departures from conventional design principles. In particular, provision should be made for installation of a removable, transparent bullet-proof shield or screen to protect the presiding judge—the natural focus of violence—from attack during trial sessions. In addition, provision for similar removable screening to separate the public spectators' area from the courtroom space occupied by active participants may be desired. Courtroom design also should provide for relatively unobtrusive positioning of sufficient closed-circuit television cameras to monitor judge, attorneys, and witnesses at their regular stations.

Refinements in secure design for courthouses and courtrooms are obviously possible, almost without technical limit. This standard, however, deals only with the special security measures required to cope with trials of cases involving extraordinary violence and not with courthouse security as a whole. Where there is significant probability of serious violent trial disruption in cases of other kinds, more extensive design provisions may be required. In general, however, it is suggested here that wherever possible permanent security installations be constructed to be as inconspicuous as possible, both when the systems to which they are related are in use and when they are not.

Special Security Measures

In addition to noting special courthouse and courtroom design features that would enable additional security during high-risk trials, this standard itemizes some specific measures that could be invoked with and without special design provisions. Most of these measures generally can be characterized as "spectator control" devices, designed to insure that nonparticipants attending high-risk trials are denied the opportunity to effect any plan for violent disruption.

Most of the spectator control measures noted do not involve plans to exclude potential spectators from, or require prior approval of their attendance at, trial proceedings. Instead, they stress active screening of spectators for preventive effect, e.g., to interdict weapons, and the maintenance of passive protective security during trials in progress. This emphasis is consistent with a major policy theme of this

chapter: that the conventional characteristics of criminal proceedings, including their public character, should be compromised as little as possible to accommodate the special characteristics of cases involving extraordinary violence.

Where no other less restrictive alternative exists, however, it is both legally permissible and appropriate as a matter of policy to control or condition public attendance at high-risk trials by limiting the number of seats available to spectators and by using "pass" systems. The judicial officers responsible for instituting such relatively restrictive security systems, as well as the court security officers responsible for implementation, should be aware, however, that their purpose is a specialized one. While this security is employed appropriately when it seeks to limit public attendance to manageable numbers of spectators and to exclude the potentially dangerous, these measures should not be employed to discriminate against those who either sympathize with or entertain enmity toward particular defendants. Even where special, active screening spectator systems are in effect, attendance at a public trial is still a privilege to be accorded to eligible members of the public on a "first-come, first-serve" basis.

Violent Disruptions by Trial Participants

This standard deals only with the most extreme form of trial disruption by defendants—violent disruption actually threatening the safety of other participants in the proceedings. It is now settled law, however, that the extreme measure of removing disruptive defendants from the courtroom, and continuing the case in their absence, can be taken even in response to less serious disruptive behavior, such as that which promises to upset courtroom decorum so seriously as to compromise the integrity of a trial. Thus, this remedy is always theoretically available where genuinely violent disruptions are at issue.

It cannot be overemphasized, however, that the removal of a defendant or defendants, even in the absence of any other alternative, is a remedy of the last resort, and one which inevitably will detract from a proceeding's appearance of fairness. Unfortunately, it is also a response that must sometimes be made quickly; a violent outburst involving a real threat to safety demands an immediate practical protective response. Thus, this standard recommends that when removal occurs, several coordinate steps also be taken to limit or modify the worst negative effects of that decision.

First, an opportunity to reconsider his or her conduct, and to rejoin the proceedings, should be tendered whenever feasible to any defendant removed for misconduct. Although the reintroduction of a demonstrably violent defendant involves real risks,

they are believed to be risks that should be taken—subject, where necessary, to an upgrading of protective security in the courtroom—in the interests of maintaining the integrity of the trial process. Second, where a defendant's removal is necessary for the duration of a trial, provision should be made for his or her indirect participation in the proceedings. Closed-circuit television, the means of accommodation recommended here, is apparently the most practical existing system for permitting absent defendants to observe trial proceedings, but if such observation is to be meaningful, the absent defendant also should be afforded regular opportunities to consult with attorneys conducting the courtroom defense.

Neither of the accommodations just noted is a legally required correlate of judicial resort to the device of removal. Both, however, are viewed as so important to the maintenance, and appearance, of fairness that they are strongly urged. Even when making this accommodation involves extra expense, as is true of providing for closed-circuit monitoring capability, or some trial delay, as may be true of efforts to offer disorderly defendants an option to reconsider their behavior, the price is believed worthwhile.

Court Security Personnel and Special Judicial Training

The discussion of courtroom security thus far has been concerned with physical and procedural security measures, rather than with those charged with enforcing that security. In fact, however, the selection and training of court security personnel may be the most critical single determinant of the success of a court security plan. Capabilities to perform a variety of routine and nonroutine duties, such as taking accurate magnetometer readings, dealing tactfully with the public, applying physical force to remove disorderly persons with minimum injury, and maintaining unobtrusive surveillance of trials in progress, must be combined in the relatively few individuals who constitute court security staffs.

Indeed, many smaller courts will be unable to ~~retain any full-time security personnel. They should,~~ however, be enabled by prearrangement to call on local law enforcement officers with some specialized training in court security work during periods of need. To some degree, too, regular courtworkers, such as bailiffs, may be able to perform security-related functions in smaller courts. Again, however, specialized advance training is a necessity if they are to perform those functions effectively.

In staffing larger courts, selection of security personnel should not be regarded as an incidental task, or one that can be permitted to be influenced by

factors other than the merit of the candidates. Only by recruiting actively, providing for salaries comparable to those of law enforcement officers in the jurisdiction, and arranging for new members of the security force to receive qualified training can an adequate new court security force be developed or an existing force upgraded.

Finally, the judges of a court where trial-related security problems may arise should be willing to submit to specialized education and training. Every judge should be thoroughly acquainted with the security capabilities of the court in which he or she sits, and the facility it occupies, in order to understand the options available when important decisions must be made, and often made rapidly, during trials.

In addition, there is other, less tangible knowledge that can be learned, which can assist judges in exercising their final responsibility for maintaining and preserving safety and order during trials. Generally, abilities in crisis management under emergency conditions, including the ability to understand and govern one's own response to threats and abuse, are among the most important of possible additions to judicial expertise. Through study of the successes and failures of other judicial officers faced with problems of trial-related violence, through simulation exercises, and through presentations by experts in the psychology of crisis and crisis reaction, trial judges can—and should—make concerted efforts to acquire these skills.

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Related Standard

The following standard may be applicable in implementing Standard 7.7:

- 5.9 Trials During Emergency Conditions

Standard 7.8

Trial of Cases Arising Out of Incidents of Terrorism and Political Violence (2): Conduct of Trials

Whether or not particular security risks are posed, the trial of cases involving politically related extraordinary violence poses a potential dilemma for the judiciary: between permitting the exploitation of the trial forum for political purposes, on the one hand, and limiting (or appearing to limit) defendants' rights to a full hearing, on the other. In addition, such cases bring into sharp focus the importance of judicial conduct, which reinforces public confidence in the capacity of official institutions to deal fairly and effectively with potentially intimidating forms of criminality. It is therefore recommended that, in cases involving serious charges of politically related extraordinary violence:

1. Special calendaring consideration be given, and proceedings be scheduled and conducted with the greatest expedience consistent with the judicial obligation to insure a fair hearing to all parties;

2. Applications for severance—and the propriety of severance on judicial motion—be given serious consideration where multiple defendants are involved;

3. Where prejudicial pretrial publicity appears likely, applications for change of venue be given serious consideration;

4. Self-representation be generally discouraged through the use of judicial warnings of the realistic burdens and risks involved, and that advisory professional counsel be routinely encouraged (through

judicial appointment, where necessary) for defendants who elect self-representation;

5. In advance of the presentation of evidence in trials with clear political overtones, the judicial officer presiding outline for all participants a set of ground rules to govern the admissibility of evidence relating to political motivation, drawn from the generally applicable rules of evidence;

6. Jury selection procedures be adapted to provide special assurance against positive or negative juror prejudice on political grounds; and

7. Detailed ground rules for the courtroom decorum of all participants and observers (including specific reference to the impermissibility of nonviolent disruption and of verbal abuse) be announced in advance of trial, and vigorously enforced through the use of:

- a. Warnings and admonitions;

- b. The sanction of removal; and

- c. The use of the judicial contempt power, in the absence of any other adequate technique of enforcement.

Commentary

The issues inevitably raised by any criminal proceeding brought against a defendant who perceives—or is willing to represent—his or her offense as a

political act or a political statement essentially are unrelated to the problems of security against violent trial disruption discussed in Standard 7.7. Although trials in which the dilemmas thus posed must be faced may occasionally also be subject to violent disruption, there is no necessary—or even highly probable—relationship between the two groups of practical problems of trial conduct. At the same time, however, it is clear that both are more likely to be associated with proceedings in cases growing out of incidents of disorder and terrorism than in criminal cases generally.

Terroristic crime and crime involving violent mass disorder have an obviously political dimension. Persons involved in their commission are typically motivated not by personal motives, such as gain or revenge, but—at least nominally—by the desire to effect change in the conditions of community life. They may be motivated merely to publicize views or causes, or to force changes in leadership or leadership policy, or even to promote the collapse of governments. Understanding these special motivations is of great importance in any plan for dealing with incidents of politically related extraordinary violence as practical law enforcement problems. Such understanding may, for example, be the foundation for successful negotiations between police and participants in extraordinary violence.

But when the incident itself is concluded, and the focus of official responsibility shifts from law enforcement to the courts, the political character of the conduct in question loses its central significance. In the courts, alleged offenses must be viewed first as transgressions against particular prohibitions of the criminal law. Although establishing defendants' motives in the course of criminal proceedings may sometimes necessitate an attempt to examine their political beliefs and objectives, such an inquiry will be undertaken only because it is important to determine whether there is sufficient evidence to demonstrate that a particular criminal act has occurred, and not because it modifies the character of the act itself.

Trials of cases arising out of politically motivated extraordinary violence are not—and should not be permitted to become—political trials in the general sense of that term. In such trials, it is the criminal culpability of the defendant facing the pending criminal charge, which is politically neutral in itself, that is at issue. The defendant's motivation should not be taken as either a mitigating or an aggravating factor in the assessment of guilt, nor should political beliefs and associations of the defendant, however laudable or condemnable, form any independent part of the basis for adjudication. Adherence to these principles may prove difficult in practice, however, in the face of multiple pressures toward the politici-

zation of justice in particular cases. Defendants wishing to employ the trial arena as a political forum, prosecutors wishing to bolster their cases, and a public more interested in the larger pattern in which an alleged crime of extraordinary violence may figure than in the mundane details of that crime itself—all may contribute to the politicization of trials.

This standard addresses practical measures that can be taken to avoid or reduce such politicization, without denying any party a full opportunity to present evidence relevant to the issue of culpability. Before detailing its recommendations, however, it is important to note some points that are not addressed directly. First, no attempt has been made to deal with the issue of political prosecution—that is, the case brought solely or largely for the purpose of penalizing political belief or activity. Whether the incidence of such prosecution is a present problem of American justice is a debatable—and widely debated—issue. But where a crime of extraordinary violence is alleged, an ensuing prosecution is not properly open to criticism on this ground if the evidence adduced by the state is limited to include only material that bears on the defendant's guilt in the act charged. Even so, it is important that officials directing the prosecution of cases involving politically related extraordinary violence remain sensitive to the potential for criticism of their efforts as being politically directed, and strive at all times to emphasize that the alleged criminal activities of defendants, and not their political views, are the basis of the official action.

A second important issue pertinent to trials in cases of politically related extraordinary violence that is not treated in detail in this standard is that of sensationalism. Undesirable as the unnecessarily dramatic and overly simplistic coverage to which such trials are open may be, there is little that the courts, acting alone, can or should do to influence the form or content of trial coverage. Elsewhere in this chapter (Standard 7.10, Relations With the News Media) and this report (Standard 10.8, News Media Self-Regulation in Contemporaneous Coverage of Terrorism and Disorder), the prospects for cooperation between news media and official agencies in developing principles and procedures for constructive, noninflammatory news-gathering and reporting are outlined. But no direct official attempt to restrict or regulate the media in its coverage of potentially sensational trials should be considered.

The importance of the two problems—politicization of prosecution and media sensationalism—cannot be gainsaid. Strictly speaking, however, they are not problems of trial conduct. And rather than attempt to note all issues that may arise in connection with trials of cases growing out of incidents of terrorism and serious disorder, this standard focuses

only on those that are within the competence and sphere of responsibility of the participants in the actual trial process to solve. To a large extent, this standard thus concerns itself mainly with the trial judge's functions in controlling the politicization and sensationalization of the trial process.

The Importance of Trial Preliminaries

By their nature, some preliminary judicial decisions concerning the course of politically sensitive criminal trials may have special importance for the shape and atmosphere of the actual proceedings to follow. As this standard notes, decisions of timing are of particular concern. Obviously, considerations may exist, such as complex facts requiring special defense or prosecution efforts in trial preparation, or a need to permit the effects of pervasive pretrial publicity to dissipate, that would justify delay in trying cases arising out of terrorism or serious mass disorder to trial. In general, however, as this standard recommends, trials of this nature should be scheduled with the greatest possible expedition.

Behind this recommendation lie several essentially unrelated rationales. First, it is submitted that, when an alleged offense is one that has attracted special community interest and perhaps shaken public assumptions, an early resolution of any criminal charges brought will serve to demonstrate the capability of the courts to administer justice under extraordinary conditions. In terms of maintaining public confidence in the institutions of justice, the promptness—and, of course, the fairness—of the proceedings may be even more important than their outcome. Second, it is submitted that special delay in scheduling of trials in cases of politically related extraordinary violence generally will give those trials additional apparent importance, and thus contribute to their eventual politicization. On the other hand, if a case involving, for example, a terroristic abduction can be tried at least as promptly—if not more promptly—than one involving a conventional ransom kidnaping, the tendency of the public to view the proceedings as a special event will be reduced, and, hence, the attractiveness of the trial as a potential political forum also will be reduced.

Finally, it should be noted that whether a defendant facing charges involving terrorism or violent mass disorder is detained while awaiting trial or is released on bail, the tendency for his or her case to develop into a cause—and thus, the likelihood of difficulties in maintaining a neutral judicial atmosphere during the trial itself—increase with the passage of time. The bailed defendant, of course, has greater practical opportunities to build community support for, or at least interest in, his or her position. The jailed defendant, however, is particularly well situated to represent himself or herself as a victim of

state oppression, or to be so represented by others. It follows, then, that the calendaring policy recommended in this standard is applicable regardless of defendants' pretrial release status.

It should be noted, however, that this standard does not recommend that cases arising out of extraordinary violence be given priority scheduling over other serious criminal matters pending in the same jurisdiction. Rather, it is suggested that special attention be given to the scheduling of these cases, despite their unusual features, if their progress is to keep pace with that of other, comparably important criminal prosecutions that are given relatively expeditious handling. In particular, applications for continuances or trial delays by the parties should be given particularly close scrutiny, in an effort to distinguish meritorious requests from essentially tactical delaying strategies.

Along with the matter of scheduling, the courts must address issues of joinder and questions of venue during the preliminary pretrial phases of cases arising out of crimes of politically related extraordinary violence. This standard recommends that, in such cases, serious consideration be given to motions for severance, as well as to requests for change of venue.

To permit—or require—separate trials for persons charged with related offenses will, of course, involve additional expense, extra demands on scarce court resources, and even a measure of delay in trial scheduling. But where the interests and positions of individual defendants are apparently inconsistent, and particularly where political dissension appears to exist among defendants, severance may be the most suitable procedural device for avoiding confusion, or even disruption, at trial.

As with all pretrial procedural motives, applications for severance must be critically reviewed, to distinguish those that are merely tactically grounded from those with a basis justifying relief. Similarly, the preferences of defendants in multidefendant cases who wish to be tried together should be accorded great consideration in a prosecution-initiated severance motion, or in any consideration of the possibility of severance on judicial motion.

Although severance may be required as a matter of legal necessity in a few cases, few detailed rules can be stated to help trial judges approach the question of severance because, as will generally be the case, the answer is solely within the scope of judicial discretion. In general, however, it should be noted that providing separate trials for related defendants seldom will add to the likelihood of the politicization or sensationalization of those trials, and usually will tend to have the opposite effect. The pursuit of a calm, dignified courtroom atmosphere should not, in itself, be considered sufficient

basis for a judicial decision to sever the trials of multiple defendants. Where it appears, however, that a joint trial may be so difficult to manage as to prejudice either individual defendants' opportunities for a fair hearing or the state's ability to present a coherent prosecution case, separate trials may be in order.

Applications for changes of venue present a different set of issues for the decisionmaker. Ordinarily, the basis of such motions will be the existence of allegedly pervasive and prejudicial pretrial publicity. They must be decided on the basis of a judicial evaluation of the prospects for trial substantially untainted by such publicity. The prospect of a more orderly, less politicized, or less sensationalized trial in a jurisdiction other than that where the prosecution initially has been brought can be no more than a secondary consideration in change-of-venue decisionmaking. But where pretrial publicity does pose an apparent threat to the integrity of the trial process, such secondary considerations here may properly be given influential weight in the decision-making process. Where cases involving terrorism or violent disorder are concerned, courts entertaining motions for change of venue should be prepared to consider—along with the effects of pretrial publicity—the prospects for disruption by defendants and sympathizers, as well as the risk that a "circus" atmosphere may develop around the trial, in each potential trial location.

Finally, however, it is on the issue of pretrial publicity and its effects that most change-of-venue motions will be decided. This standard urges that special consideration be given to allegations of prejudice from publicity where defendants accused of politically related offenses are concerned. By their very nature, acts of terrorism and violent disorder are designed to intimidate, and a backlash in public feeling against persons accused of perpetrating them can be expected even in the absence of extensive media coverage or pretrial statements by public officials. Where pretrial publicity has been extensive, this effect can be expected to be increased. Given the difficulty of gauging the effects of publicity accurately, and the importance of maintaining both the appearance and reality of fairness in potentially controversial trials, a relatively permissive judicial posture would appear appropriate. And, of course, if the choice of remedies for pretrial publicity is between change of venue or delay of trial, the importance attached in this standard to expeditious trials would ordinarily suggest that the former alternative should be selected.

Trial Proceedings

During the actual course of a trial involving charges of politically motivated extraordinary vio-

lence, the trial judge must make a number of decisions, large and small, designed to insure the integrity and fairness of the proceedings. In the main, those decisions will involve either the imposition of limitations on the conduct of participants and spectators, or the insulation of jurors from extra-evidentiary influences. In particular, it is the responsibility of the trial judge to control the voicing of nonrelevant political opinion—as well as other personal views unrelated to the pending charges—by parties and counsel, and to insure that members of the jury have a clear understanding of what material they are to weigh and what to disregard. This standard, however, does not concern itself with the mass of procedural choices, evidentiary rulings, and efforts to regulate courtroom decorum that constitute successful performance on the bench during a criminal trial involving political charges. Difficult as they are to perform, these judicial functions do not differ in essence from those required during any highly emotional or controversial criminal proceeding, regardless of the nature of the charge. Instead, this standard concentrates on several prophylactic measures that are believed especially likely to aid the judge presiding in a case of violent crime with political overtones to discharge his or her duty to control the character of the proceedings.

Of these measures, perhaps the most obvious is attending closely to the process of jury selection. One important reason for employing special care is the risk that prospective jurors may have been exposed to prejudicial publicity concerning the defendants. In addition, opportunities to probe the attitudes of prospective jurors through voir dire questioning should be employed to determine their political biases, if any. In general, questioning prospective jurors in chambers rather than in open court should prove best adapted to this sort of detailed inquiry; if jurors are to be expected to respond candidly to personal questions, there is clear wisdom in asking those questions in a setting that would minimize reluctance to answer because of embarrassment.

The views and stands of persons charged with participation in political violence can be of any stripe—from the radical leftist revolutionary to the extreme conservative. But in selecting jurors to participate in the trials of such defendants, it generally will be good policy to disqualify all candidates who themselves hold extreme or passionate political convictions, or who are possessed of strong feelings of disapproval for political activists of any kind. Thus, the purposes of voir dire should not be regarded as satisfied merely because a potential juror professes capacity to judge impartially the conduct of the defendants in the case. Rather, a relatively extensive series of questions should be asked of prospective jurors in an effort to reveal their attitudes.

Though voir dire employed in this form and including this content may be relatively time consuming, it is the jury selection technique best designed to insure fairness in proceedings where the capacity of the courts to maintain neutrality may be questioned.

A second prophylactic device recommended in this standard is the use of preliminary instructions to the parties on the governing rules of evidence and their applicability to evidence of political motivation and belief, whether offered by the state or by the defense. It is not, of course, to be expected that such summary instructions will provide anticipatory solutions for all the dilemmas created by attempts to offer such evidence; inevitably, their coverage will be incomplete to some degree, and their content will be disputed, at least in part, by the parties. Nevertheless, such ground rules have value. In formulating them, the trial judge has the opportunity to develop, in advance, the general principles he or she will employ in regulating the trial itself. In pronouncing them, the judge may be able to eliminate altogether some potential points of controversy and provide for the rapid resolution of others as they arise. And, perhaps more importantly, an advance judicial declaration of this kind will permit the parties to plan their cases more coherently, and, where so moved, to register their objections to the judge's proposed strictures at a time when reconsideration remains feasible.

In order to develop a set of evidentiary ground rules for a trial involving charges of politically related extraordinary violence, a trial judge must have some advance knowledge of the tactical intentions of the parties, or, at least, of the witnesses they may call and the physical evidence they may proffer. To the extent that routine pretrial filings do not provide an outline of this information, the judge should be willing to inquire directly of counsel. Thus, any regularly scheduled pretrial conference suggests itself as an appropriate occasion for devising or conserving evidentiary guidelines.

Finally, this standard recommends that the trial judge devise and announce in advance of the actual commencement of proceedings a code of decorum for participants and spectators, together with specific sanctions that will be applied in the event of violation. This exposition should be nontechnical, concise, and comprehensive, and its contents should be adhered to strictly during the ensuing trial. Again, it is not suggested that addressing the issue of decorum in advance will be effective in avoiding all problems of participant or spectator conduct. Rather, it is suggested that these problems will be easier to resolve, and easier to resolve fairly, if the principles underlying any judicial action are already known.

The Problem of Self-Representation

Perhaps the most difficult question addressed in this standard is that of the appropriate judicial attitude toward the defendant charged with politically related extraordinary violence who wishes to conduct his or her own defense. Recent decisions of the United States Supreme Court indicate that there exists, under the Sixth Amendment, an almost unqualified right to self-representation, limited only where the defendant clearly lacks requisite intellectual capacity. Nevertheless, it is clear that in criminal trials involving political charges self-representation poses both a threat to the integrity of the proceedings and, even more importantly, a great risk to the defendant who undertakes it.

Thus, this standard urges that the trial judge employ his or her power to persuade defendants considering self-representation of the advisability of proceeding through professional counsel. Obviously, the trial judge cannot coerce the defendant's decision in this matter. The judge can do little more than present, in terms as vivid and concrete as possible, the arguments against the course of self-representation: the possible prejudice in the eyes of the jury, the potential difficulties in grouping technical points of law and procedures, and, most importantly, the likely loss of the objective detachment necessary to plan and present an effective defense. Finally, however, the decision is the defendant's, and the defendant's alone.

Indeed, special care is required to insure that defendants selecting self-representation are not unnecessarily penalized for the choice. Although the trial judge should make clear to any defendant making this selection the standards of conduct he or she will be held to, and should enforce those warnings as the trial progresses, steps also should be taken to insure that the defendant will be assisted in meeting the standards prescribed—and in conducting the most effective defense possible. Of these steps, the most important is the designation or, if necessary, appointment of a qualified trial lawyer adviser acceptable to the defendant, to be present during the proceedings, and available to the defendant for assistance in preparation. The presence of such an adviser not only will improve the quality of the performance of most self-represented defendants, and introduce a potentially restraining influence on those defendants, but also will permit defendants who have elected self-representation to abandon that decision during the course of a trial—or, in cases of extreme misbehavior or incompetence, permit the trial judge to compel its abandonment—with a minimum of discontinuity in the proceedings.

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Related Standards

The following standards may be applicable to implementing the recommendations of Standard 7.8:

- 5.9 Trials During Emergency Conditions
- 7.10 Relations With the News Media

Standard 7.9

Sentencing Persons Convicted of Serious Crimes Involving Extraordinary Violence

Terroristic or politically motivated killing, assault, hostage-taking, bombing, arson, and extortion are crimes that merit expression of serious social disapproval. In addition, terrorism-related crimes not entailing completed acts of violence, such as threat-making, illegal weapons manufacture, and harboring fugitive members of terrorist organizations, should be viewed with special concern. Criminal acts of violence committed in the course of incidents of quasi-terrorism, however motivated, deserve serious reprobation because of their indiscriminate and reckless character. Among the important functions of the trial court are to communicate the gravity with which crimes of extraordinary violence are viewed and to provide the public, through its sentencing decisions, with protection against their repetition by convicted offenders. At the same time, however, these decisions should reflect adherence to the principle of individualization, awareness of the limited deterrent effect of unusually severe sentences, and a determination to avoid the appearance of repressive or merely reflexive harshness.

In order to discharge responsibilities in sentencing persons convicted of crimes of extraordinary violence:

1. Sentences should be generally consistent in severity with penalties assessed against persons convicted of similar substantive offenses of a nonterroristic or nonquasi-terroristic character.

2. Members of the judiciary should confer and develop inter- and intra-jurisdictional nonbinding sentencing guidelines for terroristic and quasi-terroristic crimes, so as to encourage consistency in the exercise of judicial discretion in individual sentencing decisions. Among the topics that such guidelines should address are:

a. Objectives of sentencing;

b. Suggested penalty ranges (within legislatively authorized limits) for particular offenses;

c. Identification and weighing of aggravating and mitigating factors; and

d. Assessment of future dangerousness.

3. Sentencing decisions in cases of terrorism and quasi-terrorism should be made as soon as possible after a determination of guilt. Such decisions should be based on the results of a complete presentence investigation, which should include reliable data on:

a. The offender's personal background and prior criminal record;

b. The offender's mental, physical, and emotional condition; and

c. The offender's political views and affiliations, if any.

4. Every sentencing decision in a case involving terrorism or quasi-terrorism should be accompanied by an explanatory judicial opinion or statement of sufficient length and detail to:

- a. Identify the principles or guidelines underlying the sentencing decision;
- b. Specify any aspects of the offense or of the manner of its commission that influenced the court toward special severity;
- c. Specify any characteristics of the offender or other circumstances that influenced the court toward special leniency; and
- d. State whether the severity of the sentence should be regarded as typical as it would apply to other cases of terrorism or quasi-terrorism.

Commentary

The recommendations of this standard for judicial sentencing of persons convicted of crimes of a terroristic, quasi-terroristic, or related character are as important for what they do not include as for the positive suggestions they contain. Before discussing the procedures and practices actually recommended, indication of the several approaches to these special sentencing problems that have been considered and finally rejected is, therefore, in order.

First, this standard does not recommend that defendants convicted of terroristic or quasi-terroristic criminal acts be singled out for especially severe punishment, relative to other persons convicted of differently motivated crimes involving similar substantive law violations. The politically motivated abduction, for example, should not be viewed as an offense inherently more grave—and, thus, subject to more severe sanctions—than a conventional ransom kidnaping. Or, to cite another example, proper sanction for the convicted bomber of a home or business should be assessed without regard to whether that person was motivated by a desire for revenge, a desire for personal gain, or a politically related motive. This principle of evenhandedness in sentencing is believed to be an important and inevitable correlate of this chapter's main thesis—that the business of the courts with respect to crimes of extraordinary violence should be conducted, to the greatest extent possible, pursuant to regular procedures and traditional assumptions.

This is not to say, of course, that the convicted perpetrator of a terroristic crime sometimes may not merit more severe punishment than another defendant convicted on an identical charge. If, for example, the offense involved is premeditated homicide, the cruelty with which the act was invested is a traditional and appropriate factor deserving weight in the sentencing decision—and one which well may weigh more heavily against the terroristic criminal than against his or her nonterroristic counterpart. Other examples could be cited of specific instances where it would be appropriate to penalize a specific terroristic or quasi-terroristic crime—because of its

special circumstances or characteristics—especially severely. Such examples, however, would only illustrate further this standard's general approach to sentencing, and its rejection of any policy for sentencing that would treat persons convicted of crimes of extraordinary violence as a special class governed by special rules.

In keeping with this position, this standard also implicitly rejects the notion that judicial sentencing policy for cases of terroristic or quasi-terroristic crime should incorporate any fixed or inflexible position on minimum penalties. This standard rejects the view that judicial sentencing discretion should be self-limited to produce similar results. Both the necessary imprecision of all attempts to define terrorism (or related concepts) and the relative paucity of scientific evidence to demonstrate the efficacy of mandatory minimum sentencing as a preventive or deterrent mechanism are grounds for caution in pursuing such experiments in sentencing practice. When the importance of molding a humane rather than Draconian official response to extraordinary violence is considered, the arguments against experimentation with mandatory minimums appear even more compelling.

Clearly, many cases will arise in which it will be appropriate, on the particular facts of each case, to impose a meaningful penalty of imprisonment on persons convicted of crimes of a terroristic or quasi-terroristic character, just as there will arise many instances in which such a penalty will be in order for any defendant convicted of a serious felony involving real or threatened harm to others. This standard, however, rejects any sentencing policy—whether legislatively or judicially arrived at—which has the effect of imposing special limitations on judicial sentencing discretion in cases involving any special, motivationally defined category of offenses. The judicial capacity to achieve individualization of sentencing, preservation of which is urged here, must be carefully distinguished from any general judicial tendency toward special leniency in sentencing. Thus, it is submitted that to the extent that sentencing decisions may have a potential deterrent effect on extraordinary violence, that effect can be achieved through reasoned, sensitive application of sound sentencing principles on a case-by-case basis.

The Importance of Sentencing Guidelines

Two motives underlie this standard's recommendation that the judiciary develop nonbinding sentencing guidelines for terroristic, quasi-terroristic, and related crimes. First, such guidelines—which, unlike mandatory minimum sentencing standards, would describe how to conduct deliberations rather than prescribe outcomes—generally are required for all kinds and classes of criminal offenses. To a signif-

icant extent, it is the absence of such an articulated jurisprudence of sentencing that permits and encourages the intra- and inter-jurisdictional sentencing disparities that are a prime focus of criticism of American judicial performance. Second, although it may be difficult to define precisely the limits of the class of terroristic, quasi-terroristic, and related offenses, and although even among cases clearly within that class there may be individual differences so great as to question comparability for sentencing purposes, the bulk of the cases within the class remain easily identifiable, share multiple points of similarity, and pose similar sentencing problems. Thus, there is reason to believe that the use of guidelines can improve both the quality and general consistency of sentencing.

Among the problems that sentencing guidelines should address are the purposes of sentencing as it relates to crimes of extraordinary violence. Although this standard does not prescribe the weight that should be given to the rehabilitative ideal, the concept of social defense, or the retributive motive, it does recommend that these issues of weighting be discussed seriously among trial judges, and that the results of these discussions be made widely known within the judicial community.

The process of discussion should be followed for the other special topics that this standard recommends that sentencing guidelines address: penalty ranges, mitigating and aggravating factors, and assessment of offender dangerousness. Obviously, no initial round of discussions will produce complete or universally satisfactory guidelines for any of these topics; in large part, development of guidelines must follow—and keep pace with—accumulation of practical judicial sentencing experience in this problem area. At the same time, however, it never can be too premature to address—at least tentatively—such difficult questions as defendants' youth as a mitigating factor in sentencing, or the availability of means to estimate realistically whether there is a real risk that a particular terroristic or quasi-terroristic offense may be repeated. To some extent, of course, any conclusions reached and incorporated into guidelines for sentencing in cases of extraordinary violence will be generalizable to—or adaptable from—sentencing principles developed for other kinds and classes of serious crimes. Nevertheless, crimes of extraordinary violence, and particularly crimes involving terroristic group action, do pose enough special sentencing issues to make appropriate their identification as a topic for special judicial attention in the formulation of sentencing guidelines.

It should be emphasized, moreover, that sentencing guidelines to rationalize judicial decision-making are required not only for the most aggravated cases of extraordinary violence, but also—and per-

haps even more so—for a variety of less spectacular or obviously heinous terrorism-related crimes, including terroristic threat-making and certain weapons-possession offenses. If judicial sentencing is to be an effective, comprehensive response to the problem of terrorism, policy decisions must be made that consider the degree of severity that should apply to those who contribute to the level of extraordinary violence, without resulting directly in acts of extraordinary violence. It is therefore suggested that, to be meaningful, sentencing guidelines for terrorism, quasi-terrorism, and related offenses should cover a relatively wide range of kinds and levels of criminal behavior.

Sentencing, Deterrence, and the Communication of Values

In addition to recommending development of non-binding sentencing guidelines, this standard contains two other principal suggestions for judicial conduct: relatively speedy sentencing determinations in cases of extraordinary violence and routine justification of those decisions through opinion-writing or equivalent measures. Essentially, these two suggestions are aimed at accomplishing a single end—the most emphatic possible communication to the public of the context of judicial sentencing policy and its foundations in basic social values. For such communication to occur, it is essential that, whenever possible, the sentencing decision be announced before the criminal incident, and the criminal proceeding arising from it, slips from public memory. And it is equally important that that decision, when arrived at, be explained, justified, and placed in perspective. Additionally, opinion-writing in connection with sentencing, like judicial efforts to develop sentencing guidelines, contributes to the gradual development of a jurisprudence of sentencing. But the chief importance of judicial statements in connection with sentencing, as proposed here, is the opportunity they provide for authoritative reinforcement of moral, ethical, and legal norms in an area of criminal behavior where the crimes of individuals may appear to pose especially serious threats to the continuing validity of those norms.

No claim is made here as to the extent to which the future conduct of one person or group bent on extraordinary violence will be influenced by observation of the fates of others—in the streets or in the courts. To the extent that sentencing may have a deterrent effect, however, the same practices urged here as part of a program to maximize the educative, value-reinforcing role of the judiciary will tend to promote that effect. Speed of punishment is, of course, a recognized factor in any deterrent equation, and clarity in sentence decisionmaking and presentation can only serve to enhance the potential of-

fenders' awareness that criminal conduct, followed by apprehension and conviction, will result consistently in meaningful penalties.

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Related Standards

The following standards may be applicable to implementing the recommendations of Standard 7.9:

- 9.2 Institutional Management of the Offender
- 9.7 Parole

Standard 7.10

Relations With the News Media

In all communications to representatives of the press and electronic media concerning cases involving crimes of extraordinary violence, members of the judiciary and the prosecution and defense bars should take special care to avoid disclosures that may prejudice the rights of defendants. At the same time, however, thorough coverage of all phases of court processing of such cases (including post-conviction sentencing) should be encouraged, and special care should be taken to insure that any controversial or unfamiliar aspects of the court process are fully explained through the media. In particular, it is recommended that:

1. Detailed guidelines for media relations in particularly notorious or newsworthy cases be established through a pretrial conference among the judge assigned to the case and the attorneys for all parties;
2. Access by accredited media personnel representing the spectrum of political opinion to all public pretrial and trial proceedings be facilitated; and
3. Court personnel—and especially members of the judiciary—make themselves available to media representatives, insofar as is appropriate, to explain and discuss the bases of decisions and dispositions.

Commentary

The risk of sensationalism that surrounds court proceedings in cases of politically related extraordi-

nary violence, and the necessity of adapting court procedures to minimize that risk, have already been noted in Standard 7.8. The problem of sensationalism is even more general in scope, however, extending to all cases of extraordinary violence, regardless of type, and is particularly intense with respect to all cases of terroristic or quasi-terroristic crime. To a significant extent, the problem and its solution are within the exclusive province of the news media. The general issues of media responsibility and media roles in the coverage of extraordinary violence and its aftermaths, however, are treated elsewhere in this report (see Standards 10.2, News and Entertainment Media Responsibility for the Prevention of Extraordinary Violence; 10.8, News Media Self-Regulation in Contemporaneous Reporting of Terrorism and Disorder; and 10.12, Followup Reporting of Extraordinary Violence by News Media). Here, a much more limited group of issues is addressed—those that relate to the responsibilities of bench and bar in the dissemination of public information concerning cases of extraordinary violence.

In general, this standard recommends the approach urged throughout this report for all official contacts with the news media relating to extraordinary violence. Because official efforts to control the nature or quantity of information made available to the media are both inappropriate and usually ineffective, it is suggested that an official information

policy that maximizes the amount of data disseminated on a case or incident and the amount of contextual background information and interpretative aid provided to media personnel is most desirable.

Public Information and Pretrial Publicity

A critical exception to the above-stated general principle of disseminating information to the public arises in cases that have not yet reached the trial phase. Before a jury has been empaneled, the risks of contamination of the trial process through prejudicial publicity are particularly great; this is especially true for cases that have an inherently high interest for the public, such as those involving alleged politically related crimes of extraordinary violence. Thus, the bench and bar have particular responsibilities to exercise self-restraint and mutual restraint in public statements made during the pretrial period, and to attempt to exercise their influence over others, e.g., parties and potential witnesses, to the same effect.

This is not to say, of course, that the elements of a court system should present a silent front to inquiring news media personnel during the pretrial period. Much of the information sought will be matters of public record, and, as such, should be freely disclosed. But statements of opinion, previews of government evidence, and, in general, advance notice of elements of the defense case, should be avoided. It is these categories of basic information, and the treatment that the press and electronic media afford them, that pose the greatest risks of substantial prejudice to the fairness of upcoming trial proceedings.

In general, guidelines on public disclosure of potentially prejudicial matter by official and semi-official participants in pending cases involving extraordinary violence are governed by generally applicable professional guidelines on the free press, fair trial issue. Adherence to those guidelines is, for the most part, a matter to be decided by the ethical standards of individuals. To a degree, however, the power of the judiciary to sanction unethical or unprofessional conduct, and, to an even greater degree, the persuasive influence of the bench, can be employed to reinforce the applicable professional guidelines. Thus, this standard recommends use of an early-stage pretrial conference among trial judge, prosecution, and defense counsel, designed to expose any particularly troublesome tensions between public disclosure and trial prejudice that are likely to arise, to explore solutions to them, and to give these solutions judicial endorsement, if not the status of judicial orders. In many cases, of course, one or more of the participants in such a conference may be unable to subscribe to all proposed special public

information guidelines for that case. Even so, the early airing of such differences will simplify the trial judge's role in taking other preventive or corrective measures to reduce the prejudicial effects of pretrial publicity.

It should be emphasized here that the suggestion just outlined is not intended to endorse the concept of the judicial "gag order," or to lend support to the approach of the free press, fair trial issue that underlies such orders. Fundamentally, what is proposed here is the imposition of a limited degree of control, through a process of a largely voluntary nature, on potentially prejudicial pretrial disclosures at the source. The correlate of this proposal is a rejection of the view that potentially prejudicial disclosures, once made, can be appropriately "recalled" through attempts at the imposition of direct judicial controls on the press.

Media Access to Court Proceedings

Putting the constitutional issues to one side, the practical and policy objections to the gag order technique are thrown into sharp relief in any consideration of the trial of cases involving alleged crimes of extraordinary violence. Whatever the extent of the public's "right to know" the details of how and on what basis such cases are adjudicated, the public's "need to know" is clear. A closed, or partially closed, court proceeding can serve only to confirm the suspicions of those who sympathize with the persons on trial or who harbor generalized mistrust for the institutions of criminal justice, while stimulating doubt in those who wish to see justice done. The concept of the "public" trial has obvious importance in securing fair treatment for defendants; it has an equally critical, although less obvious, importance in securing public understanding of—and support for—the process of adjudication.

This standard recommends that, for trials in progress, the press and electronic media be regarded as true surrogates of the public, and that positive steps be taken by the courts to promote attendance and balanced coverage by news media personnel. Some of the steps are merely logistical in nature: scheduling newsworthy trials in courtrooms of sufficient size to permit attendance by interested media representatives, for example, or arranging pass systems that would guarantee that limited courtroom space will be divided fairly among various media personnel wishing to attend. Whenever possible, permanent or temporary court public information officers should be specifically assigned to the media contingent present to report highly newsworthy proceedings, to insure that advance arrangements are in fact functioning well, and to perform troubleshooting duties.

Rationing limited courtroom space can, of course,

create serious problems of choice. In general, the practice of favoring dominant local media and major national publications, networks, and news services is appropriate, and, indeed, inevitable. And in many instances, rotation systems and reporting pools will be the only devices available to achieve a distribution of courtroom space among the media. Court public information personnel charged with devising, or assisting the media in devising, such arrangements should be aware of the need to insure not only the representation of those news organizations that serve the relatively greatest proportion of the local and national public, but also of the importance of accommodating those to which special segments of the public turn for news. The dominant mass media should not be favored to the exclusion of legitimate small-circulation or special-audience publications and their electronic counterparts. In particular, news organizations espousing distinct, extreme political viewpoints should be included in a plan for the fair apportionment of coverage opportunities.

Court Assistance to Media Personnel

The members of bench and bar have no proper role to play in influencing, on their own initiative, the content of news reports concerning cases of crimes of extraordinary violence. At the same time, however, there are many features of such cases that representatives of the court system could clarify through discussion for media representatives—as distinct from merely allowing them the opportunity to observe that system in operation.

Considerations of propriety limit the degree to which such exchanges can occur and the circumstances in which they can occur. Thus, for example, a trial judge may discuss the elements of a sentencing decision with media representatives at the conclusion of a case, but he or she is barred from having any extensive substantive communication with the media before or during court proceedings. Similarly, though prosecution attorneys and defense counsel may, subject to general free press, fair trial standards, discuss general strategies and evidence actually presented with reporters, they cannot properly expand such discussions to include details of evidence not yet offered to the court.

Despite these limitations, however, continuous ex-

change between media representatives and official or semiofficial participants in the trial process has an important function in demystifying, clarifying, and providing context for the actual proceedings. Providing regular opportunities for such exchanges, and detailing court public information personnel to facilitate them, may improve the quality of coverage, exercise a moderating influence on sensational tendencies, and promote the adjudicative purposes of the trial process.

Related Standards

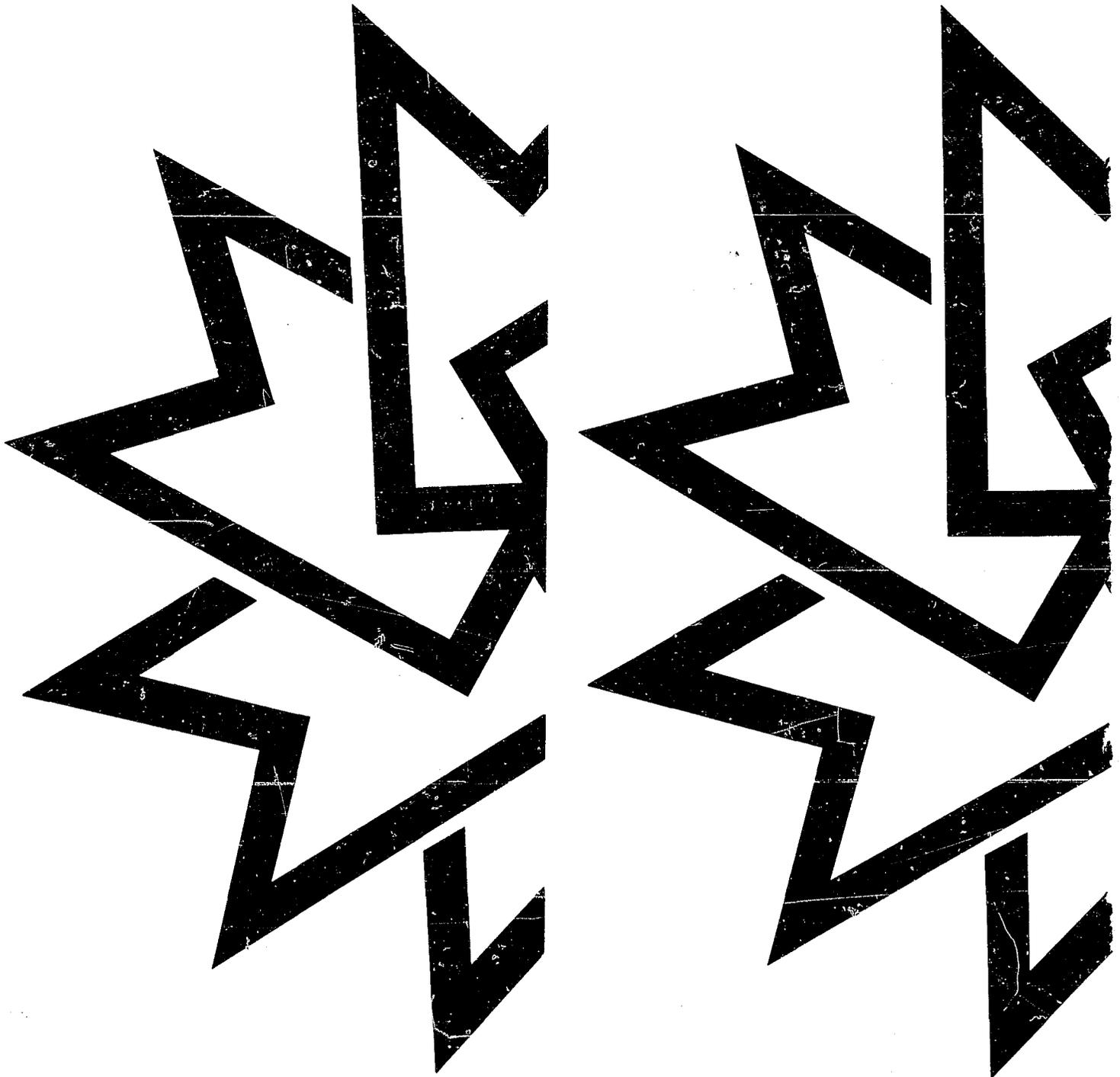
The following standards may be applicable to implementing the recommendations of Standard 7.10:

- 4.10 Civil Authorities and the Media
- 6.25 Relations With the News Media
- 7.8 Trial of Cases Arising Out of Incidents of Terrorism and Political Violence (2): Conduct of Trials
- 8.7 Relations With News Media
- 10.2 News and Entertainment Media Responsibility for the Prevention of Extraordinary Violence
- 10.8 News Media Self-Regulation in Contemporaneous Coverage of Terrorism and Disorder
- 10.12 Followup Reporting of Extraordinary Violence by News Media

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2. "Problems of Pretrial Publicity." *Criminal Law Bulletin*, Vol. 11, 1975, p. 335.
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4. "Judicial Control of Pretrial and Trial Publicity: A Reexamination of the Applicable Constitutional Standards." *Golden Gate University Law Review*, Vol. 6, 1975, p. 101.

Chapter 8
Standards and Goals
for Corrections (1):
Prison Disorders





INTRODUCTION

There can be little doubt that the corrections system is in ferment. There are sharp ideological differences between those who cling tenaciously and not always too hopefully to the rehabilitation model and those, informed by a new kind of learning, who subscribe to what is coming to be known as the justice model where the emphasis is on a determinate sentence representing "just deserts" for the offense committed. At the same time, worsening economic conditions have slowed much-needed improvements, curtailed program implementation, and halted new building and even the most necessary of repairs, thus aggravating the endemic evils of overcrowding, frustrating routine, boredom, and many other conditions that spawn the dissatisfactions and the bitterness out of which disorder and terrorism so easily grow.

In this chapter, which is mainly concerned with responses to institutional disorder, it has not seemed necessary to enter into the penological debate between those who adhere to the rehabilitation ideal and those who do not. The recommendations in this chapter are based on what are perceived to be the realities of correctional administration as they present themselves across the country and as they bear upon the narrow problems of disorder, terrorism, and other extraordinary violence. Whatever the outcome of any reappraisal of the correctional system, incarceration will undoubtedly remain as the only realistic option in the disposition of many offenders; for the foreseeable future, existing institutions and procedures will have to be adapted to their management and disposition. A recent multidisciplinary study of the problems of incarceration concluded [von Hirsch, pp. 110-111]:

One thing is clear under our theory: incarceration, being a severe punishment, must never be used except for that narrow range of offenses that qualify as serious, but should it be retained even for serious crimes? When we began our study, we doubted it should, given what we knew about conditions in American prisons. But, ultimately, we did not choose abolition—at least for now.

The recommendations made here are based on that assumption and are designed to provide a frame-

work for minimizing disorder, wherever possible, through attention to precipitating rather than deep, underlying factors. Some of these recommendations are adaptations of principles that it is considered should have general application in the handling of disorders and other incidents of extraordinary violence in an open setting; others are derived from the specific conditions that prevail in American prisons.

Prisons are particularly prone to disorders. No institution, however well administered, can eliminate the pains of incarceration that foster opposition and protest. Some institutions rely on outmoded social and penological ideas and thus create and augment unrest in a way that is contrary to modern penal goals. The gloomy Bastille-like maximum security prisons, often located far from the home environment of the majority of the inmates, make visiting difficult and social adjustment unrealistic. These are among the conditions that cannot be ignored in a discussion of prison disorders. It has not seemed helpful to make recommendations in a vacuum nor to ignore those aspects of the problem that require a more comprehensive, preventive strategy than can be detailed in this chapter.

As in the case of disorder and extraordinary violence generally, whatever the setting, the need for preparedness through planning is strongly stressed in this chapter. The involvement of all those concerned with managing the prison system and its service to the community is considered essential to the development of consistent and smooth-running policies. The need for a clearly delineated chain of command and a single focus of responsibility is emphasized as is the need for the development of clear policies on negotiation and the use of force. Specific planning recommendations have been confined to the specific issues of disorder, terrorism, and other extraordinary violence. It is expected that such plans will be consistent with the wider planning endeavors of correctional agencies that are designed to address some of the more fundamental problems leading to prison disorders. The problems of design and operation in existing institutions, which may give rise to situations of unrest and disorder, should not be ignored in

the planning process. They are not discussed in detail in this chapter because they are considered to be more appropriate to an overall review by correctional administrators, subject to the realities of their own agencies and the restraints imposed upon them by the limits of their own authority and by fiscal considerations.

It is recognized that conditions in correctional institutions throughout the country have given rise to a public belief that disorders of the kind that have erupted in violence are largely the product of a novel form of political activism, which has eroded discipline and the socializing aspects of prison programs. The belief is also held in some quarters that the institutions themselves have become breeding grounds for terrorist plots and training grounds for terrorist activities. This belief is connected to the allegation that correctional institutions are universities of crime and is part of a larger case made out by critics of the system. The response to the specific problem of the systematic generation of unrest and the propagation of terrorist planning and training cannot be divorced from this larger question. It is a well-recognized part of terrorist technique and operation to take advantage of any malfunctioning of the existing social order and to exploit any form of discontent. It should, therefore, be the task of the correctional authorities to reduce to a minimum the conditions giving rise to extremist intervention. An historical review of serious disorders in correctional systems in the United States shows that these often tend to be spontaneous responses to conditions perceived as intolerable by those subjected to them. There is little evidence that a concerted, comprehensive attempt has been made to alleviate the underlying problems leading to these disorders. The prevention of prison disorders should, therefore, be addressed in the context of a general plan of correctional improvements rather than as an isolated effort against identifiable, unresponsive elements in the inmate population who seek to disrupt the orderly conduct of everyday operations.

Unquestionably, a considerable increase in political activity and the exercise of first amendment rights in general has taken place in correctional institutions during the last decade. There has been a corresponding rise in concern on the part of correctional administrators who see this activity not merely as an erosion of good correctional principles, but also as a real threat to the security of the institutions them-

selves. Changes in the administration of justice and in the political and social climate have produced irreversible alterations of attitude that should be recognized in these recommendations. The right of association is clearly different in open society from what it can be in a correctional setting. So, too, are the right of free expression and the right to organize, both of which are subject to the overriding considerations of security and to the purposes of the correctional program to which the individual inmate is required to submit himself. These matters are fertile ground for extremism and must be approached with caution. Incarceration affords the opportunity for offenders to meet criminals and plan criminal ventures. There is no evidence to suggest, however, that it is a medium deliberately sought for that purpose and the very restrictions inherent in incarceration would be inhibiting in many ways. Although some terroristic activity may be planned in correctional institutions, and although terrorists may meet on that common ground, it is not believed that urgent, special measures should be taken to counter such a possibility. Terrorism, especially political and international terrorism, sometimes reaches into prison to recruit members to exchange information, or to free imprisoned terrorists. Although this has not yet reached significant proportions in America, it should be watched and measures should be taken, as necessary, to counter it. The best preventive measures are those designed to eliminate the conditions in which dissidence and incitement to violence can thrive.

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4. McGraw, Peg and Walter. *Assignment: Prison Riots*. New York: Henry Holt and Company, 1954.
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Goal 8.1

Institutional Environment

It is recognized that the nature of incarceration itself and the conditions under which prison sentences are served offer potential for disorder and are particularly conducive to the occasional eruption of incidents of extraordinary violence.

Correctional authorities should address themselves to a systematic review of institutional conditions and factors conducive to unrest and disorder, with a view to producing viable, concrete solutions for preventing and controlling these problems.

Commentary

This goal implicitly recognizes that, inevitably, incarceration will continue to be society's response to much criminal behavior in the foreseeable future. In consequence, it is necessary to recognize that such a response inherently contains the potential for disorder—a potential that can be aggravated to the point of actual violence by failure to attend to the conditions under which sentences of imprisonment are actually carried out. This report directs special attention to this fact, while abstaining from offering suggestions for the execution of prison sentences themselves or for specific improvement in the conditions under which they are served. These questions have been amply addressed by the Task Force on Corrections of the National Advisory Commission on Criminal Justice Standards and

Goals and, as far as possible, the recommendations in this chapter have been designed to complement and harmonize with the specialized work of that task force. The major premise of the present goal can be simply expressed: incarceration can, of itself, generate disorder and violent behavior. Good correctional practice demands that all practical steps be taken to diminish the potential for violence and to enable the inmate to make a useful adjustment in order to benefit from the programs directed to his resocialization.

The need for an overall, preventive strategy is stressed by this goal. Correctional administrators should not plan from crisis to crisis but, recognizing the potential for harm in incarceration itself, should study ways in which the conditions giving rise to unrest can be ameliorated or eliminated in the institutions under their control. Disorder and violence should not be regarded as the inevitable result of prison life, but as the consequence of the exacerbation of negative factors, such as poor institutional design, overcrowding, and inadequate or nonexistent classification of inmates. These factors dehumanize the inmates, encourage violence and dissidence, and militate against effective control. The correlation between environment and disorder is intensified in a correctional setting. It is recommended that this correlation be accepted and subjected to close,

practical study. The heads of correctional systems and heads of institutions should address themselves to the specific problems that make some institutions more violence-prone than others. This goal merely highlights the problem, the locus of responsibility for solving it, and the need for solutions.

It is not fanciful to see a connection between escalating unrest and violence in correctional institutions and the conditions existing in them. Experience shows that wherever a serious outbreak of violence has occurred or where there has been large-scale unrest, the conditions leading to the trouble have been apparent to the authorities for some time. There has often been an apathetic acceptance of such conditions, not on any ill-intentioned basis, but on a footing of brinkmanship or a testing of the system's inherent tolerances. This goal points to the need for a more energetic, positive response to and recognition of the necessary ills of the system. These conditions must be methodically corrected within budgetary and other limitations. It is hoped that this

approach will reduce the potential for extraordinary violence and disorder and that those forces that seek to exploit adverse prison conditions will be dislodged and defeated.

References

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4. Standard Minimum Rules for the Treatment of Prisoners and Related Recommendations. New York: United Nations, 1958.

Standard 8.1

Contingency Planning

Correctional systems and individual institutions should develop plans to prevent and deal with disorders and incidents of extraordinary violence.

1. Plan Development

a. Systemwide riot plans should:

i. Order goals to be achieved in responding to a disorder;

ii. Establish a command structure appropriate to the scale of response;

iii. Outline tactics to be employed in restoring order and in regaining control of the institution;

iv. Identify resources, both inside and outside the department, that are available in the event of a disorder; and

v. Draw on the information and experience provided by past disorder.

b. Individual plans compatible with systemwide master plans should be devised by each institution; individual plans should include:

i. Specific tactical instructions;

ii. A list of the particular resources available or not immediately available to the institution for control of disorders;

iii. A list of supportive personnel from outside the institution, who would be available to participate in responding to the disorder; and

iv. Comprehensive plans of the physical layout of the institution.

c. It is recommended that the following be included in the systemwide planning process:

i. Executive departmental officials;

ii. Representatives of all agencies likely to be utilized in the event of a disorder;

iii. Representatives from each correctional institution within the system;

iv. Experts in conflict-mediation and other areas; and

v. Appropriate private organizations and recognized exoffender groups.

d. In devising the individual institutional plan, the participants should roughly parallel those recommended for involvement in devising the systemwide plan. Emphasis should be placed on representation of local agencies. The following should participate:

i. The institutional administrator;

ii. Correctional staff and counselors;

iii. The civil authority responsible for the local jurisdiction;

iv. Local law enforcement officials; and

v. Local medical and fire department representatives.

e. Selective former-inmate participation at both planning levels should be considered. Although involvement of former inmates in the development of detailed tactical responses would be inappro-

priate, former inmates constitute a useful resource for consultation on general goals and objectives.

2. Systemwide Plans

a. Participants in the planning process should give attention to the following considerations:

- i. Safety of the general public;
- ii. Safety and welfare of hostages;
- iii. Safety and welfare of staff;
- iv. Safety and welfare of the general inmate population, including the participants;
- v. Protection of property;
- vi. Restoration of order;
- vii. Identification of participants in the disorder and the appropriate disposition of their cases; and
- viii. Systematic study of the causes of the disorder with a view to correcting these conditions.

b. A clear and uniform policy on negotiations and the use of force should be developed. This policy should be given a minimum of publicity.

c. The plan should outline a basic tactical sequence, specifying the grounds for variation from that outline in response to particular locations and circumstances.

d. The plan should clearly identify the roles and responsibilities of all potential participants:

- i. The individual or agency responsible for the overall direction of the response to disorders, according to their seriousness and location, should be specified;
- ii. The extent to which the civil authority will directly participate should be clearly stated;
- iii. The nature of participation by supportive agencies and organizations, and their relationship to the director of the official response should be outlined; and
- iv. It should be clearly stated that any official taken hostage will have no authority for directing any part of the response.

e. The plan should identify equipment and training needs. The advisability of developing a special response unit, trained in the use of special weapons and tactics, on either a systemwide or an institutional basis, should be considered.

3. Institutional Plans

a. Institutional plans should follow the priorities and tactical policies set out in the systemwide plan, with attention to further details appropriate to the particular institution.

b. The institutional plan should also elaborate a policy, compatible with the principles of the master plan, on the use of force and negotiations with prisoners.

c. The institutional plan should develop its own detailed outline of tactical sequences, in conformity with the basic plan.

i. Special consideration should be given to elements that vary from institution to institution:

- (a) Physical characteristics;
- (b) Character of the inmate population;
- (c) Availability of resources; and
- (d) History of disorders and extraordinary violence in that particular institution.

ii. The plan should elaborate, in detail, the means to be employed in achieving the containment of disorder; the nonviolent resolution of the problem; the restoration of order; and the controlled use of force—clearly specifying the order in which tactical options will ordinarily be employed.

d. Roles and responsibilities of all participants should be clearly stated so as to:

- i. Indicate the functions to be performed by members of the institutional staff, specifying which members will participate;
- ii. Define the roles of outside support personnel with emphasis on those authorities with considerable influence in the local area;
- iii. Provide for the early detection of disorders and the alerting of disorder-control personnel;
- iv. Develop procedures for intervention of qualified third parties, who are available to assist in negotiation; and

v. Provide for the use of specially trained personnel, where such units have been established.

e. The institutional plan should list its training and equipment needs, the degree to which these needs have been met, and the steps that will be taken toward coping with deficiencies in training or equipment.

4. Review

a. All plans, both systemwide and institutional, should be dated as to the day of adoption.

b. Plans at both levels should be routinely reviewed in the aftermath of any incident to determine if they were complied with and if they were effective.

c. All plans should be reviewed annually, regardless of whether they have been put into effect.

d. When any major change occurs in the structure of the correctional system or in the identity of officials designated to take major responsibility, the plan should be reviewed and modified as appropriate.

5. Dissemination of Plans

a. Plans at both levels should be disseminated to all agencies and administrators identified as participants.

b. Institutional staff should be informed of the existence of the institutional plan, acquainted with its general contents, and with details of any par-

ticulars spelling out their individual responsibilities.

c. The existence and contents of systemwide and institutional contingency plans should be publicized, but tactical matters should remain confidential.

Commentary

This standard outlines the recommendations relating to the preparation of systemwide and institutional plans to meet outbreaks of disorder and incidents of extraordinary violence. These recommendations strongly urge a systematic, planned response to disorder and terrorism instead of an improvised response. In general, they follow the pattern and experience developed in responding to situational violence in an open setting. They are based on the principles of close, interagency collaboration; the removal of potential sources of friction through the early involvement of all interested parties; a clear understanding of policies and command responsibilities; a flexible order of tactical responses; and a sensitivity to the interests of all involved in the execution phase. It is recognized that plans will vary from system to system and from institution to institution, but their principal elements are sufficiently uniform to constitute a substantial guide for correctional administrators.

The drawing up of the most generous inventory of resources available to meet this type of contingency is strongly recommended. In many cases, traditional lines of authority and operational roles have inhibited the utilization of much valuable experience, while in other cases that experience has been called upon in a haphazard fashion so that its value, in concrete terms, has been reduced. It is essential for the administrator responsible for designing an effective response to review resources and the potential for collaboration among the different elements in an emergency. It should not be left to those acting under the pressure of an actual incident to identify those whose services might be called upon to assist in the crisis. A sound plan and working knowledge of its components will facilitate a smooth and speedy response to prison disorders.

The dynamic character of these plans is emphasized. They should be periodically and meaningfully reviewed, partly as an exercise to familiarize those concerned with their content and workings but mainly to insure that they are current and reflect the best practices and experience. They should be regarded not only as a constructive response to the contingency itself, but also as a useful tool for testing the system's needs and responding to its requirements before a disorder occurs. Thus, consultation

with former inmates is suggested at the planning stage because these former inmates can supply some of this preventive information which, if taken into account, might aid in the eradication of sources of conflict before they become explosive. Private organizations and community representatives can contribute in a similar fashion.

The actual process of consultation involved in the development of the plan will not necessarily involve the creation of large, standing committees, nor protracted meetings with all the components involved. What is required is that the contributions of all involved be coordinated and that everyone involved become familiar with each other's roles and functions. Appropriate publicity should be given to the existence of the plans and their contents. Sensitive portions, such as those dealing with tactical responses and those concerning the physical layout of the institution, will be restricted to those having relevant operational responsibility.

It is recommended that the development of a clear and uniform policy governing negotiation and the use of force be considered an important part of the contingency-planning process. These policies should be subject to constant review in the light of experience within the system and elsewhere, but it is of the utmost importance that the current position be clearly expressed and known to all who have to act in conformity with it; that it not be changed arbitrarily or without explanation; and that it be in accord with the philosophy of those responsible for exercising the ultimate authority in these matters. Nothing could be more embarrassing in the management of an actual incident than for those responding to act on a policy of no negotiation as provided by the plan, only to be superseded in the matter by superior authority acting in a contradictory and wholly unexpected role. Although some operational flexibility is always necessary, such flexibility can be adequately provided for in the plan so that those implementing the policy know what to expect.

The creation of special response units within any particular correctional system is not recommended. Individual administrators will need to consider their own needs and resources in this matter. Where such response units are developed, considerations similar to those discussed in connection with the establishment of police special weapons and tactics units will apply. The expert nature of such units and their careful deployment cannot be overemphasized. A number of points of special relevance to the correctional setting are worth noting. Good correctional practices have tended, in recent years, to deemphasize the use of weaponry by those engaged in the custody, care, and control of inmates. The creation of special response units, with the requisite sophisti-

cated weaponry and training, would run counter to that trend. There is also the question of whether, in most correctional systems, it would be possible to organize effectively such a unit so that its members could engage in normal duties while remaining on call for emergencies involving serious disorders. The training needed might interfere unduly or even be incompatible with the image of the correctional officer that the department wishes to present. If special response units are created, regular inspection of equipment and proper training in its handling should be provided so as to avoid accidents and misuse. It is perhaps more important that systemwide and institutional training be developed to give correctional officers, individually and collectively, the capability of responding to situations of disorder and extraordinary violence in a disciplined way. This will avoid their responding in a manner that will increase the danger to themselves, and will aid them in containing the disturbance until such time as it can be evaluated and the plan can be implemented.

Reference

1. *The Official Report of the New York State Special Commission on Attica*. New York: Bantam Books, 1972.

Related Standards

The following standards may be applicable in implementing Standard 8.1:

- 4.2 Interagency Cooperation
- 5.11 Interagency Cooperation
- 6.5 Police Specialization for Prevention and Control of Extraordinary Violence
- 6.6 Bureaucratic Organization of Prevention and Response Efforts
- 6.19 Relations With Local Police Authorities in Other Jurisdictions
- 6.20 Relations With State and Federal Law Enforcement Agencies
- 8.6 Relations With Civil Authorities

Standard 8.2

Information Systems

1. Data Gathering. Early intervention by correctional administrators with a view to averting or correcting conditions that might give rise to disorder requires an informed appraisal of information relating to potential risks. A considerable amount of information about the inmate population is obtained in the regular course of processing, control, and treatment of the individual; this data should be regularly evaluated so as to guide decisionmakers in the event of the occurrence of institutional disorders or the discovery of incipient terrorist activity within the institution.

2. Use of Data. Because of the inability of most correctional systems to collect, process, and safeguard sensitive information in compliance with the law, it is not recommended that anything in the nature of a specialized intelligence capacity for the detection and prevention of disorders and terrorism be developed, either in institutions or in the central offices of correctional systems. Nevertheless, it is important that available information be intelligently examined with a view to assessing risk potential, and that the results of such an evaluation be transmitted promptly and directly to those responsible for making decisions designed to avert or prevent situations of disorder or terrorism.

3. Review of Data. Each system and its institutional components should examine its present data-collecting procedures, especially those relating to re-

ception, assignment, classification, and programing of inmates, so as to determine what information is available relating to inmates presenting a significant potential risk of disorderly or terroristic activities. Such information should be reviewed by the heads of institutions or a specially designated officer.

The information so retrieved and stored shall not be used in connection with the ordinary institutional treatment of the inmate, but shall be employed only to avoid disorderly or terroristic activity by that individual within the institution. The confidentiality of this information should be preserved; it should not be allowed to prejudice the treatment of the inmate in ordinary institutional matters. Recommendations to staff on the basis of the information collected concerning a particular inmate should be made by the reviewing officer.

4. Classification. Proper classification is an indispensable process in the care, control, and custody of the inmate. It permits the correctional authority to make an informed decision as to his housing assignment and institutional treatment. Correctional authorities should take steps to insure the functioning of adequate classification systems designed to elicit all the information necessary, at an early stage, for a proper institutional disposition of the individual inmate. Dispositions made in accordance with the classification process should be fair, consistent, and never arbitrary.

5. Security Assignments. Security is an important consideration in any classification system. Trained counseling staff should make recommendations for assignments on the basis of the information obtained in the course of the classification so as to minimize the risk of future disorder and potential terroristic activity within the institution. Preventive housing assignments should be made only on the basis of a clearly demonstrated propensity for harm, and never as a means of punishment. Punishment should follow only after disciplinary proceedings, in accordance with institutional rules.

Commentary

In these commentaries, primary emphasis has been placed on the prevention of disorder and incidents of extraordinary violence in a correctional setting. A rational, preventive strategy requires the systematic collection and analysis of relevant data so that appropriate decisions may be made with respect to the inmate population. Intelligent decision-making must be based on sound information; otherwise the system will be capricious and uncertain, to the prejudice of the individual committed to its charge and the wider interest of society. Whatever the type of institution, its size, and geographic and jurisdictional location, the same fundamental principles should govern its management in this regard.

The early detection of unrest among the inmate population of any particular institution is dependent to a large extent upon the ability of the system to gather adequate information regarding the individuals comprising it. This is a particularly difficult task where the inmate population is large and there is a high turnover. The matter is further complicated where a high percentage of inmates within an institution is awaiting adjudication or sentence because the length of their stay is uncertain, and because their status and, consequently, their institutional handling is different from that of inmates serving time. Correctional institutions are used to confine many of those awaiting trial as well as those convicted of a criminal offense. This standard takes account of these important variations. Whatever the status of the individual inmate or the conditions of his confinement in the correctional system, there is a real need to know certain basic things about him so that his propensity for violence might be sensibly assessed and effective measures taken to insure the tranquil, disorder-free, day-to-day operation of the institution.

Special consideration has been given to the realities of correctional operations rather than focusing on ideal conditions—thus robbing any recommendations of their utility. The information available on any inmate at the time of his reception is an important

variable. In some jurisdictions, a considerable amount of information relating to the inmate in the form of charge sheets and prior history is immediately available to the receiving officer, while in other jurisdictions only the barest details of the commitment are given. Where the inmate is a detainee, information is usually sparse and ordinary operational pressures will often preclude obtaining more reliable information within a short time after induction. The comparatively brief stay of many inmates in a particular institution in the course of their progress through the criminal justice system will sometimes altogether preclude obtaining a satisfactory prior history.

It should be borne in mind that in terms of the number of persons affected per year, pretrial custody accounts for more incarceration in the United States than does imprisonment after sentencing. The grave disorders in the New York City prison system in 1970 cost millions of dollars and mainly involved inmates awaiting trial or sentencing. Their grievances concerned not only the conditions under which they were incarcerated, but also the delays in the criminal justice system itself. Similar grievances were voiced in November 1975 by rioting inmates on Rikers Island, New York. [*New York Times*, Tuesday, Nov. 24, 1975] The National Advisory Commission on Criminal Justice Standards and Goals Task Force on Corrections stated [102]: "The fragmentation of responsibilities contributing to pretrial detention makes the plight of pretrial detainees typically worse than that of convicted prisoners." Elsewhere, the same task force observes [105]: "Today, the status of the person presumed innocent is generally worse than that of a sentenced person confined in the same facility and far worse than that of a person confined in a felony institution after conviction for a serious offense." Certainly, the problems posed for a correctional system by the commitment to its care, control, and custody of large numbers of pretrial and presentencing detainees cannot be lightly passed over. In the present context, it suffices to observe that experience shows a greater risk of violent, inappropriate behavior in the first few days after induction than at any other time because of tensions, uncertainty, and the unnatural conditions of confinement. The personal disorganization of the inmate at this time has been noted by John Irwin [p. 38]: "(the) prisoner often grapples furiously to effect certain action, to complete plans, to fulfill unfulfilled responsibilities, to tie together some of the loose ends of his torn life on the outside." It is therefore of the highest importance that the quality and quantity of information available to prison officials in relation to this class of inmates be improved. Effective procedures should be established to evaluate and process this information so

that it can be used in the management of the inmate population.

In every correctional institution, a wide variety of informal information systems flourish, with varying degrees of effectiveness. A considerable body of knowledge exists at any one time in any given institution concerning specific individuals and collective sentiment. Much of this information finds its way to the head of the institution. The realities of correctional operation are such that these systems would continue, and the information would be evaluated and acted upon, regardless of any attempt to substitute a more structured system, subject to control and verification. It is therefore recommended that any of this information that might be helpful in preventing disorder be intelligently utilized. Verifying this information poses a major problem. It is important to avoid using this information for purposes that may be prejudicial to the interests of individual inmates—resulting, for example, in their being placed under tighter security than their fellows or having privileges withdrawn—which might provide reasons to disturb institutional life.

Although it is suggested that no attempt be made to develop a formal institutional intelligence capacity for the purpose of gathering information about potential disorders or terrorist activity, it is strongly recommended that information obtained by informal means and information emerging from the regular processes of inmate disposition be carefully scrutinized, at an appropriate level of responsibility, so that verifiable information may be promptly acted upon as a preventive measure. The system of storage, retrieval, transmittal, and use of the information will vary from institution to institution. Correctional systems should examine their information processes to see that they are fair, that there is capacity for verifying the information obtained, and that review procedures will safeguard inmate rights in accordance with the law. Wherever possible, determinations made for the purpose of observing this standard should be isolated from the open, institutional files used in the ordinary handling and disposition of the offender. It is extraordinarily difficult and, in the main, unrealistic to attempt to preserve complete confidentiality in these matters. The separation is suggested less for reasons of secrecy than to avoid prejudicing the correctional treatment of the inmate by counselors and others who are less concerned with questions of security than with matters more pertinent to their own sphere of responsibility. What is important is that the treatment of the inmate is not prejudiced by secret information used against his interests.

Perhaps the most important and, generally, the most poorly executed correctional operation is classification. Classification is the process whereby the

correctional system provides a proper basis for the differential treatment of those entrusted to its care, control, and custody. Most classification processes are management rather than treatment oriented; the majority are in an extremely rudimentary state, especially in those institutions where the bulk of the inmate population is detained awaiting trial or sentencing. Most classification systems of any degree of sophistication are found only in those institutions dealing primarily with the management and treatment of sentenced inmates. This led the Task Force on Corrections to observe [105]: "Similarly, sentenced offenders are generally classified by degrees of dangerousness, age, vulnerability to assault, illness, and ability to reform. Persons awaiting trial are generally classified in one class, under the rationale that they are all presumed innocent and no information base is available for distinguishing one detainee from another. The result is that young persons are detained with alcoholics, petty offenders with drug addicts, innocent persons with hardened criminals."

The importance of this for the present purposes cannot be overemphasized. Classification does not automatically provide a disposition of the offender; this is a policy disposition made in accordance with the results produced by the classification process itself. Thus it may be determined, as a matter of policy, that all inmates under a certain age, incarcerated for offenses against the person, should be segregated from the general population and assigned to a specified housing area. The classification process will merely provide the category of inmates to be so housed. The Task Force on Corrections has given as a standard that [210]: "No offender should be kept in a more secure condition or status than his potential risk dictates." The real problem, from the point of view of a strategy designed to prevent disorder and terrorism, is the method of risk assessment and how effective this can be, given the legal, economic, and practical restraints which must be taken into account.

The standard recommends the use of proper and effective classification procedures as a means of detecting and controlling potential disorder and terrorism. This presupposes a real prospect of using classification procedures to determine degrees of risk. The search for perfection in this field has been disappointing. The Task Force on Corrections observed that [211]: ". . . correctional administrators should (1) acknowledge handicaps of the field in devising a truly scientific classification system and (2) adopt the realistic view that the only objectives obtainable with present knowledge and techniques are assessment of risk and efficient management of offenders." Correctional administrators should use classification procedures to guide them in making policy decisions regarding the disposition, on secu-

rity grounds, of those inmates who present an unusual risk of future disorder or have a propensity for violence. Housing assignments should not be made on vague, irrelevant, or capricious criteria, nor on grounds that cannot be objectively verified, if challenged. The hazards in predicting dangerousness must be recognized. Most authorities would agree with Rubin ["Prediction of Dangerousness in Mentally Ill Criminals," 405] that: "Given the present reality it is unlikely that dangerousness can be predicted in a person who has not acted in a dangerous or violent way." Vague assertions of aggressiveness cannot justify segregation nor should this method of control ever be used on veiled disciplinary grounds. (*Allen v. Nelson*, 354 F. Supp. 505, 1973.) Security is an important consideration in preventing disorders, but it must be attained by rational and objective means, which are not open to challenge on constitutional grounds.

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Related Standard

The following standard may be applicable in implementing Standard 8.2:

6.4 Self-Regulation of Police Intelligence Operations...

Standard 8.3

Improving the Institutional Environment

This standard addresses itself to the improvement of the institutional environment in the belief that, in some cases, living conditions as well as institutional policies cause or contribute to unrest and disorders. It is believed that if correctional administrators and heads of institutions can promote the general preventive measures described below either directly or indirectly—through their influence on budgets and legislation—both the incidence and severity of disorders in the correctional setting may be reduced.

1. Some potentially explosive situations can be defused by improving conditions before any eruption of violence occurs. The problem areas worth specific attention in connection with institutional disorders are: overcrowding, poor or inappropriate foods, the lack of funds for meaningful inmate work and training opportunities, arbitrariness and uncertainty surrounding disciplinary rules, the shortage of medical and recreational facilities, and low remuneration and lack of training for correctional staff.

2. Every correctional institution should have a formal grievance mechanism through which inmate complaints may be communicated to responsible administrative officials for prompt and fair resolution. Active staff and inmate participation in the design and operation of the grievance mechanism is recommended. The following models or a combination of models should be considered.

a. Administrative Grievance Procedure. In-

mates bring their complaints to a designated employee. If they are dissatisfied with the response, they can appeal, with the proper degree of formality and representation, to higher levels of the correctional administration.

b. Inmate Councils. Inmates communicate their complaints to a review board of their peers, which serves in an advisory function to the administration.

c. Ombudsman or Monitor. An agent who is responsible to superior authority, investigates complaints, studies issues in conflict, and makes recommendations to the responsible administrator.

3. The principles of defensible space are of particular importance in a correctional setting because effective physical security measures act as a deterrent to disorder and violence while serving to improve the morale and well-being of both correctional staff and inmates. The following features are important in maintaining internal security:

a. There should be complete visibility of the area to be secured;

b. The appropriate personnel should be capable of rapid intervention in the event of a disturbance;

c. Effective personal and institutional alarm systems should be established;

d. Correctional personnel should not be assigned, without proper safeguards, to areas where

they might be cut off from assistance in the event of a disturbance;

e. Staff exposed to risk of assault in open inmate populations should not carry institutional keys;

f. Emphasis should shift from reliance on mechanical hardware to the improvement of staff capabilities;

i. The maximum number of inmates to be observed simultaneously should be limited according to circumstances and the number of officers present;

ii. Rotation policies should permit correctional personnel to become acquainted with the inmates and inmate groups entrusted to their control and custody; and

iii. Closed-circuit television should be used selectively and should not be relied upon to replace direct supervision.

g. The controls to central locking systems should be located in a protected area, remote from densely populated sections of the institution; and

h. Where structural considerations permit, there should be secure outside entrances into every building, not available to inmates, to allow unrestricted observation of every point in the building except the cell interiors.

Commentary

Many disorders taking place in a correctional setting are specifically grievance-oriented. They are the outcome of inmate frustrations; these frustrations are the product of heightened expectations, which many authoritative studies have suggested are reasonable but which have been crushed by the harsh facts of reality. It is not necessary to enter into a discussion of correctional theory here. Instead, the widely publicized recommendations of the National Advisory Commission on Criminal Justice Standards and Goals Task Force on Corrections will be accepted as a yardstick. Attention is drawn to the urgent need for meeting those recommendations as a means of reducing the potential for disorder and extraordinary violence in correctional institutions. Particular attention is drawn to common precipitating factors, all of which are found to have far greater influence in the genesis and eruption of institutional disorder than does any concerted plan of agitation or ideological, organized resistance to authority. Study of actual situations suggests that a great many disorders are attributable to insufficient attention to one or more of these factors, and could have been prevented through greater sensitivity to the reasonable expectations of the inmate population. Although some inmate expectations have been raised above the level that the

system is currently capable of meeting, it is undeniable that many disorders have occurred as a result of institutions failing to measure up to those standards that the Task Force on Corrections considered minimally acceptable. This standard seeks to avert some of those disorder-provoking situations that are manifestly avoidable, rather than allowing a situation to deteriorate until it is necessary to undertake these remedial measures under the threat of violence.

It is strongly recommended that every institution develop procedures for the proper airing and correction of grievances. Such procedures serve not only as a safety valve to dissipate the forces that would otherwise build up into situations of violent conflict, but also as a useful educational device for resocializing the inmate and developing a reasoning and reasonable attitude. These devices should be seen not as weakening the authority of those to whose care, control, and custody the inmate is consigned, but rather as a proper, constructive part of the correction program. The inmate should be taught how to work in safeguarding his interests, in a constructive, verbal, and nonviolent way. The real prospect of improving his own environment must be held out to him in a way that he can understand and respect. Grievance procedures must be seen to work and to bring fair and acceptable results. The inmate must learn, through these means, that although instant gratification of every request is neither possible nor desirable, grievance procedures do take account of his legitimate expectations and provide for their satisfaction, where appropriate.

The recommendations of the standard are flexible and can be adapted to the needs of each particular system and institution. It is strongly urged that amicable, nonpartisan, staff/inmate collaboration be developed in the design and functioning of this grievance mechanism. Proper appeal procedures, implemented in a way that minimizes damage to human susceptibilities on sensitive issues, constitute a further tension-reducing device. An overlegalistic approach should be avoided; care should be taken to define and deal with the substance of the grievance, rather than to allow it to become lost in procedural technicalities. The secret of success in this area is the employment of competent, dedicated individuals who are able to exercise balanced, responsible judgment.

Ideally, new institutions should always be designed to serve the needs and philosophies of a particular correctional system, with special attention to the security and well-being of those obliged to live and work in them. Many older institutions, unfortunately, contain features that are hazardous, uncomfortable, and are inimical to the realization of the goals of the system. The well known and broadly accepted work of Oscar Newman on environmental

design as a deterrent to crime has particular application in the correctional field. Some institutions, by their very nature, are conducive to the outbreak of disorder among the inmates housed in them; unfortunate design features contribute to making the control and containment of a disorder very difficult. Economic conditions make the continued use of many of these institutions necessary. Wherever possible, steps should be taken to study, remove, and remedy those features that pose a particular threat to the maintenance of good security and inmate control—particularly those features that expose the staff to unnecessary risk. Special attention should be paid to those features that impede visibility or that might lead to correctional staff being cut off from aid, trapped, or taken hostage in the event of a disorder. Especially dangerous are those areas that oblige a single officer to move among a large number of freely circulating inmates without access to prompt and adequate staff assistance.

The development of effective personal and institutional alarm systems is recommended, particularly a system that is designed to alert staff members in any case where an officer may be attacked. The emphasis should always be upon relieving the inevitable tensions produced by close personal contact with a potentially hostile body of inmates, thus allowing the correctional staff to concentrate upon the positive aspects of their work with the inmate population rather than being preoccupied with their own physical security. Overreliance should not, however, be placed upon protective devices that induce a false sense of security or those that are of a threatening or provocative nature.

The highest degree of inmate/staff contact, consistent with available staffing patterns and the safety features of the institution, should be encouraged. It is important that the inmate regard the correctional officer, not as a remote, mechanical, unresponsive custodian, but rather as a figure of real authority to whom appeal can be made in case of need. To this end, it is suggested that the numbers of inmates assigned to an officer's personal supervision be limited by reference to the tasks the officer must undertake and by the physical setting. Post assignments

should take account of the need of correctional staff to become acquainted with the inmate population and its problems on a realistic, personal basis in order that the politics of the administration be properly implemented.

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Related Standards

The following standards may be applicable in implementing Standard 8.3:

- 5.14 Legislative Attention to Underlying Causes
- 9.1 Institutional Conditions
- 9.3 Treatment Programs
- 10.11 Community Action in the Aftermath of Disorder and Terrorism

Standard 8.4

Tactical Response to Disorders

This standard recommends the steps that should be taken by institutional authorities and supporting agencies in the event of small-scale disorders, as well as disturbances involving large numbers of inmates. The alternative elements of tactical response are listed in the order they should be implemented, subject to the details of each institutional plan.

1. Early Intervention

a. Wherever practical, the officer observing the incident should make a prompt report to his superior, who should alert the head of the institution, if necessary;

b. The officer on duty, with staff assistance as needed, and pursuant to the orders of the officer-in-charge, should attempt to disperse inmate groups and regain control. Physical intervention should be avoided; officers should attempt to regain control without using weapons, but should tell the inmates what conduct is required of them and warn them if weapons are to be used; and

c. The officer-in-charge should not summon standby correctional personnel and outside supportive agencies to the institution, but should alert them to be ready for duty if needed.

2. Early Phase of Tactical Response in Situations of Serious Disorder. A serious disorder is one in which a substantial number of inmates resist the authority of a correctional officer, erect physical barriers, and threaten violence if those barriers are

penetrated. Elements of the appropriate tactical response include:

a. The establishment of an emergency command post in the location designated as the center of operations. The commander should be predetermined by the institutional plan, but the location of the command post should be viewed as temporary. It should be close enough to the disorder to enable the commander to be informed of developments but sufficiently removed to insure safety if the disorder spreads. The commander should summon the necessary supportive agencies, as specified in the contingency plan.

b. Personnel should be immediately deployed to establish perimeter control and contain the disorder. Perimeter security guards against escape attempts and any form of external support for participating inmates. Containment of the disorder involves cordoning off, and barring access to or egress from, the area controlled by the inmates engaged in disorderly behavior, and securing areas inhabited by inmates who are not participating in the disorder. Direct confrontation with participating inmates should be avoided at this stage.

c. General deployment of personnel should commence. Marksmen and other special service personnel should be placed in position, with instructions not to use force without prior clearance unless it is absolutely necessary. Other correc-

tional personnel should be deployed to act as observers, bringing back to the command post regular reports on the status of the disorder and the condition of the hostages and inmates. As specially trained personnel become available, they should replace those correctional officers who were at the scene of the incident initially. As officers are relieved, they should be withdrawn from the area of operations and held in reserve. Deployment of correctional personnel in the early stages should be limited to such personnel as the commander may deem necessary to contain the disorder. Each operating unit differentiated by function or location should be guided by its own predetermined supervisor. Unit supervisors should report regularly to the overall commander of operations.

d. Initial discussions between the persons in command and participating inmates for the restoration of order should preferably be conducted through an intermediary who has been trained in communication skills and crisis intervention. The intermediary should seek to be informed of inmate intentions, grievances, or demands, and should attempt to ascertain the emotional and physical condition of the inmates and any hostages.

3. Later Phase of Tactical Response in Situations of Serious Disorder. At this stage stabilization has taken place; the boundaries of the disorder have been set and the nature of the disorder has been determined.

Decisions made during this phase require that the emergency commander consult with negotiators, other specialists, civil authorities, institutional authorities, and agency directors. An assessment of the situation can be appropriately made at this time and an agreement arrived at concerning the tactical response that will be used. Tactical elements include:

a. Negotiation. Where the inmates have manifested a willingness to negotiate a return to order and an official decision has been made, after consultation, to enter into negotiations, the procedure outlined in Standard 8.5 for setting up a negotiation committee should be followed. In the event of an official commitment to negotiations, force should not be used unless a considerable risk of increased injury to hostages or inmates occurs. The decision not to conduct substantive negotiations, when followed by a period of relative calm, should be periodically reexamined.

b. Continued Discussions. In the event that the decision is taken not to negotiate on specific issues, tactical considerations may dictate that general discussions with inmates continue as a means of prolonging the incident to gain certain advantages.

c. Prolongation. Where there seems to be no

increased risk of either injury to hostages or property, or an escalation of violence among inmates, prolongation of the stabilized situation, without continuing discussions, should be considered as a tactical option in itself. The passage of time can also be considered a positive element in substantive or nonsubstantive discussions with inmates.

d. Nonlethal Force. Use of nonlethal force should be preceded by a warning, after due consideration of the full range of relatively harmless options. The type of nonlethal force chosen for use should be the type least likely to cause injury. Special attention should be given to the possibility of harm inherent in the use of chemical agents within enclosed areas, and to the possibility of injury to nonparticipating inmates. Medical facilities should be made available before the order to use force is given.

e. Lethal Force. Lethal force should only be ordered as the option of last resort—as the only alternative to the real risk of injury to hostages, or as a response to an escalation of inmate violence that is likely to result in death or injury to a person or persons. No force should be applied unless adequate provision has been made in advance for medical treatment and evacuation of the wounded.

4. Aftermath. There should be an immediate, official investigation of the disorder to determine, as objectively as possible, what caused it and what immediate steps should be taken to prevent a recurrence. In the light of these findings, there should be a reappraisal of the contingency plans; they should be modified where necessary. The danger of contagion elsewhere in the system should be assessed and appropriate steps should be taken to minimize this danger.

Commentary

The individual disorder contingency plan of each correctional institution should include a general outline of the tactics to be employed in regaining control of the institution. In implementing the plan, the emergency commander should pay particular attention to the sequence of the steps, rather than to the literal application of the recommendations. Generally, the model tactical sequence outlined in this standard describes these steps: early intervention, containment of the disorder, the establishment of a command post, negotiations or prolongation, the use of nonlethal force, and the use of lethal force as a last resort. Although some steps can be skipped, the recommended order should generally not be altered. The tactical plan should also deal, in some detail, with the aftermath of the incident.

The crucial factor in restoring institutional order is the rapid and judicious handling of disruptive incidents. Early intervention limits the escalation of an incident by reducing the time available for participating inmates to involve other inmates, to widen the area of the disorder, to take hostages, and to procure weapons. The danger that overreaction on the part of the officials will escalate the disorder must also be considered. The most trivial of incidents have precipitated large riots due to an overly punitive or dramatically overlarge official response in the early stages. Upon notification of an incident by the officer-on-duty, the officer-in-charge must weigh these considerations in determining the level of staff assistants to employ. Pursuant to the directions of the officer-in-charge, correctional officers should avoid physical intervention and the use of force in dispersing the group of inmates and regaining control. Wherever it is necessary to resort to force, officers should warn the involved inmates and should use the least amount of force consistent with the need to restore order.

If, in the judgment of the officer-in-charge, the incident may escalate, he should place all the on-duty and off-duty correctional personnel and outside support agencies on call, as provided by the institutional contingency plan. The concentration of a large number of personnel at the incident scene increases the potential for overreaction and needless escalation. Although an early show of force is helpful in some cases, it can lead to unnecessary confrontation in other cases. This can be avoided without sacrificing preparedness if the individuals that might be needed are placed on call, but are stationed at a location removed from the immediate incident scene.

A situation is defined here as serious when it has progressed to the point where the inmates have erected physical barriers, beyond which the authorities may not penetrate without risk of harm. This is not an absolute precondition; for example, if a warden or other officers have been taken hostage, this might give the inmates enough control to make physical barriers unnecessary. Physical barriers are given as a turning point because they generally indicate a level of inmate organization, purpose, and time elapsed without official intervention which constitutes tangible evidence that officials have been denied authority over a part of the facility.

The first priority is the establishment of an emergency command post. The emergency commander, as designated in the contingency plan, should set up a center of operations and begin summoning the supportive personnel determined to be necessary. He should seek to insure perimeter security as quickly as possible because many prison disorders are escape-related—particularly where extremist organizations are concerned. Containment of the disorder is

important for the same reasons that early intervention is important; similar difficulties are involved in setting up boundaries. Areas of nonparticipation or those containing few inmates should be secured. As far as possible, direct confrontation with participating inmates should be avoided.

As better trained or specialist personnel become available—skilled marksmen, for example, or those trained in the use of special weapons and tactics—the officers-on-duty when the disorder began should be replaced in areas of potential confrontation. Deployment not believed necessary to the immediate containment of the disorder should be organized at secondary command posts—on call, but removed from the area. Because the commander must remain at the command post, personnel must be sent out to investigate and report any new developments; supervisors must be responsible for their individual units and must report back to the commander; and the commander must initiate any discussions with the participating inmates through an intermediary. This intermediary can be particularly useful if he or she is someone experienced and, preferably, specially trained in crisis intervention. The use of inexperienced or insensitive intermediaries can lead to unnecessary difficulties. For example, in the initial stages of the uprising at Attica, Superintendent Vincent Mancusi, by his own admission, prejudiced his future participation in negotiations by telling inmates to “Shut up and let one man tell the story.” This injunction is understandable in the heat of the moment, but it had unfortunate consequences and served only to aggravate the conflict.

By this stage, the commander will have assembled all support personnel, deployed specially-trained personnel in their proper positions, and informed himself as fully as possible of the facts of the situation. The disorder will have stabilized, the participants should have been identified, and the physical boundaries of the disorder set. Decisions made during this phase are crucial and require the fullest consultation on the part of the commander with local civil authorities, departmental executives, conflict-mediators, and others—as provided by the contingency plan. Though consensus is difficult to achieve, it should be sought on the course of action to be taken. The official response to serious prison disorder is normally viewed in terms of either force or restraint. A policy of restraint is strongly recommended, because experience shows that such a policy significantly reduces the likelihood of harm to inmates and hostages. The argument that the use of force can promote the safety of hostages has not been verified by the best evidence. This evidence shows that hostages have rarely been killed by inmates, even where the authorities have resorted to force to restore order. In those cases where force has been

used to prevent inmates from harming other inmates, official use of force, rather than inmate violence, accounts for the overwhelming number of inmate deaths and injuries.

Another frequently offered argument for the use of force, as opposed to a policy of restraint, is that talking seriously with rioting inmates encourages future disorders. This is a policy argument of some weight, but it is recommended that correctional administrators should not be inhibited by the philosophical considerations involved, but should concern themselves with restoring the institution to order with the minimum risk of harm to hostages and inmates. Analysis of major disorders indicates that, although they attract attention and inspire other revolts, this effect is not related to the duration of the disorder. There does not seem to be any correlation between the use of force and the number of disorders that later occur in a particular institution or State system. A possible interpretation of these findings is that by the time a riot has progressed to the last phase of serious disorder, it has probably already achieved sufficient notoriety to be potentially contagious, regardless of the nature of the official response. In summary, where the disorder has stabilized so that there is no actual or dramatically increased risk of violence, a policy of restraint is strongly urged.

Once the emergency commander has made the decision to follow a policy of restraint, he has another important tactical choice to make—the choice between prolonging the siege and undertaking substantive negotiations with a view to resolving the crisis. The distinction between real negotiations and merely talking to prolong the situation is a crucial one, for it introduces the serious problem of negotiating in bad faith—making promises to gain an immediate tactical advantage with no intention of honoring these promises once order has been restored. In the quasi-terrorist hostage situation, a major limitation on official action is the problem of future credibility. In an institutional setting, correctional officials will have to confront inmates daily to whom promises were made pursuant to a negotiated agreement. In the long term, broken promises encourage future disorders by frustrating inmates and severely limiting the credibility of correctional officials in the event of another disorder. There may be occasions where the tactical advantage to be gained (for example, stalling until the State troopers arrive) greatly outweighs the potential loss of credibility, particularly where there are relatively few participants and serious harm is averted by this course. In general, however, correctional administrators should not make promises that they do not intend to honor.

Substantive negotiations among correctional offi-

cial, counseling staff, and uniformed prison representatives, conflict-mediation experts, and inmates should be encouraged, not only because they can bring the conflict to an end by nonviolent means, but also because underlying grievances can be resolved in this manner. The decision to conduct substantive negotiations should be thought of as a serious commitment to nonviolent resolution of the disorder. Once that decision has been made, the commander ought not resort to the use of force unless a considerable risk of increased injury to hostages or inmates emerges. In the event that a period of time has elapsed following a decision not to negotiate, without there having been any escalation of violence, the commander should reconsider negotiations as a tactical option. The passage of time, during which correctional officials are improving their position while inmates are exhausting supplies and morale, may serve to soften the inmates' demands and move them closer to the negotiating table.

It should be stressed that by the time the incident has progressed to this last phase, prolongation generally works to the advantage of the correctional administration, both during negotiations and during periods of inactivity. It is during the initial stages of the disorder that inmates can gain a tactical advantage by capturing supplies and weapons and widening their area of control. To borrow from Crane Brinton's *Anatomy of a Revolution*, the "Reign of Terror" occurs as inmates wrest control from guards, settle grudges, and establish leadership. By the time of the Thermidor, participating inmates have begun to ponder the consequences of their actions, and cooler heads prevail. In all cases, the emergency commander should insure that he has adequate information about what is happening elsewhere in the institution.

This standard presumes that a response strategy and a clear policy on the use of force are elements of both the systemwide and institutional contingency plans. Though much greater detail is required, a suggested precondition for the use of limited force is the actual or greatly increased risk of injury to hostages or inmates. The commander should use only the minimum amount of force necessary to regain control of the institution. Some relatively harmless options to be considered initially include the use of obscuring smoke and water hoses which, combined with an element of surprise, can be quite effective in dispersing crowds where physical conditions permit. The next item along the suggested continuum of force is the use of chemical agents. CN tear gas will ordinarily produce enough personal discomfort to cause mob dispersal, though experienced inmates have discovered methods of diminishing the effects of the gas. Due to its stronger physiological and psycho-

logical effect, CS tear gas is more often used in disorder situations in the United States. Use of any form of chemical agent requires consideration of prevailing winds, fire hazards, contamination of inmates and personnel not involved in the disorder, and contamination of property. An escape route for dispersing inmates should be provided. A medical team should be available to administer first aid.

Prior to the use of a chemical agent or any other type of force, inmates should be clearly warned of its impending use; an escape route should be described and the means of surrender should be clearly stated. Warnings and instructions should be translated so as to take language problems into account and inmates should be given ample time to surrender after hearing the warning. The use of tear gas requires that personnel be trained in the use of gas masks, which hinder verbal communication. Hand signals must be developed beforehand in order to maintain the strict chain of command.

One difficulty in limiting force to chemical agents is that the commander may be risking serious injury to his personnel by sending them into a situation in which inmates may be armed and protected by barricades. A danger in arming personnel coming into direct confrontation with inmates is that their weapons may be taken from them. If danger to frontline personnel appears likely, the commander should provide a protective backup force of marksmen who are trained in the use of lethal weapons and have the stern sense of discipline required for strict obedience to authority. Specificity of target should be required, with each member of this second line of trained marksmen responsible for the protection of an individual officer or, with limited available personnel, for a group of officers. Operation Plan Skyhawk, prepared by the New York National Guard, recommends explicit safeguards against the unnecessary use of lethal force, which bear repeating here:

The primary rule which governs the actions of military forces in assisting state and local authorities to restore law and order is that the commander must, at all times, use only the minimum force required to accomplish his mission . . .

When possible the use of deadly force should be preceded by a clear warning to the individual group that such force is contemplated or imminent . . . the use of deadly force is authorized only where . . . the risk of death or serious bodily harm to innocent persons is not significantly increased by its use . . .

Officers should be clearly instructed . . . that they have a personal obligation to withhold permission for loading until circumstances indicate a high probability that deadly force will be imminently necessary and justified . . . Strong command supervision must be exercised to assure that the loading of weapons is not authorized in a routine, premature, or blanket manner . . .

Commanders should at all times exercise positive control over the use of weapons. The individual soldier . . . must not only be thoroughly acquainted with the prerequisites

for the use of deadly force, but he must also realize that, whenever his unit is operating under the immediate command and control of an officer, that commander will determine whether the firing of live ammunition is necessary.

The use of weapons that, if employed correctly, have the capacity to restrain or contain without killing, is recommended. These include weapons such as the stun gun and ammunition, such as putty projectiles, soft rubber bullets, tempered glass beads, molded rock salt, and plastic pellets. At long range, such ammunition has the same deterrent value of a shotgun blast, with far less potential for injury. The danger of harming innocent persons with ricocheting bullets is multiplied in the confined setting of a correctional institution. Only weapons that allow for careful target selection should be used in such an area; the use of shotguns should be forbidden. The great potential for harm inherent in the unjacketed bullet, which expands upon contact but does not have the range of a jacketed bullet, must be weighed against the reduced possibilities of this bullet hitting unintended targets.

The decision to fire must be based on an overt hostile act against hostages or participant officers, with the emergency commander defining what constitutes such an act in the preassault plan. The Golden Rule for controlling inmate violence is that the official response be reasonably proportionate to the force it is intended to counter; it should contain no excessive element designed to punish, avenge, or deter future aggression.

Where a specialized response unit is available, trained in the weapons and tactics of disorder control, it should be employed as appropriate and as anticipated in the plan. The employment of personnel in the operation of regaining control of the institution will be left to the discretion of the emergency commander. For example, any officer who is too emotional to display good judgment, as a result of having been involved in the original incident, should be relieved by his supervisor and assigned to less immediate duties.

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Related Standards

The following standards may be applicable in implementing Standard 8.4:

4.12 Official Inquiries

- 4.13 Aftermath Measures
- 6.14 Legislative Attention to Underlying Causes
- 6.8 Tactical Management of Mass Disorders in Progress
- 6.13 Tactical Responses to Terroristic Acts
- 6.14 Tactical Responses to Quasi-Terroristic Acts
- 6.15 Use of Force in Tactical Response to Disorder, Terrorism, and Quasi-Terrorism
- 10.13 Research Efforts in the Aftermath of Extraordinary Violence

Standard 8.5

Negotiations With Inmates and Inmate Groups

Because some disorders may be specifically grievance-related, negotiations with inmates are a possible means of resolving the disorder nonviolently.

1. Decision to Negotiate. Administrative officials should consider negotiations when:

- a. The disorder has been contained;
- b. Other tactics not involving the use of force have failed to restore order; and
- c. Inmate participants have expressed a willingness to negotiate.

2. Parties to Negotiation

- a. Any inmate group representative of the inmate population may be admitted to negotiations, and those involved should be allowed to choose their own representatives;
- b. The interests of the correctional staff should be appropriately taken into account by the negotiation committee;
- c. The administrator responsible for implementing decisions taken in consequence of the negotiations may, where appropriate, be a member of the negotiation committee;
- d. A person having authority to make offers and consider demands on behalf of the authority to which the head of the correctional system is responsible should be available to negotiators, but should not be a member of the negotiation committee; and

e. Members of the outside community who can play useful roles in moving the conflicting parties toward agreement should be admitted to negotiation as appropriate. Guidelines for their intervention include:

- i. The distinction between the role of advocate and that of other third parties should be clearly made before any invitation to participate is issued to third parties;
- ii. The intervention should be contingent on the consent of all parties;
- iii. Initial participation should be limited to the establishment of negotiating possibilities and the clarification of issues; and
- iv. Further active participation should occur if both parties agree, or in the event of an impasse between the original participants.

The degree to which outside interveners are empowered to speak directly for other parties to the negotiation should be clearly understood by all parties. Although the advocacy role is not incompatible with what is proposed, there must be a clear understanding of its limits.

3. Issues in Negotiation

- a. Issues involving prior rule infractions and inmate grievances concerning past actions of the administration should be specifically distinguished at all times from demands involving future changes in institutional policy.

b. The official negotiator should indicate, as appropriate, those issues not considered negotiable and whether:

i. The issue is beyond the authority of the official participants; or whether

ii. The authorities are unwilling, for reasons of principle, to consider such a demand.

c. Subject to such considerations, all issues should be regarded as open to negotiation.

d. Official participants should present any terms or conditions relating to future inmate conduct where these are material to any agreement resolving the issues under negotiation.

4. Techniques of Negotiation

a. In the initial stages of the negotiation, oral representations will be made on both sides, but these should be written out as soon as possible;

b. Each issue should be discussed separately and with care, avoiding any impression of haste or bad faith;

c. Wherever possible, negotiations should take place in private, with provision for regular consultation between the participants and their constituents; and

d. Where direct media coverage is not conducive to a proper negotiating atmosphere, it should not be allowed, but frequent briefing of the news media on the progress of negotiations should be arranged.

5. Termination of Negotiation

a. Once negotiations have commenced, they should ordinarily continue until an agreement is reached. Temporary disagreement, even on major issues, should not be a motive for breaking off negotiations.

b. Official termination of negotiations may be justified where continuance might result in:

i. Substantial increase in risk or actual injury to hostages; and

ii. Increases in the level of violence among inmates participating in the disorder.

Commentary

The emotions surrounding the decision to negotiate a return to order, particularly while hostages are being held or after damage to person and property has taken place, are fully recognized. Negotiation itself is an emotionally loaded concept, particularly in the correctional field because it implies the temporary elevation of those subject to authority to a position commensurate with the bargaining power that they have achieved by their unlawful actions. Harvey Schlossberg, in stressing the value of negotiations, makes the pertinent point that [p. 20]: "To try to take power away by force from someone who is

holding hostages as a symbol of his power may result in tragedy."

The term "negotiation" is extremely elastic. It ranges from a mere prudent pause on the part of authority, designed to allow the implications of further resistance to be fully understood by those responsible, to a protracted discussion of a wide range of issues, intended to resolve the conflict by agreement. Tactical considerations will always determine whether the time for negotiations is ripe and what form these might take as a means of resolving the issue and bringing about a restoration of order. It is recommended that negotiations should always be regarded as one option for the resolution of the problem and that neither prejudice nor ideological considerations should bar the exercise of this option in appropriate cases. The correctional authority should avoid giving the impression that negotiation is regarded as a sign of weakness or that this conflict-resolving approach is only undertaken under extreme pressure.

Conflict resolution through negotiation is only possible where discussions between the parties are realistically directed to that end. It should be recognized that negotiation has a tactical value in itself because it will halt the disorder for the time being; inhibit the escalation of violence; allow time for a cooling of passions and mature reflection; and, in hostage situations, will permit the development of empathy between inmate and hostage that inhibits violence. Nevertheless, negotiation should always be conducted purposefully, with due care and attention, and with a view to restoring order as quickly as possible. It should not be entered into in bad faith or as a stalling tactic. The future impact of the manner in which the negotiations were conducted and the consequences of these negotiations should always be borne in mind.

The official participants in the negotiation should be carefully chosen, preferably from among those who do not have an immediate operational role in the containment of the disorder or in activating a forceful response to it. The official negotiator should clearly understand the limits of his authority to make concessions and to enter into agreements. Negotiation is a delicate business and should, wherever possible, be undertaken by experts well versed in negotiating techniques. Correctional administrators should know how to locate experts with these skills in an emergency. It is always inadvisable for the ultimate authority to be directly involved in the negotiation because this reduces maneuvering room. It is essential to the efficacy of the negotiating process, however, that the official representative be endowed with sufficient powers to make constant reference to superior authority unnecessary. As in all bargaining situations, demands tend to become

realistically scaled down in the course of the negotiation. Only when intransigent demands are made, which either clearly fall outside the scope of the negotiator's mandate or are grossly incompatible with a principle that cannot be conceded, should the negotiator reject them as subjects for discussion. There is room for differences of opinion as to whether the limits of negotiation ought to be stated from the outset, or whether vague limits tend to promote a more helpful approach. Standard 8.5 leaves this decision to individual negotiators, with a bias toward flexibility that would permit negotiations to continue under all circumstances where they serve a useful purpose.

Meaningful negotiations require the participation of those who can speak with authority for all involved; this is particularly important in relation to inmate groups. In practice, difficulties frequently arise over who should be spokesman for the inmates. Negotiating groups should not be so large that the possibility of consensus is diminished but, subject to this limitation, inmates should be freely allowed to choose their own representatives.

Third parties enjoying the particular confidence of one side in the negotiations can often play an important role in promoting settlement of outstanding issues. This standard outlines the conditions that should govern their participation so that the greatest value might be obtained from their intervention. Role definition is of particular importance where third party intervention takes place—the exact nature of the participant's role should be determined before the participant is admitted to the negotiations. Third parties are perceived as a bridge between the two sides, rather than as partisan adherents to or advocates of one of the opposing positions. Independent advocates sometimes play a useful role, particularly where the inmate position is confused or not well articulated.

As a general rule, all issues should be subject to negotiation. Clearly, some demands will be unacceptable from the outset but, where the disorder has a grievance-oriented basis, the issues should be sensibly addressed, free from useless recriminations, with a view to evaluating their substance and reducing them to a manageable form. Negotiation should, wherever possible, take place in a calm, serene atmosphere where the participants will be encouraged to give serious attention to the issues rather than posturing for effect. Publicity is generally adverse to serious discussion of this sort. Negotiating sessions should never be allowed to develop into a platform for rhetoric that serves no useful purpose in reaching a settlement. Negotiations should be unhurried and allow ample opportunity for discussion. Where clear understandings are reached, particularly where these understandings call for future

action, the agreement should be written out and subscribed to by those in negotiation. This is of particular importance where the disorder is the product of specific grievances and settlement is predicated upon the resolution of those grievances.

Time will generally be on the side of the official negotiators; it will be in their interest to maintain discussion, despite temporary or serious setbacks, rather than to embark upon some other course of action that precludes restoration of order by agreement. It may be necessary to break off negotiations, however, where further discussion seems likely to increase the risk of harm to any hostages being held or seems likely to lead to a recrudescence of violence. It is particularly important that those undertaking the delicate task of negotiation in a correctional setting exercise the greatest patience and never close the door to discussion in a way that leaves the inmate population no alternative but to resort to violence in an attempt to achieve their ends.

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7. Schlossberg, Harvey, and Lucy Freeman. *Psychologist With a Gun*. New York: Coward, McCann and Geoghegan, 1974.
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Related Standards

The following standards may be applicable in implementing Standard 8.5:

- 6.16 Negotiation Under Duress
- 8.6 Relations With Civil Authorities
- 8.7 Relations With News Media
- 10.6 Professional and Nonprofessional Intervention in Incidents of Extraordinary Violence

Standard 8.6

Relations With Civil Authorities

In addition to correctional, law enforcement, and other officials, two other groups have significant roles to play in the contingency planning and conduct of operations designed to respond to disorder in correctional institutions—officials of localities in which institutions are located and civil executive authorities superior to institutional and correctional system officials.

1. **Local Authorities.** Those directly affected by an institutional disorder include not only inmates and correctional staff, but also residents of the locality surrounding the institution. For this reason, successful management of a disorder requires that the local community, through its elected officials, be appropriately involved in both planning and emergency decisionmaking.

a. **Planning.** The opinion and advice of local community members should be actively sought in the contingency planning process, in particular on the following issues:

i. Correctional policies in the matter of furloughs, visits, and work release programs;

ii. Regular community involvement with inmates through, for example, participation in correctional programs;

iii. Physical security of the institutional perimeter;

iv. Means and timing of warning in the case of disorder;

v. Rumor control in emergency operations; and

vi. Rules on public access to institutional areas in the event of a disorder.

b. **Role of Local Civil Authorities During Disorders.** Local civil authorities should be represented at the incident scene, but should only participate in the conduct of operations in an advisory capacity. To facilitate participation, the following steps should be taken in the early phase of the disorder:

i. A location at which local civil authorities may assemble should be designated convenient to, but distinct from, the emergency command post;

ii. A regular liaison should be established between the local authorities and the emergency commander;

iii. Local civil authorities should always be informed of major tactical decisions and, where feasible, their views on the appropriateness of the decision and its probable impact on the community should be solicited in advance and weighed by the commander; and

iv. Direct participation by local civil authorities in negotiation sessions should generally be discouraged.

c. **Local Civil Authorities in Relation to Issues Under Negotiation.**

i. Where issues in negotiation require ap-

proval of local authorities, special efforts should be made by official negotiators to impress upon local authorities the urgency of and necessity for their approval.

ii. Where the approval by a superior local authority is necessary to implement a negotiated settlement, that authority should ordinarily not be directly involved as a participant in the negotiations.

2. Superior Civil Authorities. The responsibility for the operation of a correctional system and a particular institution is ultimately that of the chief executive of the pertinent jurisdiction—for example, the governor of a State or the mayor of a city. Because this responsibility includes the power to approve or reject tactical choices by those in charge during the actual management of a disorder, it is important that the civil executive be involved both in contingency planning and in emergency decisionmaking.

a. **Planning.** The civil executive or his designated representative should be invited to participate in the devising of the systemwide contingency plan. It is advisable that any designated representative be independent of the correctional system. In particular, the civil executive should be consulted on any policy or practice relating to his or her role in the event of a disorder.

b. **The Operational Role of Executive Civil Authority.**

i. When a serious disorder occurs, the emergency commander should establish direct communications, as soon as possible, with the executive civil authority, or indirect communications through the civil executive's cabinet-level correctional liaison.

ii. The emergency commander should encourage the civil executive to provide representatives to observe the operations at the scene of the incident.

iii. Wherever possible, a full briefing on all operational decisions should be given before these are executed.

c. **The Role of the Civil Executive in Negotiations.** The civil executive should participate indirectly in the negotiation process by reviewing and approving proposed agreements relayed through the official participants. As the final authority for the approval of any settlement, the superior civil authority should be sufficiently removed from the actual conduct of the negotiations so that discussion may continue even after further concessions by that authority cannot be appropriately made. Only when further negotiations appear to be impossible, and the determination has been made to use lethal force to restore order, should the superior authority undertake a more direct involvement in the settlement of the issue.

Commentary

Elected civil authorities, particularly those having an overall responsibility for the operation of a correctional system, have a vitally important role both in the planning phase and in the actual implementation of these plans in responding to incidents of institutional disorder. These responsibilities must be clearly delineated in the planning stage and sensibly adhered to in the execution phase. All too often, an immediate demand is made that the mayor or the Governor be present in person to resolve the conflict. Refusal to accede to the demand, however unreasonable the demand is, is sometimes made the subject of sustained and ill-considered criticism in the media—occasionally with consequences extending far beyond the actual incident. The decision of ex-Governor Nelson Rockefeller not to be personally present, to make a last-minute attempt to resolve the issues at Attica before the final resort to force, has been the subject of frequent debate and considerable criticism. This standard is designed to provide guidelines for the assignment of responsibilities, so that the implementation of policies developed in the planning phase is smoothly and consistently carried over into the actual conduct of operations.

It is recognized that the mere presence of a correctional facility in a community gives rise to a special need for ongoing consultation with local community representatives. The institution should be viewed as a part of the community, rather than as an extraneous and potentially toxic element to be isolated and contained, even in times of relative calm and security. If this positive attitude is fostered and local authorities and community representatives are encouraged to participate in the work of the institution, wherever appropriate, the management of emergency situations will become easier and less traumatic for the community involved. Some of these collaborative endeavors will involve the development of institutional programs requiring the release of inmates into the community for work or recreational purposes, while others will be more directly related to the consequences of actual disorder within the institution. It is of particular value that community input be obtained on matters such as perimeter control and the dissemination of accurate information to counter rumors in the course of an actual incident. In some areas, the institution is a major focus of community endeavor, and the life and fortunes of the community are intimately connected with the institution and its management. In times of crisis, especially where disorder has led to the taking of hostages and a temporary loss of control of all or part of the facility, there will be an understandable public concern, which needs to be addressed with information, crowd control, and pub-

lic access to the institution, so that public confidence in the correctional process in that community will not be damaged and officials will be able to respond to the disorder free from unhelpful external pressures.

Local civil authorities should be adequately represented at the incident scene. This is important in fostering a sense that the institution is part of the community, rather than a foreign and sometimes antagonistic element in its midst. There should be a clear understanding among all those responsible for working towards a restoration of order; the standard offers guidelines to this end. Although it is possible that individual local authorities may be requested to intervene as mediators on a personal basis, it is strongly recommended that there be no direct participation by them in negotiation with inmates. The local authorities should always be advised of major developments in the course of a disorder, particularly where, after a period of protracted negotiation, a decision has been taken to use force to restore order. In such a case, consultation is advisable as to the impact such a decision might have on the community; special attention should be given to the long-range implications of such a decision. It is recognized that in some cases the approval of a local authority may be needed in order to implement a negotiated settlement. Hence the need for constant, on-the-scene consultation so that the requirement comes as no surprise to those having responsibilities in implementing the decision and thus becomes a source of irritation and further delay.

The standard also recognizes the importance of establishing, with certainty, the relationships with and responsibilities of the superior civil authority with regard to the management of disorders in a correctional setting. Once more, the participation in the contingency planning stage is emphasized. It is recommended that the superior civil authority be represented independently rather than relying, as might be appropriate in other matters, on the representation of its interests by the head of the correctional administration. Although there should never be any derogation from the latter's powers, it is clear that in many emergency situations, the chief civil executive might have to assume wider, independent responsibilities in the actual management of the disorder than those ordinarily assigned to the correctional administrator. The appropriate discharge of these responsibilities should be provided for in the planning stage rather than improvised, with consequent confusion, in the course of an actual incident. Where the plan becomes operative, it is essential that there be the closest cooperation

between those conducting the response and the representative of the superior civil authority, so that this representative is immediately present at the scene, and is able to obtain an adequate assessment of the situation and all information bearing upon any subsequent decisions that the chief executive might be called upon to take.

The cumulative experience in these matters weighs strongly against the direct participation by the superior civil authority in negotiations—save as a measure of last resort, and then only when the short and long-term advantages of such participation are seen to outweigh the dangers inherent in such an undertaking. Many considerations will need to be weighed, on a case-by-case basis. Special importance will be placed on: a realistic assessment of the danger to the lives of all those involved; the estimated impact of intervention by the chief executive on saving of the lives at risk; the estimated risk of failure or rejection that would result in a loss of life and also would undermine the foundations of established authority; and the danger of establishing a precedent that might materially impede or frustrate the future settlement of conflict and a satisfactory return to order in other cases.

References

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2. McGraw, Peg and Walter. *Assignment: Prison Riots*. New York: Henry Holt and Company, 1954.
3. *The Official Report on the New York State Special Commission on Attica*. New York: Bantam Books, 1972.
4. *Report of the National Advisory Commission on Civil Disorders*. Washington, D.C.: Government Printing Office, 1968.

Related Standards

The following standards may be applicable in implementing Standard 8.6:

- 4.2 Developing the Community Response
- 4.5 Response to Demonstrations
- 8.1 Contingency Planning
- 8.5 Negotiations With Inmates and Inmate Groups
- 10.3 Community Cooperation With Law Enforcement and Preventive Efforts

Standard 8.7

Relations With the News Media

Correctional officials should develop an open and helpful relationship with the press and other representatives of the news media. A policy that promotes media/institution exchange in periods of relative calm can help to prevent disorder by reducing the need for violence as a means of drawing public attention to institutional grievances, and can encourage informed and responsible reporting in the event disorder does occur. No attempt should be made to influence media coverage of incidents of disorder or extraordinary violence but, under emergency conditions, the liaison official or group and the members of the press should discuss the extent and type of coverage of the disorder, with a view to avoiding the dissemination of potentially inflammatory information likely to provoke further disorder or promote the objectives of those engaged in violent or disorderly behavior.

1. News Media Coverage During Disorders

a. The members of the press and representatives of the correctional system should try to come to agreement, preferably in advance, concerning:

- i. A temporary moratorium on the coverage of incidents that have just begun;
- ii. Voluntary limitation on the reporting of inflammatory details;
- iii. Modes of coverage, such as live television; and
- iv. Details of the means by which the press

and the correctional system will cooperate in both immediate and followup reporting of the disorder.

b. One person or group should be responsible for disseminating all information to the news media. All requests should be referred to this liaison official or group through the temporary command post. In discussions with the media, the liaison official should exercise care:

- i. To prevent dissemination of the inflammatory material, whatever its nature, so that only accurate and verified information is disseminated; and
- ii. To prevent the disclosure of details of tactical planning and pending operations.

c. Inmate requests, in the course of negotiation, for media participation or coverage should be decided on a case-by-case basis subject to the following considerations:

- i. Entry of the news media into the incident area on the basis of such a request should be conditional upon agreement as to:
 - (a) Limitations on the type and detail of information that is sought;
 - (b) Limitations on the manner and time such information will be published; and
 - (c) An understanding that the newsperson who participates does so primarily as a neutral intervener and only secondarily as a member of the press.

ii. Where in the judgment of correctional officials it is necessary to deny access of the media representatives to the incident area, and the issue becomes crucial to any negotiations, the inmate demand for news media observers should be treated as part of the bargaining process being conducted by the negotiation committee.

2. Press Coverage in the Aftermath of a Disorder

a. If the news media are not already present, they should have early access to institutions in which order has been restored;

b. Consistent with security considerations, the representatives of the news media should be given the widest facilities for observing, interviewing, and reporting on the situation; and

c. Correctional administrators should cooperate with the press in developing followup coverage dealing with underlying inmate grievances and the extent to which they have been resolved.

Commentary

The role of the media in relation to the treatment of incidents of disorder and terrorism is of such importance that it has been given extended treatment elsewhere. The present standard should be regarded as subordinate to the general principles enunciated in Standard 6.25, but it necessarily reflects the special problems involved in admitting the media during the course of a disorder to institutions normally open to the public only on a restricted or supervised basis. This standard is designed to encourage a mutually helpful, ongoing relationship between the media and the correctional authority in order to eliminate entirely any suggestion of an adversary character leading to obstructiveness on the part of prison authorities and loss of objectivity on the part of the media. It is highly desirable that an open and cooperative relationship be developed in normal times so that such restrictions as it may be necessary to impose in time of emergency are seen, not as contrary to the public right to be informed and the duty of the media to supply that information, but rather as an indispensable element in the successful resolution of the crisis in question. The removal of latent antagonisms and the cultivation of mutual respect and understanding between the correctional administration and the representatives of the media should be seen as an important element in conflict resolution in a correctional setting. It is too late to begin this process once an actual disorder is underway.

It must be recognized that the media has a real possibility of influencing the course of events as a result of performing its ordinary function of reporting upon any incident of disorder or extraordinary violence. This is particularly the case where the incident takes place in a correctional institution. In-

deed, the incident itself may have been staged for the prime purpose of capturing the public attention as a means of airing some real or imagined grievance that has not been satisfactorily expressed elsewhere. In such cases, the representatives of the media are not perceived by the protagonists of violence as a neutral, objective conduit of information to the outside world, but rather as principal, almost indispensable actors in the unfolding drama itself. The action is staged with a view to media coverage. The involvement of the media in an active, directed, and—if possible—sympathetic supporting role is essential to those seeking to gain advantage from this challenge to authority. This standard unequivocally recognizes this invitation and suggests a course of cooperation that will enable the media to undertake its proper role of providing the public with information, while minimizing the possibility of influencing the course of events. This, like many of the other suggestions in this chapter, requires forethought and preparation.

It is essential for the media to resolve the professional dilemmas engendered by inmate requests for media participation or coverage and, more specifically, for the presence and participation of a particular individual. All that can be done here is to focus attention upon the real nature of the problem. For the institution, the decision to grant such requests in the course of an actual incident can be made only by the correctional administrator responsible for management of the incident on a case-by-case basis. His decision and the rationale behind it will depend in large measure upon prior relationships developed with the media and the degree of mutual trust and understanding that has been established.

Almost invariably, the inmate population intends to exploit the media presence for its own purposes. Therefore, unrestricted access cannot be expected. This standard seeks to outline the least restrictive conditions that might be agreed upon as a prerequisite for allowing media participation when the inmates request it in the course of negotiation. Although no form of censorship is contemplated by this standard, it is clear that correctional administrators cannot jeopardize pending operations or imperil the physical integrity of those involved by disseminating certain matters for publications, nor is it advisable to publish potentially inflammatory material designed to incite further violence or its extension, or material that is calculated to further the objectives of those acting in defiance of authority. Arriving at an understanding of these necessary restrictions before the eruption of an actual incident of violence will greatly facilitate the development of a mutually acceptable arrangement and will avoid misunderstandings leading to rancor or to unacceptable interference with the conduct of operations.

The role of the media in the aftermath of a dis-

order is often as crucial and sensitive as the role of the media in an incident in progress. Very often the presence of the media is sought by the inmate population as a prerequisite for the restoration of order, as a means of guarding against reprisals and insuring due compliance with the terms of any negotiated settlement. Any attempt to deny media access after order has been restored is bound to be unfavorably construed. Thus, it is recommended that early access be given with as few restrictions as possible placed on coverage, but subject to the considerations suggested for guiding the media treatment of these incidents. Once more, it is stressed that an open, cooperative attitude on the part of correctional authorities in the aftermath of an incident involving disorder is more likely to achieve favorable objectives and combat the endeavors of the extremists to exploit the situation than is a restrictive attitude. A restrictive attitude will only lead to the belief, justified or otherwise, that the correctional institution has something to hide. Therefore, correctional administrators should give the media the fullest cooperation in following up the resolution of the underlying problems connected with the incident itself, and should regard this process as part of an ongoing effort to foster good media relations and acquaint the public with the proper workings of their institutions.

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3. *The Official Report of the New York State Special Commission on Attica*. New York: Bantam Books, 1972.

4. *Report of the National Advisory Commission on Civil Disorders*. Washington, D.C.: Government Printing Office, 1968.

Related Standards

The following standards may be applicable in implementing Standard 8.7:

- 4.10 Civil Authorities and the Media
- 6.25 Relations With the News Media
- 7.10 Relations With the News Media
- 8.5 Negotiations With Inmates and Inmate Groups
- 10.2 News and Entertainment Media Responsibility for the Prevention of Extraordinary Violence
- 10.8 News Media Self-Regulation in Contemporaneous Coverage of Terrorism and Disorder
- 10.12 Followup Reporting of Extraordinary Violence by News Media
- 10.13 Research Efforts in the Aftermath of Extraordinary Violence

Standard 8.8

Regulation of Political Activity

Subject to overriding considerations of security and the limits imposed by law, the fullest respect for inmates' rights of free expression and association should be maintained at all times. Institutional policies and procedures should encourage a proper exercise of those rights in a manner designed to promote the attainment of sound correctional objectives.

Only where the exercise of the rights of association and free expression, or those relating to the access to and dissemination of written materials constitute an incitement to disobedience of the law or to violent or disorderly conduct, should such behavior be subject to restraint. Wherever possible, such prohibitions as may be necessary should be explained so as to minimize misunderstanding for the reasons behind the imposed restrictions.

Commentary

Modern decisions of the courts strongly reflect the view that limitations may not be placed on the inmate's First Amendment right to free expression without a credible showing of significant danger to institutional order, security, or other major societal interests. The full exercise of these rights continues to be a major concern of many seeking correctional reform through litigation. Undoubtedly, the result of these decisions has been that much political literature of an extremely inflammatory character has

been allowed in correctional institutions. A great deal of this material would formerly have been seized as prejudicial to the maintenance of proper order. In practice, this change of policy has been largely accepted by correctional authorities and necessary adjustments have been made. The impact of such literature has not been as great as was feared. There is little evidence that political writings have contributed significantly to institutional unrest, the formation of antisocial attitudes, or even to a heightened political awareness. Accordingly, it is recommended that restriction be placed on the entry and circulation of only those materials that represent a clear and unmistakable challenge to the authority of those charged with the care, control, and custody of the inmate and those materials that incite to violence against person or property. Politically oriented literature, in itself, is not harmful to good institutional order. What is harmful is the use to which it is put by those seeking to undermine the discipline and the precepts on which correctional policy is founded. It is better that attention be directed to such use, rather than that a fruitless and counterproductive offensive be launched to stem the tide of political materials now entering correctional institutions.

The right of association, the right to organize politically, and the right of assembly are much more controversial questions and ones upon which the

courts have not, as yet, made any definite pronouncement. The line between a peaceful assembly and a threatening mob is a fine one indeed and, in the volatile world of prison, much that would be acceptable in a free setting clearly cannot be tolerated. There is an increased danger of violence in a large gathering of inmates, particularly where they have come together to express their views or to be exposed to ideas, as in a political meeting. Political association is generally action-oriented; the energies and passions generated in an institutional setting have no useful outlet. It is neither possible nor desirable, in this age, to divorce the inmate from the ordinary political currents to which he would be exposed in a free society. This fact would seem to obligate correctional authorities to utilize and channel these political energies in a productive and social fashion, so that the exercise of the inmate's rights takes place in an environment where they can develop to his own and society's best advantage.

The best view would seem to be that there is no absolute right of free speech or of assembly in a correctional institution, and that these rights are necessarily conditioned on the maintenance of institutional order and security. The standard is based upon this understanding. Restrictions should be neither petty nor arbitrary, but should be confidently imposed wherever tensions are considerable or where, as a result of the exercise of these rights, a clear and present threat of violence emerges. This standard is designed to be applied flexibly from institution to institution. Individual administrators will find ample latitude for the exercise of sensible dis-

cretion in each case. As the Task Force on Corrections pointed out [p. 59]: "A speech permissible in the context of a small, minimum security institution might exacerbate the tensions in a large maximum security prison to an unacceptable degree." Wherever possible, the interpretation of this standard should favor the exercise of these rights rather than their restriction.

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Related Standard

The following standard may be applicable in implementing Standard 8.8:

- 4.4 Permits for Demonstrations

**Chapter 9
Standards and Goals
for Corrections (2):
Correctional Handling of
Convicted Terrorists
and “Political Criminals”**





INTRODUCTION

The previous chapter recommended appropriate responses to disorder and extraordinary violence in a correctional setting. This chapter focuses upon some of the deeper policy issues that must be faced in the management and treatment of those convicted by due process of law of acts of terrorism, quasi-terrorism, and what might be loosely described as political violence. The central problems are well summarized by Nicholas Kittrie [p. 208]:

The correctional agencies have found the influx of self-proclaimed political offenders extremely disruptive to institutional administration. Many political offenders, unlike their 'common' criminal brethren, view themselves as the wave of the future, as meriting special recognition rather than reform and rehabilitation. The political offender in prison views himself as a missionary, and the usual mass media interest in him is likely to add to his heroic dimensions. Thus, it is difficult to determine whether he requires deterrence, punishment, incapacitation or rehabilitation.

These issues cannot be avoided. If the criminal justice system has identified, through its regular processes, a class of offenders whose crimes are of a terroristic or quasi-terroristic nature or bear the character of politically inspired violence, and in consequence of judicial disposition they are committed to the care, control, and custody of those entrusted with the execution of criminal sentences, the question inevitably arises of what to do with such persons so as to fulfill the purpose of the sentencing decision and to give real meaning to the disposition made in their case. To do this, the presuppositions of the system must be squarely faced. Any standards and goals offered for the guidance of administrators charged with the management of these individuals must take into account not only the law governing corrections, but also the great, unresolved debates concerning correctional aims and strategies in general, and their application in light of the emerging concept of political crime, in particular.

Kittrie pertinently reminds us that [p. 202]: "Alone among civilized legal systems, Anglo-American law has never recognized political crime as a separate phenomenon or as a distinguishable

class of crime." The implications of this statement are profound and far reaching, but examination here will be limited to the meaning of this proposition with respect to the correctional handling of offenders whose acts are indelibly tainted with a political character or political overtones, whether or not these are normatively recognized. This latter point is of considerable importance in the context of this chapter and is worthy of extended discussion.

From a correctional standpoint, it is relatively unimportant that the law makes no formal distinction between the political and the ordinary or common criminal. The distinction is being aggressively thrust, *de facto*, upon the system by self-styled political criminals who characterize their own acts as political crimes. What they claim for themselves as a consequence of this characterization, however, is unclear as the system's current reactions to it. It is common parlance to speak of the War on Crime, yet there is considerable reluctance to recognize the full implications of this conceptualization of the crime problem. Certain political activists and those who have embraced radical doctrines in consequence of their own involvement with the law, have come to regard themselves as soldiers in an armed struggle with society. To deny the existence of this viewpoint is in some sense to challenge society's own notion of the War on Crime and thus to admit of the incongruous concept of a one-sided war. There is no political necessity for such a stance. Yet there is considerable and well-established resistance, bordering at times on actual repugnance, to recognizing the combatant and political status of those engaged "on the other side" in this war. Such resistance is somewhat analogous to the disinclination to accord respectable combatant status to those engaged in revolt against an established political regime. The real question for the criminal justice system is whether it is realistic to deny the real consequences of the status sought if, on proper examination of the evidence, the facts bear out that interpretation. Political status does not depend upon the justness of the issues involved in a struggle nor does recognition of status necessarily depend upon such considerations. At the heart of the matter are the deployment and distribu-

tion of power. Quinney observes [p. 29]: "Power, as the ability to shape public policy, produces conflict between the competing segments, and conflict, in turn, produces differences in the distribution of power." Reiman [p. 75] reminds us that: "After all, political is little more than the adjectival form of power."

None of this is lost on the self-styled political activist in an institutional setting. These are issues that are raised by political offenders in real situations: the very propriety of "negotiation" with the offender elevated by circumstances of his own making to a temporary and disagreeable vantage point is but one of the more obvious. All these considerations are inescapable for a rational approach to the correctional handling of those claiming, often in the most articulate terms, a special status before the law either by reason of the nature of their acts or, more usually, on account of their motivation.

The modern, emerging dilemma is well illustrated by the commentary of Erik Olin Wright in *The Politics of Punishment* [pp. 22-23] to the effect that:

This notion that all imprisonment is political, whether the prisoner be a rapist, a bank robber, or a draft evader, is alien to American liberal philosophy. In traditional American liberalism the term political prisoner is limited to reference to individuals who are imprisoned for explicitly political reasons. Thus an individual who is imprisoned for his political beliefs would generally be considered a political prisoner. This would include people who are convicted directly for those beliefs and people who are imprisoned under the pretext of some other offense such as conspiracy to incite to riot. In many cases an individual who is imprisoned for breaking certain grossly unjust laws which are felt to be political in nature—such as segregation laws in the American South—would be considered a political prisoner, especially if he broke the law out of political motives. And in certain circumstances, an individual who is convicted of a common law crime, but is felt to have been denied due process and unjustly convicted—such as a black convicted by an all-white jury of raping a white woman—might be considered a political prisoner. But beyond these rather special circumstances, prisoners are generally not considered political prisoners in American political theory.

Were a legal distinction sought in the United States between political and ordinary or common crime, it would undoubtedly, by traditional reasoning, take this form. Such a circumscribed definition would hardly accord with present correctional reality and refuses to admit the ideological stance of activists claiming political justification of their conduct. The very term "justification" in this context leads to the heart of the matter: the political prisoner does not accept that what he has done is wrong. As it was expressed by Eldridge Cleaver [p. 58]: "One thing that the judges, policemen and administrators seem never to have understood, and for which they certainly do not make allowances, is that Negro convicts, basically, rather than see themselves as criminal and perpetrators of misdeeds, look upon themselves as prisoners of war."

More importantly, perhaps, when there is agreement on what constitutes political crime (for example, where the narrow definition above is applied), there is an observable lessening of the reprehensibility that society usually attaches to the notion of crime and seeks to address through the correctional process. From this point of view, the offense of the political prisoner bears little or none of the stigma attached to the ordinary conviction. This is, essentially, a liberal view of the matter described by Erik Olin Wright.

Comparative studies show that there are two general approaches to the handling of political criminals. The first is based on the democratic viewpoint; the second derives from totalitarian principles. Under the first scheme, the political offender receives every consideration from the system, a separate correctional regime, and various privileges not enjoyed by the individual convicted of a common or ordinary crime. Implicit recognition is made of the comparatively slight threat that the political offender, as defined above, poses to the system. For the totalitarian state, on the other hand, such conduct is anathema and must be sharply repressed.

A crucial problem now facing democratic society is that posed by the new, self-styled political offender whose conduct makes him manifestly more dangerous than many of his fellow prisoners; the crimes of the latter are regarded, even by themselves, as common and ordinary. The real point is put by Stephen Schafer [pp. 6-7]:

While no era of history is without political crimes and heroic deeds, the real problem of the modern concept of the political criminal may be found in the fading out of the distinction between the respectable political criminals, or heroes, and the pseudoheroes and pseudopolitical criminals who have entered the arena where social changes for the benefit of people are being forced through violations of law. This is really where the concepts of justice, morality, and law appear to struggle the least with one another, and the comprehensible and gloomy realities emerge.

The resolution of this dilemma for our legal system has not been determined. Indeed, we are but on the threshold of serious examination of some of its more pressing issues. Nevertheless, the correctional administrator is already presented with serious conflicts of this nature that often challenge the assumptions upon which his work depends. It is not unrealistic to suggest that in the future the correctional administrator will be vexed with an ever-growing class of "political" prisoners to whose particularities he will need to adapt in order to carry out his assigned functions. In its simplest terms, the special correctional needs of this class of inmates must be recognized and a design for meeting them within the existing framework of law and practice created.

Without question, incarceration will continue to

be, in the foreseeable future, the only appropriate sentence for those convicted of such acts. At present, there is little or no guidance in the literature as to what might be done with the incarcerated offender of this type so as to give real meaning and social value to the sentence. Vernon Fox has said of political offenders [pp. 238-239]: "Treatment of such offenders is seldom possible. Their personalities are generally well integrated. Generally they do not recognize personal problems, but continually criticize the social system. Consequently, working with these cases in a correctional program simply means holding them until their time has expired." In effect, it is suggested that the incarceration of such offenders is in the nature of a security measure only and that no true correction of the offender, in the sense of a reorientation toward society's values, is possible. While such a view may well be a realistic one given present knowledge and resources, it is an extremely nihilistic one and its consequences should be clearly recognized. Under such terms, the purpose of judicial disposition for those who resort to terrorism and other forms of political violence is limited to incapacitation of the offenders.

Lynette Fromme is reported [*New York Times*, Dec. 18, 1975, p. 36] to have told the judge at her sentencing: "I can't be rehabilitated because I haven't done anything wrong." The prosecutor had offered his own opinion that Miss Fromme might not be capable of rehabilitation and should, therefore, be given a life sentence as a protection to society. Unless we regard our correctional establishments as being totally outside the pale of society, which is clearly not the case, such action is simply shifting the problem from one area to another where, hopefully, it can be more readily contained or controlled. Herman Schwartz observes [p. 49]: "In truth, rehabilitation is usually just another means of exercising control over people, both in and out of prison." It may well be that the only proper course with regard to the management of those convicted of terrorism and acts of political violence is to adhere, strictly, to the fundamental principles of secure custody and control enunciated by the American Correctional Association. If the antisocial behavior for which the individual is convicted is not presently susceptible of treatment or modification within the framework of the American legal system (and it is assumed here that anything in the nature of the brainwashing to which prisoners are subjected in some totalitarian countries is not merely anticonstitutional but repugnant to American penal philosophy), the primary responsibility of the correctional administrator should be to limit or neutralize the contagious effects of such behavior, and the doctrines underlying it, within the confines of an institutional setting. The individual convicted of such

crimes should still be entitled, in full measure, to all that the correctional system can offer by way of helping to realize his full potential as a useful, law-abiding member of society and preparing him for eventual reintegration into that society. It is important that society does not just "give up" on even the most hardened terrorist. The standards and goals in this chapter are based on the foregoing assumptions.

The problem of the care, control, and custody of the dedicated terrorist, especially one with international connections, must be realistically faced. In the correctional handling and management of such inmates, security will logically receive priority and all other aspects of correctional practice will be decisively subordinate to it. It is possible to design and build facilities from which escape by an inmate, even with outside assistance, is virtually inconceivable. Such facilities would be extremely costly for the very small number of inmates they might be expected to house. Many existing facilities have security systems which, if properly operated, are for all practical purposes, escape proof. It must be remembered, however, that very long sentences of themselves engender dreams of escape from confinement, and it is probably true that no inmate ever becomes wholly reconciled to spending his life in prison. The incarceration of members of a powerful terrorist organization poses a more serious, persistent threat that some further act of violence expressly designed to provide leverage for the release of the incarcerated comrade will occur. Externally organized liberation must, under present circumstances, be considered a likely concomitant of the incarceration of elements of a desperate, highly organized, politically motivated force of which a number of members remains at large. Corrections, of itself, is powerless to guard against the eventuality and must not be seen as failing in its appointed tasks if a terrorist or one convicted of an act of political violence must be released in this way. Although preventive measures are urged, once a terroristic threat has successfully materialized and a demand is made for the release of an incarcerated terrorist or other political activist, the choice is between submission to the demand or accepting the consequences of refusal. Such a choice will rarely be made in a calm, emotion-free atmosphere, and the election will almost always be dictated by considerations of expediency informed by the scale of values of those on whom the burden of choice falls and the pressures of national and international opinion.

It should be noted that, to date, it is some of the most repressive governments that have had to face such demands and that they have, on the whole, acceded to them. Although each case must be decided on its merits, experience does suggest that the more spectacular the threat, in proportion to the de-

mand, the less likelihood it will be carried out. It would be unfortunate to give the impression that no matter how great the enormity of their acts, convicted terrorists could depend on release forced by their comrades through threats of even more terrible deeds of violence. Firmness and delay are often useful in denying the terrorist his objective, but it should be realized that negotiations of this sort, over such a matter and with such protagonists, are of a very different order from those already discussed in relation to the resolution of institutional disorders. In practice, few incarcerated terrorists are likely to prove so valuable that their organizations will go to extreme lengths to secure their release. Nevertheless, each case should be considered in terms of the total survival of the American system of criminal justice and the fundamental values of the American way of life. It is possible that, seen in this perspective, the release of a terrorist or even terrorists might be of comparatively slight overall importance. It may serve somewhat to ease the trauma of choice to view such a situation as a true political transaction similar to the exchange of Rudolph Abel for Gary Powers, albeit one that is harder to accept. It seems to be easier for Americans to accept philosophically an exchange of one intelligence operative for another, because that involves an exchange between equals, i.e., two great powers. An exchange of incarcerated terrorists for hostages, on the other hand, goes against the grain: it requires acceptance of the fact that the terrorist has, temporarily at least, erected himself into the equal of the state in such a way and to such a degree that he can strike such a bargain. It is scarcely necessary to emphasize the exceptional nature of such a transaction, but its more objection-

able consequences can certainly be mitigated by approaching it with the right attitude.

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Goal 9.1

Institutional Conditions

Authorities should take positive steps to create in correctional institutions a general atmosphere where dissidence and strife will not flourish and should progressively eliminate those administrative practices that can be utilized for extremist propaganda or for fomenting disorder and violence.

Commentary

Although there is general agreement about the deficiencies of correctional institutions, there is much less agreement about specific, concrete solutions to these problems. Even where there is agreement about immediate goals of prison reform, the same goals can be viewed differently. As is noted in a widely circulated prison manifesto [p. 201]:

Revolutionaries and reformers may both agree to fight for certain immediate improvements in prison life—more visits, uncensored reading material and correspondence, better medical treatment, educational programs. But the reformers see the individual changes as the whole struggle; the revolutionaries see those changes only as improvements in the conditions of slavery and won't stop struggling until a whole new system has been built.

The same difficulties, viewed from another perspective, beset responsible correctional administrators. Writing on the judicial process, Francis Allen notes [p. 60]: "The political defendant creates

very different burdens and tensions for the institutions of justice. He often seeks to test the values and motives of the official agencies against his own and thereby to subject justice to trial." Similarly, the incarcerated political activist seeks to exploit the tensions that inevitably accompany deprivation of liberty. It is not difficult to see that this is fertile ground for those seeking to foment the kind of discontent that can erupt into disorder and violence. Although the pains of imprisonment cannot be eliminated and it is questionable that they should, they should never be deliberately aggravated. The conditions of imprisonment can be prudently adjusted to serve proper correctional purposes and frustrate the interests of those who would exploit the resultant unhappiness for antisocial ends. The principle that offenders are incarcerated as punishment and not for punishment should be effectively reinforced at every opportunity.

Those who engage in systematic acts of violence for political purposes can succeed in their endeavors only if the base from which they operate is secure and friendly; no guerrilla movement has ever succeeded in an unreceptive environment. The correctional management of inmates of this type ought to proceed from that premise. Just as the campaign of Ernesto "Che" Guevarra in Bolivia collapsed in the absence of popular support and that of the Tupamaros in Uruguay suffered a similar setback, disrupt-

tive efforts of extremist elements in American correctional institutions will fail if the ground from which they operate is free of the elements that presently offer them support and succor. Political militants and those intent on creating institutional disorder in furtherance of their aims cannot succeed in a stable institution that is relatively content and oriented toward society's goals. A priority no less important than the physical security of the institution in which terrorists and those convicted of acts of political violence are incarcerated is the creation of a healthy institutional atmosphere so as to deny them the means of creating problems for themselves and others.

It is often overlooked, but as Cressey has rightly pointed out [p. 121]: "Prisoner power is nothing new. Inmates have dominated the internal affairs, and have had a strong voice in the external affairs, of prisons during most of their two-hundred-year history." Although it is true that correctional authorities possess a monopoly on the means of coercion, it is equally true, as Sykes explains [p. 49], that:

The use of force is actually grossly inefficient as a means for securing obedience, particularly when those who are to be controlled are called on to perform a task of any complexity. A blow with a club may check an immediate revolt, it is true, but it cannot assure effective performance on a punch-press. A 'come-along,' a straightjacket or a pair of handcuffs may serve to curb one rebellious prisoner in a crisis, but they will be of little aid in moving more than 1200 inmates through the messhall in a routine and orderly fashion.

In practice, an uneasy balance of power grows up between the controllers and the controlled. Correctional authorities, because they are fewer in number and have a natural and sensible disinclination to rule by force alone, come to rely on informal, extra-curricular means of regulating those whose lives they control. In the better institutions, without any alteration to the formal power structure, this amounts to the creation of a *de facto* government by consent, not too dissimilar from the practical situation of open society. In the worst cases, the real power and day-to-day control of the institution and its operations are, in effect, delivered over to the most powerful segment of the inmate population, the brutality and excesses of which are deliberately ignored by the authorities in return for the maintenance of order and discipline.

There is, however, a middle position, more subtle, more insidious, and much more dangerous. It is the Machiavellian practice of setting the inmates against each other on the principle of divide and rule. Such practices must always produce unwelcome dividends in the form of inmate strife and the development of a violent subculture wholly inimical to the proper principles of resocialization that the system is no-

tionally committed to impart. In American institutions, such manipulative techniques have been enormously complicated by racial factors. Unpleasant and embarrassing, these matters are vividly real and lie close to the heart of much prison unrest. They must be courageously faced if the incarceration and correctional handling of terrorists and others who have committed acts of political violence are to have real meaning in terms of protecting society.

In a penetrating essay on violence, Hannah Arendt wrote [pp. 75-76]:

Racism, white or black, is fraught with violence by definition because it objects to natural organic facts—a white or black skin—which no persuasion or power could change; all one can do, when the chips are down, is to exterminate their bearers. Racism, as distinguished from race, is not a fact of life, but an ideology, and the deeds it leads to are not reflex actions, but deliberate acts based on pseudo-scientific theories. Violence in interracial struggle is always murderous, but it is not 'irrational'; it is the logical and rational consequence of racism.

It is not difficult to relate this observation to some of the well publicized tragedies in American prisons. The Official Report of the New York State Special Commission on Attica stated [p. 82]: "Racist attitudes in the institution were an undeniable factor among the tensions leading to the uprising. Aggressive responses to racial bias are increasingly common outside prison, and this trend exists inside as well. Inmates today feel that they have the right, even as prisoners, to rebel against being further put down on the basis of race. Racism has always been an unsettling force in this country. The openly rebellious reaction to it developed gradually, but by now must be recognized as an explosive reality, within prison as well as 'outside.' While it is a microcosm reflecting forces and emotions of the larger society, the prison actually magnifies and intensifies these forces, because it is so enclosed. In prison there is no possible escape from oppression."

Writing of the violence in Soledad Prison in 1970, Frank Rundle notes [pp. 165-166]:

Inmates present at the time believe that the entire event was carefully and deliberately planned by the prison administration; that the three blacks were executed because of the threat posed by their militant political views and their leadership. Many inmates further believe that prison administrators continued thereafter to 'set up' inmates for execution at the hands of other inmates or prison staff. Believing this, no inmate at Soledad could trust any other man. Every move was eyed with suspicion and caution, and each prisoner was at the ready to protect himself at every moment, to fight to the death if necessary.

Fear generates such violence. Before those incarcerated for terrorism and acts of political violence are housed in any correctional institution, it should be made stable enough to receive them; the system

must be in charge and never the subject of violent, uncontrollable currents.

The incarcerated terrorist must never be allowed to argue his case before the public on the grounds of demonstrable official malfeasance or on the basis of a reaction to an official Reign of Terror. The conditions that would permit him even a colorable argument in defense of his own acts must be corrected. It is recognized that the conditions to which allusion has been made cannot be corrected quickly or easily, and for that reason these recommendations have been expressed as a goal rather than as a standard. Nevertheless, they are basic to any meaningful correctional program designed to handle and treat those incarcerated for terrorism or acts of political violence.

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Goal 9.2

Correctional Objectives

The fundamental objectives of the correctional management and treatment of persons incarcerated for acts of terrorism or political violence should be to furnish secure custody and to provide an environment conducive to the offenders' sincere reorientation toward society's values. On entering the institution, many of those incarcerated for such crimes will be disturbed and dangerous persons. Special care should be taken not to aggravate their condition or provide opportunity for further antisocial conduct. They should be given treatment appropriate to their needs and to their capacity and willingness to respond to it, without undue regard being paid to the nature and circumstances of their wrongdoing.

Commentary

This goal embodies the notion of restraint that should orient all responses to terrorism, once the threatening act has been contained. This general concept should especially permeate the correctional handling of the offender if he is not to be permanently imprisoned. The urge to punish one who has committed a barbarous, terroristic act is primitive and strong. It would be all too easy to succumb to the spirit of vengeance that thrives in even the most moderate at such times. Yet, if it is true, as Thomas Szasz [p. 117] reminds us, that the punishing of offenders "is often considered a kind of collective

self-defense," then the ordinary, almost universally accepted rule of proportionality must be held to apply. Moreover, while the tendency to overreact should be resisted at all times, the importance of this in relation to terrorism cannot be overstated.

One of the principal objectives of true, political terrorism is to produce vicious, official overreaction, what Brian Jenkins [p. 6] has encapsulated in the phrase, "Repression is rapture." Official overreaction is flaunted as indisputable evidence of the decadent, totalitarian nature of the system and as justification of the very act of terrorism to which it is a response. Society must not allow its own, natural weakness to be exploited by its enemies. The recommendations of the present goal are premised upon the assumption that the primary purposes of incarceration in this context are to protect society from further acts of terror by the individual against whom the penal measure is directed and to try to get him to see the error of his ways. If all dialog with the offender is ruled out from the beginning, it matters not, save on grounds of simple humanity, how he is treated. If, on the other hand, there exists even a remote possibility for the offender's eventual reincorporation into open society, it behooves us to treat him responsibly from the outset. Time is on the side of society in its handling of the offender. Society is enduring; the shocking madness and anger of the terrorist are not.

Granted that vengeance is not a constructive response to an act of terrorism, however savage and terrifying, it is necessary to give serious attention to what is. The warehousing concept, which is what the so-called justice-model must turn out to be in such cases, is extremely expensive and a cause for constant concern. A maximum security prison is one of the world's most expensive edifices: simple warehousing of terrorists demands no less. Unless what is contemplated is the total and permanent exclusion of the convicted terrorist from open society, some serious thought has to be given to his eventual reintegration. In practice, plain warehousing means storing future trouble; it is likely to aggravate the offender's condition, confirming him in the pattern of violent, antisocial conduct. Although many convicted terrorists will doubtless continue to present difficult security and disciplinary problems for a considerable length of time, it would be a serious and costly error to regard all, from the start, as being so intractable that no real hope of rehabilitation can be entertained. Such expectations of resocialization as realistically exist can only be fulfilled if positive steps are taken to avoid or at least mitigate some of the more destructive effects of confinement.

What is recommended is a practical application of what Norval Morris [p. 27] characterizes as the "substitution of facilitated change for coerced cure." Reclamation cannot be forced on the subject, but the conditions for it can and ought to be provided in the interests of social defense. This demands of society a somewhat difficult acceptance of this errant member rather than his rejection. Yet, if the term correction is to have any real meaning in relation to those incarcerated for acts of terrorism and political violence, this difficult stance must be positively assumed by all concerned with the formulation and exe-

cution of correctional policy. Such a stance implies not a sentimental approach toward the wrongdoer, but rather a realistic appraisal of the relative strengths and responsibilities of society and its errant member. In the words of John Conrad [p. 302]: "Punishment alone is so ineffective that it cannot survive for long without compassion." In the form of sentimental leniency, compassion is dangerous and usually inequitable. In the form of a program directed at the objective of social restoration, compassion requires intelligence and discrimination, as well as generosity. The protection of society is better served by patient efforts at resocialization of this class of offender, along with all others, than by retributive incapacitation designed to brutalize and emphasize the enormity and singularity of their acts. If righteous anger has any place in the administration of criminal justice, corrections is certainly not that place. This goal is designed to emphasize that principle and to establish acceptance and integration rather than rejection and isolation as governing precepts for the handling of this difficult class of offender.

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Standard 9.1

Institutional Setting

Persons incarcerated for acts of terrorism and political violence should, whenever possible, be confined in secure institutions where there is a high staff-to-inmate ratio.

Commentary

Even by the most gloomy prognostication, the number of persons likely to be incarcerated in the United States for acts of terrorism and political violence of a serious nature is extremely small. The management and handling of such offenders are but a small part of total correctional responsibilities. In the main, they will have to be inducted into existing institutions, where they will be integrated, according to their needs, capacities, and proclivities, into existing programs. It is preferable that these offenders be treated on an individual basis for initial assignment purposes and that institutions do not become labeled as "terrorist" or "political" by reason of a concentration of such offenders. Caution should prevail, too, in the matter of categorization. Offenders of this type should be carefully classified on an individual basis and not simply identified, by reason of an uncritical description of their conduct, by broad terms of "terrorist" or "political offenders." Such categories are meaningless for correctional purposes. The general nature of the act committed by the offender should not be the predominant fac-

tor in any correctional disposition, but should be taken into account, in proper measure and perspective, during the course of the regular classification process. Correctional institutions must treat persons, not acts.

The size of the inmate population has always been a factor in the origins of prison disorder. The National Advisory Commission on Criminal Justice Standards and Goals Task Force on Corrections reported [p. 355]:

The size of the inmate housing unit is of critical importance because it must satisfy several conditions: security, counseling, inmate social and informal activities, and formal program requirements. Although security conditions traditionally have been met with hardware and electronic equipment, these means contradict the purposes of corrections and should be deemphasized. Security is maintained better by providing small housing units where personal supervision and inmate-staff contact are possible and disturbances can be contained easily.

This principle should be followed in treatment of this type of offender, consistent with the objectives of facilitating change in the inmate and maintaining good security.

Correctional authorities should anticipate that many of those incarcerated for acts of terrorism and political violence will, during the early stages of confinement, be problem cases. In addition to the usual tensions generated by imprisonment, most will

still be in a high state of excitement or unrest caused by their recent activities. Many of these offenders, closely linked to activist groups on the outside, will be anxious to proselytize other inmates. They may well desire to exploit their status and notoriety and seek confrontation to that end. Understanding of the inmates' motivation, objectives, and strategies is very necessary if staffs are to cope with such problems in a constructive way. The close, personal supervision essential at this stage can best be provided in institutions with a high staff-to-inmate ratio. A desirable ratio is easier to attain in the small institution, where, in addition, staff quality and performance can be more closely controlled. However good the institution in size and design, in the last resort, security and treatment depend upon the quality and attitudes of staff members. Particular care should be paid to staff selection and training for those institutions chosen for the confinement of terrorists and others who have engaged in acts of political violence. Whenever possible, experienced staff should be employed in the care, control, and custody of this class of offender. Good staffing policies reduce the prospects of escape and minimize the risk of disorder generated by militant elements within an institution.

The small institution also lends itself more readily to the type of programs that might be suitable for such offenders. If correctional programming is viewed as an educational process, its effectiveness, in accordance with good practice, is related to the inmate-staff ratio. Attention should also be paid to achieving

a proper and harmonious balance between custodial and counseling personnel. Norval Morris [p. 109] pertinently observes that: "Many so-called 'rehabilitative' institutions evidence impregnable divisions between administrative, security, and treatment staffs that preclude creation of an environment facilitative of self-change." This is a problem of particular importance in institutions in which terrorists and other political activists are confined. A common activist strategy is the creation and exploitation of dissension among counseling and custodial staff. Organizational measures should be taken to insure that the institution functions as an integrated unit.

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Related Standards

The following standards may be applicable in implementing Standard 9.1:

- 8.3 Improving the Institutional Environment
- 9.6 Development of Regional Facilities

Standard 9.2

Institutional Management of the Offender

As a general rule, formal distinctions should not be made between the correctional treatment of those who have committed acts of terrorism or political violence and those who are incarcerated for other offenses. Inmates serving sentences for acts of terrorism or political violence should not be segregated from the general institutional population merely on account of their status or the nature of their offenses, but should be classified according to the regular procedures of the institution for the purposes of programming and accommodation. Such special restrictions as may be necessary should only be placed on such inmates in accordance with regular, institutional, disciplinary procedures and never because of their status or as a means of coercing behavior.

Subject always to overriding considerations of security, such inmates should be allowed the normal interaction with the general, institutional population that corresponds to their classification and encouraged to engage in all programmed activities. If it should become necessary to restrict privileges, such as visiting or communication, this should only be done after a careful investigation of the circumstances has shown an abuse of privileges that would justify their withdrawal in accordance with institutional regulations or a clear and present danger to security if they were continued.

Commentary

The war against the terrorist is not won by his

confinement. This standard affirms the policy of promoting facilitated self-change and recognizes the need to treat those who have committed acts of terrorism and political violence as individuals forming part of a special subcategory, which nevertheless is an integral part of a general, institutional population. To distinguish the offender, by reason of his status or offense, for segregation, isolation, or a regime harsher than ordinary, is to seek vengeance or retribution that is penologically unproductive and destructive of the aims recommended here. This chapter is premised on the possible need to retain some of these offenders in custody for the whole of their natural lives while releasing, opportunely, the remainder into the community when the abatement of their antisocial tendencies is deemed sufficient to permit this. Norval Morris reminds us [p. 74] that: "Imprisonment is not now seen as a permanent social rejection; it is at the most a temporary banishment; the prison gates open for all but a very few."

It would be natural and perfectly understandable should society desire to treat one confined for some barbarous act of terror as deserving of the harshest of punishments provided by our system. It would not be surprising were the horror felt by all decent-minded persons at the wantonness of the act and the apparent callousness of the actor to translate itself, through our correctional system, into a form of banishment that provided only the minimum standards of life support. Such a regime would certainly

nourish society's desire for revenge, but it could not correct. This approach has been roundly rejected as unrealistic and detrimental to the attainment of society's goals. However singular and horrendous their crimes, those who commit acts of terrorism and political violence constitute but a very small proportion of the large class incarcerated for acts of violence generally and, even in the most pessimistic view, are likely to remain so. If we reject altogether the notion of reclamation and release of a substantial proportion of individuals convicted of crimes committed during acts of terrorism and political violence, the plight of our society is indeed desperate, for as Patrick Murphy put it [p. 405]:

The only alternative to rehabilitation is to award life sentences to all criminals for whatever crime, with no possibility of parole, of course, and if we want to do this we need not tens of new prisons but hundreds of them, one in every town, because there will be no turnover, and thousands of new guards, and we should be aware at the start that most criminals are young, many of them teenagers, so that they have on the average a life expectancy of perhaps fifty years apiece. We would have to be prepared to feed, house and guard every convict for fifty years, and this would be costly, and you could expect that there would be riots.

This standard adopts a more realistic view, recognizing that those convicted of acts of terrorism and political violence, however terrible and unique their crimes, are part of a larger class from which they ought not to be distinguished in regard to such potential for reclamation as may, in individual measure, exist. Incarceration, in these cases as in all others, should be regarded as an experience to fit the offenders for an eventual return to liberty; the conditions of their confinement should be planned and executed accordingly. Scarce resources should, of course, be employed where they are judged to have the greatest effect. Nevertheless, those convicted of acts of terrorism and political violence ought not to be excluded from benefits available and applicable to other inmates merely on account of their offense.

The correctional management of such offenders is likely to involve exceptional problems. In consequence, it may be necessary for security or other reasons to limit their interaction with the general inmate population or to curtail privileges ordinarily enjoyed by prisoners. Such action is taken to segregate certain sex offenders, for example, from the general inmate population, not on account of their status but in response to security considerations. This standard recognizes these possibilities and simply urges that such decisions be made on a case-by-case basis rather than by reference to criteria that do not allow for administrative flexibility. Individual terrorists will differ widely with respect to their potential for harm, institutional adjustment, and

eventual resocialization. There is no homogeneous class of "terrorist" any more than there is a meaningful criminal category of "terrorism." These offenders cannot be conveniently lumped together for correctional purposes; to do so would not only work individual injustices that would provoke an inevitable reaction, but also would be contrary to good correctional management. Some of those convicted of acts of terrorism and political violence will, after an initial period of adjustment, be integrated relatively easily into the general population and will not present special problems related to the behavior for which they were sentenced. Those who do not adjust readily should be treated in the same way as other problem inmates in the same institution.

It may be that some confined for acts of terrorism and political violence will present a greater escape risk than other prisoners. This is a reality that must be taken into account in the management of such offenders. Rights and privileges normally exercised by the low-risk inmate could well be abused for purposes of escape or instigation of institutional disorder. These risks are not peculiar to those confined for acts of terrorism and political violence. This standard recommends that rights and privileges not be automatically curtailed because of the inmate's status or the nature of his offense and the fears or repudiation they generate. Such curtailment would be of extremely doubtful legality, and no change in the law is recommended. These problems should be seen as part of the overall burden of creating and running a good institution. It is better that security should ordinarily be adequate to meet all the demands on it than that special precautions of an unusual nature be adopted for certain inmates, thus giving rise to additional tensions and possibilities of challenge. For example, an institution that has a good, humane, yet secure visiting policy need have little fear of extending this to those confined for acts of terrorism and political violence.

The dangers against which sensible precautions are to be taken ought not to be exaggerated. A good example of this is in relation to reading materials allowed those incarcerated for acts of terrorism and political violence. It is to be expected that such inmates will, superficially, be among the more politically aware and will seek, aggressively, to obtain materials of the most radical nature in the hope, in many cases, of provoking confrontation with the authorities over their admission. A report from a most conservative source [*The Freedom to Read and Act*, a study by Ohio Correctional Officers, reproduced as Appendix C of the Report by the Committee on Internal Security of the House of Representatives, H.R. 93-378, entitled "Revolutionary Target: The American Penal System," p. 146] indicates, with reference to the effect of radical literature on residents of a maximum security

prison: "Such interest soon waned as the literature became commonplace and now it is frequently passed from one resident to another unopened. Most residents tend to be conservative in their politics and interests and to the majority this literature had little impact aside from its entertainment value."

In most cases, the degree of political sophistication of those confined for acts of terrorism and political violence is comparatively low and the use to which these materials and the ideas culled from them can be put is slight: Gurr makes the point that [p. 195]: "Most participants in political violence, revolutionary or otherwise, do not carry complex ideologies around in their heads. The subtleties of justification articulated by revolutionary leaders penetrate to many of their followers in a congeries of phrases, vague ideas, and symbols." Once again it is emphasized that, in the interests of good correctional management, those confined for acts of terrorism and political violence should be treated as much like other inmates as possible. Where privileges must be withdrawn and the normal exercise of rights curtailed, this should be through the use of proper institutional procedures when the need arises.

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Related Standard

The following standard may be applicable in implementing Standard 9.2:

- 7.9 Sentencing Persons Convicted of Serious Crimes Involving Extraordinary Violence

Standard 9.3

Treatment Programs

Meaningful treatment programs, based on the progressive system, should be developed in those institutions in which persons convicted of acts of terrorism and political violence are serving their sentences. When the adequate treatment of these inmates is dependent on services not ordinarily available—e.g., the help of specialists in the politics or psychology of terrorism—correctional authorities should obtain such services.

Commentary

Much of the criticism of rehabilitation theory is directed not so much at the principles on which it is based as at the ugly realities that inhibit the realization of its aims. Foremost among inhibiting factors is the lack of systematic attempts by the correctional system to motivate inmates by offering meaningful alternatives to institutional idleness. More than 20 years ago, Austin McCormick coined the vivid term "paregoric prisons" to describe institutions designed primarily to dull the inevitable ache of deprivation of liberty, without making the experience in any way meaningful to those suffering it. He wrote [p. 22]:

There is nowhere near enough work for all the prisoners, and many men have less than two hours of real work a day. The educational program frequently consists of a few classes in the three R's, taught by prisoners. The idle and unas-

signed men loaf for endless hours in the prison yard or are locked in their cells most of the twenty four hours. Lockup time is 5:00 p.m., or sometimes 4:30 p.m., for all the prisoners except those who are lucky enough to have work assignments or yard privileges that extend beyond that time. The cell doors open again at 6:30 or 7:00 a.m., the beginning for most men of another day of deadly monotony. When you walk through the cell blocks in one of these prisons in the evening, you see men lying on their beds with radio headphones on, staring vacantly at the ceiling, or trying to read by the light of a dim bulb, or swapping jailhouse chatter with their cell mates. At the end of the first month of their sentences they have had enough sleep, enough radio, enough hours in a cage four and a half to five feet wide to last them a lifetime.

Today, a walk through many American correctional facilities would reveal very much the same situation. The Official Report of the New York State Special Commission on Attica states [p. 36]:

Five of the eight or ten hours inmates spent out of their cells each weekday were allotted for work or school; they were in reality primarily opportunities for socializing between inmates. Part of the problem was caused by unavoidable feather bedding. There were too many inmates for too few jobs and places in school. Men swept and mopped the same already clean section of floor several times a day. Others stood by in the metal shop while one of them used a machine to which three or four were assigned. Most assignments to the school were for a half day and inmates were given a work assignment for the other half. Even so, teachers complained that classes were too large to be effective. Even if an inmate began with some desire to develop

work habits, or achieve a sense of ability and accomplishment, he soon fell into the pattern of lethargy which prevailed among the other inmates.

The lack of real purpose in these activities is not lost on militant inmates. The emptiness of the prison experience breeds boredom and maladjustment in inmates, which the militant prisoner—himself not constructively employed—can exploit.

Idleness and discontent cannot be addressed with useless, make-work projects. Meaningful work programs, which extend the individual and promote his self-respect, are preliminaries to the social reorientation of inmates. Norval Morris writes of the ideal institution for repetitively violent criminals [p. 116]:

A program of useful work should be established at the prison, not as a treatment program, but simply because this is regarded in our society as a substantial part of the life of the ordinary adult. There is no good reason that inmates should be exempted from this responsibility. By the same token, inmates in the work program should be compensated at a rate competitive with that paid for similar work on the outside and should return part of their salary for room and board.

Work assignments should be designed on an individual basis whenever possible. Those convicted of acts of terrorism and political violence, perhaps more than most offenders, require particular attention in the matter of work assignments. An unfulfilling task, uncritically selected, designed simply to pass the time or to meet a general obligation, is apt to be regarded as pure punishment or even a form of slavery against which all the forces of rebellion must be raised. Proper remuneration is conducive to self-esteem. Work without pay, whatever its character, is seen as exploitation, and this situation reinforces inmates' antisocial beliefs. Prison administrators should never engage in a contest of strength and wills with inmates if resocialization is the aim. Society can easily crush the individual under its power. If society seeks to reclaim, however, it must not only resist vindictiveness, which is wholly incompatible with the notion of resocialization, it must do a great deal more.

Allen Breed has perceptively observed that for the offender: "Rehabilitation becomes, in part at least, a problem of creating a stake for him in the prevailing social system." Many of those convicted of acts of terrorism and political violence are motivated by an intense feeling that they have no stake in society. This problem must be addressed if corrections is to have any significant impact on this class of offender. Benjamin Malcolm has noted [p. 159]: "The political prisoner gives warning to society. He is, especially when he is interred in what he calls our concentration camps, a prisoner of war. He warns, 'Take care, lest the prisoner of war becomes a pris-

oner at war!'" A meaningful work program is not simply a means of providing a measure of individual satisfaction to the inmate for whom hopes of resocialization are entertained, but also supplies him with an essential link to the social fabric of which he must always be considered a part. The Institute for Study of Conflict, London, has declared [p. 207]:

The work of the authorities does not end with the defeat of the terrorists. Many of them will be in jail or under detention. As far as possible, and with deliberate speed, an effort should be made to rehabilitate and reconcile them with society, especially the young. In this essential task, the social services have a major role to play.

There must be no vacillation in this matter. If this goal is seen not only as possible but desirable, preparing the offender for reintegration into society, however unpromising or unrealistic that may initially appear, should begin at the moment of his entry into the correctional system. As Morris and Hawkins have indicated [p. 128]: "It is a truism of prison reform that 'aftercare' starts on the day the criminal is admitted to prison, that his mind should be then turned toward a meaningful training program leading to an attainable goal for residential and vocational opportunities after release. So the social worker, stressing and aiming to strengthen community ties, trying to deny the consequences of the banishment of prison, comes early into the life of the prisoner."

The apparent contradiction between prison as banishment and prison as preparation for an eventual return to society must be practically reconciled. In this effort, deeds not words will affect those incarcerated for acts of terrorism and political violence. If the system does not manifest its belief in the offender's eventual reclamation, how can the offender himself properly entertain such a belief?

If society is not going to give up on those who have committed acts of terrorism and political violence, it must clearly recognize these offenders as a special group for whom appropriate treatment programs must be developed. The correctional emphasis should always be on promoting and providing the conditions for change, rather than on seeking to enforce it. Hugh Klare has written [p. 22]: "It is only when a man genuinely wants to change that there is a real hope of rehabilitation. To create this want in him should be one of the principal aims of imprisonment." Offenders of this class will often be highly intelligent political activists who have a capacity for leadership. These qualities should be recognized and respected, and correctional authorities should endeavor to channel them toward constructive social purposes. The institutional group setting is the one in which these talents might best be turned to advantage and the one most likely to produce favorable results. Morris and Hawkins have noted that [p. 133]:

Through group counseling, group therapy, guided group interaction, unstructured group discussions—whatever the nomenclature—groups of prisoners in many correctional systems are being brought together in relatively free verbal association to discuss their adjustment to society. This topic is not forced upon them; it is what invariably emerges after the settling-down period of complaints about the prison, its administration, and its staff. It is being found that from such peer clashes, from the interaction between the group and the individual, some prisoners are being led to sufficient insight and motivation to avoid crime in the future. Reform and rehabilitation cannot be imposed; it is universally agreed that an inner and anxious desire for change is a prerequisite; and such a desire is rarely the product of contemplation, exhortation, or severe punishment. It comes more readily from a larger understanding of oneself and one's relationship to society which, in turn, often emerges from interaction in free verbal association with others who have lived and suffered in similar ways.

It is recommended that programs of this sort for those convicted of terrorism and acts of political violence be carefully developed, with expert advice, and tested in a controlled setting. If special skills are required to supplement the resources of an institution, these should be obtained on a contractual basis. Fears that such programs might prove counterproductive—breeding grounds for the propagation of unwelcome ideologies and dissidence—are likely to prove unfounded when the programs are purposefully directed by skilled personnel to well-defined ends. The alternative to programs that provide a useful, socialized outlet for some of the inmate's energy is likely to be a covert, antisocial form of the same thing, possibly leading to institutional violence and a total frustration of the resocialization goal.

Every inmate program designed to promote the aim of resocialization should include three progressive phases of activity. There should be an initial period of observation, during which the inmate is classified and his treatment needs assessed, followed by a second phase devoted to the treatment prescribed. A third period should be provided for testing or evaluation designed to provide an ongoing appraisal of the impact of the program and the inmate's general adjustment. It is to be expected that those convicted of acts of terrorism and political violence will need an unusually long period of observation, which should be carefully and sensibly utilized. Prolonged observation should not be allowed to delay general treatment measures that can be promptly introduced. Nor should this period develop into an oppressive device which, through uncertainty, might give rise to unwarranted anxiety in the inmate. The observation phase should be regarded as an ongoing process to provide the inmate with continuing attention throughout the various stages of his confinement. Gottfredson has written [p. 33]:

The importance of person classifications at each step in

the 'correctional continuum' from conviction to discharge should be emphasized. To the extent that criminal justice agencies adopt goals of modifying behavior to reduce the probability of law violations, it is important to have available at each decision point (concerning placement decisions) classification information which will indicate the setting and methods most likely to achieve those goals. In the absence of any classification system, no interactions of person x treatment on outcome measures can be observed; and there is now considerable evidence that such interactions are critically important.

Ongoing classification processes monitor the inmate's progress on the road back to open society and, as such, are an indispensable part of any meaningful treatment program.

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Related Standard

The following standard may be applicable in implementing Standard 9.3:

- 8.3 Improving the Institutional Environment.

Standard 9.4

Mentally Disturbed Offenders

Mentally disturbed persons who have committed acts of terrorism and political violence should be given the treatment appropriate for their condition in secure institutions properly staffed and equipped for that purpose. Offenders should not be committed to such institutions purely as a security or preventive measure, as a punishment, or as a means of circumventing the ordinary criminal processes.

Commentary

Some of those who commit acts of terrorism and political violence will be suffering from a mental illness that so seriously impairs their judgment that they cannot be held legally accountable for their acts. Indeed, it was an act of political violence that provided the occasion for the pronouncement of the legal concept of insanity, the M'Naghten Rules, which since 1843 have guided criminal dispositions in a majority of common law jurisdictions. Political assassinations are not infrequently the acts of deranged persons. The Staff Report to the National Commission on the Causes and Prevention of Violence asserts [p. 78]: "All those who have assassinated or attempted to assassinate Presidents of the United States (with the possible exception of the Puerto Rican nationalist attempt upon President Truman) have been mentally disturbed persons who did not kill to advance any rational political plan."

Attempted assassinations since that statement was written have certainly not disturbed the latter premise.

The understandable widespread revulsion following the assassination or attempted assassination of a highly regarded public figure tends to color the administration of justice. The Staff Report to the National Commission on the Causes and Prevention of Violence observes [p. 89]: "The first regularity to be noted is that where the assassin has been successful, our system of justice has reacted harshly and primitively. Where the assassin has failed, he has usually been treated with compassion." This standard is based on the premise that it is important, as far as possible, to guard against these unfortunate tendencies, in the interests of justice and a rational corrections policy. The psychotic terrorist presents special problems in the course of his activity and, when apprehended, his condition requires appropriate treatment. The disposition made in such cases should be as free from political and other extralegal considerations as possible and should be made objectively after judicial evaluation of relevant medical reports and other evidence. Considerations such as the potential conveniences or inconveniences of trial and judgment should never be allowed to override the interests of justice, and the circumstances of the offender's mental condition should never be manipulated for those purposes.

Thomas Szasz [p. 200], writing in the context of the Ezra Pound trial, has properly drawn attention to the abuses inherent in such practices:

By means of psychiatric incarceration, the modern government is spared from committing injustices that may inflame public opinion. Instead of judging the accused guilty and liable to punishment, he is declared mentally ill and not responsible for his conduct. Then, with 'kindness' he is committed to a mental institution. So long as more people do not ask where involuntary psychiatric hospitalization and treatment end, and retribution and punishment begin, this form of liberticide is bound to flourish.

If, after the proper procedural steps have been taken, it is determined that the offender's mental condition warrants medical attention, he should be committed to an appropriate institution and given the treatment he needs. No considerations of policy should dictate this course in medically inappropriate cases nor should needed treatment be withheld on account of the offense committed. A good illustration of some of the pitfalls to be avoided is provided by Nicholas Kittrie [p. 78]:

A petition to place retired Army Brig. Gen. Herbert C. Holdridge under mental observation was dismissed yesterday by an Arlington mental commission. The petition for psychiatric examination of the 73-year old West Point graduate was brought by his wife, Julie Austin of Los Angeles, former actress. She said her husband, who heads a group called the Constitutional Provisional Government of the United States, suffers from delusions of grandeur and a persecution complex. Her statement indicated also the Secret Service encouraged her to seek the commitment for her husband. A service spokesman said later his agency is aware of Holdridge. The Commission yesterday was conducted by Associate County Judge L. Jackson Embrey and Dr. Gerhard Cotts, an Arlington psychiatrist. Embrey said later it was decided there was insufficient evidence to show that Holdridge is dangerous to himself and to others because of any possible mental condition.

This standard urges that the mental condition of the subject never be used as a pretext to secure psychiatric confinement to prevent additional unlawful acts. Insofar as mental state is an element to be taken into account in any disposition of those who have committed acts of terrorism and political violence, sentencing decisions should follow the ordinary rules of law governing the matter.

Peculiar problems are posed in this, as in other areas of the administration of criminal justice, by the psychopath or sociopath. The imprecision of these terms has been frequently remarked and lamented, but their continued use in one form or another to describe a certain condition or category of conditions responds to a definite medicolegal need. The characteristics of many of those who commit acts of terrorism and political violence will lead inevitably to their being described both professionally and popularly as "psychotic" or "psychopathic." Indeed, the behavioral characteristics

objectively reported as manifested by many of those who have committed an act of terrorism and political violence strongly resemble those observed in persons clinically diagnosed as psychopaths. This is especially true of assassins or those who have attempted assassination. Many of those who have led and managed prison disorders have been authoritatively classified as psychopaths. In typical situations of violent conflict, a certain type of psychopath comes to the fore giving rise to what William Barry Gault has termed [p. 452]: "The natural dominance of the psychopath."

The classification of a person who has committed acts of terrorism or political violence as a psychopath not only poses a consequential correctional problem in relation to the management and treatment of such an offender, but also has an unfortunate effect on society's attitudes for, as Allen and Simonsen observed [p. 352]: "Psychopaths tend to condition public thinking about offenders." These imprecise yet commonly used terms, "psychopath" and "sociopath," like "dangerous offenders" and "terrorist" itself, are emotionally loaded and carry with them a degree of prejudice that hampers a realistic appraisal of the offender's condition and what is required for his management or treatment. Therefore, this standard avoids express mention of the person convicted of an act of terrorism or political violence who is classified as a psychopath, because to do so would heap confusion upon confusion. Nevertheless, such cases are embraced by the language of the standard. When the terms of the law clearly permit the confinement, in special institutions, of individuals convicted of acts of terrorism and political violence displaying characteristics of the kind typically associated with psychopathy and it is deemed that the circumstances of a case justify such a disposition, it should be made.

What is urged here is that there be no blanket reliance on the catchall term "psychopath" for the purpose of making such dispositions, in the ordinary course, of persons already and perhaps too broadly labeled by reason of their having committed acts of terrorism or political violence. In general, in accordance with the terms of the standard, such dispositions should only be made on the appropriate grounds specified by law and never in fulfillment of policy considerations stemming from the character of the offenses or the offender.

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Standard 9.5

Handling of Juvenile Offenders

~~Juveniles incarcerated for acts of terrorism and political violence should not be confined in adult institutions, save as an exceptional measure, nor be treated as adult offenders. Juvenile offenders should be given the treatment appropriate to their status and condition in secure institutions that meet the general criteria recommended for the confinement of this type of offender.~~

Commentary

Juveniles as a class show a marked propensity for individual and group violence. Juveniles tend, also, to be more impressionable than adults and more susceptible to current fads and influences of all kinds. The modern juvenile has a sophistication and awareness born of the pervasiveness of present-day communications. Today's youth is keenly aware not only of trends in criminal justice but also of their possible impact on his own life style and activities. A recent *Philadelphia Inquirer* article on teenage gangs [Dec. 21, 1975] indicates that "Contrary to views held by many, trends in criminal sentencing are well understood on the streets." The same article convincingly documents the manner in which these trends have helped shape delinquent behavior among members of these juvenile gangs.

Juveniles have indulged in a significant amount

~~of violent, cruel, and wanton criminal behavior, much of which could be characterized as terroristic. Juveniles account for almost half the arrests for serious crimes in the United States today, and a very high percentage of all violent crime is committed by members of this age group. In the main, juvenile terroristic activity has manifested itself through organized street gangs, many of which have been responsible for creating a substantial climate of fear in urban areas and have, on occasion, fought pitched battles that resulted in the killing of both rival gang members and innocent bystanders. Many of these gangs are ethnic in character, and their organization and influence are such that they have considerable impact of a semipolitical character. Sometimes their influence extends well beyond the geographic confines of their operations, particularly into institutions where members or ex-members are incarcerated, and transcends the boundaries of both age and race.~~

Over the years, while retaining their potential for violence, some of these gangs have developed into national radical organizations of some political and social sophistication. Prominent among these is the Young Lords Party, a revolutionary group composed principally of Puerto Rican youth. It began as a street gang in the slums in 1969 and was known originally as the Young Lords Organization, with branches in New York and Chicago. The or-

ganization was active in Attica before the uprising, and has now achieved a considerable institutional following with contacts with other radical groups across the country. These developments have considerable potential for the extension of terrorism and other forms of political violence. Although to date there has been little evidence of a substantial incursion of juveniles into the field of organized political violence and terrorism, either by way of imitation or initiation, this possibility should not be overlooked, particularly in the light of international experience with the use of children of quite tender years as "freedom fighters." While it is probable that certain groups would avoid using juveniles for acts of terrorism, on account of their presumed immaturity and unreliability, the eventuality of their involvement should not be discounted. The more lenient treatment generally accorded the juvenile offender and the willingness of youth to engage, with typical irresponsibility, in enterprises of this sort make their use attractive to terrorist leaders.

The correctional management and treatment of the juvenile poses special philosophical and practical problems, and the violent juvenile offender is a matter for particular concern. One of the most disturbing developments of recent years has been the emergence of the violent, alienated juvenile whose early entry on a criminal career gives rise to special preventive and remedial difficulties. This standard recognizes the peculiar problems posed by juvenile offenders and the inappropriateness of applying to them methods designed for the control and treatment of the adult offender. It is to be hoped that, notwithstanding the depravity of the deed, the juvenile who commits acts of terrorism and political violence will be more amenable to treatment and offer a better prospect of rehabilitation than an adult offender. There is a real need for the special correctional problems of the juvenile who has committed acts of terrorism and political violence to be handled in an appropriate setting. There are sound reasons why such an offender cannot be treated like a mature adult; the commission of such acts, how-

ever serious, at an early age should not become an excuse for consigning him to an institutional regimen likely to confirm him in his criminal career; nor should it be taken as an indication of the hopelessness of his return to open society. Although the potential for dangerous behavior on the part of juveniles is no less and may even be greater than that presented by the adult offender, the fear generated by their acts and the social repudiation of their conduct ought not to blind us to the need for treatment of a very different order and in a very different setting from those appropriate in the case of an adult. While the type of terror in which juveniles ~~have~~ commonly engaged is often wanton, indiscriminate, and lacking in feeling for the victim, it can usually be seen, by reason of the character of the actors, to have a quality significantly distinct from the terrorism purposefully engaged in by adult groups.

The commission of an adult crime does not make a juvenile an adult. A juvenile who commits an act of terrorism may merit the label "terrorist," but he does not cease, on that account, to be a juvenile. He ought, in consequence, to be treated as a juvenile, albeit one who has committed a serious crime. This standard recommends that he be so treated and processed, being sent for treatment to an institution suitable for his care, control, and custody.

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Standard 9.6

Development of Regional Facilities

When correctional facilities for the confinement of those who have committed acts of terrorism and political violence do not meet the recommended criteria, and when the magnitude of the problem with regard to particular classes of offenders, such as women, juveniles, and the mentally disturbed, does not warrant special action, States should take the necessary steps to avail themselves of interstate compacts for the purpose of developing, on a regional basis, effective and economical programs for the management and treatment of these offenders. Such programs should include the sharing of appropriate facilities.

Commentary

It is recognized that the incidence of terrorism and political violence will vary in different parts of the country and the responses to this type of criminal conduct will be conditioned principally by that consideration. This is a major factor in the design of any correctional policy. Where such offenders are few in number, implementation of the recommendations made in this chapter by a single State may involve a deployment of resources incommensurate with the magnitude of the problem. Some form of cooperation among State and Federal authorities, preferably on a regional basis, is essential if the special problems associated with the offenders in question are

to be addressed on an effective, economical basis. Such cooperation is of particular importance when these offenders constitute a relatively small class, such as women, juveniles, or mentally disturbed offenders. The National Advisory Commission on Criminal Justice Standards and Goals Task Force on Corrections stated [p. 566]:

In areas with low population densities, regional programs may be the most economical and effective means of providing resources not available on an individual State basis. This is particularly true for certain groups of offenders, such as women, narcotic addicts, alcoholics, and mental defectives, whose small numbers or particular needs require special arrangements. Interstate cooperation may be essential if the resources needed are to be provided at all.

Those recommendations have particular relevance to the management and treatment, as proposed by the present standards, of those incarcerated for acts of terrorism and political violence. When enabling legislation is necessary for States to undertake cooperative efforts, it is urged that appropriate steps toward ratification and implementation be taken.

The Task Force on Corrections has observed that [p. 379]: "The problem of female offenders has reached critical proportions. The neglect that has characterized female corrections becomes more alarming and more visible in light of the rapidly changing role of women in our society." The rise of a new, highly aggressive female offender engaged

systematically in acts of terrorism and political violence is an international as well as a domestic phenomenon. In the United States, female criminality in many forms is increasing at a much faster rate than its male counterpart, and women are engaging, in increasing numbers, in violent crime formerly thought of as an exclusively male domain. The implication of these developments has been well put by Freda Adler [pp. 179-180]:

Like their male counterparts, female inmates have rioted, destroyed buildings, set fires, and attacked guards and matrons. They have made their escapes, delivered their demands, and gone on hunger strikes. Even among those who have not participated in any overt physical violence against the institutions which hold them, there has been a perceptible change of attitude. The change is one which has many officials puzzled as well as wary. In many cases, they are heading institutions built decades ago to hold passive docile females who were sent to jail for victimless sexual and moral 'crimes.' Today these low-security, overcrowded, understaffed facilities are finding themselves confronted with increasing numbers of women convicted of aggressive crimes against persons and property; women who are highly politicized and not at all hesitant about making a point with a loud voice or a balled fist. It is not at all inconceivable that a female Attica could occur at any one of a number of institutions and upset the traditional applecart of benign neglect which has ruled the field of female corrections in the past.

The consequences of these trends for the design and implementation of a rational corrections policy must be taken into account.

Current trends favor an integration of male and female correctional facilities and programs. Clearly, this poses problems for the management and treatment of those incarcerated for acts of terrorism and political violence. Rising crime rates and new responses have led to urgent consideration of diversion programs designed to avoid incarceration, except as a measure of last resort. Much of female criminality lends itself to such measures, and a vigorous policy to this end could lead to a diminishing role for female corrections as it is understood today. Notwithstanding the trend toward greater female involvement in violent crime, implementation of acceptable alternatives to incarceration on a large scale is likely

to reduce to a minimum the relatively small numbers of dangerous, female offenders who are considered to require extended correctional treatment in closed institutions. Most female institutions will find it difficult to adapt to the incarceration of such offenders in conformity with the recommendations in this report and yet remain compatible with the more general goals to which most progressive correctional administrators now aspire. There will remain a need for small, secure, and properly staffed institutions that can design and implement the type of correctional programs recommended for those confined for acts of terrorism and political violence. Considering the potentially small numbers of female offenders, such institutions would constitute a utopian luxury for most individual States and a white elephant for others unless they are utilized to capacity in the proper way. This standard recommends that these problems be addressed by means of interstate compacts, so that through regional cooperation the best use can be made of scarce resources.

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Related Standards

- The following standards may be applicable in implementing Standard 9.6:
- 5.10 Cost-Sharing Provisions
 - 5.13 Funding
 - 9.1 Institutional Setting

Standard 9.7

Parole

Subject to specific legislative indications to the contrary, persons convicted of crimes involving acts of terrorism and political violence should generally be eligible for release on parole based on the same considerations as govern the release of those who have committed other types of crimes.

In addition to the general criteria guiding the decisionmaker, in cases involving terrorism and political violence, the paroling authorities should take into special account the feasibility of supervision after release on parole, the changed social and political circumstances since the commission of the offense, and the continuation or cessation of the offender's association with others committed to a policy of social change by violent means.

Commentary

This standard affirms and extends the general principles recommended in this report for treatment of those who have committed crimes involving terrorism and political violence. The belief in the potential reclaimability of the offender is fully recognized by according him the prospect of a return to the community when his personal condition and the circumstances of his case make it possible and prudent for this course to be adopted. To take a contrary view would not only be inconsistent with the general policy recommended as a correctional re-

sponse to terrorism and political violence, but would be penologically counterproductive and liable to set up unacceptable tensions in the system that would generate fresh violence instead of reconciliation and the eventual pacification of this type of offender. It is recommended that, in the interests of a consistent penological policy, the prospect of parole should generally be held out to such offenders on the same basis as it is extended to all other offenders. However, certain special factors need to be taken into consideration in evaluating offenders of this type for parole purposes. It is proper that this standard should articulate them so as to reduce, as much as possible, the mysteries inherent in this difficult process.

From time to time, concern is expressed over the apparent arbitrariness and secrecy of the decision-making process involved in the paroling of offenders; this concern has escalated or been converted into a wider attack upon the indeterminate sentence as a correctional device. In the past, much prison disorder has been attributable to real or imagined grievances concerning parole procedures. Thus the New York State Special Commission on Attica observed [XVIII-XIX]:

Parole is the principal method by which most inmates leave prison. But, as presently operated, parole procedures are unfair, and appear to inmates to be even more inequitable and irrational than they are. For a correctional system

to satisfy the principles here enunciated, the grant or denial of parole must be measured by clear and comprehensible standards, disseminated to inmates in advance.

The National Advisory Commission on Criminal Justice Standards and Goals Task Force on Corrections has indicated that:

Parole programs are part of larger systems of criminal justice. They are governed by concepts of propriety and modes of conduct arising from American culture and law. Especially in recent years, parole systems have been expected to conform with practices that enhance the ideals of fairness and reflect hallmarks of American justice such as procedural regularity, precedent and proof.

There should be no hidden agenda, in this matter, in dealing with those who have committed acts of terrorism and political violence and, insofar as special criteria inform the decisionmaking in each case, there is no reason why these ought not to be openly disclosed in advance.

Parole, as it has evolved in our system, is essentially a matter of providing an accelerated release from prison. On this account, it is readily confused by the public mind with a form of leniency extended toward offenders, which, as such, should be denied those whose crimes have aroused more than the usual amount of fear and repugnance. The proper penological purposes of parole are grossly distorted through the injudicious use of emotionally laden terminology suggestive of a system tempered, somewhat capriciously, by considerations of leniency or its reverse. In consequence, parole decisions tend to be influenced in some measure by sentiment and, in particular, by what is felt to be an appropriate sanction according to public expectations. Parole decisionmakers tend to respond to actual or assumed public attitudes in relation to classes of offenses generally and certain offenders in particular. In notorious and well remembered cases, this can have a seriously inhibiting effect on the decision to release.

It may be worthwhile to recall, in considering what factors ought to be taken into account in developing a rational policy for the parole of those convicted of crimes involving acts of terrorism and political violence, that parole was originally a military practice providing for the return of prisoners of war on condition that they did not reenter the conflict as combatants. Although it is not suggested that undue effort be made to modify the opinions and beliefs of the inmate as distinct from the conduct deriving from them, it is not unreasonable that parole should be denied while the inmate is still considered to pose a threat to the well-being of society. It is reasonable to expect some objective evidence of a renunciation of violence and antisocial conduct before release on parole can be considered. To this end, it would be most material for parole decision-

makers to take into account indications that suggest the acceptance by the offender of a differing role as a precondition of his release into open society. It is clear that such change, if it has occurred, cannot be measured with scientific precision, and the impressions conveyed by the offender's conduct are elusive and subject to all the artificial shifts of which human ingenuity is capable.

Certain indications are, however, objectively useful in making a determination of the offender's intentions. For example, a militant, activist role while serving sentence, even though there has been no direct or indirect involvement in disorders or institutional violence, might be justly interpreted as indication of an unregenerate attitude. Similarly, it could be argued fairly that the maintenance of associations with activist political groups or individuals whose declarations of policy and overt behavior are evidence of a commitment to social change by violent means, would also belie pretensions of resignation to a strictly noncombatant role in the event of parole. Although the termination of such associations cannot be taken as a positive guarantee of a change of outlook, it is at least sufficiently suggestive that other, independent, confirmatory evidence should be sought. [See the illustrative article, "Brandt: Model Prisoner or Dangerous Radical?" *Examiner and Chronicle*, San Francisco, Calif., Jan. 4, 1976.]

Parole provides for a graduated return of the offender to open society. It should be viewed not as a discretionary, administrative truncation of the offender's sentence in the interests of leniency, but rather as a necessary part of his readjustment toward a social as opposed to antisocial lifestyle. If the part of the sentence served in custody is seen as a preparation of the offender to live acceptably in open society, parole is but an extension of that concept into an experimental phase of controlled freedom during which the behavior of the parolee is observed and evaluated in order to determine whether he can make such an adjustment. Viewed in this way, parole is in the nature of a period of testing under special conditions, and adequate supervision of the parolee is essential if this is to be a realistic exercise. Elmer Johnson has written [p. 489]:

Parole is a link in a chain of experiences the parolee has undergone involuntarily, with his own self-interest and personal wishes subordinated to the interests and needs of the total society. As such a link, parole represents a transitional period between the regimentation of a correctional institution and the freedom of the normal community life. This transition requires that the supervisor govern his interaction with the parolee to be consistent with the objectives of the earlier incarceration and the ultimate purpose of developing in the parolee self-reliance and identification with the community norms.

Reentry into the community always presents spe-

cial problems for the offender because incarceration has ill-prepared him for some of the adjustments he will have to make. It is clearly better that the reentry process be gradual and controlled rather than abrupt and unsupervised. There is an analogy here with the deep-sea diver: the newly released offender experiences many of the same sort of pains and stresses on regaining his liberty and needs a period of controlled decompression if he is to survive satisfactorily in the normal environment after this unnatural adaptation. Although many parolees are able to make a satisfactory adjustment to community living without a great deal of official supervision, it is considered that close supervision constitutes an indispensable element of this period of testing for those who have committed crimes involving acts of terrorism and political violence.

The realistic possibilities of providing close supervision for such offenders should always be taken into account in making the parole decision. Unrealistic conditions for parole should not be set, but it is reasonable to require a higher standard of supervision in such cases because the test inevitably must be more exacting for both the parolee and the system. Consistent with this view, parole should never be granted if reasonable supervision is not possible or is of doubtful feasibility. In the case of an alien incarcerated in the United States for a crime involving an act of terrorism or political violence, deportation to the country of origin, on completion of the full term of the sentence, may be the only course possible. However, if parole clearly would be appropriate were the individual a United States citizen and satisfactory arrangements can be made with the receiving country for supervision, parole should be granted. In cases where a remission of some portion of the sentence imposed on the alien may be appropriate, the proper steps can be taken to this end, but parole should not be used for this purpose.

Although the potential deterrent value of a lengthy sentence ought not to be undermined by the prospect of automatic early release on parole, the generality of this principle ought not to work to the disadvantage of individuals who have clearly demonstrated their regeneration and present themselves, according to the proper criteria, as good parole risks. There is no penological value, general or particular, in the denial of parole in such cases. To do so would be simply to subscribe to an inappropriate, emotionally distorted view of the purposes of parole discussed above. The value to society of an exemplary sentence, as an instrument of general deterrence, must be balanced against the value, in economic as well as human terms, of reclaiming the offender and effectively reintroducing him as a useful element into open society at an early date. The individualization of parole along the lines recommended serves such

interests; the system, properly and conscientiously operated, leaves little room for manipulation by even the most astute of offenders. An honest statement of the prospects for the truly reformed offender can thus hold out no encouragement for the unregenerate or the patently insincere.

There are two special factors relating to those convicted of crimes involving acts of terrorism and political violence that parole decisionmakers should take into account. Such acts are sometimes committed under the stimulus of unusual historical circumstances that engender heightened social passions and violent responses of an abnormal kind. Gurr [p. 133] reminds us that:

The bloodiest riot in American history occurred in New York City in July 1963 in protest of a new draft quota; the riot lasted four days during which an estimated 500 people were killed. Opposition to the draft was a primary motive in the antiwar protest movement in the United States during the 1960's; between 1965 and the fall of 1968 an estimated 700,000 people participated in some 170 antiwar demonstrations, about twenty-five of which involved significant violence.

In periods of social unrest and political upheaval there is often an unacceptable resort to violence that would not have taken place in calmer times. When the circumstances that have called forth these acts of violence have ceased to exist and it is clear that those who have acted did so largely in response to them, altered circumstances should, in conjunction with other appropriate personal factors, weigh heavily in parole decisions. In such cases, parole should not take on the character of an act of clemency but should be granted in recognition of the disappearance of a unique, precipitating cause and the unlikelihood of the offender's future involvement in antisocial behavior of a similar nature.

The second factor of special significance is the age of the offender. There is some evidence that aging, and maturation particularly, are elements that can be relied upon to some extent in predicting the risk of future violence for ordinary offenders. Although too little is known about the maturation process and its relationship to criminal behavior, there is some reason to believe that aging dulls the propensity for violent behavior, which is seen at its peak in the 18-30 age group. It is worthy of note, however, that the average age of domestic as well as international terrorists is well into the mid-thirties and that the majority of such persons have been political activists since their teens. Where a long period of political or ideological indoctrination or activism has been accompanied by a rising pattern of violent expression, it is likely that this trend will not be reversed by a relatively short period of incarceration—if, indeed, it is reversible at all. This will

need to be particularly borne in mind by the parole decisionmaker.

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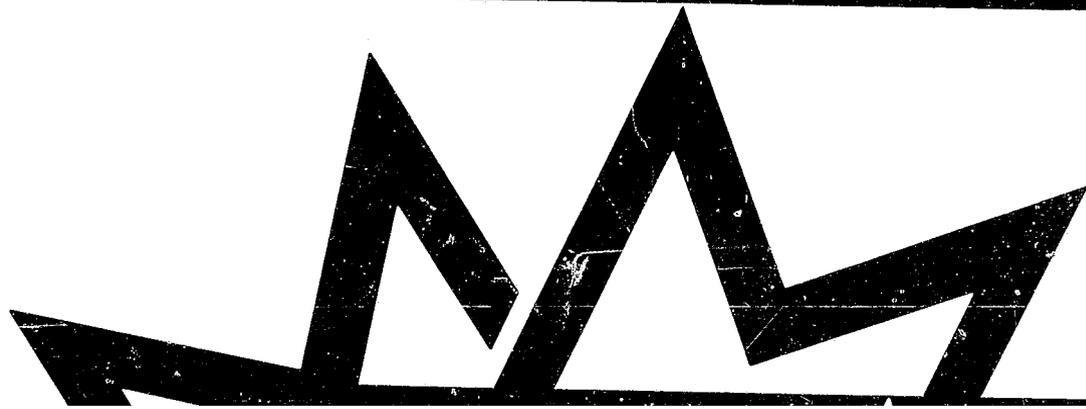
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Related Standard

The following standard may be applicable in implementing Standard 9.7:

- 7.9 Sentencing Persons Convicted of Serious Crimes Involving Extraordinary Violence

**Chapter 10
Standards and Goals
for the Nonofficial Community**





INTRODUCTION

Nongovernmental organizations, business firms, and individuals—in their private and professional capacities—have special reason to be concerned with the problems of extraordinary violence. Unlike most other forms of criminality, violent disorders and acts of terrorism are directed not against particular victims singled out by reason of wealth or vulnerability but against the social order as a whole. And acts of quasi-terrorism, although frequently targeted similarly to more conventional crimes, are also likely to intimidate the public at large. The individuals, organizations, and institutions that absorb the primary impact of acts of extraordinary violence are—in a very real sense—proxies for the whole community. The secondary impacts of such acts—fear, demoralization, and frustration—are generally felt by the entire community.

The fact that the community as a whole is the intended target of much extraordinary violence, and the ultimate loser in all crimes of this category, gives rise to special opportunities and responsibilities. The standards and goals contained in this chapter address two allied questions: First, what can the individual or nongovernmental organization do to prevent and combat extraordinary violence? Second, what must individuals and organizations do, in their private capacities, to this end?

One theme that is integral to the approach taken here to these questions deserves immediate stress: The appropriate role of the private community is not the direct assumption of government's law enforcement duties and functions. Extraordinary violence presents a real temptation to private self-help, which increases in intensity as crimes of extraordinary violence become more common or more threatening. Elsewhere in this report, reforms and innovations in official law enforcement are recommended as a means of coping with the problem of extraordinary violence. This chapter expresses the correlate of those recommendations: The members of the community should assist and support law enforcement efforts without seeking to assume law enforcement roles.

The theme just stated may appear self-evident, but its importance cannot be easily overestimated. Extraordinary violence—and, in particular, terrorism—enters a wedge between citizens and the institutions of government. Just as government responds inadequately to extraordinary violence when it abandons civilized modes of law enforcement under pressure, the community responds inadequately when it abandons reliance on established institutions of collective self-defense. Such responses tend inevitably to satisfy, rather than to frustrate, those who employ violence against the social order.

Another reiterated theme of this chapter is the importance of shared responsibility and community cooperation in coping with extraordinary violence. Joint action—involving all elements of the nonofficial community, as well as government—is of the essence in the prevention of, and the response to, disorder, terrorism, and quasi-terrorism. In other chapters, this Report has emphasized planning as a device for organizing the official strategy for coping with extraordinary violence. Although private persons and community groups can make important contributions to the formal, official contingency planning process, this process—as such—is not generally a practical way of organizing the nonofficial response itself. Although some elements of that response, such as the contingency plans of private health care and relief organizations in emergencies, can and should be anticipated in detail, the private community as a whole is obviously too large, too various, and too amorphous to conduct effective, formal, overall contingency planning. Other, more informal avenues must be followed to reach the goal of community cooperation.

This chapter, therefore, emphasizes the importance of developing an accurate understanding on the part of every private person and institution in the community of the realities of extraordinary violence, the risks posed by it, and the preventive or defensive measures that can be taken against it. It also stresses the importance of building an appreciation of the interdependence of persons and institutions in the face of extraordinary violence and of the specific ways in which those persons and institutions can take effective action in combination. In effect,

it urges that gradual development of a set or series of informal bilateral and multilateral understandings among the elements of the private community—and between them and elements of the official community—is the best device available to assure that private functions and responsibilities relating to extraordinary violence will be discharged. Unsystematic as this approach may appear when contrasted with formal contingency planning, it is one calculated to prepare the private community, by gradual degrees, to prevent extraordinary violence where it can be avoided and to absorb the effects with minimum

damage and disruption where it cannot.

Some of the recommendations in this chapter are directed to particular constituent elements of the nonofficial community, others to several such elements, and still others to the community as a whole. Where a standard or goal is of less than general application, the audience to which it is addressed is indicated. The fact of community interdependence, however, dictates that each recommendation should be of concern even to those elements of the private community to which it is not directly applicable.

Goal 10.1

Locating Community Responsibility for the Prevention of Extraordinary Violence

The first step in the development of an effective program of community action to prevent extraordinary violence is the recognition by a variety of private persons and institutions that they have to act—even where action involves expense or inconvenience. The persons and institutions with such duties include:

1. Potential targets of terroristic and quasi-terroristic crime, who bear social responsibilities to:
 - a. Conduct their public affairs so as to reduce their attractiveness to attackers;
 - b. Take steps in physical and personal security to reduce their vulnerability to attack; and
 - c. Prepare to act quickly and responsibly in the event of attack.
2. Leaders and members of political and community organizations opposed to policies and practices of the official and private establishments, who bear responsibilities to:
 - a. Employ legal protest alternatives in preference to illegal ones;
 - b. Avoid the use of violence in all protest activities, both legal and illegal;
 - c. Use persuasion to discourage acts of political violence by dissident followers and associates.
3. Individuals and organizations with special influence over the formation of public opinion and attitudes, who bear responsibilities to:
 - a. Present a factually accurate, unglamorized

portrait of extraordinary violence, its perpetrators, and its consequences; and

- b. Avoid direct and indirect advocacy of violence as a means for the resolution of personal and political grievances.

None of these responsibilities, of course, can be viewed in isolation from the others—or from the duty of law enforcement and other government officials to respond sensitively and moderately to the grievances of citizens. But a general community consciousness that the task of prevention is not an exclusively official concern is essential wherever the prospect of extraordinary violence is a community issue.

Commentary

This chapter deals with roles of private community members and organizations in all phases of extraordinary violence, from the prevention of incidents, through management and control of an incident, to action in the aftermath. As a practical matter, however, the effectiveness of independent action by nonofficial individuals and organizations is severely limited with respect to incidents in progress; at the same time, identifying private measures designed to counter the effects of completed incidents of extraordinary violence is largely a matter

of speculation. Thus, preventive efforts—in which the private roles are real and readily identifiable—receive special stress in the standards included here. Accordingly, the preceding goal attempts to provide a format for considering community prevention efforts of all kinds, into which the more specific recommendations of succeeding standards can be organized.

At the outset, it is important to note that community preparations to prevent extraordinary violence cannot be made without conscious consideration, any more than the preparation of official countermeasures can be expected to occur in the absence of planning. The inevitable first reaction of most citizens and community groups facing the question of what can be done to reduce the incidence of extraordinary violence will be one of helplessness, expressing the view that the issues are too large, too complex, and—where they have not been brought home in concrete terms by an actual incident—too remote to be effectively addressed. The problems of organizing effective community action inherent in this reaction are compounded by a general unwillingness to think systematically about highly unpleasant and threatening matters. The inclusion of this goal amounts to an urgent suggestion that members of the community, independently and collectively, make the necessary effort to face the unpleasant and difficult tasks of identifying their own areas of responsibility with respect to prevention, and of making practical plans to fulfill those responsibilities.

This goal identifies special elements of the community—potential targets of violence, dissenting political groups, and opinion makers—as having responsibilities for the prevention of extraordinary violence that demand especially clear definition. In noting this identification, however, two points of qualification deserve immediate emphasis. The first is that the list is not intended to be an exclusive one but is intended only to emphasize where the clearest and most immediately realizable responsibilities lie. In addition to the community elements identified, a variety of other elements should have roles—important and unimportant—to play. Of these, perhaps the most important—and the most difficult to make concrete—grow out of the responsibility of individual citizens, in their individual capacities, to conduct themselves in ways that eschew the use of violence of all kinds—major and minor, legal and illegal—in solving personal problems and resolving personal grievances. In some measure, the incidence of extraordinary violence reflects the general readiness of a society as a whole to engage in violence on every level—domestic, commercial, criminal, and political. In the long term the importance to prevention of the contribution that can be made by individuals moderating their own conduct and

exercising moderating influences on others cannot be easily underestimated.

The second point of qualification is that no non-official individual or group effort to recognize and assume responsibility for the prevention of extraordinary violence can be expected to occur in isolation from complimentary official governmental efforts. Potential targets of extraordinary violence, for example, cannot improve their security and reduce their vulnerability without assistance from law enforcement; leaders of dissenting political groups will be hard pressed to direct members into nonviolent efforts to achieve changes if government is insensitive to expressions of grievances; molders of public opinion will be hampered in avoiding giving sensational or incomplete interpretations of extraordinary violence if they are denied access to official information needed to complete a balanced picture. Thus, the private action called for in this goal is urged on the assumption that public officials—to whom the bulk of the recommendations included in this Report are addressed—are taking effective action to prevent extraordinary violence and doing so in a way that emphasizes public involvement.

The Responsibilities of Potential Targets

Standard 10.5 (Private Security Measures Against Terrorism and Quasi-Terrorism) deals in detail with some of the measures that high-risk firms and individuals can take to reduce their vulnerability to attack and abduction; Standard 10.10 (Conduct of Individual Victims in Incidents of Terrorism and Quasi-Terrorism) stresses measures that, although not preventive in themselves, may minimize the harm actually inflicted in certain instances of extraordinary violence. Implementation of the measures recommended in these standards would be illustrative of the actions that might follow the recognition of special responsibility that is urged here. Such specific recommendations, however, can only be illustrative of such action. The preventive measures that might be taken, in practice, are as many and various as the individuals and firms who constitute potential targets. Indeed, the types of preventive measures that have the effect of either hardening targets or increasing their capacity to withstand attack are only one aspect of the private preventive responsibility. The other aspect—which is far more difficult to translate into concrete recommendations—involves measures to reduce the attractiveness as targets of private individuals and firms at risk.

This effort cannot always be accomplished. To the extent, for example, that a firm is a potential target because it represents a symbol of state authority, it may be powerless to affect the circumstances by any alteration in company policy. The

same may be true of private individuals whose high-risk status is implied by the symbolic connotations of their position, and not by the way in which they fill that position. Nevertheless, the effort will usually be worthwhile. Extraordinary violence is a phenomenon of confrontation; the ability of perpetrators to identify and actually attack a particular target depends, in large part, on their perception of that person or entity as distant, remote, and unsympathetic. Any step on the part of a potential target that tends to promote openness, to increase responsiveness, or to emphasize the human qualities of that potential target is likely to reduce its attractiveness for many—if not all—attackers.

No inherent conflict is believed to exist between preparing for extraordinary violence through security planning and security systems and moving to prevent extraordinary violence by altering the face that potential targets present to the public at large. In the case of a high-risk, potential corporate target, for example, the corporation can maintain close security supervision over its plants and offices (as well as protective security services for its individual employees) while still taking a positive role in community affairs and creating structured opportunities for members of the public to criticize company policies. Beyond doubt, instituting purely defensive measures is an important part of the potential target's social responsibility in the prevention of extraordinary violence. Without accompanying efforts at self portrayal in sympathetic terms, however, defensive measures fulfill that responsibility incompletely.

Dissenting Organizations and Their Leaders

Of all the elements of the private communities with social responsibility to assist in preventing extraordinary violence, those that may have most difficulty in recognizing that responsibility are citizens committed to oppose the policies of government or the nongovernmental establishment. Whether the citizens in question form part of a truly militant or revolutionary group, a broad-based protest organization, or a specialized dissident organization (such as a student group concerned with campus issues), their rejection of the authorities they oppose may appear at first to be inconsistent with any affirmative action on their part toward the preservation of order. In fact, however, responsibilities to prevent extraordinary violence are not owed to the State, to governments, or to nongovernmental authority structures; rather, they are owed by every citizen to his or her fellows in the community. And where an element of the community, such as the leadership and membership of dissident organizations, has special capacities to assist in the prevention of incidents of extraordinary violence, the extent of its responsibilities are all the greater.

Dissenters and their activities have obvious potential links with the phenomena of extraordinary violence. Leaving aside the most obvious—their potential for direct involvement in incidents of terrorism and extraordinary violence—several others remain. First, there exists a real possibility that dissenting citizens who initiate inflammatory protests may influence others to engage in acts of extraordinary violence that they themselves avoid; this influence may be exerted on persons with similar political and social views, persons with strongly opposed views, and even persons with no genuine concern for the issues underlying the original protest. Second, there exists the possibility that inflammatory protests, although not in themselves involving acts of extraordinary violence, may provoke drastic official responses followed by more extreme private counterreactions, creating an upward spiral of escalating violence. Thus, even dissenting organizations that do not embrace violence of any sort as a part of their own programs may be the agents by which others are stimulated to engage in violence. Finally, it is important to note that the origin of many incidents of politically related extraordinary violence can be traced to fringe members of nonviolent dissenting organizations—persons who sympathize with a group's objectives but have divergent notions of how to accomplish those ends. Neither other group members nor group leaders can fairly be charged with responsibility for the independent actions of these fringe members. At the same time, however, it is clear that socially responsible dissenters will often have better opportunities to know and influence potential perpetrators of extraordinary violence than will any other element of the community, official or nonofficial.

How does the social responsibility of dissenting groups and their leaders translate into a program for the prevention of extraordinary violence? One part of such a program is treated in some detail in Standard 10.1 (Nonviolent Protest Alternatives). But it is only a part. In addition, members of dissident groups—and in particular their leaders—should be as scrupulous in avoiding the inflammatory rhetoric of violence as in avoiding violent tactics. They should also be prepared to exercise positive influences over violence-prone associates and to plan activities with a view toward avoiding indirect stimulation of violence.

All in all, the duties sketched for dissidents in this discussion of the prevention of extraordinary violence may appear to be unrealistic or politically naive. In fact, however, with the exception of those organizations actually committed to violent tactics, most dissenting groups have clear, practical benefits to gain through recognizing their social responsibility for preventing violence. In the minds of the public-at-large, the identification of a group with violence

tends to detract from the potential attractiveness of its political positions and the potential persuasiveness of its arguments; a positive group commitment to the protection of public order may thus make good sense in an overall strategy of change. If extraordinary violence, and particularly politically related terroristic crime, are on the rise, moreover, a heightened negative public reaction against the perpetrators of violence can be expected. Again, a clear disassociation from tactics of violence will make strategic sense for most community groups committed to accomplishing social change, even change of the most radical sort.

Responsibilities of Opinion Makers

In identifying persons with special influences over the formation of public opinion as a third major element of the private community with special responsibilities for the prevention of extraordinary violence, this goal actually addresses three largely distinguishable groups of opinion makers. The first consists of persons whose expressions of views of social and political events can be expected to have a direct impact on the attitudes of some or all of their fellows: scholars, educators, business and labor leaders, lecturers, and—within the circle of the family—parents. The importance of reasoned, moderate, noninflammatory expressions of opinion—tending to denigrate the use of violence and dignify nonviolent means of settling personal and political grievances—can hardly be overemphasized.

A second group consists of persons whose work products, though not intended to have immediate or direct effects on public attitudes toward violence, may in fact be powerful influences on those attitudes. Chief among these persons are those responsible for the content of mass media entertainment programing and particularly television programing. The relationships between the portrayal of violence in entertainment programing and the incidence of violence is, to say the least, imperfectly understood. But the possibility should not be ignored that a potentially destructive relationship does exist, either because specific portrayals stimulate specific real acts or because the creation of a climate of violence in mass entertainment tends to inure individuals to the use of violence. In particular, fictional portrayals that tend not only to lend acceptability to the use of violence, but also actually glamorize violent tactics and those who employ them, may have a stimulative effect on persons predisposed to such conduct. It is within the scope of the social responsibilities of the individuals and organizations that create the entertainment most widely consumed by Americans to consider and investigate the secondary impacts of their work and to modify the ways they approach that work in accordance with their conclusions.

The third group of private opinion makers, and the one whose responsibilities for the prevention of extraordinary violence are perhaps most controversial, consists of the print and electronic news media. The day is past when this responsibility could be denied with the argument that media responsibility ends with providing objective accounts of past events and does not extend to the impact of reporting on future occurrences. Although the relationships between public information, on the one hand, and individual motivation and behavior, on the other, are only poorly understood, it is clear that journalistic practice is an essential part of the process by which events are formed. In particular, it seems highly likely that the manner in which one incident of extraordinary violence—including its human and legal consequences—is reported can increase the future likelihood of similar occurrences, while the cumulative impression of the phenomenon of extraordinary violence conveyed by reporting can effect its overall future incidence.

Throughout this Report, the position is taken that the shaping of news coverage is a private responsibility, in which the only appropriate direct official role is the provision of accurate and complete information to the media, expressed in noninflammatory terms. Officials—and in particular law enforcement officials—may be of help to the media in defining and implementing responsibilities for prevention of extraordinary violence. But the process is one that the media finally must undertake and complete on their own initiative.

In the context of the goal under discussion here, it is enough to underline the importance of the news media's recognition that their responsibilities, like those of other elements of the nonofficial community, are real, practical, and urgent. Standard 10.2 (News and Entertainment Media Responsibility for the Prevention of Extraordinary Violence) contains some specific suggestions on policies and practices consistent with realization of that responsibility; Standard 10.8 (News Media Self-Regulation in Contemporaneous Reporting of Extraordinary Violence) and Standard 10.12 (Followup Reporting of Extraordinary Violence by News Media) include additional relevant material.

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Standard 10.1

Nonviolent Protest Alternatives

Mass disorders involving extraordinary violence are frequently the unintended results of demonstrations and protests by persons and groups in dissent against authority. Less frequently, they occur as a form of planned protest. Acts of individual and small-group terrorism, too, may be intended to communicate—and dramatize—particular points of view on particular political and social issues. Because the interrelationship between extraordinary violence and dissent is real, special responsibilities for the prevention and avoidance of extraordinary violence fall to the leaders and members of dissident groups, who must strive to honor ethical and legal norms in expressing even the most extreme views, and to the private community as a whole, which must be prepared to give attention to the views of dissidents who elect means of protest short of violence. In particular:

1. Dissidents and dissident organizations should strive to adopt effective legal means of protest (such as authorized mass marches, boycotts, and picketing) in preference to illegal ones. Where a confrontation with authority is deemed essential to protest activities, only nonviolent breaches of law (such as sit-ins and unauthorized marches) should be undertaken. Where a reference to violence is deemed essential to protest activities, it should be symbolic, rather than actual.

2. Organizers and leaders of protest demonstra-

tions should assume responsibility for the conduct of participants, and should attempt to avoid the development of violent mass disorder through:

- a. The exclusion from participation of groups and persons with avowed or known commitments to violent tactics;

- b. The specification of clear guidelines for participants, including rules to minimize the likelihood of counterviolence;

- c. The use of marshals recruited from within the protest organization to observe and control the conduct of participants; and

- d. The development of procedures to terminate protest activities that threaten to develop into violent disorders.

3. The general public—and the news-gathering and communications organizations that serve it—should take special care to appreciate both the political context of nonviolent protest activities and the fervency with which they are held and to do so without mistaking nonviolence for a lack of commitment on the part of dissidents.

Commentary

It is an axiom of American constitutional law that every political or social position—short of direct, practical advocacy of insurrection—is entitled

to expression. And it is a fact of American political life that the attention of the public at large is most likely to be concentrated on those minority positions that receive the most dramatic forms of expression. In practice, the right to assemble for purposes of protest has proved to be among the most valuable of the rights of political expression, second to the right of citizens to dissent.

The potential for violence is implicit in any mass protest gathering; indeed it is the existence of this potential—symbolic or actual—that gives even the most determinedly nonviolent protest gatherings an impact directly proportional to the number of participants involved. Even more important for the purposes of this Report, however, is the obvious risk of real violence that any mass assembly of seriously aggrieved persons poses; only a tiny minority of the participants in a mass protest needs to be motivated to give a violent form to their expressions of dissatisfaction before the risk of a major disorder—arising from the contagious effects of the violence of the few—becomes a reality.

Recognizing the nexus between legitimate or non-violent mass protest and the potential for extraordinary violence in the form of mass disorder, this standard recommends approaches to the dilemma of dissenting organizations: how to control the likelihood of violence without deflecting the protest from its purpose.

As stressed in Goal 10.1, it is believed that adoption by dissenting organizations of a set of standards of conduct and practice to check the violent potential of mass disorders is necessary as a matter of social responsibility. It is also believed that, as a general matter, the control that such standards can afford will be of tactical benefit to the organizations adopting them, in the context of an overall strategy for the promotion of social and political change. Obviously, however, such efforts at self-governance by dissenting organizations require official and non-official support—in the form of a willingness to lend attention to grievances expressed in ways that do not imply the potential for violence.

Whether mass violence has in fact been a necessary catalyst to important social or political change in America is finally a moot question. Of the essence, however, is the fact that the use of mass violence as a mode of protest has been perceived as a tactically essential last resort by numbers of groups throughout American history—those believing that their positions and grievances had been ignored or overlooked by a complacent majority and a hostile or unresponsive government. Because the recommendations of this standard are addressed to groups in this posture—or likely to be found in it—as well as to those with extreme perceptions of their situations, community attention to legitimately expressed dissident views

can hardly be overstressed as a correlate of self-restraint by dissenters.

Forms of Protest

This standard is unusual in that it recognizes the probable inevitability of illegal protests, although it does not approve illegal protest tactics. Because the thrust of this Report is toward the problem of extraordinary violence and not toward law violations of all kinds, it is believed important that attempts be made to draw clear distinctions between those illegal protests that threaten to generate violence and those that do not. Where a dissenting group is impelled to dramatize its position through intentional lawbreaking, the social responsibilities with which this chapter is concerned can be honored—at least in part—by electing forms of protest that are nonviolent even though prohibited.

The distinction between potentially violent and nonviolent mass protests is not, of course, easily made in practice. As already noted, any protest—legal or illegal—involves some risk of violence, and the extent of that risk will depend on circumstances. Thus, for example, an illegal protest in the form of a peaceful building occupation may be unlikely to erupt into violence in most environments; where there is a known possibility that counter-demonstrators may employ physical violence to oust demonstrators, however, the same protest may be highly inflammatory. It is the responsibility of any dissenting group considering any protest demonstration to assess the risks of violence realistically and to avoid demonstrations in which those risks are high. Obviously, this responsibility is especially critical when the form of protest contemplated is an illegal one. The protest organization that elects illegal tactics has—from the philosophical stance of the proponents of civil disobedience—a privilege to expose its own members to arrest and prosecution; it has no similar privilege to expose the community to violence.

Again, it should be stressed that this standard does not recommend or condone the use of illegal protest tactics. It does, however, recognize that such tactics will be employed and that there are real distinctions to be drawn—from the standpoint of avoiding extraordinary violence—between more and less acceptable forms of illegal protest.

Perhaps the most difficult problem in distinguishing protest behavior that is responsible in regard to the avoidance of violence, from that which is irresponsible, arises in protests that involve some element of aggression. Again, this standard does not condone aggressive or destructive tactics, but it recognizes that they are—to some degree—inevitable. Although such tactics go beyond conventional civil disobedience, they are nevertheless deeply

rooted in the history of American dissent. A question must still be posed, however, as to what self-imposed limits dissident groups engaging in such tactics should obey as a matter of social responsibility. The answer is not easily given, but it would appear to lie in a recognition of the special character of limited, symbolic acts of aggressive protest, that have no appreciable potential for developing into more generalized and more destructive violence. Whatever view is taken of the legal and moral justification for such acts, they are relatively more acceptable than acts posing real risks to public safety where the avoidance of extraordinary violence is concerned.

Protests of the Vietnam era provide an illustration of the point. Those protest groups that sought to bring the war home, through loosely targeted series of attacks on persons and property, were clearly violating the principles of social responsibility that underlie this standard, even though the level of violence actually employed was generally low; the perceived unresponsiveness of government to more moderately expressed grievances does not justify, although it may partially explain, the decision of these groups to expose the community at large to risks of extraordinary violence. By contrast, those antiwar groups that engaged in carefully planned aggressive protest tactics directed against symbolic property targets—such as the destruction of selective service records—did not create a similar risk of general mass violence by their actions. Those protests, even though both were clearly illegal and arguable outside the scope of conventional civil disobedience, were not dangerous ones in terms of the limited objective with which this standard is concerned—the prevention of extraordinary violence.

Structure and Membership of Protest Organizations

Up to this point, the discussion has been concerned with the dissenting group's social responsibility for the prevention of violence as a factor in selecting modes of protest. Thus this standard has adopted a simplified view of the dynamics of protest and the relationships of protest to violence to focus attention on the importance of leadership decisions affecting collective group action. In fact, the picture is a good deal less clear—real risks of disruption leading to mass violence are posed not only by an irresponsible leadership decision, but also by the irresponsible act of a faction (or even an individual member) of a protest organization, acting in contravention of the policy of that organization as a whole.

It goes without saying that every person who uses protest tactics, whether legal or illegal, has the same responsibility to regulate his or her own personal conduct that the organizational leadership has to regulate the conduct of any protest group as a whole. It must also be presumed, however, that not every

person who participates in a protest will honor this responsibility spontaneously. The practical issue that this standard addresses is, thus, what measures the leadership of dissenting groups and the organizers of particular protests should take to help assure that the acts of individuals will not provide an impetus toward mass violence that can be avoided.

Among the measures recommended for this purpose is the exclusion from organized protests of persons and groups of persons that the organizers believe are likely to use violent tactics. Obviously, no private citizen or citizen group can prevent others from conducting a protest action on their own terms; socially responsible dissenting groups with commitments to the avoidance of extraordinary violence can, however, deny the advantage of association with them to dissidents who are not committed to the avoidance of violence. In effect, nonviolent protest organizations can attempt to isolate, rather than to assimilate, potentially violent persons.

The difficulty of this task, and the complexity of the judgments that must be made in performing it, should not be underestimated, especially under circumstances in which a coalition of groups and individuals is organizing a large, one-time demonstration. Nevertheless, it is believed that the best understanding of the potential for violence posed by the participation in a protest activity of any dissident group or person is usually in the command of those who are closest, in political views and community status, to that group or person. Organizers of nonviolent protest should—and do—recognize that unanticipated violent conduct by a minority of participants can vitiate the effectiveness of a demonstration and can expose the majority of participants to legal and even physical jeopardy. Sound tactical judgment, as well as principles of social responsibility, dictates concentrated efforts to exclude the violently disruptive participant.

In organizing particular protest activities, leaders and members of dissenting groups have further opportunities to reduce the risk of extraordinary violence. Elsewhere in this Report, the importance of official initiatives in providing planning assistance to protest groups has been stressed (Standard 4.3, Facilitating Peaceful Demonstrations, and Standard 6.7, Preventive Measures Against Mass Violence); here, it is necessary to note that whether or not local law enforcement proves helpful, organizers of protest activities should plan carefully, with an emphasis on developing techniques for maintaining discipline during the protest itself. Two such techniques are specifically recommended in this standard: the use of marshals, and the promulgation of rules and standards of conduct to govern the actions of individual protest participants.

The usefulness of marshals has been demonstrated

conclusively in major protests of the past decade. When properly trained, clearly identified, and linked in a communications network, any group of responsible protestors can fill this function—acting as intermediaries between protestors and police, as channels for instructions from leaders to participants, and as sources of miscellaneous advice, counsel, and information. Their presence has the effect of impressing on the public at large the non-violent intent of a demonstration; more significantly, however, it can be influential in the realization of that interest.

Preparation of guidelines for protest demonstration participants is an organizational task closely linked to the style of protest organization that emphasizes the clear location of leadership and the use of marshals to maintain communication between leadership and participants. Of the guidelines that can be established for conducting protest activities, those that have most importance for the discussion concern participant interreactions with nonparticipants—including law enforcement, curious members of the community at large, and members of groups hostile to the protesting organization's cause. And the essence of the guidelines for interreaction that will best promote the avoidance of extraordinary violence consists of instructions to avoid all violent exchanges with others—minor as well as major, and verbal as well as physical. In the course of a major protest demonstration, participants will have many opportunities to provoke extreme reactions in others, as well as to react extremely to provocation. In the interests of preserving order and of promoting the smooth course of the demonstration, those opportunities must be forgone. Elsewhere in this Report (Standard 6.7, Preventive Measures Against Mass Violence, and Standard 6.8, Tactical Management of Mass Disorders in Progress) forbearance is recommended as an essential element of the official reaction to mass demonstration; restraint is no less important on the part of participants in such demonstrations.

Inevitably, however, efforts to exclude violence-prone persons from participation in protest demonstrations, and to establish and enforce guidelines for the conduct of participants, will not always be sufficient to prevent the occurrence of mass violence. Whether failures by the protest organizations to take

preventive measures are at fault, or circumstances (such as violence by counter-demonstrators) over which that organization has no control, the practical problem confronting responsible protestors and their leaders is how to avoid or minimize any actual eruption of violence.

To this end, the organizers of every mass protest should include in their planning—and in the guidelines provided for participants—provisions for a rapid termination of the protest and a coordinated dispersal of the participants. Marshals and other participants with field leadership responsibilities should be made aware of the possibility that a termination of the demonstration may be required and briefed on procedures for achieving it. And wherever possible, the problem of termination should be discussed between organizers and law enforcement officials in advance of a demonstration, in order to assure that police action will not interfere with private efforts to avoid impending violence, or the reverse.

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Related Standards

The following standards may be applicable in implementing Standard 10.1:

- 4.3 Facilitating Peaceful Demonstration
- 4.4 Permits for Demonstrations
- 6.7 Preventive Measures Against Mass Violence

Standard 10.2

News and Entertainment Media Responsibility for the Prevention of Extraordinary Violence

Factual and fictional depictions of incidents of extraordinary violence in the mass media are an important part of the background against which individual choices whether or not to participate in crimes of this nature are made. They also are a significant influence on public fears and expectations. So long as extraordinary violence is a fact of social life, the media cannot and should not avoid portraying and discussing it. But the special responsibility of the mass media in the prevention of extraordinary violence should dictate some guiding principles to govern the presentation of this material. In particular:

1. Factual journalistic coverage of extraordinary violence in the mass media should be as accurate and complete as the availability of information permits. Such coverage should:

a. Give appropriate emphasis to the immediate and long-term consequences of extraordinary violence, for both victims and perpetrators;

b. Include reliable information on the capacity of law enforcement agencies to deal with extraordinary violence; and

c. Avoid unnecessary glamorization of persons who engage in crimes of extraordinary violence.

2. Editorials, features, and journalistic background pieces concerning extraordinary violence should attempt to place the phenomenon in total context, by reference to other problems of law enforcement and to related political and social issues.

3. Particular fictional presentations of extraordinary violence in the entertainment media, and the variety of mass entertainment that has criminal violence as its subject matter, should be crafted so as to:

a. Avoid giving any general impression that participation in extraordinary violence is a common, glamorous, or effective means of resolving personal or political problems;

b. Avoid conveying the impression that law enforcement responses to extraordinary violence are generally either incompetent or marked by the use of extreme force; and

c. Present affirmative portrayals of private individuals and officials coping effectively with extraordinary violence and its consequences.

Commentary

This standard is the first of several in this chapter that address responsibilities of the mass media, in its role as the principal source of public information concerning terrorism, quasi-terrorism, and disorder. Unlike those that follow, this standard does not address the media handling of particular occurrences involving extraordinary violence; in treating media responsibility for the prevention of such violence, it emphasizes instead those general policies for the presentation of news and entertainment that will influence the manner in which actual incidents

are depicted, as well as the public presentation of material unrelated to particular incidents. To a significant degree, of course, the formation of general policy cannot be isolated from incident-by-incident media practice; nevertheless, this standard incorporates this distinction, in order to underline the importance of general policy-level discussion and consideration of principles of self-regulation applicable to the mass media.

The inclusion of the mass entertainment media, along with the news media, is an important feature of this standard. Although no authoritative information on the relationship between public information and individual conduct is available, it is the premise of this standard that, directly or indirectly, the content of mass media presentations concerning extraordinary violence, in fact, influences potential perpetrators and potential victims alike. It is a further premise that these presentations are likely to affect the ability of the community at large to consider potential or actual incidents of extraordinary violence in reasoned terms and without panic. And if public information is presumed to be influential in these respects, it would appear to follow that the content of fictional depictions of extraordinary violence, as well as the content of factual accounts, should be considered.

Indeed, an argument exists for giving primary attention to fictional portrayals of extraordinary violence in the mass media, on the grounds that their versions of human motivation and behavior tend naturally to be more dramatic, more richly colored, and—by virtue of simplification—more clear-cut than news accounts. Certainly, they are more widely consumed. Thus, a particular danger exists that any mass entertainment that is seriously erroneous in its portrayal of the risks associated with participation in extraordinary violence; in its depiction of appropriate conduct by law enforcement personnel, victims, and others; or in its vision of the consequences of extraordinary violence will have particularly serious adverse effects. The risks of a policy of entertainment programming that fosters errors in presentation of the sort just cited is obviously even greater; unlike news accounts, fictional entertainments cannot be assessed according to any yardstick of objective accuracy. For precisely this reason, however, those responsible for developing and producing motion pictures, television programs, and popular fiction should be independently prepared to recognize that their social responsibility for the prevention of extraordinary violence parallels that of news media professionals.

Violence and the Mass Media

This Report is concerned with issues of practice and policy posed by three particular forms of ex-

traordinary violence—terrorism, quasi-terrorism, and mass disorder. Its scope does not extend to making broad recommendations concerning violence in American life generally. Thus, for example, this standard is limited to recommending, to the mass news and entertainment media, some guidelines for self-regulation in the portrayal and analysis of extraordinary violence. It does not address the problems posed by the images of violence of other sorts that are regularly conveyed to the public through the media.

But reference to the media's treatment of violence generally—and particularly, extreme personal violence—cannot be altogether omitted from this discussion. To the extent that widely disseminated words and images suggest that physical confrontation and the use of force are common, effective, and even acceptable modes of resolving interpersonal grievances, the effect may be to undermine those psychological and social mechanisms that operate to check or restrain violent behavior. And one predictable result of such a process is the increase in violence of all kinds—including, but not limited to, the varieties under discussion here.

In one important respect, then, mass media responsibilities for the prevention of extraordinary violence are not limited to news and entertainment presentations that focus directly on extraordinary violence. Although efforts to reduce or revise the media portrayal of violence generally may have their most important immediate consequences in promoting the reduction of violence in its more common forms, their importance as part of a total campaign to refrain from condoning participation in extraordinary violence is nevertheless significant.

Guidelines for Reporting

General principles of news media self-regulation, serving the cause of prevention of extraordinary violence, can be more easily stated in affirmative terms than in negatives ones. As a whole, the development of public understanding of the phenomenon of terrorism, quasi-terrorism, and disorder—including understanding of the risks to which persons who engage in such acts expose themselves and others—is best fostered by a media establishment that provides more, rather than less, information to readers and viewers. Thus, this standard stresses principally the kinds of information that should be reported, rather than emphasizing what news—if any—should not be reported.

An exception is the suggestion that news media avoid unnecessary glamorization of participants in extraordinary violence; this recommendation, which is concerned more with the form of reporting than with its content, is believed particularly germane to reports concerning the activities of true terrorists,

both domestic and transnational. The opportunities to portray some perpetrators of extraordinary violence as figures of romantic mystery, powerful master criminals, or champions of worthy but unappreciated causes are almost always present—and on occasion, portrayals cast at least partially in such terms will be essential to journalistic fidelity. Regular glamorization of persons involved in extraordinary violence, however, should be avoided—and should never be considered appropriate as a mere journalistic angle on an otherwise routine news story.

The phenomenon of glamorization occurs when news media personnel choose to stress the romantic, powerful, or noble aspects of a terrorist or other participant in extraordinary violence. But other, less obvious reporting methods can also produce this effect. A casual selection of visual and personal points of view—to be incorporated in a contemporaneous television report in a barricaded-suspect situation, for example—can easily give the viewing audience the overall impression of an individual in the heroic posture of defying organized authority. A more complete and balanced report, by contrast, will usually show the complexities of such a confrontation and will not lend the barricaded suspect the attributes of heroism. Avoiding unnecessary glamorization of extraordinary violence, then, is an effort consistent with achievement of the other objectives for news coverage stressed in this chapter and throughout this Report—thoroughness, breadth of approach, and attention to context.

Content and Balance in the Reporting of Extraordinary Violence

In the belief that extraordinary violence is an essentially repugnant phenomenon, to which fewer persons will be attracted as it is better understood, this standard recommends that the news coverage of particular incidents, as well as any material not tied to particular incidents that appear in the news media, should be as complete and balanced as possible. Such coverage should stress not only the details of confrontation between authorities and participants in extraordinary violence, but also the relatively less dramatic stories of the conditions that form the backgrounds for incidents and the consequences of those incidents. As should be clear, this standard recommends that—overall—the news media should devote more, rather than less, space and attention to the phenomena of extraordinary violence.

As part of this expanded coverage, certain issues should be made matters of special concern. If the existence of law enforcement and criminal justice systems with capacities to deal effectively with extraordinary violence is to have any preventive effect, these systems must first be understood by the public. The news media cannot, of course, avoid discussing

the failures, as well as the successes, of official measures against terrorism, quasi-terrorism, and disorder. Nor can they report effectively on those measures when they do not receive assistance in doing so from the official community. But by giving the most balanced coverage possible of official responses to extraordinary violence, the media can help establish and reinforce whatever preventive effect the criminal justice system may be capable of generating.

The contents of reporting emphasizing the nature and quality of official responses to extraordinary violence is discussed in detail elsewhere in this chapter (see Standards 10.8, News Media Self-Regulation in Contemporaneous Reporting of Extraordinary Violence, and Standard 10.12, Followup Reporting of Extraordinary Violence by News Media). Here it is enough to note that such reporting should emphasize not only the performance of law enforcement agencies in the course of confrontations with practitioners of extraordinary violence, but also the activities of the courts in determining their guilt and assessing punishments after the fact.

Official response systems, however, are not the only special topic that requires more thorough, better-balanced news media treatment. Too often, news coverage of incidents presents the criminal participants in vivid detail, while details of the character and experience of their victims remain shadowy. Expanded coverage should give special emphasis to the victim's perspective, both during and after an incident. So long as the victim's experience is not stressed, potential practitioners of extraordinary violence will be encouraged—or at least allowed—to conceive of their potential victims in impersonal terms. By contrast, it is believed that clear, factual coverage of the costs of extraordinary violence in human terms may have a significant preventive effect.

Extraordinary Violence and the Entertainment Media

In the preceding discussion, the general importance of including fictional as well as factual representations of extraordinary violence in any review of mass media responsibilities for prevention has been stressed. And it was suggested that the influential power of entertainment programming may be potentially as great—or greater—than that of news coverage. Because the creators of popular art are constrained only by commercial and imaginative considerations, and not by any duty to render accurate accounts of real events, the latitude they are able to exercise in shaping their work to serve constructive ends may also be greater than that of news media personnel.

The choices facing persons responsible for the content of popular entertainment can be roughly subdivided into two categories: whether to portray ex-

traordinary violence, and how to portray extraordinary violence. From the standpoint of prevention, the desirability of recent trends in popular art (and particularly television programming), toward increased concentration on fictionalized versions of incidents of terrorism (and to a lesser extent, of quasi-terrorism) can be seriously questioned; regardless of how fictional incidents are depicted, the frequency of depiction may suggest to some consumers of popular entertainment that such incidents are regular, if not ordinary, occurrences, rather than extraordinary departures from the norm. In the longer term, the risks posed by such suggestions may be far more significant than the risks that a particular fictional episode of extraordinary violence will provide a violence-prone individual with a pattern for a real-life act or attempt.

Although powerful arguments exist for deemphasizing extraordinary violence in popular art and entertainment, it will necessarily be an important source of material for the mass media so long as it is a general topic of public and official concern. Thus, issues surrounding the appropriate fictional portrayal of extraordinary violence inevitably arise. To begin with, some of the suggestions already cited as applicable to factual news coverage are appropriate to fictional entertainment and popular art as well. In particular, the strictures against glamorization of participants in extraordinary violence apply with special force; so do the recommendations that attention be given to the experience of victims.

In addition, the mass media have a special opportunity to act constructively in creating a public understanding of extraordinary violence that will further the interests of prevention. Unlike the news media, they are bound not by a concern for literal accuracy, but rather by the principles or artistic fidelity. Thus, they are free to present models of conduct derived from, but not necessarily typical of, reality. This is of particular importance in fictional depictions of the behavior of law enforcement agencies and victims in incidents of extraordinary violence. Obviously, the vehicle of popular art can

and should be used to comment on the shortcomings of institutions and individuals; at the same time, however, it can be effectively employed to stress their potential strengths. Images of law enforcement performance that may prove discouraging to the potential participant in extraordinary violence (as well as reassuring to the community at large) should be a regular, although not an invariable, fixture of fictionalized versions of extraordinary violence. By the same token, affirmative models of behavior for individual victims (see Standard 10.10, Conduct of Individual Victims in Incidents of Terrorism and Quasi-Terrorism) and for affected communities can be effectively stressed through the entertainment media.

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3. Feshbach, Stiles, and Bitter. "The Reinforcing Effect of Witnessing Aggression," *Journal of Experimental Research in Psychology*, Vol. 2, 1967, p. 133.
4. U.S. Surgeon General. *Television and Growing Up: The Impact of Violence*, Washington, D.C.: Government Printing Office, 1972.

Related Standards

The following standards may be applicable in implementing Standard 10.1:

- 4.10 Civil Authorities and the Media
- 6.25 Relations With the News Media
- 7.10 Relations With the News Media
- 8.7 Relations With the News Media
- 10.8 News Media Self-Regulation in Contemporaneous Coverage of Terrorism and Disorder
- 10.12 Followup Reporting of Extraordinary Violence by News Media

Standard 10.3

Community Cooperation With Law Enforcement and Prevention Efforts

The nature and quality of public cooperation set practical limits on the effectiveness with which any official inquiry into threatened, anticipated, and completed acts of terrorism and quasi-terrorism can be pursued. Similarly, a measure of real inconvenience to the public at large may be the inevitable correlate of effective official (and nonofficial) preventive steps against extraordinary violence. Choices are thus posed for all citizens, and for private institutions (such as schools and businesses) as well. Where no legal duties to assist or acquiesce in apprehension and prevention efforts exist, every citizen must determine how far he or she is willing to lend active aid to those efforts, or to acquiesce in them. In making that determination, however, private citizens should consider:

1. The legitimacy of any assistance that might be rendered, and the legal authority (if any) of the person or agency requesting assistance;
2. The extent of the risks posed by the form of extraordinary violence in question, and the degree of real importance of private cooperation, if not apparent, may be difficult or impossible to assess in advance;
3. The personal danger (if any) potentially entailed in cooperation with law enforcement and prevention efforts, as well as the danger entailed by declining to cooperate; and
4. The extent of the private assistance that he or

she would hope or expect to receive in connection with an incident in which he or she was, or might be, the target of extraordinary violence.

Applying these considerations, it would appear that private citizen cooperation with relatively routine, nonintrusive requests for cooperation—such as building or area evacuation plans and limited searches at access points to high-risk areas—should be equally routine. So, too, should be the spontaneous communication to authorities of possibly relevant information on extraordinary violence and its perpetrators. The choice for or against rendering active assistance to law enforcement personnel, particularly when increased risk to those rendering it may be involved, will continue to pose hard decisions for the private community.

Commentary

Official efforts, and those of nonofficial organizations, can provide a format for the prevention of extraordinary violence in the community. Finally, however, if attempts to deal with terrorism, quasi-terrorism, and disorder before the eruption of actual violence are to succeed, the individual citizens and private institutions that make up the community must be effectively involved.

Community involvement can take a myriad of

forms, from actively assisting authorities in the hot pursuit of a suspect to upgrading personal security protection. This standard is specifically concerned with one kind of community involvement only—that which takes the form of rendering assistance to police, to other official agencies, and to private organizations with a special interest in the control of extraordinary violence. Because the situations in which private persons will face choices between giving cooperation and refusing it are so numerous and various as to defy enumeration, this standard concentrates instead on the considerations that should enter into making those choices.

The Problems of Choice

The importance of these considerations may, however, be clarified by an attempt to provide at least a partial classification of the kinds of choices to which they may be applicable. Of these, the first consists of those in which specific assistance is sought, where the giving of that assistance will expose the citizen to little or no risk or inconvenience. In this category fall choices concerning most requests for specific information made by law enforcement officers. Resistance to providing cooperation of this sort does, of course, exist; it is rooted in general distrust of authority, in distaste for the role of the informant, and in sympathy—conscious or unconscious—for the persons or groups who are the subject of official interest. If such resistance is to be overcome, law enforcement authorities must bear major responsibilities for informing the public about the nature of their work and the importance of citizen cooperation to that work. At the same time, however, members of the public should be willing to give objective consideration to law enforcement requests, to recognize the general necessity of effective preventive efforts by police, and to suppress prejudice and irrational considerations in forming attitudes toward police efforts actually underway.

A second category of choices involves requests for specific assistance that do imply risk or serious inconvenience for the persons to whom they are addressed. These may be requests for facts about persons who might be expected to retaliate against informers, as well as requests for practical aid. The resistance to official requests in this category consists of the elements just discussed—with the obvious and significant addition of the individual interest in self-preservation. It should be noted that this standard does not categorically recommend that private persons cooperate with organized efforts to prevent extraordinary violence without respect to personal beliefs or personal fears. The choice between cooperation and noncooperation can be a difficult and genuinely problematic one, with the outcome finally determined by the individual citi-

zen balancing jeopardy, on the one hand, against civic responsibility on the other. Again, law enforcement has an important role to play in overcoming citizen resistance to cooperation—by providing the best feasible guarantees that cooperation will not expose the citizen to harm. But the ultimate choice will depend on the individual's accepting or rejecting the proposition that extraordinary violence, as a form of criminality that threatens whole communities as well as individuals, is appropriately countered by a cooperative effort between law enforcement agencies and members of the community.

A third class of choice involves giving or refusing to give spontaneous aid to prevention efforts—by reporting a suspicious person or occurrence, for example. Within this category, choices can be further subdivided according to the degree of risk or inconvenience that the act of cooperation would entail. All the elements of potential resistance discussed above are, of course, in operation here; in addition, there is an additional impediment—to be able to make effective gestures of spontaneous cooperation, private persons must interpret the possible significance of their own experiences and observations in the light of a potential for extraordinary violence in the community. Again, law enforcement agencies—and nonofficial community organizations concerned with the prevention of crime—can be useful in providing members of the community with the information they require in order to understand their experience in such a context—solid background information on the kinds of suspicious conduct that is likely to be related to terroristic activity, for example. But the final choice—between passivity and the effort required to give active cooperation—rests with the individual.

The Prospect for Community Cooperation

As this standard recognizes, different members of the community will react differently when faced with identical choices concerning cooperation in the prevention of extraordinary violence—and properly so. Individual differences in sophistication, political disposition, respect for authority, and vulnerability have their importance. At the same time, however, there is a real and urgent need for official and nonofficial organizations to take seriously their roles in encouraging community cooperation and for members of the community to consider and reconsider their first reactions—in all probability unfavorable—to the proposition that they, as individuals, have obligations to one another that can be fulfilled only by lending aid to law enforcement.

It is a familiar maxim of terrorist political theory that groups that endeavor to disrupt the established political and social order through violence must acquire and maintain a popular constituency in order

to survive. A similar constituency is also an invaluable asset to those whose campaign against authority is premised on organized mass violence. This constituency need not consist of active sympathizers and supporters; it is enough if its members are willing to look the other way—more prepared to passively tolerate the practitioners of extraordinary violence than to cooperate with officials in frustrating their plans. But members of the public should recognize a fundamental paradox: Effective campaigns of extraordinary violence are directed not only against selected individual and institutional targets, but also—directly or indirectly—against whole communities; when the interests in which a campaign is conducted so dictate, the practitioners of extraordinary violence will generally be willing to jeopardize even those segments of the community at large that have provided them with a constituency in the past.

However idealistic their goals and aspirations, practitioners of extraordinary violence are necessarily pragmatic and opportunistic in matters of tactics, willing to disregard the immediate interests and physical security of their sympathizers as re-

quired. Before choosing not to cooperate in preventive efforts, private citizens should consider what real security—if any—the adoption of a noncooperating stance will afford them.

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3. National Advisory Commission on Criminal Justice Standards and Goals. *Community Crime Prevention*. Washington, D.C.: Government Printing Office, 1973.

Related Standard

The following standard may be applicable in implementing Standard 10.3:

- 6.7 Preventive Measures Against Mass Violence

Standard 10.4

Professional Responsibilities in the Prevention of Extraordinary Violence

Members of the clergy, the medical, and mental health professions, and to a lesser extent, the legal profession, face a special dilemma where the prevention of extraordinary violence is concerned. On the one hand, they are particularly well-situated to receive early warnings of some forms of impending criminal conduct that threaten society at large; on the other hand, they are ethically bound to give their first loyalty to individual parishioners, patients, and clients. No set of prescriptive principles can go far toward resolving this dilemma. Nevertheless, it is recommended that professionals under a duty of confidentiality:

1. Give serious attention to any intention or inclination to engage in acts of extraordinary violence evidenced by parishioners, patients, or clients;
2. Take all persuasive measures consistent with professional responsibility to discourage action on such an intention or inclination; and
3. Where persuasive measures appear to be ineffective, consider all means consistent with professional responsibility that may be available to:
 - a. Restrain or bring to bear external restraining influences on the patient or client; and
 - b. Provide notice to law enforcement authorities and potential victims of any impending act of extraordinary violence.

Commentary

The dilemma that gives rise to this standard is as old as the helping professions and their traditional standards of confidentiality. It has long been presumed that the atmosphere of candor, which permits members of the clergy to counsel parishioners, doctors and nonmedical mental health practitioners to aid patients, or lawyers to assist clients, can exist only where persons who seek out members of the helping professions can expect that their personal disclosures will not be redisclosed without their consent. And where such disclosure—however damaging—relates to past conduct, the rationale for holding them inviolate is clear and persuasive. The statutes and codes of professional responsibility that embody the principle of professional confidentiality have been drafted and accepted with this common situation in view.

Less common, but far more problematic, is the situation in which a damaging disclosure made to a member of the helping professions concerns the anticipated or planned dangerous future conduct of the person making that disclosure. Whatever the content of such a disclosure, the dilemma posed for the person receiving it is the same: to honor the principle of confidentiality regardless of cost, on the one hand, or to violate that principle in the interest of

protecting the community from danger, on the other. This is the choice that arises when such a disclosure concerns a future intention to engage in acts of extraordinary violence—and the dilemma of the professional receiving such a disclosure is different only in that the importance of his or her decision, measured in terms of risks of potential harm to the community, is heightened where extraordinary violence is at issue.

What, then, are the duties of the psychiatrist whose patient's fantasies of quasi-terroristic mass murder appear practical and possibly realizable? Or, to pose another example, what are the duties of the attorney to whom politically motivated terrorist clients divulge future plans of bombings? This standard has been included not because it is believed that such situations have arisen, or will arise, with great frequency. Rather, the problem is addressed because in the infrequent cases where they do, the professional involved has a unique capability to prevent extraordinary violence—and a unique set of constraints on his or her exercise of that capability.

The recommendations contained in this standard are far from being revolutionary in their content; general duties of confidentiality notwithstanding, codes of professional ethics recognize that, under some circumstances, members of the helping professions are not only permitted, but also are obliged, to notify law enforcement authorities of impending dangerous acts by clients, patients, and others. In some jurisdictions, special duties to report impending acts of violence that override the general duty to observe confidentiality have actually been imposed by legislation or judicial decision. Thus, the purpose of this standard is to suggest a format within which the question of whether to redisclose otherwise confidential communications can be made in particular cases.

Such a format cannot, of course, be mechanically applied, nor can it substitute for individual judgment by individual professionals. In every instance where a person under professional care or receiving professional services is believed to present some potential threat of future involvement in extraordinary violence, the first and most difficult decision is one that the professional must make alone—whether or not that potential threat is a serious one, raising a substantial likelihood of future harm to others in the absence of some special intervention. Members of the helping professions cannot—and should not—be expected to take special action on the basis of any communication suggesting a future intention to engage in acts of extraordinary violence, no matter how improbable or fantastic. Rather, the first function of the professional is to screen such communications for seriousness—a function that only training and experience can aid the professional in discharg-

ing. To the extent that professional education fails to provide students with some basis for distinguishing those persons whose future actions are realistically to be feared from those who pose no real danger, curriculums may be susceptible to revision. Finally, however, only training bolstered by practical experience will permit professionals to make such judgments with responsibility and with reasonable accuracy.

Apart from recommending that professionals give serious attention to communications suggesting future risks of extraordinary violence, this standard can only suggest the steps to be followed when—in a professional's judgment—the risk disclosed through such communications is real. The first such step, which should be attempted wherever the urgency of the case does not dictate more immediate and more decisive action, is one that does not involve any violation of the principle of confidentiality—the use of professional skills to dissuade the threatening person from putting his or her intention into actions. The potential utility of such a step is believed to be great, because the professional may well be in a position to exercise special, positive influence over his or her parishioner, patient, or client. Again, however, individual professional judgment must be the final arbiter of when attempts at discussion appear to have the desired effect and when they appear unavailing.

In the latter circumstance, some violation of confidentiality—in the interest of general public safety—must be considered. This standard recommends a principle relied upon throughout this Report for the shaping of responses to extraordinary violence—that of choosing, in every instance, the least drastic departure from norms—should be applicable here. Wherever possible, redisclosure of confidential communications should be limited to the family, friends, or close associates of the person in question; where their restraining influence is unavailable or unavailing, notification of public authorities outside the criminal justice system (such as mental health officials) should be the next step considered. Only as a last resort should the professional in receipt of a confidence be expected to report the person giving that confidence to law enforcement authorities. And, of course, in conjunction with any of the steps just mentioned, a warning—specific or general—to any identifiable victims of a possible act of extraordinary violence may be in order. In some instances a warning can be accomplished without making the identity of the person involved known to law enforcement authorities; in others, full disclosure may be a necessary element of an effective warning. In either case, however, intervention specifically designed to warn the prospective victims of impending extraordinary violence may be of the essence in fulfilling

professional responsibilities for the prevention of harm.

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Standard 10.5

Private Security Measures Against Terrorism and Quasi-Terrorism

The steps available to private individuals, firms, and nongovernmental organizations (such as schools and colleges) that are potential targets of extraordinary violence can be subdivided into the categories of personal security, physical security, and procedural security. Under each heading, a variety of possible measures, for general use or for use in periods of potential emergency only, can be identified. Although the choice of measures is ultimately a matter of private choice, the general social responsibility to take reasonable steps to avoid victimization, as well as the duty imposed on private companies and organizations to protect employees and customers, should be recognized when that choice is made. In particular, the use of some or all of the following measures should be considered:

1. Planning, training, and information-gathering efforts designed to forestall attacks on, and abductions of, particularly vulnerable private individuals and their families, and to permit the effective investigation and resolution of such offenses when they occur. These personal security measures include:

- a. Avoidance of personal publicity, particularly with regard to travel plans and schedules;
- b. Restructuring and variation of personal schedules to reduce exposure;
- c. Development and updating of personal files for use in emergencies; and
- d. Assignment of professional security person-

nel to the full- or part-time protection of vulnerable persons.

2. Incorporation of security features in office, plant, and residential designs. These physical security measures include:

- a. Provision of barriers against uncontrolled public access to buildings and against any general access to infrequently entered areas of an office or residence;
- b. Installation of special locking systems, alarm systems (internal and connecting), closed circuit television monitors, and other mechanical security aids;
- c. Door and window designs that maximize visibility from outside during emergencies, while permitting the maintenance of privacy during normal periods; and
- d. Design features that promote rapid search of building interiors and the identification of unusual or suspicious objects.

3. Development of routines for dealing with particular emergencies or possible emergencies, as well as routines to promote overall security. These procedural security measures should include:

- a. Screening and escort procedures for visitors;
- b. Mail screening systems;
- c. Procedures for use in reporting threats and taking preventive action on threats; and
- d. Procedures for use in case of an abduction.

Commentary

This Report does not pretend to provide detailed or specific counsel to private persons and private organizations on the selection of security measures designed to counter any potential terrorist or quasi-terrorist threats. The responsibility for security planning must lie with each potential target, with the security personnel—proprietary or contractual—on which it relies for expertise in this field, and with public law enforcement in its capacity as a source of advice and coordination for the private security establishment (see Standard 6.23, Relations with Private Security Forces). This standard has been included, however, to stress that the maintenance of adequate security by private persons and organizations is a social responsibility, and not merely sound policy in terms of more narrowly conceived economic or institutional interests. Almost by definition, the consequences of extraordinary violence touch deleteriously on the interests of persons other than the intended immediate target of such violence. At the least, those consequences entail the secondary disruption of community life and confidence that follows upon incidents of extraordinary violence; at the most, they involve the sort of incident spill-over that exposes persons other than the original targets to direct harm. In light of this proposition—and of the related notion that a recognition of community interdependence is of the essence in the prevention of extraordinary violence—this standard attempts to identify a responsibility to take security measures on behalf of potential targets of terrorism and quasi-terrorism.

Self-Identification of Potential Targets

Because of the diverse motivations and grievances of the practitioners of extraordinary violence, and because of the use of random targeting as a tactic by some terrorist organizations, it is impossible to make precise or detailed advance judgments of which persons or organizations in the private community are most likely to be targeted. Nevertheless, past experience provides some guidance. Persons, places, and organizations that are associated publicly with controversial social and political issues, such as leaders of political organizations and some corporate headquarters, are one easily identified group of high-risk targets. Organizations and facilities in which relatively large numbers of seriously discontented persons are to be found, such as industrial plants and colleges, are another. And, where quasi-terrorism rather than true terrorism is under consideration, persons of real or apparent wealth, and places where large sums of money are believed to be kept, are obviously highly vulnerable.

The main value of offering such a list, however, may be in the omissions and possible amendments that every reader will immediately recognize or conceive. The only reliable authority on the vulnerability of any person or organization to targeting by practitioners of extraordinary violence lies with that person or organization, and, in particular, with the personnel responsible for its security from loss and violence of all kinds. In assessing their own potential vulnerability, some elements of the private community will have the hard-won but nevertheless valuable aid of past trouble—actual or averted—and the further guidance afforded by a knowledge of past threats received. Others will have a sensitive understanding of their potential significance as symbolic targets, based on a knowledge of the quantity and quality of the publicity of which they have been recipients. Still others will be motivated to consider themselves as high-risk targets through recognition of the magnitude of the consequences that would flow from a successful attack. Whatever the basis for these judgments, however, making them is the first step in assuming social responsibility for the prevention of extraordinary violence.

Determining Security Precautions

For the person, firm, or organization that has been self-identified as a high-risk target of extraordinary violence, a range of choices remains to be considered. From among the listing of personal, procedural, and physical security measures included in this standard—and from among the many approaches to protection not even touched upon here—a security program adapted to the specific needs of and special constraints on the target must be designed.

In the design process, the first consideration is the nature of the potential target's exposure, insofar as it can be pinpointed. Are personnel or facilities more likely to be subject to attack? Is the source of any attack more likely to be from within an organization, or from the outside? Can the probable means of attack—kidnapping, seizure of facilities, bombing, or some other mode—be identified? These questions—and others like them—should be posed as a first step in the private security planning process.

Another basic consideration is the nature of the resources available to put a security plan into effect. For some persons and organizations, even a recognition of extremely high vulnerability may be offset by the high expense of completely adequate security. It should be noted, however, that any listing of available security measures includes many measures—especially in the areas of personal and procedural security—that need not necessarily be costly, in dollar terms, to implement; their cost will be felt, if at all, in terms of the inconvenience that they

impose on those they protect, and in terms of the added work burdens they create for those who must design and implement them.

In selecting security measures for use in a security plan against extraordinary violence, private firms and individuals need not rely exclusively on their own expertise or on that which they can afford to purchase in the form of contractual private security systems. A number of useful, general references (such as the *Executive Protection Manual* prepared by the Committee on Prevention of Terroristic Crimes of the LEAA-sponsored Private Security Advisory Council) are available—or will soon be available—to provide formats for security evaluation and security system planning; where specific physical security measures are concerned, equipment manufacturers can provide useful, although not disinterested, advice. Perhaps most important, the experiences of the private individuals and organizations that have attempted to cope with the problems of terrorism and quasi-terrorism are informally available, at least in part, to their counterparts. Although proprietary secrecy, as well as the obvious need to avoid disclosing details of security precautions to those whom they are designed to frustrate, do limit the interchange of information on security matters, these limits are far from being complete bars. And particularly where an experienced person or organization has clear common interests with a person or organization just beginning in security planning—interests arising, for example, out of affinities in organization objectives or simply out of geographical proximity—detailed information-sharing may well prove practical. Within trade organizations, professional associations, and other private groups based on affinity of interest, such information sharing should be actively encouraged.

Private Security and Public Law Enforcement

The police role in promoting and assisting security planning by private individuals and organizations—as well as in conducting operations in connection with incidents in which elements of the private community are targeted—is given detailed consideration elsewhere in this Report. Here, it is enough to note that official law enforcement is a potentially valuable—although not invariably available—adjunct to private security planning and private security system implementation. The thrust of this standard is toward the proposition that high-risk targets of extraordinary violence have concrete, independent prevention responsibilities. Those responsibilities are not diminished when the task of meeting them is complicated

by the unavailability of effective official support—as may be the case, for example, when a private facility identified as a potential target is remote in location or is within the geographical jurisdiction of law enforcement agencies lacking the budget or manpower necessary to perform more than routine order-maintenance functions. In such situations, both self-interest and social responsibility dictate independent action by high-risk targets in the public sector.

Official support is desirable, and where it is available, it should not be refused. On the contrary, any considerations that may influence elements of the private community against developing real partnerships in prevention with law enforcement agencies should be critically scrutinized; concern over the possibility that private security plans may become public knowledge if they are shared with police, for example, should be addressed through efforts to tighten confidentiality, where necessary, rather than through policies of noncooperation.

Even where private prevention measures are designed and implemented autonomously in some degree, partial cooperation with law enforcement—to the extent, for example, of sharing information on the general outlines of a private firm's security problems and security planning—will prove to be of value. To the extent that a gap now exists between official law enforcement and the private community with respect to the prevention of extraordinary violence, efforts to bridge it should begin and should be made from both sides. Police clearly should attempt to acquire a larger capacity to provide meaningful assistance to private protective security planning by private persons and organizations; just as clearly, however, even those elements of the private community that are capable of some measure of autonomous effort in protective security should involve themselves with official law enforcement agencies.

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Related Standards

The following standards may be applicable in implementing Standard 10.5:

- 4.8 Security of Public Facilities and Systems
- 6.9 Prevention of Terrorism and Quasi-Terrorism Through Physical Security
- 6.23 Relations With Private Security Forces

Standard 10.6

Professional and Nonprofessional Intervention in Incidents of Extraordinary Violence

In many confrontations between law enforcement officers and persons engaged in—or threatening to employ—extraordinary violence, consideration of the possibility of intervention by third parties may be necessary. This is true even though the law enforcement agencies involved may possess their own trained negotiators, and it is true of incidents of disorder, true terrorism, and quasi-terrorism alike. In general, members of the community whose intervention may prove helpful, either because of their general background in conflict resolution or because of their specific connections with a person or agency, should make themselves available to law enforcement authorities. They should also be aware, however, of the limitations on the effectiveness of third-party intervention, and of the physical risks and ethical dilemmas to which the intervener may be subject. In particular:

1. Persons with special experience and/or training in crisis intervention, mediation, and other specialized conflict-resolution skills should, in advance of any specific incidents, make themselves, their qualifications, and their general availability to serve as third-party interveners known to law enforcement agencies in their jurisdictions. Organizations possessing staff or members with special conflict-resolution expertise also should state their capacities and availability.

2. Where local law enforcement agencies possess

staff trained as negotiators, community members with special expertise in conflict resolution should attempt to contact these officials and to develop routines and procedures to govern the use of third-party intervention in incidents of extraordinary violence.

3. Where local law enforcement agencies do not have trained negotiators on staff, community members with special expertise should:

- a. Offer, where appropriate, to provide training in conflict resolution for selected officers; and

- b. Develop clear and complete understandings that will permit command-level officers to rely on specialized community support in all incidents.

4. When a community member believes that he or she can assist in the resolution of an ongoing incident, or when his or her intervention has been requested or demanded by an incident participant, that person should contact the law enforcement personnel in charge of tactical operations to discuss the value, propriety, and desirability of intervention; wherever possible, this discussion should occur away from the incident scene itself.

5. In proposing themselves as potential third-party interveners, or in discussing the possibility of intervention with law enforcement officials, community members should be aware:

- a. That general experience in delivering aid to troubled persons (such as is possessed by mem-

bers of the clergy, mental health professionals, and social workers) is not necessarily qualifying experience for effective third-party intervention;

b. That, in some circumstances, the appearance at an incident scene of a person with close ties to a participant (a family member, for example) may have an aggravating effect; and

c. That third-party intervention, where it occurs, must occur on terms generally established by law enforcement officials in charge of tactical operations.

6. In advance of actually intervening in any incident of extraordinary violence as a third party, a community member—whether or not specially trained in crisis intervention—should reach specific agreement with law enforcement authorities on points including the following:

a. The objectives of intervention;

b. The specific role of the intervener with regard to incident participants and law enforcement;

c. The nature of any information that is not to be conveyed to incident participants by the intervener; and

d. The circumstances under which intervention will be discontinued as unsuccessful.

Commentary

Up to this point, the standards included in this chapter have dealt exclusively with community responsibilities and community roles in the prevention of extraordinary violence. This standard, which is concerned with nonofficial third-party intervention in situations where an eruption of such violence is imminent or in progress, may be considered as a transition to those standards that follow, dealing exclusively with private roles during actual incidents of extraordinary violence and in their aftermath. It is in the peculiar character of third-party intervention that it cannot be classified either as a technique for the prevention of violence or as a method for controlling violence once underway; instead, it has utility for both purposes. The recommendations of this standard are therefore intended to be applicable without regard to the point in the development of an incident at which the possibility of third-party intervention is first considered.

Another peculiarity of this standard is that the audience to which it is addressed cannot be defined with any precision. Its references to persons with backgrounds in crisis intervention, mediation, and other specialized conflict-resolution skills can be given additional precision: The audience that they address consists of persons who have specific expertise in dealing with interpersonal conflicts under conditions of stress, whether they are experienced

labor negotiators or specially qualified mental health workers; it does not include members of the helping professions who do not possess such specific expertise. But all the recommendations of this standard are not addressed solely to expert interveners only; rather, it is recognized that in particular crises involving actual or impending extraordinary violence, any private citizen may—by virtue of his or her professional background, of a prior knowledge of persons involved in the incident, or of some other circumstance—be able to offer intervention services of special value. Thus, this standard can be said to have two audiences: the expert interveners, whose abilities may be called on with some frequency in efforts to cope with extraordinary violence, and the members of the community at large, whose acts of intervention will be infrequent but equally critical when they occur.

It should be noted, too, that this standard addresses questions of private interaction with official law enforcement, rather than defining—as do other standards of this chapter—private roles that can be played without the necessity of official cooperation. It is emphatically not recommended that private persons, regardless of their background, ever undertake to intervene in incidents of extraordinary violence on their sole personal initiation. The potential risks of such action, in terms of disruption of police tactical planning and in terms of potential harm to the unprotected intervener and other noninvolved persons, are far too great to justify it under any circumstances. Thus, more than those of many of the standards included in this chapter, the recommendations included here should be read as suggestions on formats for private-official interaction.

Police Negotiations and Third-Party Intervention

A clear distinction must be drawn between the related techniques for averting or resolving incidents of extraordinary violence: negotiation with participants by members of law enforcement agencies, on the one hand, and third-party intervention by private citizens, on the other. Although the basic methods and ultimate purposes of the two techniques are similar, if not identical, they are distinguishable on many important points of practice. The police negotiator, for example, has a clear commitment to the furtherance of law enforcement goals. Although he or she may be secondarily concerned with protecting some interests of the participants in the incidents, the police negotiator's primary concern is the resolution of the incident in a manner that serves to enhance public safety; to achieve this objective, the police negotiator must be prepared even to go so far as to participate in deception. By contrast, the third-party intervener may have any one of a variety of stances with regard to incident

participants. If the third-party intervener enters in the capacity of an advocate, he or she will necessarily have an overriding duty to present the participants' point of view and attempt to protect their interests; if the private intervener takes a mediator's role, his or her first obligation will be to deal candidly with all persons involved in the incident—including participants and law enforcement personnel. And, a number of other possible intervener roles, with associated obligations, could be given to illustrate the point that important differences exist between third-party intervention and police negotiation.

This report recommends the use of police negotiation as a nonviolent mode of resolving incidents of extraordinary violence (see Standard 4.6, Responses to Terrorism, and 6.16, Negotiation Under Duress). In this standard, it is suggested that one valuable employment for the expertise of private persons experienced in crisis-intervention and related skills is in providing assistance to law enforcement in the development of a capacity to conduct negotiation through trained police personnel. In general, however, the use of private third parties to conduct actual discussions with participants in extraordinary violence must be considered as a form of backup to a police negotiation capacity. Only where such a capacity does not exist and cannot be developed should the skills of private persons be considered first-line resources for negotiations with persons involved in extraordinary violence.

The general emphasis that this Report places on improving police negotiation skills and upgrading the plan of negotiation in police tactical planning should not, however, be taken as implying that private persons able to be of potential aid as third-party interveners should take a passive position and simply await a request for assistance from law enforcement. On the contrary, this standard urges that persons with general intervention skill, as well as persons who believe they are specially qualified to assist in the resolution of particular incidents, should take the initiative in making themselves—and their capabilities—known to the police. Finally, it will rest with law enforcement authorities to determine when and how private third-party intervention should occur—but the potential intervener has a responsibility to assist in making that decision.

Wherever possible, law enforcement decisionmaking concerning the use of outside interveners should not occur solely on an incident-by-incident basis. Prior discussions between police officials charged with general responsibility for the management of incidents of extraordinary violence and private persons or organizations with special intervention expertise can do much to clarify—in advance—the questions that will arise at incident scenes. Among

the topics that can be usefully discussed, and in some degree resolved, are:

- When the utility of police negotiation should be considered to be so far diminished as to justify resort to third-party intervention;
- Whether the intervention of third-parties in advocate roles will be sanctioned by law enforcement agencies, and if so, under what circumstances; and
- Which particular potential interveners will be requested by police for particular types of incidents, involving particular types of participants.

In the process of such discussions, private persons with special expertise may well have the opportunity to contribute valuable guidance for the police negotiation procedure itself; in any event, however, such prior negotiations are justified by the obvious need for rapid decisionmaking once an actual incident is underway.

The Law Enforcement-Intervener Understanding

The heart of this standard is its final recommendation that before any third-party intervention occurs in an incident of extraordinary violence, the guidelines governing that intervention should be clearly and mutually understood between the intervener and the law enforcement authorities by whose consent or at whose request the intervention is to take place. As this standard stresses; all outside intervention—and particularly intervention by third parties whose qualifications are special rather than general in nature—involves risks; it is law enforcement authorities who must ultimately weigh these risks against the possible benefits—and decide, for example, whether a confrontation with a barricaded suspect is more likely to be aggravated than ameliorated by the introduction of a spouse, a physician, or a member of the clergy as an intermediary. But risks other than those originally calculated will inevitably arise after intervention unless a clear preintervention understanding is insisted upon by law enforcement officials and interveners alike.

The points on which such a prior understanding should be obligatory are itemized in recommendation six of this standard. Here, then, it is enough to note that each of these items—and, depending on the circumstances of the incident, others as well—may be critical in making the difference between an intervention that is successful, one that is unsuccessful but not seriously damaging to the overall status of the incident, and one that fails with severe adverse consequences. Intervener objectives—as among incident resolution, maintenance of status quo, or preparation for resuming direct police-participant discussions, to cite a few examples—require clarification. So, too, do intervener roles and the choice between advocacy, mediation, and the range of other

possibilities referred to above. Perhaps most critical, however, is establishing an understanding as to when and how the intervention will be terminated. To begin without such an understanding is to greatly increase both the risk that the situation will be worsened rather than bettered by intervention and the risk that there will be divisive disagreements between law enforcement personnel and private interveners.

It would be naive to suggest that all the risks entailed by third-party intervention can be eliminated, or even substantially resolved, by prior agreement. Necessarily, any resort to this technique of incident resolution, reflecting as it does the failure or inapplicability of other, more conventional tactics, implies risk. But in the interests of public safety, of the safety of the intervener, and of the safety of incident participants themselves, working out a plan for third-party intervention efforts in advance, insofar as this can be accomplished, is essential.

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Related Standards

The following standards may be applicable in implementing Standard 10.6:

- 6.5 Police Specialization for Prevention and Control of Extraordinary Violence
- 6.16 Negotiation Under Duress
- 6.24 Relations With Mental Health Professionals
- 8.5 Negotiations With Inmates and Inmate Groups

Standard 10.7

Community Efforts to Prevent the Spread of Extraordinary Violence

The effectiveness of official measures undertaken to contain incidents of extraordinary violence is limited. Citizen cooperation with those efforts, as well as independent, complementary efforts to the same end by nonofficial community groups, can provide an enhanced level of assurance that isolated incidents will not prove contagious. Generally speaking, two kinds of private citizen action have special importance: the exercise of individual and collective self-restraint, and the exchange of accurate, noninflammatory information concerning incidents in progress within the private community. Also, in general terms, the goals of citizen action during incidents of extraordinary violence can be described as threefold: avoiding victimization, maintaining and promoting relative general calm, and denying direct or indirect encouragement to criminal participants. In particular:

1. Wherever possible, noninvolved private citizens should avoid the area of any incident of terrorism, quasi-terrorism, or mass disorder in progress, and in no event should private citizens congregate as onlookers.

2. Private citizens residing or present in the area of an incident should comply promptly with official requests and orders to disperse, to evacuate, or to clear particular areas.

3. Private community leaders should employ their influence to discourage the development of crowds

of spectators and curiosity seekers at the scenes of incidents of extraordinary violence, as well as to discourage members of the community from joining in incidents as participants.

4. Members of the community should avoid offering any violent reaction to incidents of extraordinary violence, and leaders of private community groups politically or ideologically opposed to the aims of participants in extraordinary violence should exercise their influence to discourage any simultaneous protest or other organized reaction.

5. In preparing formal and informal statements concerning incidents of extraordinary violence, private community leaders should verify the accuracy of the information that they intend to convey and should consider whether any items of verified information should be omitted as unnecessarily inflammatory.

6. Wherever necessary, private organizations and individuals commanding respect within the community should undertake rumor-control functions during incidents of extraordinary violence, either as an adjunct to or as a substitute for official rumor-control operations; where both official and non-official rumor-control efforts are made, they should be closely coordinated.

Commentary

This standard deals with an area of private con-

duct during incidents of extraordinary violence that cannot be effectively controlled by any form of official action. In attempting to prevent the spread of extraordinary violence, police cordons, curfews, and orders to disperse have a real place but only a very limited utility. Finally, the thoughtfulness and good will of the community are the best resources against the contagion effects of terrorism, quasi-terrorism, and mass disorder.

The guidelines for citizens and community groups that this standard proposes are far from being an inclusive list. In particular instances, circumstances will suggest that other, complementary measures be undertaken in addition. The list included here is, however, believed to be generally representative of the kind of citizen action that will discourage the spread of extraordinary violence; the list will raise the special problems that are associated with such action.

Self-Discipline in Emergency Situations

Perhaps the single most critical difficulty with the implementation of recommendations such as those contained here resides in the fact that adherence to them may be counter to some almost universal features of human psychology. The wish to be present at and to observe for oneself the scene of any dramatic event, including an incident of extraordinary violence, is a basic trait of human nature; so too is the desire to appear knowledgeable about novel occurrences, even when one's real stock of reliable information is small. Thus, this standard does not merely restate common wisdom or urge that members of the community act in ways that their spontaneous judgment would generally dictate in any event. Rather, it recommends that when extraordinary violence erupts, private persons should make the conscious—and often difficult—effort that is required to act in ways that are constructive, although frequently unnatural.

The importance of denying the impulse to congregate at or near incident scenes, for example, can hardly be exaggerated. Crowds of onlookers interfere with police operations, provide indirect encouragement to incident participants attracting personal or political attention, and expose themselves to risk. Few, if any, situations can be imagined in which their presence is desirable. Yet the tendency to congregate is, as already noted, a common human trait, and the ability of police to disperse or relocate otherwise law-abiding crowds is limited. So, too, are the opportunities for public persuasion that police actually possess at an incident scene. The burden of responsibility for avoiding the risks of spread—both in geographical terms and in terms of incident intensity—inherent in crowd formation thus lies with the individuals who are potential crowd

members and with community leaders who have a potential, positive influence on their constituencies.

Another and even more problematic instance of private self-discipline as an antidote to incident spread arises in connection with the risk of counterviolence. The actions of terrorists, quasi-terrorists, and rioters are not only intimidating to other members of the public; they are also—by design—provocative. And where extraordinary violence is tied up with the expression of extreme and unpopular political points of view, the temptation to succumb to this provocation is great—at least for those members of the public who find such viewpoints most offensive. In recommending that counterviolence be avoided and that strong private leadership attempt to restrain potential counterviolence, this standard does not intend to address the activities of individuals and organizations that plan to employ extraordinary violence and only seek protests to permit them to put their play into effect. Rather, it addresses the more serious problem of spontaneous counterviolence by generally law-abiding persons. In urging self-discipline and leadership as methods for avoiding the spread of extraordinary violence through counterviolence, this standard implicitly rejects the view that conditions of special stress either fatally impair the ability of most persons to resist aggressive impulses and to reject provocation, or relieve citizens of the responsibility to govern their own conduct with a view toward the general public interest. Although it is difficult to clearly define such responsibilities, it is necessary to recognize their existence and resolve to act on this recognition.

Information Exchange and the Risk of Incident Spread

Rumor—both in the form of wholly unfounded reports and in the form of inflammatory exaggerations of actual events—has been identified as a principal contributing factor in the spread of extraordinary violence. Many channels for the dissemination of rumor exist, including the public media. To a significant extent, however, controlling the circulation of rumors involves self-control by private individuals and in particular by private persons whose statements command special authority in the community.

It is an unstated premise of this standard that responsible private conduct in emergency situations entails self-discipline where the circulation of unverified reports is concerned. But because the natural tendency of individuals to recount interesting and even sensational information is so strong, the emphasis of the recommendations included here is on the role of community leaders and on the potential

for private action to affirmatively counteract the effects of privately circulated rumors.

Some of the clearest examples of the spread effect generated by rumor are drawn from the American experience with mass urban disorder. In case after case, some part of the impetus that has produced major riots has come from inaccurate information—and, in particular, from unfounded or distorted reports of deaths and casualties. Whatever the stresses of the situation, the relaying of such reports by persons in positions of leadership must be marked as seriously irresponsible; although a dilemma will be posed when verification of an apparently important piece of information proves impossible, there should be no circumstance under which a serious, good-faith attempt at verification does not precede disclosure. Leaders of the private community cannot, of course, operate in a vacuum; if they are to be responsible for making the best possible effort to verify any information they intend to transmit to their followers, they must have access to reliable sources—and, in particular, to command-level law enforcement personnel. Where such access exists, there should be no excuse for not making use of it; where it does not, it is the responsibility of community leaders to attempt to bring it into existence.

Finally, rumor-control mechanisms are recommended in this standard as complements to, or substitutes for, official efforts. In many instances, information dispensed by a telephone service staffed by respected members of the community may command a respect that even the best managed police rumor-control center cannot command. And in other in-

stances, police provision for rumor control may be plainly inadequate, either because of lack of planning or because of unanticipated competing demands on law enforcement time and manpower. In either of these circumstances, private organizations should be prepared to fill the need; although they will find it difficult to do so without some measure of cooperation from law enforcement, those community organizations should be prepared, where necessary, to make their own practical arrangements and to develop their own independent means of information verification.

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Related Standard

The following standard may be applicable in implementing Standard 10.7:

- 6.17 Avoiding the Spread of Extraordinary Violence

Standard 10.8

News Media Self-Regulation in Contemporaneous Coverage of Terrorism and Disorder

When an incident involving a confrontation between law enforcement officers and participants in mass disorder, terrorism, or quasi-terrorism is in progress, the role of the news media is an important and controversial one. The manner in which information about the incident is collected, and the form of its presentation to the public, will necessarily affect the conduct of the agencies and persons involved. In addition, these factors will be critical influences on the growth or spread, if any, of the incident. Finally, the approach taken by the media to news gathering and reporting on an incident-by-incident basis will have an important cumulative effect on public attitudes toward the phenomenon of extraordinary violence, the groups and persons who participate in it, and the official measures taken against it.

No hard rules can be prescribed to govern media performance during incidents of extraordinary violence. Whatever principles are adopted must be generated by the media themselves, out of a recognition of special public responsibility. But in general, the essence of an appropriate approach to news gathering is summarized in the principle of minimum intrusiveness: Representatives of the media should avoid creating any obvious media presence at an incident scene that is greater than that required to collect full, accurate, and balanced information on the actions of participants and the official response

to them. Similarly, the essence of an appropriate approach to contemporaneous reporting of extraordinary violence lies in the principle of complete, noninflammatory coverage; the public is best served by reporting that omits no important detail and that attempts to place all details in context.

Putting these general principles into practice, however, requires hard choices for the media, both at the organizational policy level and by the working reporter. In particular:

1. News media organizations and representatives wishing to adopt the principle of minimum intrusiveness in their gathering of news relating to incidents of extraordinary violence should consider the following devices, among others:

- a. Use of pool reporters to cover activities at incident scenes or within police lines;
- b. Self-imposed limitations on the use of high-intensity television lighting, obtrusive camera equipment, and other special news-gathering technologies at incident scenes;
- c. Limitations on media solicitation of interviews with barricaded or hostage-holding suspects and other incident participants;
- d. Primary reliance on officially designated spokesmen as sources of information concerning law enforcement operations and plans; and
- e. Avoidance of inquiries designed to yield tactical information that would prejudice law enforce-

ment operations if subsequently disclosed.

2. News media organizations and representatives wishing to follow the principle of complete, non-inflammatory coverage in contemporaneous reporting of incidents of extraordinary violence should consider the following devices, among others:

a. Delayed reporting of details believed to have a potential for inflammation or aggravation of an incident that significantly outweighs their interest to the general public;

b. Delayed disclosure of information relating to incident location, when that information is not likely to become public knowledge otherwise and when the potential for incident growth or spread is obviously high;

c. Delayed disclosure of information concerning official tactical planning that, if known to incident participants, would seriously compromise law enforcement efforts;

d. Balancing of reports incorporating self-serving statements by incident participants with contrasting information from official sources and with data reflecting the risks that the incident has created to noninvolved persons;

e. Systematic predisclosure verification of all information concerning incident-related injuries, deaths, and property destruction; and

f. Avoidance, to the extent possible, of coverage that tends to emphasize the spectacular qualities of an incident or the presence of spectators at an incident scene.

Commentary

In any consideration of private and official confrontations with the phenomena of extraordinary violence, the powers of the news media—both print and electronic—to help or hurt can hardly be understated. Complete, accurate, and responsible coverage and reporting can further the actual resolution of particular incidents, can promote public understanding of the means employed in achieving incident resolution, and can put in some perspective the public fears and uncertainties that such incidents necessarily generate. Partial, inaccurate, and ill-considered journalistic practices usually have the opposite effect. As is stressed throughout this Report, direct and indirect official regulation of the news media has been rejected as an inappropriate and ultimately counterproductive device for promoting sound media treatment of extraordinary violence. Not only is such regulation impractical and contrary—at least in spirit—to constitutional principles, but it is also at fundamental variance with this Report's basic approach to media coverage—that of promoting more complete and more balanced media coverage of extraordinary violence, both as a law enforcement

problem and as a social issue. Thus, it should be stressed that the recommendations of this standard are truly suggestions for media self-regulation. They are proposed as means by which the twin objectives of achieving minimally intrusive news gathering and providing complete, noninflammatory coverage can both be furthered. It is not expected that any of these suggestions will be adopted uncritically; it is urged, however, that each be given serious consideration against the background of a general recognition of the social responsibilities of the media.

Media Conduct at Incident Scenes

A species of "Heisenberg effect" can be observed in the development of every major news story that receives contemporaneous coverage. That is, subtly or blatantly, the act of reporting changes the character of the events reported. Where an ongoing incident of extraordinary violence is concerned, some of the more potentially negative effects of coverage are obvious. The obstinacy of the barricaded suspect seeking personal or political publicity, for example, may actually be reinforced by an active, highly visible news media presence. Or, to cite another example, the use of television lights, as well as the presence of camera equipment at an incident scene may tend to attract casual spectators in numbers sufficient to complicate police operations and to increase risks of incident spread.

Thus, this standard posits the principle of minimum intrusiveness as a general standard for on-scene coverage, adherence to which will tend to reduce the deleterious effects of contemporaneous on-scene reporting on the course of incidents. Attempts to apply the principle, however, will inevitably generate doubt and controversy.

In the first instance, the minimum level of intrusiveness for any particular incident will be dictated in part by the special characteristics of that incident and in part by official press relations policies. This standard, for example, recommends the use of pool coverage where the presence of large numbers of independent reporters would tend to interfere with law enforcement operations, or to lend encouragement to incident participants. But for pool coverage to succeed, the incident must be fairly clearly defined. When news-gathering organizations cannot agree on the definition of a story, it is probably fruitless for their personnel to attempt close cooperation in covering it; thus, pool reporting may be appropriate for the on-scene element of the coverage of a conventional police barricaded suspect confrontation, but it is unlikely to be adequate for coverage of a multicentric mass disorder or a major terroristic incident. Satisfactory results from use of

pool reporting techniques depend, moreover, on the willingness of the law enforcement officials in charge at an incident scene to give special access to limited numbers of news-gathering personnel. This report, of course, recommends extensive police cooperation with private news gathering (see Standard 6.25, Relations With the News Media); if followed, these recommendations would lend special utility to pool reporting methods. But the utility of these methods in fact will depend in large measure on police policy and media acceptance.

Special incident characteristics and law enforcement policies will also do much to determine whether other suggestions made in this standard for adherence to the principle of minimum intrusiveness are applicable to particular instances of extraordinary violence. Thus, for example, reliance on police spokesmen for information on law enforcement operations and places is feasible only where an effective police-media liaison unit is in operation. Judgments about the degree to which the use of obtrusive news-gathering methods can be avoided will turn, by contrast, more on natural or technological than on human considerations; lighting conditions of the scene, kinds of equipment available to news-gathering organizations, and similar factors will influence, instance-by-instance, how unobtrusively adequate electronic coverage can be performed. And where less obtrusive techniques are unavailable, pooling by normally competitive news organizations may again be a real possibility.

The adoption or rejection of two particular suggestions contained in this standard, however, will be a matter of news organization policymaking rather than of special incident-related factors. If news-gathering personnel are to curtail their inquiries about law enforcement tactical planning, at least in those cases where the general appropriateness of the police response is not open to question, and are to forgo some otherwise available interview opportunities with participants in extraordinary violence, these limitations on news-gathering practices must be confirmed at the editorial policy level. Each involves an area in which it is believed that traditionally competitive news-gathering practices seriously threaten the capacity of law enforcement to resolve incidents of extraordinary violence without loss of life or serious harm to persons. But news media personnel at an incident scene cannot be expected to omit any act that they believe their editors and readers might demand, unless they have been previously informed that doing so will be considered to be consistent with the practice of responsible journalism in the best sense.

Reporting the Ongoing Incident

The difficulties posed by adherence to the princi-

ple of providing the public with balanced, noninflammatory coverage of incidents of extraordinary violence in progress are potentially far more numerous than those that will be encountered in the self-regulation of onscene news gathering. A review of the particular suggestions for self-regulation of the content of reporting contained in this standard shows that fully half contemplate not only efforts to balance the form of reporting, but also the omission of particular details from media reports through a decision to delay reporting those details.

On first examination, these proposals may appear to contemplate a species of self-censorship alien to the traditions of the American free press; in fact, however, they are believed to represent examples of spontaneous accommodation to overriding public interest that are neither foreign to the standards of professional responsibility that now prevail in the news industry, nor without significant precedent in present news media practices. It should be emphasized that this standard does not suggest that providing balanced, noninflammatory coverage will ever entail the suppression of any fact or opinion, no matter how controversial, by media personnel. It suggests only that in some instances, the anticipated deleterious impact of some particular incident-related news item may be so great as to dictate either that special efforts be made to place that item in context, or that its communication to the public be delayed until the negative effects of such communication can be minimized, or at least reduced.

A hypothetical example showing the potential importance of such exercises in media responsibility can be drawn with reference to the problems of mass urban disorder. If it is assumed that a limited disorder is in progress, and further assumed that media representatives have been informed that one participant in that disaster has been seriously injured in an isolated encounter with police officers, real questions arise as to whether that injury and its circumstances should be immediately reported. If the disorder is inherently unlikely to spread, or if the police tactics that led to the injury are doubtful ones, a balance struck between the public interest in receiving full and speedy news reports and the public interest in avoiding widespread extraordinary violence would seem to weigh in favor of media disclosure. But if the risk of spread is real, and the police action—despite its unfortunate outcome—appears to have been justifiable or unavoidable, a delay in reporting the item may be the only course consistent with the news media's responsibility to the public interest, as broadly conceived.

None of the delays in reporting discussed in this standard can, of course, be indefinite in duration. The public interest in receiving full information about important events—even when the disclosure

of that information will place lives at risk—is a real one; it is also one that increases, rather than diminishes, with the passage of time. If the limited disorder in the hypothetical example cited above could not be brought under control within a matter of hours, for example, further delay in reporting on casualties from police action would not continue to be responsible policy—rather it would be a disservice to the concerned public.

How long any delay in reporting should continue is, of course, dependent on the circumstances of the particular incident—and what period of time must pass until the inflammatory effect of an item will diminish until that item can be reported in a context that will affect its inflammatory potential, or until the public interest in knowledge of that item has become too great to be set aside any longer. These are decisions that cannot, and should not, be made exclusively by news media personnel performing news-gathering and reporting duties; rather, they are choices that should be made within the limits of general policies established at the editorial level, and—wherever doubt exists as to their application—with the direct participation of editorial personnel. They are decisions that can only be made realistically if the news media are the recipients of the confidence of law enforcement officials.

Cooperation and Self-Regulation

The news industry is a highly competitive one—by reason of both historical tradition and contemporary economic necessity. No policy of self-regulation with respect to news gathering or news reporting, no matter how plausible, can be expected to establish itself unless competitive elements of the news media cooperate in devising that policy—as well as in observing it. Such cooperation, moreover, cannot be achieved without a systematic attempt by the news media collectively to define issues in the coverage of extraordinary violence and to propose methods of dealing with them.

The manner in which this effort is made—whether it is undertaken through existing professional groups, through special purpose conferences, or through informal exchanges—is far less important than its product. In regard to the product, the format is less

important than the content. It may well be unrealistic to expect competing elements of the news business to subscribe to detailed codes of responsibility or to adopt precisely formulated common guidelines for coverage; it is not unrealistic, however, to expect that a full exchange of views will demonstrate to the executive and staff of every news organization that their problems in the coverage of extraordinary violence are not unique ones, and that solutions of general applicability do exist. From such a demonstration may grow the kind of informally cooperative scheme of self-regulation in which each news organization posits its own guidelines for coverage, on the general expectation that their competitors are doing likewise.

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Related Standards

The following standards may be applicable in implementing Standard 10.8:

- 4.10 Civil Authorities and the Media
- 6.17 Avoiding the Spread of Extraordinary Violence
- 6.25 Relations With the News Media
- 7.10 Relations With the News Media
- 8.7 Relations With the News Media
- 10.2 News and Entertainment Media Responsibility for the Prevention of Extraordinary Violence
- 10.12 Followup Reporting of Extraordinary Violence by News Media

Standard 10.9

Private Health Care and Relief Agencies in Emergency Situations

Violent mass disorders and incidents of terrorism on a major scale are capable of generating special short- and long-term public needs that parallel those produced by natural disasters. Limited-scale incidents of terrorism and quasi-terrorism may also create special service needs, although only for more limited populations or in more limited areas: In general, the same private helping agencies that have demonstrated a capability to assist in meeting needs arising out of natural emergencies should be prepared to give assistance in emergencies involving extraordinary violence. In particular:

1. Private health care and relief organizations should engage in comprehensive contingency planning for response in the full range of emergencies involving extraordinary violence; wherever possible, this planning should be conducted jointly with law enforcement officials, other private agencies, and governmental health care and service units. The planning process should address:

- a. Making a comprehensive tally of the services and supplies that will be available in the community in the event of an emergency, including:
 - i. Temporary shelter and housing for displaced persons;
 - ii. Emergency food and clothing supplies;
 - iii. General-purpose and specialized vehicles;
 - iv. Regular and temporary hospital beds;

- v. Emergency medical supplies;
 - vi. Professional, paraprofessional, and support personnel available for emergency duty; and
 - vii. Aid available from agencies in other jurisdictions, where local resources are inadequate;
- b. The conditions or circumstances in which the emergency resources of private agencies will be made available to the public;
 - c. The special precautions, if any, that are to be taken for the safety of health care and relief workers during emergencies involving extraordinary violence; and
 - d. The nature of the oversight or coordinating authority to which the emergency efforts of individual private agencies will be subject in emergency situations.

2. On receipt of official and unofficial notice of a potential law enforcement emergency that is likely to generate public need for health care and relief services, private health care and relief agencies should check the availability of emergency supplies, should advise emergency personnel of the possibility that they will be called for duty, and should notify the central coordinating agency for emergency services of their states of readiness.

3. During public emergencies involving extraordinary violence, service delivery operations by private agencies should be conducted so as to achieve the following objectives:

a. Speed and efficiency in contacting and aiding persons in need of service;

b. Security of aid workers and emergency supplies; and

c. Noninterference with law enforcement operations. Wherever possible, aid distribution and temporary shelter operations should be conducted outside the immediate area affected by an incident of extraordinary violence.

4. In the aftermath of incidents of extraordinary violence, private health care and relief agencies should be prepared to maintain operations on an emergency basis until service needs can be fully met through regular, nonemergency procedures.

Commentary

The recommendations contained in this standard are sufficiently detailed to be largely self-explanatory. In their overall thrust, they recommend the same measures for the private health care and relief establishment that are urged, in other sections of this report, on major public service delivery systems with important responsibilities in coping with extraordinary violence—detailed planning, maintenance of readiness, and coordination of emergency operations.

Two major impediments to these recommendations should, however, be immediately noted. First, unlike such public service systems as law enforcement, the composition of the private health care and relief establishment is not easily defined. Obviously, it includes major hospitals and general-purpose relief organizations, such as the Red Cross and its local analogs. In addition, however, a multitude of other individuals (such as private physicians) and organizations (such as special-purpose aid societies with limited clienteles), can be considered to be within the scope of the planning and coordination efforts urged here. Whether they can, in practice, be included will depend largely on the energy with which those efforts are pursued, the preexisting level of coordination on the local level, and the seriousness with which potential participants in joint emergency health care and relief operations view the prospects for extraordinary violence.

Perhaps the greatest challenge in organizing private health care and relief systems to anticipate extraordinary violence is to involve agencies and individuals with no day-to-day responsibilities for delivering assistance and aid to the general public. Local churches and schools, for example, can be of great service to any large-scale relief operation; their facilities are valuable sources of short term shelter for homeless or temporarily displaced persons. But to identify special emergency roles for the many private groups of this kind, and to persuade those

organizations to accept those roles in advance of any actual emergency, requires the greatest imagination, tact, and organizational skills.

The second major barrier to implementation of the recommendations contained in this standard springs from uncertainty over the kind and magnitude of the consequences that can be expected to flow from extraordinary violence and thus planned against. Past experience demonstrates the importance of being equipped to deal with manmade disasters—such as violent mass disorders—that permanently or temporarily devastate portions of densely populated urban areas; an exercise in reasonable foresight shows the need to develop the capacity to deal with the sorts of casualties—numbering in the tens or hundreds—that may result from a major plant or office bombing. But, as Appendix 2 to this report suggests, the possibility of high technology terrorism carries with it the prospect of consequences—in terms of disruption of extraordinary services and in terms of casualties to persons—on an altogether greater scale. Although this prospect remains speculative, some portion of the energies spent to organize the private community to care for the primary and secondary victims of extraordinary violence should nevertheless be devoted to anticipating it.

In sum, the analogy drawn in this standard between the operation of private relief and health care systems in anticipation of—and during the course of—natural catastrophes may be a particularly apt one. Like earthquakes, hurricanes, and fires, major incidents of extraordinary violence cannot be predicted; also like these natural disasters, the magnitude of major incidents of extraordinary violence cannot be accurately anticipated. The same form of response planning that has proven effective in preparing the private community to cope with natural emergencies, may thus be apt where manmade emergencies are concerned.

In essence, such planning involves the identification of a set of care agencies that either provide care and aid on a nonemergency basis, or will be called in to provide them in any emergency, regardless of magnitude; this care includes major hospitals, regular emergency shelters, and facilities for the emergency dispensation of food and supplies. Thereafter, relief and health care planners should draw a series of widening circles: As emergencies of greater magnitude are anticipated, emergency roles for greater numbers and more kinds of private agencies should be identified. Necessarily, as the circles widen, the detail into which the planning effort can go will decrease. But it should nevertheless be possible to provide at least a sketch of private roles and responsibilities during the most severe sorts of extraordinary violence, while at the same time providing a blue-

print for community action during the sorts of emergencies that are most likely actually to arise.

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Related Standards

The following standards may be applicable in implementing Standard 10.9:

- 4.11 Relief and Restoration Measures
- 10.11 Community Action in the Aftermath of Disorder and Terrorism

Standard 10.10

Conduct of Individual Victims in Incidents of Terrorism and Quasi-Terrorism

Private citizens are frequently involved in terrorist and quasi-terroristic crime as the immediate victims of abduction and hostage-holding tactics. In some instances, individual victims may be selected on the basis of their personal or professional characteristics; in many others, they may be targeted on an essentially random basis. Thus, although some private citizens have more cause than others to prepare themselves for the experience of victimization, all members of the community should be aware of the general principles of conduct that are most likely to lead to a safe, successful resolution of the incident as a whole, and best adapted to preserving the safety of the victim. These guiding rules include the principles that:

1. Victims should generally comply quickly and without protest with orders or directions from their captors, and should generally make no attempt to use personal physical force against their captors.
2. In all instances, victims should attempt to establish dialog with their captors, taking care to:
 - a. Express serious, noncontentious interest in their captors' political and personal beliefs;
 - b. Attempt, whenever possible, to persuade their captors that alternative means of achieving their aims exist;
 - c. Avoid conveying information that may be of tactical use to their captors; and
 - d. Elicit information that may be of use in

identifying and apprehending their captors, either during or after the incident.

3. Where several victims are involved, they should take every safe opportunity to discuss and evaluate their situation, exploring in particular:
 - a. Their impressions of the objectives, characters, and susceptibilities of their captors;
 - b. The victims' own strengths, weaknesses, and capacities for self-help; and
 - c. The means available to the victims to secure material and emotional support.
4. In exchanges with law enforcement authorities and other trustworthy outsiders, victims should attempt to convey as much information as possible on:
 - a. The identity and objectives of their captors;
 - b. The size, strength, and deployment of the group involved;
 - c. The number, condition, and location of victims; and
 - d. The features of the incident site that may have tactical significance.
5. In the event of an assault on the incident site by law enforcement, victims should ordinarily seek the best available cover, and should not ordinarily engage their captors directly.

Commentary

The recommendations included in this standard

are offered in clear, positive language, out of the belief that a calm advance consideration of the prospect of terroristic and quasi-terroristic victimization will increase the abilities of those persons who are actually victimized to survive, to assist others, and even to contribute to the resolution of the incidents in which they are involved. At the same time, however, these recommendations are offered with caution. Distilled from the actual experiences of the relatively small number of persons who have successfully endured terroristic and quasi-terrorist captivity and given public accounts of it in recent years, these recommendations represent conclusions that are inevitably impressionistic and—to some degree—unverifiable. Because no systematic research effort has attempted to analyze and generalize the victim's experience, no scientific advice to future victims can be offered. Instead, a rough effort must be made to identify which techniques appear to have worked, and which appear to have failed. Despite its affirmative tone, then, this standard offers only tentative advice.

The Problem of Maintaining Control

This standard, as a whole, is obviously premised on the proposition that victims of terroristic and quasi-terroristic kidnapers and hostage takers can retain or regain substantial conscious control over their own conduct, despite the initial shock of victimization. This proposition will not hold true, of course, for all victims or for all incidents; it is believed, however, that one of the most promising ways of increasing the likelihood that victims' self-control will be maintained or reestablished during incidents of extraordinary violence is to promote advance consideration of the prospect of victimization.

It is notoriously difficult to attract and hold attention for a reasoned discussion of any highly unpleasant topic; human nature dictates that most prospective victims of terrorism or quasi-terrorism will be more comfortable considering that prospect in primarily emotional terms—or not at all. Responsibilities to self, to family, and to the community, however, all dictate taking the path of greater resistance.

This is particularly true of high-risk individuals, who are significantly more likely than their fellows to be targeted as victims by terrorists and quasi-terrorists. Like high-risk organizations, these individuals can often identify themselves—if they are able to accept the unpleasant realization of their exposure and vulnerability. To a certain degree, moreover, high-risk individuals can assist in preparing one another for the prospect of victimization. Members of vulnerable families, workers in vulnerable firms, and persons affiliated with unpopular

political causes should discuss—seriously, openly, and completely—both their exposure to extraordinary violence and the principles that should guide their conduct in the event of victimization. In the course of such discussions, the principles presented in this standard should be critically examined.

Physical Resistance

Of these principles, those that will prove applicable in the greatest number of instances are the recommendations against the use of force by victims against their captors, whether on their own or in connection with the tactical use of force by law enforcement agencies. Nevertheless, it is believed important to stress that nonaggression should be considered a general rule for victim conduct, and that any use of force should be viewed as an exception to that rule—and specifically justified before it is undertaken.

Occasions may arise in which the apparent cruelty or instability of a hostage holder will combine with a relatively favorable balance in the capabilities of captives to apply force, to justify victims' efforts to resolve an incident through force. In general, however, the balance of capabilities will be in the overwhelming favor of the terrorist and quasi-terrorist, while the possibilities of victims' promoting their own survival through nonbelligerency will be real, if far from certain. In this more common configuration of circumstances, victim self-help is obviously ill advised.

Victims should also be aware that—as a general matter—the first hours of captivity represent the period of greatest risk. It is during this initial phase that self-help, if justified, to improve the odds of survival is most likely to be successful. Thereafter, the level of real risk posed by even the most threatening captor will generally decline—while the victims' opportunities to take advantage of a captor's uncertainty or inattention will also diminish. To this generalization, important exceptions do exist: A captor's exhaustion may, for example, make self-help especially likely to succeed late in the course of an incident, while increased law enforcement pressure may make self-help later in an incident particularly necessary. As a rule, however, victims who have survived the initial phase of captivity should be particularly circumspect in considering the use of force against their captors.

Captor-Victim Interaction

The principle that victims should make conscious, continuous efforts to establish a dialogue with their captors is the best established of all the recommendations for self-protection included in this standard. Indeed, common sense as well as actual experience

teaches that the more human a victim appears to his or her captors, the more difficulty they will encounter in carrying out threats of violence against that victim. One need not involve the so-called Stockholm Syndrome—the asserted tendency of captors to identify increasingly with victims over time, and vice versa—to provide a justification for efforts by victims to establish and maintain personal contact with those who have victimized them; as the victim acquires individuality for the captor, violence will almost inevitably become less likely.

This standard recommends that, wherever possible, the terrorist's or quasi-terrorist's grievances and opinions be made the subject of interchange, and that where necessary that interchange should be victim initiated. This recommendation does not stem from a view that any victim should stake his or her survival on success in persuading a captor of the victim's sympathy with any personal or political cause. Although it is clearly critical that the victim take a constructive, nondisparaging, and respectful stance in exchanges with his or her captors, there is little evidence that the victim's interest is served by forced or artificial pretenses of agreement; an appearance of honest interest is generally sufficient, and far more possible to achieve.

Wherever possible, victims should seek to expand exchanges concerning their captor's beliefs and grievances into more general interchanges, and to both give and elicit information of a more personal kind; where general conversation between victim and captor is possible, the likelihood that a recognition of

the victim's humanity will help to stay the captor's violence is obviously increased. Family, background, and education are obvious topics for such expanded interchange. And wherever a victim can identify some commonality of past experience with his or her captor, he or she should seek to stress it in conversations that follow.

In other recommendations, this standard urges that captives initiate discussions aimed at eliciting information of possible practical value to their survival, and that they exercise whatever influence they possess or gain to persuade their captors that personal alternatives to extraordinary violence do, in fact, exist. Exchanges of those sorts, however, are only secondarily desirable; when these topics cannot practically be broached, they should be abandoned. Of primary importance is the establishment and maintenance of contact and dialog—on any topic or all topics.

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Standard 10.11

Community Action in the Aftermath of Disorder and Terrorism

Among the most damaging medium- and long-term consequences of crimes of extraordinary violence are the stresses they create within the community at large. By dramatizing divisive social issues, by undermining public confidence in law enforcement, by elevating levels of concern over personal safety, or—in some instances—even by putting one group in the community in violent confrontation with others, disorder and terrorism can have lasting erosive effects that long outlast the duration of particular incidents. Where a serious incident has occurred, individual community members and community groups have special roles to play in promoting processes of healing and reconciliation. In particular:

1. Community groups and their leaders should take the initiative in promoting full public discussion of any major incident of extraordinary violence, including examinations of:

- a. Underlying issues and grievances;
- b. Citizen reactions to law enforcement performance;
- c. Reactions to the performance of other official and nonofficial agencies; and
- d. The steps required to prevent recurrence of similar incidents.

2. Community-run rumor control efforts commenced during incidents of extraordinary violence should be maintained, generally at a reduced level

of operation, until public fears of an imminent recurrence have dissipated; where incidents of extraordinary violence are—or are suspected to be likely to become—frequent, consideration should be given to the establishment of permanent, community-operated rumor control centers.

3. Private relief agencies should continue, in the aftermath of an incident, to attempt to identify and aid persons and families who have been adversely affected by extraordinary violence; whenever appropriate, the direction of relief efforts should be to encourage resettlement within any geographical area that has been temporarily rendered uninhabitable.

4. Health care workers and private health care delivery organizations should be alert for incident-related health problems, including both adverse psychological and physical effects; special attention should be devoted to the personal problems of incident victims and, where they are numerous, the organization of special programs of assistance should be considered.

5. Persons and groups with special counseling and pastoral functions should devote similar attention to incident-related personal problems and to the needs of incident victims.

6. The community as a whole should endeavor to prevent future incidents by promoting tolerance of, and legitimate opportunities for the expression of, all political and ideological viewpoints, as well as

by addressing underlying social causes of extraordinary violence through positive measures.

Commentary

This standard urges community efforts to speed the process of recovery from the effects of extraordinary violence, and to repair the damage that disorder and terrorism do—not only to individual victims, but to the social fabric as a whole. The recommendations presented here are generally applicable ones, suitable for implementation in the aftermath of any incident, regardless of type. But because the nature of the community efforts that will be most important is determined by the kinds of harm that have been inflicted, it is appropriate to restress, at the outset, the varying community impacts of the different forms of extraordinary violence.

True terrorism represents a form of criminality perpetrated with the express purpose of creating confusion and anxiety in the community; a terrorist attack or campaign is a success, in its own terms, when it generates or aggravates public fear, citizen distrust of government, or conflict among elements of the private community. As a practical matter, the fates of individual direct victims of terroristic crime are of real and urgent concern. These victims' needs, however, are relatively easy to identify and to address, when compared with those of the indirect victims of terrorism—a class that may include virtually every member of the affected community. In essence, this standard urges that those members of the indirectly victimized community who have special skills or occupy leadership positions should commit themselves to aid others in overcoming the effects of terroristic crime.

Violent mass disorders affect the community at large at least as significantly as terroristic incidents, but in different ways. Generally, no intent to cause long-term division or dissension within the community can be attributed to participants in disorder. Rather, where any coherent purpose can be identified, it is usually the dramatization of a particular grievance or the expression of general discontent; however inappropriate or misguided, these tactics aim at unifying public opinion rather than fragmenting it.

In practice, of course, the consequences of mass disorder seldom include any immediate drawing together of community opinion on disputed issues. They do, however, comprise reactions of anger and fear within various elements of the private community. Those who took no part in the disorder, but were threatened by it, are alienated from those who did participate. Participants in disorder, in turn, are further estranged from the community at large, and particularly from those members of it who offered

violent resistance to them during the disorder. Finally, the whole private community, including participants in disorder and nonparticipants alike, is generally left dissatisfied with the actions taken by officials—and particularly by law enforcement officials—in resolving the incident.

Regardless of the species of extraordinary violence in question, then, the natural and predictable consequences of serious incidents include public fear, division, anger, and suspicion. Only the passage of time, and the gradual restoration of normal living patterns, can overcome some of these effects. Others can be best addressed by official efforts, such as the postincident police-community relations measures discussed in Standard 6.26 (Community Relations Efforts in the Aftermath of Extraordinary Violence). But the community's capacity to promote the rapid healing of its own wounds should not be underrated.

The Importance of Discussion

It is a premise of this standard that the healing process must involve a full and frank public airing of any issues on which the community is divided in the aftermath of an incident. These may be of many kinds: issues related to underlying discontents dramatized by terrorism or disorder, issues involving the assignment of responsibility for violent actions by community members, and issues involving the character and quality of law enforcement response are obvious examples. It is believed, however, that where the community's return to normality is concerned, the precise nature of the issues aired may be less important than the fact of their airing. So long as fears and resentments remain unexpressed, they cannot be effectively addressed or countered. Even more important, however, they cannot be purged. Many of the issues that deserve community-wide discussion in the aftermath of disorder are, in fact, either insoluble or soluble only in the long term. Even in the short term, however, there are benefits to be derived from giving concrete expression to conflicts of views that have previously been uncommunicated—or even unacknowledged.

Concrete examples of the importance of a process of issue-surfacing and discussion can be found in the records of the major civil disorders of the 1960's. For many communities, these events were catalysts for discussion, debate, and action; in particular, the postincident discussions conducted in a number of jurisdictions brought to the surface—although they certainly did not resolve—long standing problems of personal and institutional racism that communities had previously chosen to ignore or downplay. These problems had been of special significance in the etiology of disorder, but their significance for the social health of the communities in question went far deeper. Postdisorder discussion in the community be-

came a new and potentially constructive forum for the definition of citizen grievances, and a device for the selection of measures to address those grievances.

In the aftermath of incidents of terrorism, of course, public discussion will serve another important purpose—to make comprehensible events that would otherwise remain unexplained, and thus uniquely potent as stimuli to public fear. A dramatic and destructive act of small group terrorism may not reveal any deep or general divisions within the community. But until the nature of the event—and the motivations of the participants—are generally understood, unjustified accusations, unmerited suspicions, and exaggerated fears of repetition will be widespread. Terrorism is a weapon that depends for its effectiveness on its ability to create uncertainty in the short and long terms; public discussions in the aftermath of terroristic incidents are a method of denying to their perpetrators any victory over the public mind.

The available forums for airing public views in the aftermath of extraordinary violence are numerous. Churches, schools, professional groups, civic organizations, and neighborhood associations, for example, are all capable of sponsoring sessions at which members of the public can exchange opinions and information with one another—and, of course, with knowledgeable representatives of the official community, including law enforcement representatives. To be effective, such sessions need not—and perhaps should not—be formal or highly organized. Because a part of their value resides in the opportunity they provide for the public venting of emotional reactions to extraordinary violence, that value will be diminished if public participation is discouraged. Town meetings thus seem to recommend themselves over lectures, debates, and other conventional content-rich formats.

The Problem of Recurrence

In the aftermath of extraordinary violence, public concern will naturally focus on the possibility that the event just experienced will be repeated. The real likelihood of recurrence will, of course, be different for different types of incidents, and for various actual incidents within each type. But public fear is relatively indiscriminating, and will be more strongly influenced by the severity of a past incident than by the real probability of its repetition.

This form of community anxiety should be actively countered. Otherwise, it will delay the healing process and the return of relatively normal conditions. And, if left unaddressed, such fear may also contribute indirectly to the occurrence of the feared repetition. The place of rumor in the genesis of dis-

orders is well established, although imperfectly understood; a community that has experienced serious violence is fertile ground for rumors, and thus particularly susceptible to the eruption of new violence. Where terroristic acts are concerned, the mechanism by which public fear of repetition may lead to new incidents is different; because terroristic organizations seek susceptible targets, including populations that can be readily disorganized by acts of violence, the community that signals its anxiety is inviting further victimization.

To counter public fears of the recurrence of extraordinary violence, several devices are available. One is encouragement of widespread public discussion of past events, discussed above. Such discussions are the vehicles for tempering irrational expectations with realistic projections of risk; they can also provide opportunities for the discussion of positive steps, both short- and long-term, to prevent recurrence. Even if such steps cannot significantly affect the likelihood of recurrence in fact, their discussion and implementation will tend to allay collective anxiety.

The other major mechanism noted in this standard is the maintenance of community-organized rumor control facilities, which provide interested citizens with a convenient means of airing fears—general and particular—and securing reliable information. During incidents of extraordinary violence, rumor control may well be an official, or a mixed private-official, effort; in the longer term, however, private organizations and community volunteers will probably be required to maintain public clearinghouses for incident-related information, and to take and answer queries from the public. Although official cooperation, and particularly that of law enforcement agencies, will be necessary to make continuing community-organized rumor control operations fully effective, the impetus for their maintenance will be from private sources, and the burden of management and staffing will fall on private shoulders.

Services to Individual Victims

The other recommendations of this standard concern the necessity for continued provision of aid by private relief and health care agencies to the victims of past incidents of extraordinary violence, as well as the requirement for special services to individual victims by private persons who are members of the helping professions. In large measure, what is recommended is no more than an extension, at reduced level, of the programs of emergency aid and assistance divisions detailed in Standard 10.9 (Private Health Care and Relief Agencies in Emergency Situations).

But while the physical needs of persons injured

or displaced by extraordinary violence are relatively concrete, and thus possible both to anticipate and to meet, the emotional needs of victims are a largely neglected and little-understood subject. This is understandable where the relatively limited American experience with extraordinary violence is concerned, but it is nevertheless regrettable where prospects for the future are concerned. It is inevitable that when events of extraordinary violence are frequent or severe, their psychological impact on some individuals will be great. And while most of those most seriously affected will be in the category of direct victims, it is also likely that some persons who have not been individual victims will also experience severe reactions.

In the absence of reliable guidance on what forms counseling programs designed to counter the traumatic effects of direct or indirect victimization shall take, it can surely be recommended here that an effort to obtain that guidance and design those programs should be promptly undertaken. Special emphasis should be placed on the needs of the most vulnerable and impressionable members of the community—particularly those of young people. And when incidents of extraordinary violence occur, persons with the capability to give meaningful aid to traumatized individuals should be ready to take on new and potentially frustrating tasks in assisting this category of victims.

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Related Standards

The following standards may be applicable in implementing Standard 10.11:

- 4.13 Aftermath Measures
- 5.14 Legislative Attention to Underlying Causes
- 6.26 Community Relations Efforts in the Aftermath of Extraordinary Violence
- 8.3 Improving the Institutional Environment
- 10.9 Private Health Care and Relief Agencies in Emergency Situations

Standard 10.12

Followup Reporting of Extraordinary Violence by News Media

Although contemporaneous news-gathering and reporting practices can have great impact on the course of an incident of extraordinary violence and the shape of its eventual resolution, the coverage that the phenomena of extraordinary violence receives during nonemergency periods is ultimately even more significant. From the followup reporting of particular incidents and their aftermaths, as well as from general and background reporting, the public at large receives the bulk of its information about disorder, terrorism, and quasi-terrorism—and about official response to these law enforcement problems. What constitutes responsible selection of objectives and means for ongoing, nonemergency coverage is difficult to define with precision. But it is clear that a media policy that emphasizes reporting an emergency to the near exclusion of followup coverage constitutes a disservice to the public. Bearing in mind the interests and characteristics of its audience, every news organ should make a serious, complete and noninflammatory presentation of information that will serve to put extraordinary violence in context, including:

1. Factual material documenting the aftermath of particular incidents, and emphasizing:
 - a. Effects of extraordinary violence on individual victims and the community at large;
 - b. Apprehension, trial, and sentencing of persons participating in extraordinary violence;

- c. Community reactions to law enforcement efforts in incident handling; and
 - d. Official and nonofficial efforts to identify and address underlying grievances and precipitating social conditions.
 2. Factual material not specifically tied to particular incidents, emphasizing such topics as:
 - a. Local and national trends and tendencies in extraordinary violence;
 - b. Available preventive security and law enforcement techniques applicable to extraordinary violence;
 - c. Comparison of foreign and domestic experiences with extraordinary violence;
 - d. Aims, characteristics, and records of terrorist groups;
 - e. Background and recent history of quasi-terrorism and related forms of extraordinary violence; and
 - f. Recent history and causative factors of mass disorder.
 3. Editorial material analyzing options in public policy and private conduct, and where appropriate, recommending courses of action, in such topic areas as:
 - a. Kinds and levels of preventive security;
 - b. Law enforcement techniques;
 - c. Community roles and responsibilities in emergencies; and

d. Elimination of causes of extraordinary violence.

Commentary

When an incident of extraordinary violence has been completed, in the sense that the actions of participants and the tactical responses of law enforcement have become matters of historical record, its conventional news value declines dramatically. Thus, to achieve the recommendations of this standard will require active new editorial policymaking by news media organizations. In essence, those recommendations are no more than an extension of the news media policies and initiatives urged in Standard 10.8 (News Media Self-Regulation in the Contemporaneous Reporting of Extraordinary Violence). And like all the recommendations directed to the news media in this report, those included here are premised on the view that the media have an important role to play in combating irrational public fears with hard, noninflammatory information. But where it has previously been recommended that news reporting of actual incidents of extraordinary violence (in progress or just completed) be tempered by references to the historical and social context in which they occur, it is urged here that—in addition—every news media organization should develop editorial policies calculated to put a view of extraordinary violence in context before the public, irrespective of the occurrence (or nonoccurrence) of particular incidents. Strictly speaking, then, the recommendations of this standard address more than followup coverage in the narrow sense—stories tracing subsequent developments growing out of concluded incidents. They are also concerned with the full range of journalistic practices that aid members of the public either in understanding past events involving extraordinary violence or in preparing to react rationally to future events.

Postincident Reporting

The importance of public information in a complete program for the prevention and control of extraordinary violence has already been stressed too thoroughly in this report to require much further elaboration here. If persons who might consider engaging in acts of terrorism, quasi-terrorism, or violent disorder are to be discouraged from so doing, and if other members of the community are to be encouraged to cooperate with official agencies in detecting such acts and their perpetrators, it is essential that both the seriousness of the conduct involved and the character of the official response to it be made plain to the public as a whole. News organs

provide the best—and perhaps the only—vehicles for communicating this essential information.

Of all the reportorial techniques available to emphasize the seriousness of extraordinary violence and its consequences, none is more effective than followup on the individual victims of particular incidents. Although individual victimization forms only a part of the total pattern of damage wrought by extraordinary violence, it is obviously the part that is most susceptible to coverage and is precise, emphatic, and even dramatic in nature. Of necessity, attempts to follow the stories of victims will involve hard choices for news media organizations, and particularly so when a victim's wish to retreat into anonymity raises conflicts between that individual's privilege of privacy and the public's need for information. In many cases, however, those who have experienced victimization are actually desirous of making a public account of their experience, or at least some parts of it. From such accounts, news media representatives can distill coverage that will bring home the nature of the victim's ordeal.

Useful as such coverage is in underlining the seriousness of extraordinary violence, it has an important, salutary secondary function as well. By following accounts of the experience of those who have experienced victimization and survived to reflect upon it, members of the public can begin to put extraordinary violence in a realistic perspective and can begin to understand its manifestations, rather than merely fearing them. From the same stories, members of the public can also gain useful models for personal conduct under the stress of victimization, derived not from the heroic acts of exceptional individuals, but from the common fortitude of people like themselves. If news coverage can illustrate that ordinary people can cope with the experience of victimization, and can show something about how that has been accomplished in particular cases, it will perform a uniquely useful function in preparing the community for the possibility of future incidents.

If journalistic emphasis on the fate of the victim is important, both in deterring the potential perpetrators of extraordinary violence and in preparing others against the possibility of victimization, much the same can be said of coverage that stresses the consequences of participation in extraordinary violence for the participant. Following the long and sometimes tangled trail of an accused person through police handling, judicial processing, and correctional disposition presents a challenge for news organizations that function merely by selecting important events for intensive coverage as they occur. Sometimes these organizations find themselves pressed to provide adequate detail on a day's top stories. To the extent that providing followup coverage on participants in extraordinary violence involves a re-

structuring of assignment policies, however, it is believed that it is an important enough objective to make such changes worthwhile.

Too often, as journalistic practice stands today, the occurrence of an unusual or dramatic crime (whether or not the crime is one of extraordinary violence) is given wide media attention, while the apprehension of a suspect weeks or months after the event receives considerably less time and space, and the eventual disposition of that suspect's case is given still less coverage. The net effect of such a pattern of reporting is to stress the dramatic or sensational aspects of criminal acts, while leaving the overall impression that involvement in those acts has few adverse consequences for criminal participants. Whether such reporting actually encourages acts of extraordinary violence is a question to which no useful answer can be given; what is clear, however, is that better balance in follow-up reporting can reduce the possibility that it may.

Perhaps equally important, increased media attention to the consequences of participation in extraordinary violence can help the public at large to understand terrorism, quasi-terrorism, and disorder as problems for which a real—although not necessarily adequate—system of official and social response exists. How much reassurance the public may derive from the knowledge that participants in extraordinary violence are tried, convicted, and penalized is difficult to gauge with precision; what is certain is that media failures to convey such knowledge will contribute, in some degree, to the exaggeration of public anxiety.

Finally, postincident followup reporting of the kind recommended in this standard has the important function of facilitating informed public criticism of official responses to extraordinary violence. If police, prosecution, courts, or corrections are ill prepared to deal with the phenomena of extraordinary violence, or if those systems function poorly under special stresses, the news media provide an essential service in revealing these facts. No response system is so well designed that it cannot be improved by public pressure for change, or so well established that it cannot be influenced by such pressure. But many are so poorly understood that little impetus for change is ever actually felt from the public—or that what pressure is felt is ill-directed and thus easily resisted.

Nonincident-Related and Editorial Coverage

The business of news reporting is predominantly local in its bureaucratic organization and editorial emphasis. With a few exceptions the national media have relatively little impact on most people's understanding of events; those exceptions, moreover, are media such as the wire services and nightly tele-

vision network news broadcasting, which must also provide coverage of a wide range of national and international events in addition to the phenomena of extraordinary violence. Compliance with the recommendations of this standard, which urge development of comprehensive media programs of factual coverage of, and editorial comment on, extraordinary violence thus poses real problems of implementation.

If they are to be carried out, in any degree, these recommendations will call for new initiatives by local and national news organizations alike. At the local level, willingness will be required to increase the amount of topical coverage that is not addressed to a particular incident of special local interest, and to free additional news-gathering and editorial resources to secure and organize the information making up that coverage. In particular, efforts to generate and sustain public interest in stories and editorials that lack an immediate or explicit local tie-in will be important. This is not to say, of course, that any local newspaper or electronic media outlet need give general coverage of extraordinary violence a dominant place in its national and international coverage; it is to suggest, however, that every local news organization should cover the general phenomena of extraordinary violence in a systematic fashion, providing factual material on a regular—if not a frequent—basis, and supplying editorial comment that is informed by a consistent point of view.

At the level of the national news media, the required initiatives are of a different character for different kinds of news organizations. Those that reach their audiences through the intermediation of local media—such as the wire services—must strive to disseminate more hard news stories and feature materials that will be both acceptable to subscribers and useful to the ultimate public consumers. To do this will probably require making significant increases in the total amount of such materials from which local media subscribers can select. With these national news organizations rests primary responsibility for bringing full and accurate information on national and international developments in extraordinary violence to the public—even though fulfilling that responsibility may involve the reallocation of both reportorial and editorial resources.

Other national news media—those that reach their audiences directly—can present only a limited amount of information on any topic including extraordinary violence. Although highly selective by necessity, these organizations should make special efforts to give extraordinary violence a place among the topics that are singled out for at least occasional in-depth coverage. And because their coverage of extraordinary violence will necessarily be delivered

at relatively infrequent intervals, in units capable of making a relatively great impact, these national news media must exercise particular care to see not only that each report is noninflammatory in content, but also that each is as balanced and self-contained as possible.

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Related Standards

The following standards may be applicable in implementing Standard 10.12:

- 4.10 Civil Authorities and the Media
- 6.25 Relations With the News Media
- 7.10 Relations With the News Media
- 8.7 Relations With the News Media
- 10.2 News and Entertainment Media Responsibility for the Prevention of Extraordinary Violence
- 10.8 News Media Self-Regulation in Contemporaneous Coverage of Terrorism and Disorder

Standard 10.13

Research Efforts in the Aftermath of Extraordinary Violence

Qualified professional students of human behavior, social policy, and law enforcement techniques have special responsibilities to discharge in following up an incident of extraordinary violence. Although official and nonofficial postincident inquiries conducted by nonexperts can do much to bring issues to the surface and devise practical programs of action, thorough rigorously conducted efforts at research and scholarship are needed to assist in avoiding or minimizing harm from future incidents. A variety of techniques are available to persons engaged in professional postincident research, including participant and victim interviewing, statistical analysis, model building, and comparative study; individual scholars, together with the institutions and agencies that support their work, should give a high priority to the investigation of extraordinary violence. Among the specific problems and issues in most urgent need of scholarly attention are:

1. Identification of underlying causes and precipitating factors in extraordinary violence.
2. Development of predictive techniques to anticipate the incidence of extraordinary violence.
3. Measurement of the impacts of extraordinary violence and responses to it, including:
 - a. Direct economic effects;
 - b. Direct noneconomic effects; and
 - c. Indirect effects.
4. Analysis of critical personal interactions in extraordinary violence, including:

- a. Group/Leader interactions;
 - b. Captor/Hostage interactions; and
 - c. Participant/Law enforcement interactions.
5. Analysis of intra-agency and intergovernmental decisionmaking patterns in incidents of extraordinary violence.
 6. Evaluation of the effectiveness of particular techniques of incident management and resolution, including:
 - a. Techniques involving use of force; and
 - b. Negotiation and third-party intervention.
 7. Examination of the effects of mass media news reporting and entertainment on the genesis, shape, and resolution of extraordinary violence.
 8. Exploration of the judicial and correctional handling of persons accused or convicted of involvement in extraordinary violence.

Commentary

The purpose of the recommendations contained in this report is to provide practical guidance to those policymakers, responsible officials, and members of the general public who may be required, in professional or personal capacities, to anticipate or respond to the phenomena of extraordinary violence. Conducting research, as such, is thus outside this report's intended scope. But applied research—with potential practical meaning for actual decision-

making—is a critical need, which a discussion of extraordinary violence could not be complete without noting.

By way of illustration, this standard lists eight important topic areas in which research efforts to date have either been altogether lacking, or have proved insufficiently practical to be of real aid to decisionmakers. Not all of these topic areas are necessarily ones in which attempts to conduct useful applied research will prove to be rewarding; the failure of extensive academic investigations into the causes and correlates of some varieties of extraordinary violence to produce predictive tools that can be tested in real-world situations may indicate only that the task of prediction remains, at least for the immediate future, beyond our capacities. Each topic, however, represents an area in which the potential of research to provide practical guidance has not been fully explored or evaluated.

Thus, this standard urges, in effect, that where an itemized topic has not previously been the focus of research attention, it be made one, and that where previous research efforts on a topic have not produced practically applicable results, they should be extended and intensified with that goal in mind. No criticism of past research efforts, or of the cooperation and support they have received, is intended in these recommendations. To a large extent, the urgent requirement for applicable research findings bearing on extraordinary violence and its control is a new need, which scholars and decisionmakers alike are only now confronting. To the extent that past scholarly efforts have lacked practical application, this has been due as much to the reluctance of decisionmakers to support and utilize research as to any failure of vision on the part of researchers themselves.

Maintenance of Research Standards

The necessity for research findings to inform and guide responses to extraordinary violence is an immediate one. Choices are being made—or not being made—today that could be decisively influenced by the availability of such findings. To cite one example, police departments are now electing for and against substantial investments in developing negotiation capabilities; these choices are being made on the basis of informally shared practical experience—the best basis available—but without the benefit of systematic study to show what negotiation techniques are most effective, or how training affects the quality of negotiation.

Even crash programs of research into topics relating to extraordinary violence, however, will not produce applicable results in the immediate future. In the interim between institution and completion of research designed to yield such results, decision-

makers must still rely on lessons of experience, or even on trial-and-error, to support their judgment.

Among the greatest risks in any new effort to generate applicable research findings on topics related to extraordinary violence is that once a need is recognized, the necessarily deliberate pace of academic efforts will tend to be viewed as too slow to meet it. Researchers will thus experience pressure to accelerate their work, and even to reach early conclusions at the expense of sacrificing reliable methodology. These are pressures that should be firmly resisted—especially in view of the complex and poorly understood character of the phenomena of extraordinary violence. Applied research—like pure or academic research—should be governed by standards of professionalism; if these standards are relaxed, the value of initiating research efforts is called into question.

This is not to say, of course, that researchers in the field of extraordinary violence cannot aid decisionmakers while their research efforts are underway. Every study generates a series of interim findings as well as a set of final conclusions, and every inquiry yields a range of informal insights incidental to its main purpose; these interim findings and informal insights can and should be shared with decisionmakers as they are reached by researchers—although they should be clearly understood for what they are, and not taken for final or verified research findings.

The Importance of Multidisciplinary Study

Few, if any, of the topics urged here as requiring research attention can be adequately surveyed from the viewpoints of any one, or even several, of the conventional disciplines. Many have dimensions that require the skills of a psychologist, while others demand the knowledge of the economist, the organization theorist, and the criminologist. Most require the application of statistical techniques for data analysis, and all demand a measure of practical expertise in law enforcement matters.

These circumstances do not, in themselves, dictate a truly multidisciplinary approach to applied research related to extraordinary violence. Most of the studies listed here could be conducted primarily with reference to the principles of a single discipline, drawing specialized insights from other fields as required. Indeed, this approach would be a conventional and widely acceptable one for addressing the itemized topics.

It is suggested, however, that the truly multidisciplinary research approach—pursuant to which studies are designed and performed in academic and/or professional collaboration, and the measures of phenomena are taken simultaneously from diverse viewpoints—is uniquely well suited to applied

research in extraordinary violence. To begin, it should be recognized that extraordinary violence is a rubric of convenience, which describes a group of allied practical problems rather than defining a set of intellectually interrelated concepts. Thus, efforts to understand issues related to extraordinary violence will cut deeply through the traditional categories of knowledge. Furthermore, it is apparent that researchers making serious efforts to develop practical findings concerning extraordinary violence will face tasks of special complexity—and run special risks of erring seriously through limitations of vision. The multidisciplinary approach would thus appear to recommend itself as a device for checking against error, as well as a method of approaching useful knowledge.

The Research Community and the Decisionmakers

Crucial to any practical efforts at applied research in extraordinary violence is the development of new levels of toleration and acceptance between those who perform the research—primarily academics—and those who are both its subjects and its ultimate consumers—decisionmakers concerned with extraordinary violence, and in particular, the law enforcement community. In the past, relations between these groups have been characterized by unfortunate levels of mutual distrust. Academics have tended to denigrate what they have perceived as the unsystematic methods of decisionmakers, while decisionmakers have been cautious in exposing themselves to potential criticism from academics, whom they have regarded as insufficiently practical or simply unrealistic.

That this gulf must be bridged to permit research efforts to go forward is obvious. If decisionmakers need the results of research to inform their actions, researchers require cooperation to develop those findings. To a significant degree, both the basic data that all research builds upon, and the opportunities for practical testing of hypotheses upon which applied research, in particular, depends, are available to researchers only through the cooperation of police, court personnel, correctional officials, community leaders, and other actors in the real-life dramas of which extraordinary violence forms a part. Thus, some degree of mutual understanding and shared purpose—or, at least, of toleration—between de-

cisionmakers and academics would appear essential to the conduct of useful research, and to the practical adoption of its findings.

Much of the burden for bringing about these conditions falls inevitably on the researchers. First and foremost, they should strive to make their plans appear as unthreatening as possible to the decisionmakers involved. Almost as important, they should attempt to make those plans intelligible, and to give appropriate emphasis to the direct—and indirect—benefits that may flow from cooperation. Decisionmakers, too, have responsibilities to listen openmindedly to research proposals and to avoid attitudes of reflexive uncooperativeness. Even so, rebuffs are to be expected—some temporary and some permanent. But the cause of applied research in extraordinary violence is too important to be seriously hampered by professional parochialism, and persistence by researchers, along with the good will of decisionmakers, will eventually yield positive and mutually beneficial working relationships.

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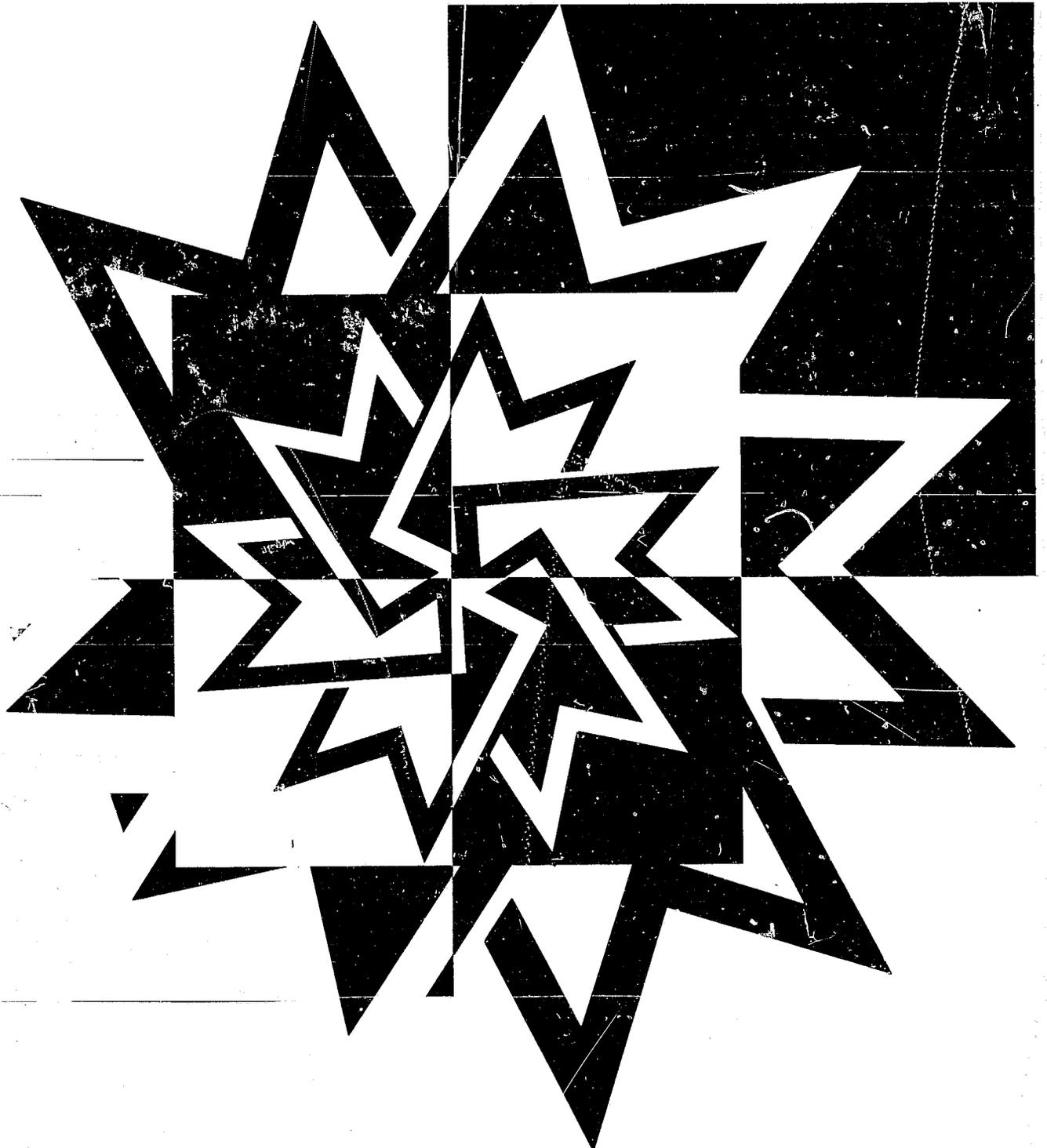
Related Standards

The following standards may be applicable in implementing Standard 10.13:

- 4.12 Official Inquiries
- 5.14 Legislative Attention to Underlying Causes
- 6.24 Relations With Mental Health Professions
- 8.4 Tactical Response to Disorders
- 8.7 Relations With the News Media

Chapter 11

Conclusions



The following conclusions must be seen and appreciated in the historical context in which they are set. There are no eternal truths in the matter of disorders and terrorism. What might well seem to be true at the moment of this writing is quite likely to be proven false shortly thereafter. Terrorism, in particular, is a constantly changing phenomenon concerning which only the most tentative conclusions can be drawn. Any reticence in this matter is due not to lack of study and still less, to a desire to remain uncommitted, but rather to a salutary respect for the evanescent quality of the subject matter and its constant transformation and reappearance in other guises. The conclusions offered are those that can be usefully drawn in the light of the experiences examined. While the widest range of experience has been studied, these conclusions, as well as the recommendations contained in the body of the report, have primary reference only to the United States domestic scene.

Disorders: Present and Future Prospects

Given the historical character of civil disturbances in the United States it seems safe to predict that they will continue to recur with regularity, for much the same reasons as they have occurred in the past. Economic conditions and labor unrest must always be particular causes for concern. Many of the traditional indicators for disorders are clearly present and need but little stimulus to activate them. The contagion factor in civil disturbances is strong, and outbreaks of violence, especially in settings such as university campuses, quickly produce imitators elsewhere. The strength of ethnic sentiment over issues such as school busing should not be overlooked as a disorder-producing factor. It should be borne in mind that it is never possible to legislate against the contingency of civil disturbances. Satisfactory integration of communities cannot be produced simply by legislative, executive, or judicial action. Great emphasis is accordingly placed on community involvement. There should be appropriate community debate on the issues with which this report is concerned, and the community should take an active part in establishing

values and insuring that they are upheld. Both the official and unofficial leadership of the community have an important role to play in stimulating the community to action in this regard. The preservation of the domestic peace is, essentially, a community responsibility, and there is a real need for everyone to be involved for this process to develop effectively.

On the positive side, it is clear that some of the lessons of the urban riots in the 1960's have been learned. In particular, law enforcement in most areas is better prepared and equipped to handle disturbances, and now shows a greater sensitivity to community feeling. There should, consequently, be less discontent on that account and greater support for law enforcement efforts to control and contain disorders. It should not be overlooked that there is great fear in some of our cities and that disorders produce much pressure on law enforcement authorities to take a hard line in dealing with these matters. The high level of civil violence in the Nation's major urban centers is a particularly disquieting feature, for it raises the level of tolerance to an unacceptable point. Violence breeds violence and, in a potentially explosive atmosphere, sentiment over quite minor issues might well become difficult to control without recourse to repressive measures. The present tranquillity is deceptive; it is urged that it not be taken as a sign that disorder in the United States is a thing of the past.

Terrorism: A Sober Assessment of the Present Risk

Transnational terrorism is a potential threat to world peace and security. Yet there is a grave and growing danger of that threat being magnified out of all proportion. Those assessing the likelihood of action by such groups in the United States in the near future might usefully consider the following points. Most transnational terrorism grows out of wars of liberation or self-determination. Those engaged in these struggles are often sponsored by nation states that are using terrorism as a form of surrogate warfare. These terrorists are being trained and supplied with sophisticated arms and material, and have the se-

curity of safe bases. This activity is likely to increase in the course of the next few years; the scale of operations will intensify; and new battlegrounds will open up. Such groups, however, are disciplined and engage in well-oriented political struggles. Their operations are likely to resemble the irregular warfare of the past and while their actions are terroristic in nature, escalation is not likely to reach a point of major concern to their sponsors.

Other highly dangerous groups modeled on the lines of the Japanese Red Army present a greater threat to international relations and to innocent persons; they offer fewer prospects of control. There is a psychopathological quality about such groups that makes their behavior difficult to predict and makes a move on their part towards some form of indiscriminate mass destruction likely. Such groups are ideologically unconnected to any specified nationalist movement, are anarchical in type, and are truly transnational in their scope and potential for harm. They have no respect for the domestic peace and security of those on whose territory they operate and little regard for international relations. There is always a real danger from groups of this type, and a symbolic action, indiscriminate and wanton, is to be anticipated at any moment. There is a common, world interest in the control and containment of such terrorists. The absence of action on United States soil by such groups to date ought not to be taken as an indicator of future immunity.

Domestic terrorism in the United States, compared with ordinary crimes of violence, is not running at an alarming level. A significant rise in terms of organization and effectiveness of terrorist operations is not expected in the near future. There is little of an insurrectionary nature about present domestic terrorism and slight prospect that it will develop into a regular form of guerrilla warfare. It is always to be expected, however, that some domestic extremist groups may seek to imitate the more spectacular activities of transnational terrorists. Conditions are not favorable for either urban or rural guerrilla warfare, nor is it likely that other, inimical nation states will seriously sponsor United States domestic terrorists. There is slight risk that domestic terrorists will seek open, large-scale confrontation; their activities will be mainly of a covert nature. There is considerable danger from fanatical, independent groups acting spontaneously and literally without a cause, save a fundamental animosity towards the United States and its system. Action by one group may well generate action by others through contagion. Precautions might need to be taken to provide against possible damage to international relations by some domestic groups.

It is considered that transnational terrorism, and international terrorists participating in national liber-

ation movements, will pose a growing threat to American business and other interests overseas, particularly in parts of Latin America. Such activity may be expected to intensify as the issues of Puerto Rican independence and the Panama Canal Zone become more prominent. The strength of anti-American feeling in Latin American countries and its potential for violent exploitation should not be underestimated. It is possible, too, with the failure of leftwing parties to secure political control of some of the Third World countries by regular means that there will be resort to terrorism directed covertly against American interests, with the incidental objective of obtaining money ransoms that can be converted into warlike potential.

Prison Disturbances

Conditions in the Nation's jails and prisons continue to give cause for serious concern. There are, on reliable calculation, more men and women in State and Federal prisons today than at any other time in the Nation's history. The very necessary intervention of the Federal courts into the corrections field has done much to ameliorate conditions and remedy abuses, but has brought in its wake a number of serious and growing problems. Many correctional authorities are simply unable, with present and short term future resources, to cope with the implications of the judicial orders rising out of prisoners' rights litigation. Overcrowding, and the serious problems it causes, continues to present grave administrative difficulties. Additionally, judicial intervention has spurred hopes among inmates and given rise to many dreams that cannot be fulfilled. There is considerable frustration among inmates, and resentment and uncertainty among correctional personnel.

In this volatile atmosphere, the conditions for disorder are always present; the increased militancy and heightened political consciousness of a substantial segment of the prison population will certainly produce serious disturbances from time to time. Public and professional sentiment is now moving strongly against the rehabilitation ethic. Considerable pressure for mandatory sentences and longer prison terms for violent offenders is being applied by those who believe these steps will curb rising crime rates. All these factors tend to increase the strains upon an already overburdened and struggling correctional apparatus. All have the potential, unless sensibly and effectively addressed, to contribute to prison disorders.

Large prisons are conducive to large riots. Serious problems of control presently exist in many of the Nation's large prisons. As only the more violent, more dangerous inmates come to be incarcerated in them, they will present more and more difficulties for the custodial staff. The design and construction of many jails, prisons, and penitentiaries lends itself to

riots, takeovers, and large-scale destruction by rioting inmates. It is assumed that the hostage-taking tactic is here to stay and will be exploited more and more by prison inmates to secure redress of their grievances or in bids to attain their freedom. The number of vulnerable noncustodial persons now regularly working with inmates increases the risk that such situations will develop. They need to be anticipated and guarded against by correctional administrators.

Those convicted of terrorism and political violence present some peculiar prison problems. Few correctional establishments at the present time are well suited to the incarceration of such offenders, and it is quite unrealistic to deprive them of their liberty without addressing the problems to which this gives rise. Any substantial increase in terrorism and political violence resulting in large numbers of such offenders being committed to prison would impose a very serious burden on the system in terms of control and custody. Failure to address these issues in a practical way will result only in the removal of the terrorist problem from one area of society and its transfer, perhaps in a more virulent form, to another. Those who establish a criminal policy that aims at severity through the lengthy incarceration of terrorists must bear in mind the implications of long sentences and the potential for violence inherent in a prison setting.

Quasi-Terrorism

This is really a criminal modality or technique without an accompanying ideology. It is a copy or adaptation of methods used and developed by true terrorists, but with different ulterior objectives. As terroristic techniques change and appear to produce certain results; they will be copied by criminal elements and put to other uses. Hostage taking in confrontation situations, having been perceived to give a bargaining lever to terrorists, is then seen to have its uses, in modified form, for the quasi-terrorist whose flight has been interrupted or who is seeking to escape from some difficult supervening situation in the course of a common crime. It is to be expected that other terroristic techniques, particularly those that can be adapted for the purposes of private gain, will be used by quasi-terrorists in the future. Special dangers are posed by high-technology terrorism, and it is certain that any successful incursion into this field by true terrorists will be rapidly followed by quasi-terroristic imitators. Correspondingly, a pattern of failure in the employment of terroristic techniques might be expected to produce a decline in the adoption of them by quasi-terrorists. The career criminal or the quasi-terrorists, operating with a high degree of self-interest, is more likely to be deterred by the

prospect of failure than is the true political terrorist or the mentally disturbed person. In this area, the contagion factor is very important and should be taken into account in the planning process.

The Present State of Official Preparedness to Meet Mass Violence and Terrorism

Both functionally and jurisdictionally, there are extremely wide variations in the current level of preparedness to meet incidents of mass violence or terrorism. It can be said with a fair degree of certainty that no individual or agency is presently able to make an informed, comprehensive assessment of the Nation's preparedness for, or response capabilities to, acts of mass violence and terrorism. Any evaluation of preparedness given here must, therefore, be speculative and must be limited to the observation of certain trends and directions. The need for a more accurate assessment is evident and should form an important part of the implementation strategy in connection with this standards and goals undertaking. In the present report, it is possible to state a series of recommendations concerning what it is believed should be done to meet the threat posed by these phenomena. However, because of the absence of relevant data, it is not possible to state in an adequate fashion to what extent these criteria have already been met, to what extent they might be locally acceptable, and what steps need to be taken to implement them. This is a task for local efforts after the framework of a comprehensive set of standards and goals is offered and is a detailed exercise that can only realistically take place at the State and local level.

Although responses to mass violence and terrorism will not ordinarily be a primary Federal responsibility, in technical matters little fault can be found with the preparations and the level of awareness of the various Federal agencies involved. The Cabinet Committee to Combat Terrorism maintains a constant review of policy in the light of developments and performs an important coordinating role. Admirable efforts have been made, particularly by the Federal Bureau of Investigation (FBI), to develop sophisticated, terrorist-response techniques and to disseminate knowledge of them, as appropriate, to local law enforcement agencies. The United States Marshals' Service has developed great expertise in certain areas with telling effects. The research and development endeavors of the Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, in the area of explosives identification and detection are extremely advanced and, with the limited resources at its disposal, the Bureau is well abreast of current developments. The Federal Antiskijacking

Program has been a model of its kind and has contributed in considerable measure to the prevention of domestic skyjackings.

There is clearly a need for much greater coordination of effort, particularly in areas of potential jurisdictional and command conflict. Federal assistance to State and local authorities can be of the highest value and can make the difference between success and failure in operations. The development of a healthy spirit of cooperation among Federal, State, and local agencies can do much to insure the effective implementation of the recommendations offered in this report.

No accurate appraisal can be given of the current level of preparedness of State and local law enforcement authorities. In some of the larger jurisdictions, a high level of awareness of the problem exists and steps have been taken to develop the capability to meet situations of extraordinary violence. In most jurisdictions, there probably exists some sort of contingency plan, but the comprehensiveness of this, its direction and focus, and whether or not it is up-to-date is mainly a matter of conjecture in the absence of a comprehensive nationwide inventory. It is of the greatest urgency that such plans be carefully reviewed and brought up to date. The serious civil disorders of the 1960's led to the development of a considerable body of knowledge in the handling of such disturbances and to the creation, in many jurisdictions, of special operational units to act in such cases. It is not clear to what extent, nationwide, the relative tranquillity of the last few years may have led to a relaxation of the general state of preparedness to meet the contingency of mass violence, but it is certain that preparedness is not at the high level it once was.

There has been a notable proliferation in the past few years of special operations units on the SWAT model, for the handling of individual and small-group terrorist and quasi-terrorist incidents. The relative effectiveness and value of these units to the different jurisdictions concerned requires careful evaluation. The special-operations concept is an extremely useful one, but it needs understanding and careful employment and may well not be cost-effective under certain circumstances. Again, the whole question of specialization, in relation to the handling of incidents of extraordinary violence as treated in these standards and goals, requires careful evaluation during the implementation phase, in order to see what is actually being done and what criteria are already met by existing special operations units. It is emphasized that it is not the SWAT concept as such that is being questioned, only its utility under certain circumstances, and this is something, again, that can only be tested by local review.

The current level of preparedness in the adjudication area is hard to assess on the available evidence,

but it is probably true to say that very few jurisdictions have addressed these questions at all, and that few would be ready to meet the problems caused by the outbreak of mass violence or the eruption of an organized terrorist campaign. Careful, systematic planning is necessary to avoid improvisation. The need for an overall, integrated approach is particularly important in the adjudication area. Here, too, implementation must commence with a State and local inventory, in order to make a proper assessment of present capabilities of responding to mass violence and terrorism.

In the area of legislation, it is clear that very little systematic work has been done. The lack of agreement on definitional problems and a general, philosophical approach has been reflected in the absence of legislation, although Congress has undertaken some preparatory inquiry into some of these problems. There is little evidence of an overall preparedness in the area of legislative responsibility and, once more, any implementation would have to commence with an evaluation of what presently exists before positive steps can be taken to implement some of the recommendations suggested.

In the correctional field, it is evident that the present response capabilities of the majority of authorities are well below those prescribed by these standards and goals. The American correctional system is going through a serious crisis both in philosophical direction and in current resources. It is the part of the criminal justice system upon which the current high level of crime has borne most heavily. No consistent correctional theory is currently being applied throughout the country. Some of the suggestions made for handling the particular class of problems with which this report is concerned would require an extensive overhaul and reexamination of both attitudes and resources. There are a number of basic problems that corrections must urgently address before it can deal with some of the particular issues raised by this report. A rigorous examination of these problems and some difficult policy decisions must preface any implementation effort in this area.

The Ability to Cope With Future Terroristic Activity

Any significant future increase in the level and intensity of terrorism in the United States is most likely to assume one of two forms, or a combination of both. (1) There may be resort to organized, political terrorism with a view to extending this into systematic guerrilla warfare throughout the continental United States. This may or may not be aided and abetted by foreign elements or clandestinely spon-

sored by foreign powers. (2) There may be resort to high-technology terrorism.

It is necessary to consider, so far as may be possible, how well equipped and prepared the official community may be to handle such future terroristic activity as can be reasonably envisaged. There is no present, firsthand experience in handling systematic terrorism perpetrated by a nondomestic group. Although the experiences of other countries are instructive in this regard, they are no substitute for actual practice and the sharpening of focus that responses to actual incidents can bring. The danger of meeting such new developments with old and trusted, but in the new context inappropriate, responses must be guarded against. Sponsored terrorism of a type that has taken place elsewhere would be an act of covert warfare against the United States and the response, both diplomatic and immediate, would have to be attuned to that fact. Were the situation to reach serious proportions, there would unquestionably need to be a resort to a military-response capability. On a realistic appraisal of the threat it would not pose an intolerable nor an entirely novel burden upon the responding authorities, but there would be some urgency in implementing some of the measures suggested in this report.

On the other hand, high-technology terrorism poses problems of a vastly different order. With the exception of the nuclear field, there is presently very little specialized capability available among Federal agencies, and probably none at State and local levels, to meet the types of high-technology terrorism that have been discussed elsewhere in this report. Indeed, with the exception of nuclear terrorism, a nonspecific role is indicated for Federal agencies in relation to the problems of high-technology terrorism. The threat is presently so new and so difficult to comprehend in all its dimensions that steps to meet it seem, perhaps, premature and unreal. Many studies have been commissioned, but there has been little or no systematic operational planning to meet such contingencies. Yet the evidence suggests that the potential for high-technology terrorism in the not-too-distant future is very real and ought to be realistically and urgently faced.

Flexible Versus Inflexible Policies

There is clearly a time for firmness and, equally, a time for flexibility. There are points upon which no authority can ever yield and there are others that may be negotiable at times and not negotiable at other times, according to circumstances. A position of flexibility is strongly advocated. Nothing could be more damaging, and no greater symbolic victory could be more worthwhile to the terrorist or quasi-

terrorist, than to force a humiliating abandonment of a declared policy of no negotiations. It is most unwise that the negotiating authority be locked, or lock itself, into a rigid, self-limited framework for purely ideological reasons. It can serve no useful purpose, it does not deter the serious terrorist, and it might well be the downfall of those who base their defensive strategy upon it.

This is very different, however, from a predetermined policy limiting negotiation on certain matters, such as payment of ransom for the release of prisoners. Under certain circumstances, it may well be unwise or inappropriate to make any concessions whatsoever to terrorists or quasi-terrorists. But it serves little useful purpose to announce such a policy in advance, and such an announcement may indeed have an adverse effect. Those involved in a difficult process of negotiation should receive the clearest directions from their superiors as to the extent of their authority, but the person with whom the final choice rests should retain all such discretion as might be necessary to make the bargaining process realistic and effective.

There is considerable doubt, domestically and internationally, as to the strict legality of some assurances given in the course of negotiations with terrorists. In some countries, it may indeed be against the law to make any of the concessions demanded. This gives rise to legal and practical problems in keeping the bargain. It is not recommended that certain types of negotiated settlement be barred by law nor that promises made under duress produced by terrorist action be legally void of effect so as to permit their being broken by those who have made them or by other agents of the state. These are, essentially, moral or judgment issues, but they are ones upon which a position must be taken. Whatever the position in strict legal terms, the effect upon the lives of future hostages must be carefully weighed against the understandable temptation to deny the terrorist his ill-gotten bargain in the present case.

The Preservation of Social Values in the Face of Political Violence

The justification of terror, whether by individuals or groups seeking to challenge legitimate authority or by government representatives making a state response to extraordinary violence, is a certain road to the destruction of those values most prized in our society. Terror is, in itself, a challenge to those values. Priority must, therefore, be given to measures designed to conserve our values in the face of violence and extreme provocation. Political terrorism usually has a well-structured ideological base from which it springs. It must be opposed from the

basis of an equally strong counterideology. The community must not only be educated in the tenets of that ideology, but it must also have a real share in the value-setting process. Violence can never be successfully countered by violence alone. The community must come to understand and accept the legitimacy of the one ideology over the other. Such understanding and acceptance can only come through sound reasoning and a measured, sober application of the force entrusted to the state as opposed to the wanton, indiscriminate violence wielded by those seeking to challenge it. The argument is lost when the state descends to the level of the terrorist.

The community must repudiate terrorism. We must beware of "crowning the terrorist with a halo," as Vera Figner said. Glorification of violence by the media appeals to aggressive instincts and creates a climate of acceptance of conditions that threaten the civil peace. On the evidence, it seems unquestionable that many are encouraged in violent ways through the prospect of the notoriety that modern mass communications afford. While we continue to feed this prurience there will be no lack of candidates for the front pages of our newspapers and news magazines. We should strip away some of the romantic euphemisms from what are really foul and cowardly crimes. A heavy and difficult responsibility rests with those who, in our society, enjoy freedom of expression, for by its incautious or unintelligent exercise they may well be contributing to its eventual demise at the hands of unprincipled extremists.

The representatives of the media must make an urgent, searching reappraisal of their own values and responsibilities. Only by facing realistically the choices of potential harm, both to principles and to the community interest, can a proper balance be struck. There is a clear difference between news and propaganda. Those who have taken upon themselves the function of informing the public have an obligation to observe the distinction.

Experience shows that, however selective terrorism may be and however discriminating the protagonists, the ultimate sufferers are the innocent members of the community-at-large. For the terrorist, there are no innocent bystanders, and none can hope for immunity through noninvolvement once a terrorist campaign has been mounted, because society itself is the ulterior victim of the terrorist. The community must, therefore, organize under its leaders to meet the onslaught and to conserve its values. A community that unites to resist terrorism and mass violence is successful in warding off the threat. A community that is apathetic, and that allows a wedge to be driven by the terrorist between itself and its leaders, falls easy prey to the terrorist campaign. The community must be educated and alerted to the dangers and encouraged to follow the path

of resistance. The main body of the community cannot stand by in the hope that something will be done by others to combat the menace of terrorism. The fight against terrorism and mass violence is a community fight, and it can only be won through cooperation by all members of the community, in differing degrees, according to their respective capacities and to the extent of their involvement. Although a victimized community may have to learn to endure the pains of terrorism, it ought never come to tolerate them.

The Importance of Community Judgments

It has been frequently stressed that terrorism is a singularly vicious type of warfare. The enemy may be lurking in our midst or, in the case of transnational or international terrorism, may be a stranger from outside. Wars are seldom fought to a decisive conclusion. Generally, attrition takes its toll, concessions are made, compromises are reached, and one side or the other withdraws from the struggle, either through weariness or a revised appraisal of its interests and objectives. Terrorism cannot be reliably measured simply in terms of human and material losses. Its effects go much deeper and have a pervasive and debilitating quality. The purely quantitative approach to terrorism must surely lead to an unrealistic complacency. It is the purpose of the terrorist to induce doubts as well as fear and to create a weariness that will lead to eventual surrender. This is particularly the case with the so-called wars of national liberation; and a succession of experiences teaches that it is not defeat in the field but tiredness and the affliction of self-doubts in the community at home that leads to eventual withdrawal and abandonment of the struggle.

It is not unsound to suggest that these principles are equally valid in connection with the struggle against domestic terrorism. A community that is behind its leaders, is in agreement with their policies, and is free from doubt, is unlikely to be defeated by even the most serious of terrorist campaigns.

To achieve this happy result, the responses to terrorism and extraordinary violence generally must accord with community judgments. Responses must not only conform to law, they must also be in tune with public sentiment. The community must sanction the responses with its approval. In this, it is most important to determine who constitutes the community. The community must not be thought of simply as its most influential or vocal members, nor those with entrenched and important though quantitatively inferior interests. Those planning countermeasures must take the broadest spectrum into consideration in their search for acceptance, including those ordi-

narily passive or apathetic elements which form the bulk of any community.

The only viable responses to terrorism in this country are those that meet with broad acceptance by the American people. There is a tendency for a community under pressure of terrorist activity to overreact. A proper balance must be struck between the right to be free and the right to be secure. Coping with terrorism will invariably mean some inconvenience for the community, the curtailment of some freedoms, and modifications upon the exercise of others. It ought not to mean the panic resort to Draconian measures at the behest of the few nor the adoption of a policy of general repression that can only serve to foster more widespread discontent. There is a subtle interplay between community judgments and leadership in the formation of those judgments. Giving the community what it wants, and a sense of receiving what it needs, is often only another way of expressing the social solidarity that should exist both in thought and action if the terrorist challenge is to be successfully met and turned away.

The Emphasis on Preventive Measures

Prevention is better than cure. If a terrorist movement or terrorist operations can be detected in the incipient stages, innocent lives may be saved. Many terrorist campaigns might have been prevented, or at least prevented from developing as they did, with forethought and the adoption of appropriate countermeasures. Prevention is essentially a long-term strategy, in which special attention should be paid to economic, social, and political problems. The successful revolutionary has an unerring instinct for exploitation of the right conditions for change, but the terrorist is typically characterized as one who will not wait for conditions to be right, but rather acts to produce those conditions in a violent way. Conditions are always right for the terrorist of limited vision and objectives, and no preventive strategy can hope to do more than turn the balance of advantage sharply against the terrorist. Yet a preventive strategy designed to remove or reduce the causes of social tension and frustration is of prime importance, for it denies the terrorist the opportunity to exploit his initiative and to consolidate any gains he might derive from it. Terrorism can be sown upon any soil; it cannot flourish where the ground is barren.

An efficient, well governed intelligence capability is of the highest importance in any preventive strategy. The Select Committee of the United States Senate to Study Governmental Operations with Respect to Intelligence Activities reported: "Our investigation has confirmed that properly controlled and lawful intelligence is vital to the nation's interest."

[*Intelligence Activities and the Rights of Americans*, Book II, Senate Report no. 94-755, Washington, D.C.: United States Government Printing Office, 1976.] The intelligence community offers the best prospects of early detection and prevention of terrorist activity that might affect United States interests. In order to perform most effectively, it must be allowed the fullest range of sophisticated techniques. To deny the use of these to prevent, for example, the destruction of an aircraft in flight with hundreds of innocent victims aboard, to obtain timely warnings of the attempted assassination of an important public figure whose death might be measured not only in terms of personal tragedy but also in national and international trauma, or to prevent the blowing up of public facilities with its toll in lives and public confidence, is to display either extraordinary cynicism or naivete.

The dangers to the United States and its fundamental freedoms come not from intelligence activity itself but from badly regulated and badly supervised intelligence activity. The potential danger to the domestic peace from having no intelligence activity at all is as frightening to contemplate as it is ludicrous to suggest. The intelligence capability to respond to terrorism must be increased, not diminished, but the increase must be accompanied by a greater oversight and accountability so that these necessary activities are conducted within the bounds of the country's Constitution, laws, and traditions.

Impressionistic Views Unsupported by Hard Data

It has been well said that: ". . . [the] romantic fable, once put in circulation, will usually outlive documented fact." [S.L.A. Marshall, introduction to *The Dirty Wars*, edited by Donald Robinson, New York: Delacorte Press, 1968, p. xx.] There is a real danger in this field of impressions gaining currency without benefit of a solid foundation in fact. In the area of terrorism, tales tend to grow larger in the telling. Such impressions sometimes become very influential in the formulation of policy. It becomes extremely difficult for such impressions to be dislodged, erased, or corrected—even where sound research is later conducted for the very purpose of testing their truth or falsity.

This cautionary note is sounded not only in relation to events, personalities, and interpretations of them, but, even more particularly, in relation to responses and their efficacy. We must guard against snap judgments as to cause and effect, especially where these results are not reported scientifically. Much information, both domestic and international, is presently exchanged on a very casual basis or is

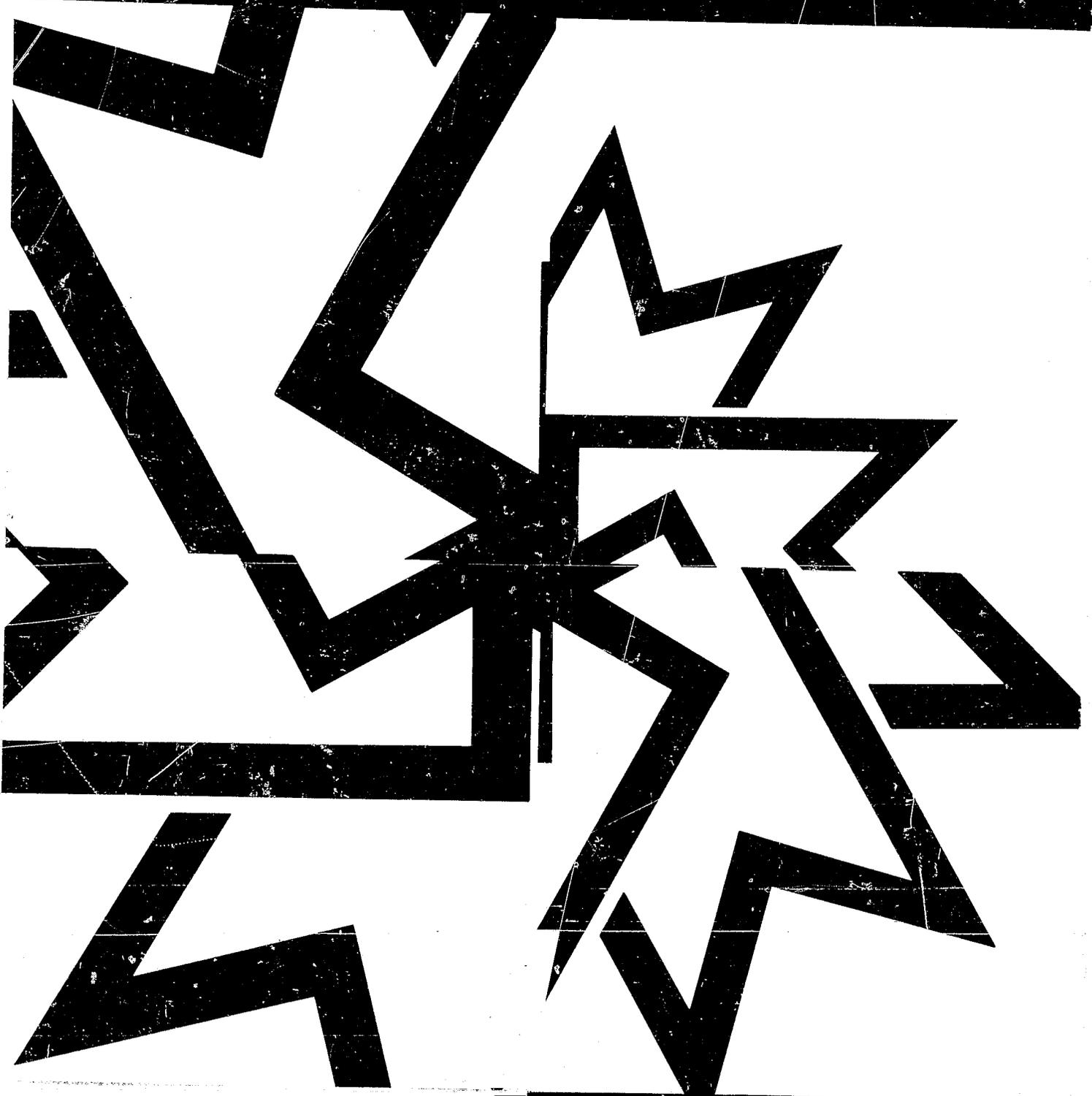
reported in a journalistic rather than a scientific fashion. Many events of this kind lend themselves only to such treatment, but there is often the real possibility that these fragmentary, uncritical accounts will be accepted as having a far greater value than they warrant. There is a real need for better data collection, analysis, and transmission of the lessons to be learned from the growing experience of these happenings.

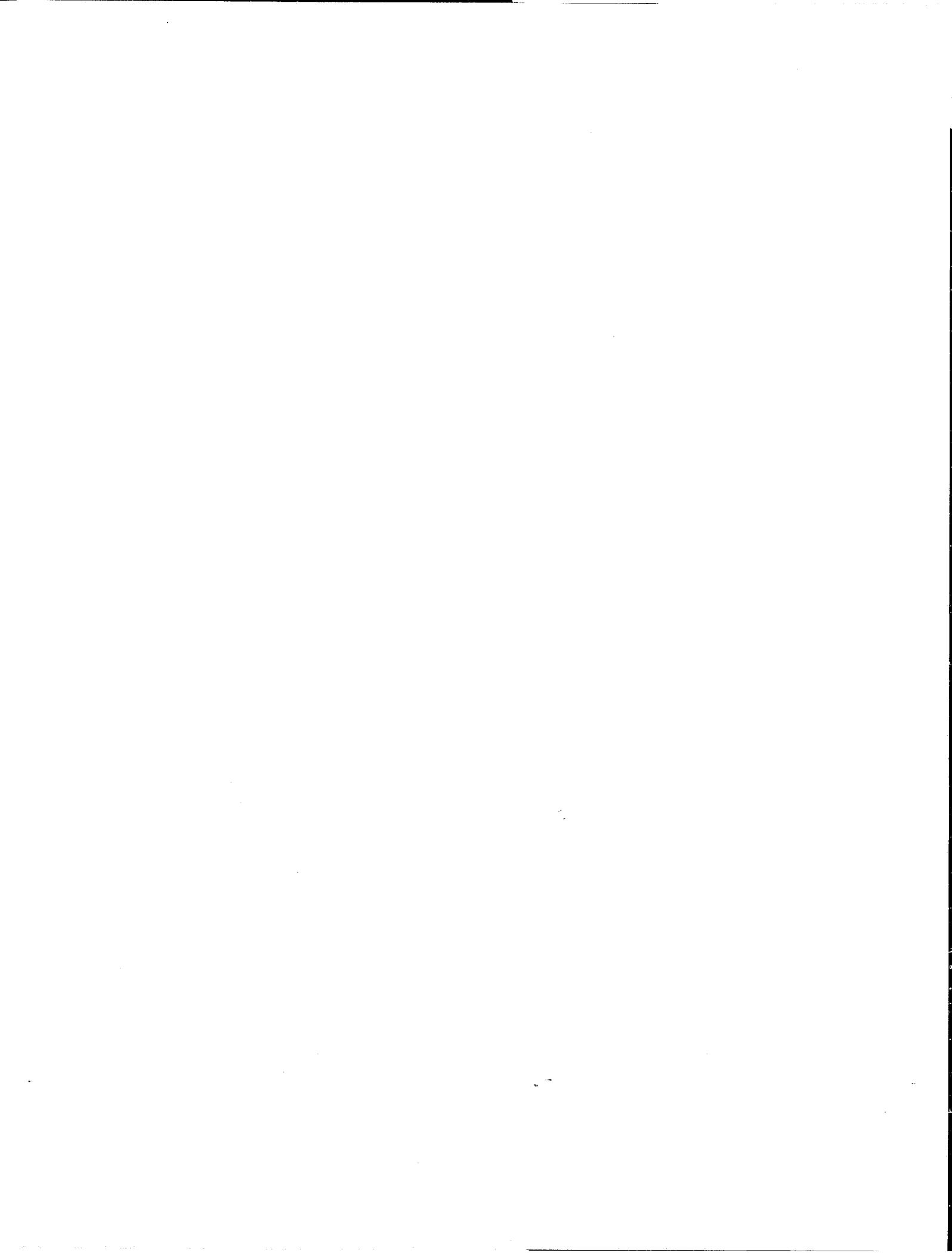
Preparation and Training

The need for preparedness is paramount. The training of those having charge of the immediate response is of the highest priority. The serious terrorist will spend a great deal of time and thought

on the preparation of his enterprise; not only its success but his very life depends upon the thoroughness of his preparatory work. The terrorist has the initiative, and modern society offers the widest variety of targets. It is unrealistic for any community to remain permanently on full-scale alert. Yet the terrorist need wait only for the guard to be dropped in order to strike. Getting ready to cope with terrorism primarily involves the training of key personnel. In the implementation phase of this standards and goals effort, the closest attention should be paid to those recommendations relating to training. Federal, State, and local governments should give proper financial support and every encouragement to the implementation of these training recommendations so as to bring responding agencies and support services up to the proper level of preparedness in this regard.

Appendixes





APPENDIX 1

THE INTERNATIONAL EXPERIENCE WITH TERRORISM: AN OVERVIEW

H.H.A. Cooper

Introduction

Terrorism has manifested itself, in one form or another, across the globe since the end of World War II. In greater or lesser degree, it has affected most of the seven continents, and there is scarcely a nation state that can claim to have been wholly untouched by its effects. Modern terrorism is no respecter of ideologies, as recent events in both China and the Soviet Union have demonstrated. Terrorism has taken place in the skies, on the seas, and below the surface of the earth. Frequently confused with other phenomena of violence and inextricably interwoven with the patterns of ordinary violent crime, it impinges upon the human consciousness with ever increasing force, thanks to the miracle of modern mass communications. To adapt a famous Churchillian epigram: Never have so few succeeded in causing so much concern to so many. In terms of actual harm to life and property, the world-wide effects of terrorism may be accounted comparatively slight; slight, that is, when compared with conventional war, pestilence and disease, natural disasters, the crushing burden of common crime in some countries, and even the effects of mere human carelessness. It has been said that, during the emergency produced by the Mau Mau terrorism, more Europeans were killed in traffic accidents within the city limits of Nairobi than were murdered by ter-

rorists in the whole of Kenya. [Ian Henderson and Philip Good, *Man Hunt in Kenya*. New York: Doubleday and Co., 1958, p. 13.]

Yet the consequences of modern terrorism cannot be measured usefully in this way. The fear generated by acts of terroristic violence is out of all proportion to the character of the activity or the toll in human and material terms. Most of all, terror is the catalyst for a number of reactions and overreactions that have a profound effect upon domestic and international relations at all levels; the present overview really represents a somewhat simplistic examination of these on a global footing. What is considered here is the differing nature of the terroristic problem that different countries have faced and how they have responded to it. This collective experience not only is instructive of the menace of terrorism, but offers important pointers to possible future trends and developments.

One who presumes to write such an ambitious overview must tread warily among the definitional problems that abound. Even within a firm definitional framework it is difficult to avoid the differing views and counterviews that are set up by competing ideologies. What is terroristic on a narrow view is open to different interpretation from another perspective. The subject does not lend itself to rigorous, comparative techniques. Moreover, there are obvious limitations that must be imposed upon such a presen-

tation, if for no other reason than that of space alone. Terrorism has a long and interesting history and its emergence and substance at different times might well merit careful analysis and exposition. The lessons to be derived from such an exegesis are simply not pertinent to the present study.

Historical limits generally are set quite arbitrarily and, for the present purposes, the terrorism to be described is set within the context of developments since 1945. This choice in no way suggests that modern terrorism did not exist before that date nor that it became distinctively different after it. The significance of the choice lies in the fact that the termination of hostilities in 1945 gave rise to many relevant, causative phenomena; these include wars of national liberation, the ideology of self-determination, polarized politics, limited and surrogate warfare, and a host of situational factors generating not only the climate for, but the operational ideas behind, much of the terrorism that plagues the world today. Thus, the Irish Republican Army probably can trace its ancestry back to the 18th century and its armed resistance to what is conceived of as the English enemy at least to 1916. Yet the current activities of the Irish Republican Army and particularly what has come to be known as the Provisional Wing are very much a child of the present times and have more in common with other, similar movements in the world today than they do with the earlier history of the Irish self-determination movement. Not all the world's terrorism since 1945 wears the same mask or presents the same characteristics. Nevertheless, there is sufficient identity in both technique and objective to distinguish it from its historical antecedents for the purposes of presentation here.

Currently, much of the world's terrorism, and, in particular, political terrorism, stems from changes in the balance of power since 1945 and from certain easily identifiable struggles for self-determination and the responses to them. These latter struggles have become models for later terrorists and have been expanded or adapted according to circumstances. Any overview has to be considered, nonjudgmentally, in that fashion. Inevitably, both the choice of the period covered and the methodology adopted lead to an extensive consideration of situations, which display, at first sight, a somewhat unique character and little relevance to probable occurrences in the United States or even overseas in such a way as affects directly United States interests. This would be to take altogether too narrow a view of the subject and to risk the loss of important and instructive lessons. Terrorism in Cyprus, Kenya, or Algeria, for example, might well seem, superficially, to be a peculiar product of their respective times and conditions. On closer examination, each of these terrorist campaigns, viewed from both sides, has valid lessons to offer those currently responding to terrorism.

It is important to keep in mind that what is being presented here is an overview of terrorism, not of guerilla warfare or revolutionary insurgency. The issue of terrorism is often quite incidental to the broader questions of revolutionary war and insurgency, which are of such importance in an international context. Terrorism generally is but a small part of the whole picture in such struggles, and its importance in terms of defeat or victory is often quite slight. Yet it often has a significance beyond its practical or strategic importance in the overall campaign. Terrorism has an enduring quality that transcends the results of the campaign itself. It can leave a mark that is not eradicated for generations. Indeed, the resort to terror and counterterror delineates some situations quite clearly from others. Terrorism springs from a position of weakness, and the use of terror is predicated on the belief that it will succeed in changing for the better some situation where all other means are denied or have failed. Perhaps the most signal lesson from an international perspective is the invariable failure of terrorism to attain its objectives. Even where some immediate advantage appears to have been gained, the legacy of terrorism is such that an inevitable price eventually has to be paid. On a long-term view, terrorism is a singularly ineffective means of bringing about social and political change.

Terrorism, like genocide, is a deliberately chosen technique. Its exponents hope that it will achieve for them what other, more conventional means are unable to secure. Those who employ it seek to gain some advantage that, from their position of patent inferiority in terms of legitimacy and material and other resources, is denied them. The rationale is well put by General Grivas, the legendary Dighenis, whose campaign against the British in Cyprus may be taken as a model illustrative of almost every significant aspect of terroristic activity. Grivas said in his *Memoirs*:

All war is cruel and the only way to win against superior forces is by ruse and trickery; you can no more afford to make a difference between striking in front or from behind than you can between employing rifles and howitzers.

There is a belief on the part of the terrorist that the unscrupulous and barbaric methods employed have a real and decisive value. They are excused or justified by those who resort to them on precisely that ground. Experience in many countries, at many times, shows that unless terror is accompanied by overwhelming force, this belief is quite unfounded. It is easier to frighten than to coerce through fear. This has been proved over and over again in conventional as well as irregular warfare. There is a pertinent and largely unstudied analogy between terrorist strategy and beliefs and the criminal justice theories of deterrence. An understanding of this is of particular importance to those concerned with responding to acts of terrorism.

Another principal objective of the terrorist is to secure by his acts attention, preferably world attention, for his cause. The use of terrorist techniques for this express purpose has proved of the greatest advantage to those who have employed them and has far outweighed any other strategic or tactical benefit that might have been expected. Illustrations are legion but, among the most noteworthy, the taking of the Israeli athletes at Munich by the Black September Organization stands out. That act focused attention on the cause of the Palestine liberation movements and provided a stimulus that neither war nor diplomacy had supplied up to that time. The murder in Cairo of Lord Moyne and that of Count Bernadotte in Jerusalem by Jewish terrorists, while producing negative effects of anger and revulsion, achieved much the same attention-getting purpose. On realistic analysis it is unlikely that either of these acts was material in accomplishing very much more. The practical effect of all the Palestinian terrorism anywhere in the world counts for very little when weighed against the effectiveness of the Arab oil embargo.

Terroristic acts of the attention-seeking kind tend to be dramatic, symbolic, and, at times, suicidal. They have to be frankly evaluated accordingly and responses must be tailored to fit. While the terrorist can hardly hope for a military advantage by such acts, the resultant publicity can, in some cases, serve to promote the cause or at least keep it alive before the world community. How many had heard of the South Moluccans or their aspirations before their sensational train hijacking in the Netherlands in December 1975?

Methodologically speaking, any overview of the subject, such as that undertaken here, presents a number of problems. Clearly, the distinction between guerrilla warfare and terrorism has to be made, for the two are all too easily confused. But, given the fundamental and indispensable characteristics of terrorism, how does one treat, for example, acts of sabotage? These may or may not be terroristic. They may be simply covert acts of warfare that, while involving loss of life, injuries, and material losses, are not designed to terrorize, but rather to strike at some important target and deprive the enemy of its use. Acts of sabotage clearly merge into other destructive acts, such as bombings. Are these acts, whose prime objective is destruction and denial of use rather than the generation of fear, to be included in such an overview? The line here is indeed a thin one, and is much the same as that presented by a consideration of target as against saturation bombing in conventional warfare.

Murder and assassination may be terroristic where they are carried out by the methods used by Grivas in Cyprus, by the ETA, by the Basque terrorists in Spain, or by the Mau Mau in Kenya. On the other

hand, the assassination of Rafael Trujillo in the Dominican Republic was not attended by circumstances of a terroristic kind and may be seen more properly as the elimination of a cruel and efficient dictator by those opposing him. The assassination attempt in 1944 upon the life of Adolf Hitler, had it succeeded, might have been seen in the same way, and few, leaving aside all value judgments, would have characterized it as a true act of terrorism despite the means employed. This is simply another way of saying that political violence may or may not be terroristic. Terrorism is characterized by, among other elements, a high degree of cruelty and an overriding indifference to the innocent victim. The means, however barbaric, always are seen by those who employ them to justify the ends. There is thus a subtle difference between the deliberate elimination of a hated police chief and a systematic campaign to terrorize, that is, to coerce through fear, through the killing of individual police officers against whom no particular animosity might be felt. This difference must be reflected in any overview, because otherwise, description and analysis become overbroad and effectively meaningless. Jordan Paust, writing on international terrorism, has observed:

There must be a terror outcome or the process could hardly be labeled as terrorism, a realization which seems to have eluded some of the UN debaters; but there are fine lines for juridical distinction to be made between fear and intense fear outcomes although in many cases the type of strategy could well be prohibited under different normative provisions of the law of war. [64 *Military Law Review*, pp. 1-36 at p. 4.]

There is, too, the problem of evaluating the effectiveness of terroristic activity and the responses to it. Terrorism, certainly the political variety, however random and wanton its manifestations, is not nihilistic. The destruction wrought and the fear generated have a discernible purpose, generally to wrest power from those in control. Resort to terrorism, particularly by those engaged in what may be called broadly the struggle for self-determination, is premised upon the belief that if enough fear, horror, revulsion, and anger can be generated by the activity undertaken, the oppressor will give up control and, in the case of a colonial power, go home. Such thinking dominates the IRA terrorist campaign against targets in the United Kingdom. It might be thought that this result would prove a useful measure of terroristic success, but this is illusory. It is true that prolonged terroristic campaigns sometimes have been followed by withdrawal, abandonment, and a transfer of power, as happened, for example, in Palestine, Cyprus, Kenya, and Algeria. Yet in none of these examples can victory be ascribed to terrorism alone, and, on closer examination, it is seen that the terrorist campaign played a comparatively small part in the final result

when weighed against other factors. Yet, so often, terrorism is the catalyst. Without terrorism the result might well have been different. Terrorism viewed as armed propaganda has a value that cannot be measured simply in terms of military advantage. Each incident of terrorism must be studied carefully so that its consequences, both immediate and far-reaching, can be determined. It must be seen as part of a more complex whole. The difficulties this presents for a cursory overview are too obvious to require extensive statement.

It should be observed that some societies are accustomed, or become habituated, to a high level of violence. Terrorism, when it occurs, is little more than an intensification of that violence or a shift in emphasis. In those countries where violence is generally exceptional, occasional terrorism stands out critically and presents a somewhat exaggerated, shocking, and incongruous aspect. Many countries in Latin America, for example, have had long histories of political instability associated with frequent outbursts of social violence. [See, for example, Marshall B. Clinard and Daniel J. Abbott, *Crime in Developing Countries*. New York: John Wiley and Sons, 1973, pp. 57-62.] That these countries should be suffering now from terrorism in its more modern guise is less surprising than when the same phenomenon strikes in settings elsewhere that are less accustomed to such endemic violence. Some countries are clearly more terroristprone than others, whether because of their political situation or the generally high level of violence inherent in their respective societies.

What is of interest from an international perspective is the way modern terrorism has come to affect countries that cannot be regarded as traditionally tolerant of high levels of violence and that do not have problems of political instability that might generate a challenge to the legitimate state authority. Currently, it would seem that some countries have become easy marks for the terrorist and are being exploited or used as pawns in a struggle in which they ordinarily would not expect to become involved. Such is the case of Austria, which has suffered various transnational terrorist incidents on its soil or affecting its interests, none of which have had any direct relationship to strictly Austrian political or social matters. Many traditionally pacific European nations, such as Sweden, Switzerland, and the Netherlands, have found themselves the targets of terroristic action in a surprising, unpleasant fashion. If publicity rather than a military objective is sought, the geographic location of the target chosen is of less importance than its vulnerability and the nature of the drama that can be produced by the terrorist action. The tactics of confrontation generally are chosen in those countries that have acquired a reputation for liberal criminal policies and a soft-, rather than hard-line, ap-

proach. In such a setting, tactics of this sort are less suicidal than appears to be the case, and the target countries seem to have been chosen deliberately with the view in mind that, in the event of operational failure, the ultimate sacrifice will not be demanded of the terrorist. Many countries, such as the United Kingdom, do not have the death penalty, and there is always the prospect of securing release from prison through later coercive action. Few countries take even as firm a stand as that of the United States in these matters. This, too, must be taken into account by those responding to the event, particularly where the lives of innocent persons have been put at risk by the terrorist activity.

International action against terrorism has been bedeviled constantly by the demands of world politics, the confrontation of the superpowers, and, latterly, the emergence of the Third World as a power bloc. International action against terrorism is bound up with the history of political crime and its procedural consequences, particularly those involving extradition. The 19th century anarchist wave led to a spate of new domestic laws and the political crime exception in many extradition laws and conventions. There has been, throughout the present century, a constant and recurring search for a commonly acceptable, juridical definition of terrorism. From the start, the various scientific conferences that gave attention to this matter have found themselves embroiled in bitter ideological and political arguments that have effectively frustrated both their immediate aims and the prospects of satisfactory international cooperation. A series of assassinations and assassination attempts in the 1930's, culminating in the assassination, on French soil, of King Alexander of Yugoslavia in 1934, led to an urgent reappraisal of the matter by the League of Nations and two international conventions in 1937, one for the Prevention and Repression of Terrorism and the other for the Creation of an International Criminal Court. The first contains a very circumscribed definition of terrorism:

In the present Convention, the expression "act of terrorism" means criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons, or the general public.

Clearly, this definition was inspired by the postulates of the international law of its time. It was signed by the delegates of 24 countries. The second, signed by the delegates of 13 nations remains a pipedream that recurs, fitfully, upon the agenda of almost every international conference dealing with terrorism. Despite a certain amount of private and academic enthusiasm, little has been done by way of implementation. Neither convention has had any practical value in the international control of terrorism nor have they

contributed substantially to international collaboration in the area.

The problems of modern international terrorism have at times engaged the urgent attention of the United Nations and other international bodies. As a result of the increasing use of skyjacking as a terrorist modality, three important multilateral conventions have been produced: the 1963 Tokyo Convention, which in effect requires countries to return an aircraft and passengers if it has been hijacked; the 1970 Hague Convention, which provides for either the extradition or prosecution of skyjackers; and the 1971 Montreal Convention, which requires that any kind of aviation sabotage, such as destruction of aircraft on the ground, be dealt with by prosecution or extradition of the offenders.

In 1971, in consequence of a rash of diplomatic kidnappings, the Organization of American States produced a Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance. Following the Munich tragedy of 1972, the United States Government established a Cabinet Committee to Combat Terrorism and began a number of diplomatic initiatives designed to strengthen international cooperation against terrorists. In the same year, the International Law Commission of the United Nations, pursuant to a mandate from the General Assembly, prepared Draft Articles on the Prevention and Punishment of Crimes against Diplomatic Agents and other Internationally Protected Persons. On December 18, 1972, the General Assembly of the United Nations adopted Resolution 3034 (XXVII), entitled: "Measures to Prevent International Terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying cause of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own in their attempt to effect radical changes." The breadth of this language and the sentiments expressed in it are indicative of the general, international dilemma in facing these problems. The Report of the Ad Hoc Committee on International Terrorism [General Assembly Official Records: 28th Session, Supplement No. 28 (A/9024)] is a somewhat depressing document in terms of international action against terrorism. There is little to suggest, subsequent to the extensive debates in the Subcommittee, that any greater measure of agreement is likely in the near future. The debates at the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which took place at Geneva, Switzerland, September 1-12, 1975, are indicative of the deadlock that appears to have been reached in this matter. The debates reflect a genuine concern on the

part of the United Nations for the problem of international terrorism but a complete lack of agreement on how to proceed in addressing it. The Rapporteur, Heleno Fragoso, observes in his report:

[the] need for a clear cut definition of terrorism was emphasized by all participants who wish to distinguish between transnational violence of an extended, but essentially criminal type, and the operations of national liberation organizations. In such a definition they wished to make the motivation of the actor the crucial element of the distinction. Others were concerned to establish the innocence of the victims, who often have no connection with the parties in the struggle, as the primary discriminating factor. [A-CONF. 46/L3/Rev. 1.]

The most ambitious counterterrorist proposals were advanced by the United States in 1972, in its Draft Convention for the Prevention of Certain Acts of International Terrorism. Adoption of those proposals and their implementation by the international community would have represented a substantial step forward in the struggle against terrorism. The convention would have assured the severe punishment of the perpetrators of the acts specified therein by those nations adopting the proposed draft. The United States draft, notwithstanding its intrinsic merits, fell victim to the peculiar international politics that had begun to dominate the deliberations of the world body. Only a massive terrorist onslaught upon the interests of those nations that saw fit to obstruct its adoption would be likely to prevail over such considerations. The prospects of effective international cooperation, in terms of a juridical definition of terrorism, measures addressed to its comprehensive control and punishment, and the establishment of a meaningful world adjudicatory organ are not bright at this moment.

From an international perspective, there are many issues worthy of extended examination. The choice among these, for presentation within a limited scope, necessarily must be arbitrary, but a number of matters have more contemporary interest than others. Of these, the following have been selected for examination:

1. What have been the effects of protracted terrorist campaigns, particularly those arising out of what might be loosely termed "foreign entanglements?"
2. What line is generally followed in dealing with terrorists? Which countries follow a conciliatory policy and which follow a hard line? What difference, in terms of subsequent terrorist action, do these divergent approaches make?
3. Are there any useful lessons to be learned from the international handling of the skyjacking problem?
4. What legal enactments have been used to combat terrorism and how effective have these measures been?

Foreign Experience With Protracted Terrorist Campaigns

Some of the most useful observations that can be made are the products of hindsight. From the present-day vantage point, many of the most hard-fought campaigns seem to have been entirely unnecessary or their outcome, in terms of victory for one side or the other, inevitable. This is especially so in the case of wars of national liberation. Thus, the Mau Mau terrorist campaign has been called "[the] insurgency that need never have happened," while the same writer has said of the Cyprus campaign:

Unfortunately, Grivas' ruthless methods and generally extremist political views badly damaged the people he allegedly wanted to help. His war disrupted Cypriote life to an alarming degree, and it also served to turn Greek Cypriotes against each other. In his fanatical single-mindedness Grivas underestimated and exacerbated the Turkish nationalist factor, and left a volatile and divided island with civil war almost inevitable. [Robert B. Asprey, *War in the Shadows*, Vol. II. New York: Doubleday and Co., 1975, p. 993.]

The subsequent suffering of the Greek Cypriots and their material and political losses are the inevitable legacy of those times. Yet it is necessary to remind ourselves that to many expert and well-informed participants and observers, such considerations seemed different at the time. Perhaps the most relevant lesson of all is that the hard decisions that must be made always should be based on sound intelligence provided by an impartial agency, the commitment of which to a particular line of action is not seen to prejudice its position or professional standing in case of rejection or failure. Throughout any terrorist action, whether short-term or of long duration, difficult decisions have to be made. They can be made effectively only if they are made on the basis of the best information that can be provided detachedly. Distorted intelligence leads invariably to a distorted decision. Many nations have had the bitter experience of entering into combat with terrorist groups in the belief, generated by their intelligence advisers, that the struggle would be short, sharp, and result in a cheap and resounding victory—only to find that the reverse was true. There is no substitution for accurate, carefully analyzed intelligence that is as free as possible from dogma and preconceived ideas as to the outcome of events. In operational terms, intelligence failures, inaccurate estimates of the strength and nature of the opposing forces, their leaders, and whereabouts, and, at times, an unforgivable deception of those in whom the policy responsibility was vested have been far more serious than any errors of judgment or even illegality that might be attributed to counterinsurgency forces.

The modern relevance of some of these terrorist campaigns in foreign parts lies in their influence upon the thinking of present-day terrorists and, in particular, upon their ideological and operational formation. Thus, the modern terrorist still draws not only inspiration and spiritual nourishment, but also tactical lessons from the Battle of Algiers. The tactics and objectives of the Tupamaros not only inspire imitation among domestic terrorist groups in the United States, for example, but provide a real, practical lesson for other currently active Latin American groups, such as the Argentinian Montoneros, on what to do or not to do under similar conditions. Much of the cult of the urban guerrilla derives from the campaigns of Brazilian and Uruguayan terrorists who, though they can scarcely be accounted successful in their own lands, have by their example stimulated similar activity elsewhere. While the ideas, motivation, and objectives of such terrorists are, strictly speaking, meaningful only in the confines of the territory in which they operated, their actions receive the closest scrutiny from a wider audience that is seeking to adopt and adapt seemingly effective methods to challenge the authority they seek to cripple or overthrow.

A protracted terrorist campaign, particularly one that is associated with a struggle for self-determination, almost always leads to some form of military intervention or involvement, or a suspension of the ordinary civil process of government and the substitution of a harsher regime. Even relatively mild terrorist activity can lead to extensive supplementation or amendment of the law so as to modify its application and weaken some of the fundamental guarantees. The cost of such intervention can be astronomical in proportion to the level of the terrorist activity that caused it. In 7 years, counterinsurgency measures in Kenya cost the British and Kenyan Governments approximately \$165 million.

The deployment of a military capacity is generally on a very large scale, particularly where search and destroy missions are mounted against terrorist groups. This leads to an overwhelming military presence, a saturation of the terrain, and, often a deepening hostility among the local population. It represents, too, a considerable waste in terms of men and material when judged by the results obtained. Additionally, such saturation, as well as being provocative and politically unwise in some situations, is quite ineffective against small, well-organized terrorist groups. Again, to use Grivas' words, "[one] does not use a tank to catch field-mice—a cat will do the job better." Comparatively few countries have shown themselves able to cope with a serious terrorist campaign without resort to the nation's military capability. Indeed, there has been increasing resort to the military, particularly in European countries, to

cope with relatively minor terrorist incidents. This highlights the weakness of the civilian law enforcement capability. This resort to the military is understandable in a country like the United Kingdom, where the civilian police force does not ordinarily carry firearms and is not trained as a matter of course in their use, but there is a general growing preference for the use of military force, as witness the action taken in the Netherlands in connection with recent terrorist incidents in that country.

Yet once the initial shock of the terrorist onslaught has passed, most countries have seen it advisable to restore, as quickly as possible, the peacekeeping and security functions of the civilian law enforcement authorities and reduce significantly the military presence. In countries where the police forces have been a specific target of terrorist attacks, in order to achieve a demoralizing objective, the return of authority to such forces necessarily may be slow. This was the case in Cyprus and is proving to be extremely similar in Argentina, where current terrorist activity is directed at destroying the effectiveness and authority of the civilian police. On the other hand, emergencies caused by terrorist action have the effect of improving the response capabilities of the civilian authorities in many cases and lead to the development of special operations units that gain considerable counterinsurgency skills. This was certainly the case both in Malaya and Kenya. Yet in terms of fire power and special skills, the military capability generally remains crucial. Thus, most nations, including the United States, remain dependent upon their military rather than civilian forces for bomb disposal work.

The more permanent effects of military involvement depend upon political and other circumstantial factors, such as the status of the territory in which intervention takes place; the strength and popularity of the civil government; traditions; and the success or failure of the military operations themselves. In Latin American countries, military involvement against terrorists has led sometimes, but not invariably, to the direct assumption of power by the military authorities. This happened in Uruguay following the Tupamaro campaign, in Brazil, and, latterly, in Argentina, but did not in Colombia, Venezuela, or Peru in 1965. Where the military involvement is that of a colonial or foreign power, withdrawal is usually the result of political settlement of the issues leading to intervention and involves an eventual transfer of authority to the indigenous regime. British military involvement against terrorists in Malaya lasted 12 years and in Kenya nearly 10 years. In both cases, the terrorist campaigns were broken by military means, but power was handed over to nationalist governments in both countries shortly thereafter. Between 1954 and 1962, the French fought a grim war in Algeria, in which terrorism on

both sides reached an unprecedented level. French military withdrawal was followed by the independence of Algeria, but the psychological effects of this struggle on both France and Algeria have been considerable and permanent. Terror left an ineradicable mark upon both countries. More importantly, the military buildup, the grave issues at stake, and the power and prestige of those involved, drove France itself to the brink of a military dictatorship. The power and personality of President de Gaulle, rather than French institutions and traditions, stood as the principal bulwark against this eventuality. In Northern Ireland, the British Army remains as an uncomfortable and incongruous buffer between the warring factions, able neither to facilitate a political settlement nor to pacify the population in such a way as to allow civilian law enforcement authorities to resume full peacekeeping powers. The situation in Northern Ireland is scarcely comparable to that faced by France in Algeria, but the presence of so large an army in such a role, coupled with terrorist pressures in the United Kingdom itself, gives rise in many instances to a certain feeling of concern. [See, Robert Fisk, *Terrorism in the United Kingdom and the Resultant Spread of Political Power to the Army*, paper presented at Glassboro State College, New Jersey, International Symposium on Terrorism in the Contemporary World, April 26-28, 1976.]

While serious terrorist campaigns generally have necessitated adoption of a military response, the invariable sufferers, in real terms, have been mainly innocent members of the civilian population. All too often they are the targets of both sides. They are subjected by governments to a host of harsh, restrictive measures, including curfews, restrictions upon movement and actual internment, as well as arbitrary penalties for supposedly cooperating with terrorist elements. The terrorist, for his part, seeks to generate massive fear among the otherwise uninvolved population so as to intimidate and impede cooperation with security forces. This form of terrorism was practiced extensively by the Viet Cong. In Algeria, the FLN used terrorism to eliminate what was called the "Party of the Luke Warm." While the population of Cyprus was largely sympathetic to the terrorist objective of ousting the British, EOKA still found it necessary to intimidate the civilians by terroristic means in order to obstruct cooperation with security forces. The Provisional Wing of the IRA does much the same sort of thing today in Northern Ireland. Such repressive terror, a term of Robert Moss, is used to coerce the critical mass into supporting the terrorist movement or at least not betraying it to the authorities; to eliminate rivals; and to maintain conformity within its own ranks. It may be seen as being in some way the anti-social equivalent of the regime prescribed by regular

authority to secure conformity, and thus terror is perforce substituted for legitimacy.

Levels of tolerance differ internationally, but the capacity of a civilian population to absorb a very high degree of terrorism is demonstrated by those countries that have had to endure terrorist campaigns and insurgency countermeasures over a long period. Despite bombings, political murders, and military occupation in Northern Ireland, life continues for a preponderance of the population in much the same way as it did before 1968. Between 1969 and 1975, communal violence and terrorism in Northern Ireland caused nearly 1,200 deaths, yet terrorism has not brought life in Belfast in the 1970's to a standstill. The bombing of London and other British cities by the Germans in the 1940's failed in much the same way. The general strike called by the Protestants was much more disruptive, and the point is not lost upon those affected. The population of Colombia endured a fearful level of terror during "La Violencia" between 1948 and 1956. There were about 200,000 deaths in 15 years in a country of approximately 10 million inhabitants. Yet terror was not decisive in the struggle, and Colombian cultural and political institutions withstood the strains produced by it and emerged largely unchanged. Despite the intensity of the current terrorist campaign in Argentina and the very real and modifying effect of terror upon the specifically threatened classes, life continues in that country and the dangers of terrorism have not prevented hordes of tourists from other countries descending upon Argentina to snap up the bargains resulting from her critically weakened currency. Left-wing terrorism in Venezuela during the early 1960's was of a particularly vicious nature. In 1963, the FALN (Fuerzas Armadas de Liberación Nacional) mounted a campaign to kill a policeman a day and this continued well into 1964. All the tactics of the urban guerrilla were employed: bank robberies, seizures of hostages, kidnappings, takeovers of radio stations and seminars, and an attempt, which barely failed, to assassinate President Rómulo Betancourt. Yet even this extended campaign was unable to change Venezuela's basic social and political life, destroy its links with North American business interests, or halt its dramatic economic progress. The ballot box, rather than arson, bombing, and political murder, has brought about greater social change in Venezuela. Terrorism and counterterrorism cost the lives of between 150,000 and 600,000 Algerian Moslems, yet the country continued to function even at the height of the terror, and quickly recovered its social and political vigor after independence. It is unnecessary to replicate such examples, and it seems reasonable to conclude that the prospects of effecting significant social and political change by means of terrorism alone are slight indeed. At best, terrorism

can be only an ancillary means of proceeding toward such a goal, and it is understandable that many thoughtful exponents of irregular warfare, such as Guevara, should eschew its use altogether.

Prolonged terrorist activity invariably gives rise to a reaction of counterterror that is sometimes more destructive in terms of human and spiritual values than the activity it opposes. Sometimes such counterterror is in the nature of an unregulated backlash, while in others it represents a systematic, official, or quasi-official response. Uruguay once was known as the "Switzerland of South America" and was that subcontinent's first welfare state. Its urbane, peaceful population enjoyed a long (comparatively, for Latin America) tradition of democracy and social harmony. A failing economy and dramatically changing world conditions halted progress and pointed to a dim future for the underprivileged classes. The appearance of an armed insurgent movement in the 1960's, to be known eventually as the Tupamaros, finally shattered the nation's tranquillity. This urban guerrilla movement was a typical product of the Uruguayan nation. A sympathetic commentator has written: "As an urban guerrilla the Tupamaros are not quite like any other guerrilla. One could almost call them gentlemen amateurs." [Anne Edmondson, Foreword to *The Tupamaro Guerrillas*, Maria Esther Gilio, New York: Saturday Review Press, 1972.] Viewed objectively and by comparison with other Latin American insurgent groups, their earlier operations certainly lacked the viciousness and terror-violence that characterizes so much insurgent activity throughout Latin America. For a time, the movement was spectacularly successful and it serves, even today, as a somewhat romantic model for terrorists in many countries. Thus, the influence of the Tupamaro group is still strong and persistent and transcends the boundaries of the country within which it operated; a group calling itself the Raul Sendic Brigade, after the Tupamaro leader, has claimed responsibility for assassinations in Europe in 1976. The Tupamaros were suppressed by means of a ruthlessly efficient military campaign mounted in April 1972. The cost of this operation in terms of civil liberties has been enormous. It was estimated by Amnesty International that by the end of 1975, approximately 5,000 persons were detained for political reasons or, in other words, one political prisoner for every 500 citizens. The most sinister outcome of the terrorist campaign is the well-documented, widespread, and systematic use of torture by the Uruguayan authorities. This is quite out of character with Uruguayan nature and traditions. The Tupamaros themselves never engaged in large-scale, systematic torture and such a response is, therefore, all the more reprehensible. This unfortunate state of affairs is a direct result of the official reaction to the Tupamaros and is a sad commentary upon the de-

struction of a nation's ideals in consequence of a protracted and bitter terrorist campaign.

In many other countries, unofficial counterterror is either encouraged or connived at by the authorities. A right-wing terrorist group in Guatemala, the Mano Blanca, was a response to earlier left-wing terrorism that eventually was put down by military force. Similar organizations have operated and continue to operate in Brazil. In Argentina, the Alianza Anti-Comunista Argentina is a vicious right-wing terrorist organization operating seemingly with official connivance. This organization, responsible for many politically motivated assassinations, has threatened to eliminate the families of those who died in the Trelew Massacre, which followed a left-wing breakout from Rawson Prison in Southern Argentina in 1972. The OAS, Organisation de l'Armée Secrète, carrying as its slogan, "French Algeria or Death," opened a terrorist campaign in France in 1960 with a view to coercing the French government into a settlement favorable to its cause. The level of atrocities, torture, and terrorism reached by the French security forces during the Algerian insurgency is a discreditable blot on French traditions. It has been written that:

In the last months of French rule, when Moslems and Europeans were being machine-gunned from moving cars in the winding streets of Algiers, or blown up by plastic bombs in cafes and bazaars, it became impossible to predict whether the next outrage would be the work of the National Liberation Front (FLN), the Secret Army Organization (OAS), or the barbouzes (a paramilitary group organized with police backing to out-terrorize the OAS). Confused spectators spoke not only of terrorism and counter-terrorism, but of counter counter-terrorism as well. [Robert Moss, *Urban Guerrilla; The New Face of Political Violence*. London: M. T. Smith, 1972.]

Such a reaction, or overreaction, seems to be, in differing degrees, an invariable accompaniment to counterinsurgency measures. Such a disagreeable descent to the level of those against whom combat has been joined seems to be especially likely in the case of foreign entanglements. Those who might imagine that this is an isolated, passing phenomenon, can hardly point for support to the allegations of torture by British forces in Northern Ireland that were heard by the European Human Rights Court. The moral case against terrorism is weakened substantially by such responses in kind. Moreover, experience shows that they have little effect in curbing the initial terrorism itself. Even more sinister is an official tendency to fight terror with terror. Once such a reign of terror is unleashed, its control is difficult and discrimination is impossible. Indeed, it may not even be considered desirable by those engaged in it. This is something quite different from the pseudo-gang technique used to such great effect by the British in Palestine, Malaya, and Kenya. It ought not to be overlooked that, while these methods were distinctly

irregular and involved, in some way, the fighting of fire with fire, 64,000 suspected Mau Mau terrorists were in fact brought to regular trial in Kenya and even such a notorious and brutal terrorist as Dedan Kimathi was given a fair and impartial trial after capture rather than quiet elimination in a jungle fastness. Kimathi is remembered by few; "Che" Guevara, on the other hand, is a martyr to many, and the Bolivian diplomat assassinated in Paris in May 1976, may well have paid with his life for his involvement in this affair.

The educative experience of regular proceedings should be observed; indeed, a truly noteworthy feature of most of the antiterrorist campaigns the British have engaged in is the regularity of the proceedings that attended them. This greatly assists in the maintenance of respect for law and order and helps to defeat the terrorist purposes. In addition, such procedures are a convincing demonstration of strength; they contrast with the more covert measures that some countries have deemed it necessary to engage in to eliminate the terrorist threat. Assassinations of suspected Arab terrorists have, for example, been carried out on foreign soil by Israeli agents. In turn, suspected Israeli agents have been murdered by Arab terrorists. This clearly violates the domestic security of the countries in which these events have taken place, is a distinct threat to international relations, and constitutes an uncomfortable precedent for future terrorist action. These illegal reprisals and retaliation are disquietingly reminiscent of Nazi methods. They provide considerable propaganda for terrorists, who later seek to justify their own barbarity as a response to these reactions.

A long, drawn-out terrorist campaign imposes severe strains upon the adjudicatory machinery of the country under attack and causes special difficulties for that part of the system entrusted with the incarceration and management of convicted terrorists. In severe terrorist campaigns, judges are threatened and assassinated, as was Chief Justice von Drenkmann by Baader-Meinhof sympathizers in West Berlin and a number of Argentinian judges who have fallen into disfavor with the various terrorist movements that operate in Argentina. Many countries have found it necessary to establish special tribunals, the procedures of which do not conform to the general patterns for handling ordinary criminal cases, that have the ability to hold procedures in camera, and that can impose a more severe scale of punishment. Peru, for example, following the guerrilla outbreak in the central highlands of that country in 1965 in which several policemen were killed, provided for the trial of terrorists by military or quasi-military tribunals and reinstated the death penalty for offenses committed by terrorists. In Spain, when members of the armed forces or police

are the victims, terrorists are dealt with by special military tribunals. Foreign experience has shown that it is much easier to infiltrate the police and civilian adjudicatory organs than it is to subvert the military forces. Military justice is generally severe and not subject to the same rigorous constitutional guarantees that are a regular part of the civil process. Severe strains are imposed, under such circumstances, on the defense bar. Even in those countries where there is a strong, well-organized defense bar, as in the Federal Republic of Germany, the defense of terrorists is far from an easy matter, as is indicated by the experience of those who have undertaken to represent the various members of the Baader-Meinhof gang. The Government of Eire has had to place restrictions on members of the legal profession visiting their IRA clients in prison because of alleged abuses of visiting privileges that threatened custodial security. The correctional handling of the political prisoner in general and the convicted terrorist in particular continues to pose problems for those countries facing a serious terrorist problem. Sir Geoffrey Jackson, former British Ambassador to Uruguay and a prisoner of the Tupamaros, has written:

It is significant of the Uruguayan sixties that, till my captivity, it was the Minister of Culture who was responsible for the local prison system and its inmates. Uruguay's liberal tradition amiably viewed the incarceration even of terrorists as an educational and rehabilitative function, better entrusted to the Ministry of Culture than to that either of Interior or Defense. [Sir Geoffrey Jackson, *Surviving the Long Night*. New York: Vanguard Press, 1974, p. 208.]

Frequent prison breaks characterized the early Tupamaro campaigns and there have been similar escapes in Argentina and Brazil. Mahir Cayan, a Turkish terrorist who escaped with two others from a military prison in November 1971, was killed in March 1972, along with nine other terrorists who had slain their three British and Canadian hostages.

Terrorist actions initiated for the express purpose of securing the release of incarcerated colleagues have posed even greater difficulty for the authorities. No country has been immune from such action and third parties, quite uninvolved in the struggle between the terrorists and their true opponents, have been unwillingly drawn in on this account. Thus on March 1, 1973, eight members of the Black September Organization took over the Saudi Arabian Embassy in Khartoum during a farewell party for the United States Deputy Chief of Mission. They seized several hostages, including the United States Ambassador and the Deputy Chief of Mission as well as the Belgian Chargé d'Affaires, the Jordanian Chargé d'Affaires, and the Saudi Arabian Ambassador, his wife, and children. The

terrorists demanded the release of 60 Palestinian guerrillas held in Jordan, all Arab women detained in Israel, Sirhan Sirhan, the killer of Senator Robert Kennedy, and members of the Baader-Meinhof gang imprisoned in Germany. The failure of the terrorists to obtain even serious consideration of these demands led to the execution of the two United States diplomats and the Belgian Chargé d'Affaires. On September 5 of the same year, five Palestinian commandos broke into the Saudi Arabian Embassy in Paris, seized 13 hostages, and demanded the release of an Al Fatah leader imprisoned in Jordan. On April 24, 1975, the German Embassy in Stockholm was seized in an abortive attempt to secure the release by the West German Government of the 26 Baader-Meinhof prisoners. Characteristically, there is no respect for the domestic security of the country in which the attack takes place nor for the international relations involved. The only thing that matters for the terrorist is the vulnerability of the target and the prospects of success. Under such conditions, security can be extremely expensive, as the West German Government has discovered in its attempts to deal with the legal problems arising out of the processing and incarceration of the members of the Baader-Meinhof gang. The cost of court security alone has been enormous, and according to the Stuttgart judicial authorities, the trial will cost around 14 million Deutschmarks. Security problems necessitated the complete remodeling of a wing of the Stuttgart-Stammheim prison, in which the gang members have been incarcerated. Yet all this expenditure failed to prevent the hanging death on May 10, 1976, of Ulrike Meinhof, an apparent prison suicide.

Aside from these considerations there remains the problem of what to do with those who claim to be prisoners of conscience. This is a frequent and often quite sincere terrorist claim. Some countries specially recognize the nature of political crime and provide for it accordingly in their penal and penitentiary codes. Others recognize it implicitly, while still others, including the bulk of the countries deriving their traditions from the Anglo-American common law, do not recognize it at all. Following the hunger-strike death in an English prison of Frank Stagg, a convicted IRA terrorist, the English Home Secretary, Mr. Roy Jenkins, indicated that political status could not be granted to any convicted prisoner in Great Britain. The exact value of this status varies from country to country. In some instances, those recognized as political prisoners are separated from other classes of inmates and treated more benevolently, at least in theory. In most other cases, as the records of Amnesty International show only too tragically, they are treated even more severely. The true value of the political prisoner classification

seems to lie in the mobilization of international opinion. This is sometimes true even in the case of convicted terrorists, as witness the widespread outrage at the conviction and execution of Basque terrorists according to law by Spain in 1975. Countries that had little sympathy for terrorism themselves, and that indeed were suffering terrorist campaigns withdrew diplomatic representation from Spain. And there was not merely vociferous protest on the part of intellectuals and others, but considerable damage to Spanish property overseas.

Some terrorist groups have proved to be extremely longlived and persistent. The IRA, for example, has over many years become institutionalized, so that its existence does not depend upon the cult or enthusiasm of any particular leaders. The Naxalites in India have endured through many years of campaigning and have proved virtually ineradicable. While the cause remains, such groups continue in a state of greater or lesser activity according to circumstances. They continue to attract adherents and the effect of time upon their composition, and, more particularly, their leadership, is a factor that must be reckoned with in any protracted terrorist campaign. Of perhaps even greater significance, from a response point of view, is the transition from terrorist to legitimate statesman or politician, thus proving not only the reversibility of Clausewitz's dictum of war as an extension of diplomacy, but the determined design of many to reach respectable power by these reprehensible means. Terror is rarely engaged in for its own sake, but rather as a means to an end—and that end is the transition to a state of acceptance and legitimate power. The move to what might be regarded as respectability and a turning away from violence is rarely acceptable to all and is often followed by a splintering of the movement and an assignment of the terrorist role to an extremist wing that is barely acknowledged and in some cases actually disavowed. In 1969, the somewhat conservative and lethargic attitude of the leadership of the Irish Republican Army caused those of more militant persuasion to form the Provisional IRA, or "Provos," with the intention of pursuing a more activist line. Terrorism has been largely the work of these extremists, whose tactics and methods have led to bitter conflict with the traditional leadership. According to Professor Rose: "The IRA in Northern Ireland reportedly split at gunpoint." [Richard Rose, *Governing without Consensus*. London: Faber and Faber, 1971, p. 165.] The notorious Stern Gang, which followed a policy of individual terror, was a splinter group of the Zionist Underground Army, Irgun Zvai Leumi. The Palestine Liberation Movement has become increasingly fragmented in recent years, particularly following its grudging acceptance in international circles and in the United Nations.

Terror is now largely pursued by the more extreme splinter groups, some of whose exploits have been explicitly disavowed by Al Fatah. While Yassir Arafat has not renounced the use of terror as a weapon in the struggle in which his movement is engaged, his own entry onto the world diplomatic stage has carried with it the inevitable limits to a terroristic strategy.

Thus, protracted terrorist campaigns, particularly those associated with wars of national liberation and self-determination movements, give rise to subtle transformations and transmutations among terrorist groups. While their declared objectives remain the same, strategies and tactics necessarily must change as a result of these shifts of emphasis. The distinguished jurist, Séan MacBride, United Nations Commissioner for Namibia and himself a one-time member of the Irish Republican Army, has said: "The things which are done today by what you call terrorist movements—take the IRA—would not have been dreamt of in the IRA I knew 20 or 30 years ago." [*Skeptic*, Issue no. 11, January/February 1976, p. 11.] Only those groups which, like the Baader-Meinhof Gang and the Japanese Red Army, cannot aspire to even token acceptance of any legitimate objective, remain a true, exclusively terroristic force. Such groups notably lack the survival capacity of groups associated with a long-term objective. As a consequence of these transformations, governments constantly find themselves dealing with former adversaries, many of whom have been imprisoned for their activities. This curious reversal and the psychological strains it sets up not only has implications on a high political level, but also offers an example to terrorists elsewhere that is instrumental in affecting their conduct and providing encouragement. Foreign experience has shown that few terrorist groups are capable of maintaining a sustained campaign over a period of years unless certain conditions are broadly fulfilled:

1. There must exist either a recognizable struggle for self-determination or a state of social discontent that has ripened to a point at which insurrectionary action can be contemplated;
2. There must be at least tacit support for the terrorists' objectives on the part of a substantial segment of the community from which the terrorist campaign is launched;
3. The terrorists must have a strong, sustaining ideology or political objective;
4. The terrorists must receive continuing sponsorship from outside, independent sources.

An analysis of foreign experience, country by country, shows that all other terrorist activity is of a sporadic, short-term nature, and is produced by individuals or groups responding to certain unique

stimuli or to situational states or conditions. While there are, for example, historical links between the various anarchist movements, terrorist action related to them cannot be considered part of a continuous, extended campaign, save in the most tenuous sense.

One factor in the maintenance of terrorist action over a long period is of such importance that it deserves special mention. Terrorists need safe havens within which they can prepare their operations and to which they can withdraw in safety after they have completed them. Out of this need arises the great debate, in revolutionary circles, between the relative merits of an urban against a rural-based campaign. While the question is not determined exclusively by considerations of terrain, the physical as well as the sociopolitical aspects of the country clearly will play an important part in deciding terrorist strategy and the nature of the campaign to be undertaken. Thus, to take three adjacent Latin American countries, we see that the Tupamaro campaign in Uruguay was almost exclusively urban because the countryside was fundamentally unfavorable geographically to the type of rural campaign favored by Guevara. In both Argentina and Brazil, on the other hand, terrorism in the streets of the great cities, concurrent with guerrilla warfare in the rural areas, is the preferred strategy of the groups operating in those countries. These different types of campaigns have given rise to the need for different types of safe haven. The Tupamaros had to construct an extremely tight cellular organization to avoid infiltration and discovery by the security forces. The nature of Uruguayan society favored this and the general popularity of the movement in its early days enabled it to find many safe hiding places within local communities. Urban terrorists of this kind are particularly hard to find while their own internal security remains unbroken. Many of those directly involved in the movement were holding legitimate and responsible positions throughout society and acting as a false front for the terrorists, who were able to construct hideouts and even so-called people's prisons in the heart of the principal urban areas. The Cypriot terrorists were able to do very much the same thing, while the IRA traditionally has found refuge among friendly elements in the urban population. Terrorist movements in the European countries generally have been urban rather than rural based. Nevertheless, as experience in both Cyprus and Northern Ireland shows, the terrorists not infrequently have to resort to intimidation to secure the cooperation of the local population in maintaining themselves in the community. Insensitivity by the opposing security forces greatly facilitates the terrorists' task in this regard. Terrorists are greatly encouraged by an overall breakdown in law and order, and, particularly, by

the establishment of what have been called "no-go" areas, such as those set up in some parts of Belfast, from which the conventional police forces have been effectively excluded.

The problem of safe haven frequently takes on international dimensions. One important aspect of this is treated more appropriately under the rubric of measures adopted against skyjacking. Major terrorist campaigns of a protracted character have been facilitated almost invariably because the country under attack shared borders with a country sympathetic to the terrorists' aims. This has enabled the terrorists to conduct their activities with considerable audacity, and to withdraw subsequently across the neighboring border, where they have enjoyed immunity from pursuit and harassment. Even where such terrorism has not been sponsored actively by a manifestly unfriendly neighbor, the possibility of operating from secure bases has greatly prolonged the problem and made the eradication of the terrorists all but impossible. This problem was experienced in particularly acute form, by the French in Algeria and has been a constant source of concern to Israel. It is now becoming of major importance in the terrorist campaign against Rhodesia. Where it was possible, geographically and logistically, to confine the terrorists and deny them this type of support, as in Malaya, their elimination, though a slow process, was greatly encouraged.

Sometimes an abhorrence of terrorism and terroristic methods has led to useful cooperation between countries that do not share the same political goals in the matter the terrorists have placed in contention. The cooperation between the Government of Eire and that of the United Kingdom to curb IRA terrorism is an example of such commonality of purpose. The suppression by the Jordanian Government in September 1970 of the terrorist organizations involved in the skyjackings to Dawson's Field effectively destroyed the operations of the terrorists, denied them the further use of their convenient bases for future operations against Israel, and, incidentally, gave birth to the Black September Organization. It may well be concluded that no terrorist organization is self-sufficient, and the effectiveness of terrorists and their staying power are directly proportional to the outside help they receive.

Hard-Line vs. Conciliatory Policies: The International Experience

International responses to terrorism are determined largely by what the responding power perceives as fundamental considerations of self-interest. Such concessions as the terrorists are able to obtain depend upon the extent to which they are able to risk vital interests and the extent to which those af-

fects are prepared to sacrifice human, material, and other values for the sake of what is considered to be a vital principle. While many countries claim to take a significantly harder line than others, realistically, the policy of all is governed by questions of expediency. Countries that have endured incidents perpetrated on their own soil by transnational terrorists over an issue largely unconnected with their own vital interests have not been overenthusiastic in prosecuting the offenders, for their incarceration has been not only costly, but has proved likely to lead to further terrorist action designed to secure the freedom of those in custody. The international experience in this regard has followed a fairly uniform pattern. A terroristic action, usually involving the taking of hostages, occurs, and where it is only partially successful, that is to say, some of the terrorists have been arrested, the operation is followed rapidly by another—elsewhere—designed to coerce the government holding the original terrorists to release them. Such actions have become so notorious in recent years that they scarcely warrant specific mention. Few countries have felt that the principles at stake were more important than the potential inconveniences of following a more vigorous law enforcement policy. In consequence of these considerations, very few Arab terrorists have remained incarcerated for any length of time outside of Israel, and most countries have shown an almost shameful overeagerness to accede to terrorist demands for transportation, money, and freedom. While this may make good sense in light of a particular country's immediate interests, it exposes dramatically that country's inherent vulnerability and causes it to be singled out for subsequent terrorist attention. As far as the terrorists are concerned, success in this regard tends to breed a certain contempt, and even some of the sternest dictatorships have been demonstrated vulnerable to terrorist action of this sort. In particular, mention might be made of the political kidnappings directed against Brazil, which were designed to secure the release of persons from Brazilian prisons. For example, on September 4, 1969, the United States Ambassador to Brazil was kidnaped in Rio de Janeiro by terrorists who demanded that 15 prisoners be released and flown to countries sympathetic to the terrorist cause. The Brazilian military government, which had assumed power only a short time before, was gravely split over the course to take, but the nature of the interest at stake left little choice but to accede to the terrorist demands. On March 11, 1970, the Japanese Consul General in Sao Paulo was kidnaped and the release of five prisoners demanded. Once more, the government felt it necessary to accede to these demands. On December 7, 1970, terrorists kidnaped the Swiss Ambassador in Rio de Janeiro and demanded for his return the release of 70

prisoners. After lengthy negotiations, the prisoners were given their freedom and the Swiss Ambassador was released unharmed on January 16, 1971. These terrorist operations and the escalation of the demands must be seen against the backdrop of a general pattern of diplomatic kidnappings taking place in other Latin American countries and around the world at that time. The execution of the German Ambassador to Guatemala in April 1970, following a refusal to accede to the kidnapers' demands, pointed up the risks of following an inflexible and unilateral policy. The effect of this upon international relations was obviously a factor in inducing other countries to take a more conciliatory line where they had shown themselves unable to secure otherwise the safety of accredited representatives of other countries. While most countries have continued to follow a course of least resistance where this is seen to safeguard best the immediate interest at stake, there are signs that the implications of this somewhat self-centered policy are becoming clearer to the governments of many countries, and, in consequence, a generally tougher line seems to be emerging.

The extreme hard line is expressed sometimes as a policy of no negotiations with terrorists. More commonly, the hardest line conventionally taken is one of refusing concessions. Few countries would have the temerity to adhere to a strict policy of no negotiations either directly or through intermediaries, but the extent to which concessions are made depends upon the value put at risk by the terrorist action. Israel, for example, considers itself in a state of war with those responsible for acts of terrorism directed at her interests at home or abroad. Any policy of concessions relating to the release of prisoners, for example, is barred as a matter of principle, although Israel has exchanged prisoners of war on terms far from numerically favorable with those adversaries defeated in conventional warfare. Dr. Manfred Schreiber, Chief of Police in Munich at the time of the seizure of the Israeli athletes by members of the Black September Organization has explained: "I agreed with the decision of the Israel government, [to refuse release of the two hundred Arab terrorists demanded by the terrorists] because it was clear that any other decision would leave them dangerously vulnerable to further blackmail. Israel is at war and if she today gives in to demands to release two hundred prisoners, tomorrow she may be asked to have Secretary of Defense Moshe Dayan walk to Lybia on his knees." [Speech before the International Association of Chiefs of Police, San Antonio, Texas, Sept. 25, 1973.] Clearly, in the circumstances, the Israeli athletes were regarded as expendable. This was a sad and tragic decision, but one the Government of Israel was entitled to take. It is not difficult, however, to conceive of other circum-

stances and other values that terrorists might place at risk in order to achieve another goal.

Israel has, in these latter times, taken a consistently hard line even where the lives of children have been placed in jeopardy; the Maalot incident in May 1974 is evidence of this determination. Yet, it should be remembered that this hard line has not always been Israeli policy and that formerly a different attitude obtained to the question of bargaining. In July 1968, an Israeli airliner was skyjacked by Arab terrorists and forced to land in Algeria. After 6 weeks of negotiations the crew and 12 Israeli passengers were released and allowed to continue their journey. Israel released 16 Arab prisoners "as a humanitarian gesture." In August 1969, a TWA jet was skyjacked to Damascus. Two Israeli passengers were held and subsequently exchanged for a number of Arabs held by Israel. It is extremely difficult to evaluate the effectiveness of the present policy. Certainly, while Israel alone adheres to it, such a policy loses much of its effectiveness, as was the case when Austria acceded to the demands of Arab terrorists that it close its way stations to Soviet Jewish emigrants. The Israeli policy of severe reprisals, preemptive strikes, and no negotiations certainly has not deterred some of the more suicidal Arab terrorist attacks on Israeli nationals and property at home and abroad. It is difficult to judge whether the increased security taken, for example, by the Israeli airline, El Al, was more effective in deterring potential skyjackers than was the knowledge or belief that there would be no concessions even in the event of a successful skyjacking. Realistically, it is difficult to imagine that Israel could refuse to negotiate for the lives of perhaps hundreds of passengers aboard a jet airliner, especially if these were mainly foreign nationals. International pressures to negotiate on a realistic basis would be far too strong to resist.

Other manifestations of the hard-line approach are of a more disquieting character and run distinctly counter to developments in the recognition, since 1945, of fundamental human rights. The elusive, persistent character of the modern terrorist has led some governments to take extreme and unorthodox combative measures. These have involved, among others, the preemptive strike, both on an individual and a collective basis. Using the doctrine of hot pursuit, French military forces pursued Algerian terrorists into Tunisia on a number of occasions, and the bombing of the border village of Fakiet-Sidi-Youssef, in which over 80 Tunisians, including children, were killed, set an uncomfortable precedent for later Israeli attacks of a similar nature upon Lebanese and Syrian areas suspected of harboring and giving comfort to Arab terrorists. Of even more serious international import was the Israeli reprisal raid on Beirut International Airport on December

28, 1968, in which 14 aircraft belonging to various Arab nations were destroyed or damaged. In justification, Israel claimed the raids upon her own aviation had originated in Lebanon, but Israel was not at war with that country and the effect of this action upon international relations was extremely disturbing [see Richard Falk, "The Beirut Raid and the International Law of Retaliation," *American Journal of International Law*, Vol. 63, 1969, p. 615].

It is but a small step from collective reprisals to the preemptive killing of individuals suspected of terrorist involvement. Israel has a known record in these matters and many killings by her agents have taken place on foreign soil in flagrant disregard of the domestic law of the country concerned. While Israel is not the sole offender in this regard, these practices have caused many to recall the Eichmann precedent. Violence of this sort most certainly brings a violent response. On June 28, 1973, the suspected Black September Organization terrorist, Mohammed Boudia, was killed in Paris when a bomb exploded in his automobile. Israeli counterintelligence agents were suspected of this killing and 3 days later Colonel Yosef Alon, Israeli military attache in Washington, D.C., was assassinated outside his home in Chevy Chase. A Voice of Palestine radio broadcast claimed that Alon had been executed in retaliation for the killing of Boudia. Thus two countries, the United States and France, had their domestic peace disturbed by a quarrel between parties who could not have justified their right to settle their differences upon foreign soil. Such actions, which are not uncommon, are one of the more serious aspects of modern international terrorism.

Another manifestation of the hard-line approach can be seen in the tactical handling of the barricaded-hostage situation. In many countries, the safety and well-being of the hostages is regarded as paramount, and every reasonable endeavor is made to secure their release unharmed even, in some cases, to the exclusion of other considerations, such as the possible escape and immunity from punishment of the hostage takers. The forbearance of the Netherlands in the cases of the Beilen train hijacking and the seizure of the Indonesian consulate is notable. While provisional preparations had been made to recapture the train and kill the terrorists if a point had been reached where to delay such action would have endangered irrevocably the lives of the hostages, such tactics were not determined by a retributive or vengeful policy. Several times during the course of the train incident, the authorities could have killed a majority of the South Moluccan terrorists but deliberately refrained from doing so. In those countries where a hard line is adopted, these considerations are subordinated consciously to the primary goal of insuring that the terrorists do not escape unpunished.

Under such conditions, the fate of the hostages is not sanguine.

Admittedly, it is difficult at times to distinguish the two policies, for even countries that have shown themselves ready to negotiate with terrorists sometimes have found it necessary to seek the resolution of a situation by force where it has been determined prudently that the lives of the hostages would have been placed in greater jeopardy if there were delay in using these sorts of tactics. In February 1976, six Somali-based terrorists hijacked a school bus carrying 30 French children in Afars and Issas. Negotiations were not considered expedient, and, in an assault by the French forces, all the terrorists were killed—but at the cost of the life of a 4-year-old child. Similar considerations motivated the abortive West German assault at Munich to save the Israeli athletes. Assault tactics were used in the Netherlands in October 1974 to free the 15 hostages held by armed criminals in Scheveningen jail, and in Sweden, both in the siege of the Stockholm Kreditbanken in 1973 and in that of the West German Embassy in Stockholm in 1975. While these tactics sometimes have led to the safe release of all or some of the hostages and the killing of the terrorists, even those countries that follow a consistently hard line, such as Turkey, Israel, and Spain, generally proceed according to law instead of effecting summary executions in the course of or immediately after the rescue operations. The Turkish Government followed a particularly hard line in June 1971, when it cornered the terrorists who had abducted and slain the Israeli Consul General in Istanbul. The two terrorists had taken a 14-year-old girl hostage in the course of their flight and community feeling against the terrorists was running very high. The Turkish Government refused to make any concessions, and, in an opportune moment, the police stormed the apartment in which the hostage was held captive and killed one of the terrorists. The other was taken into custody but escaped before trial; in an incident the next year, as a member of a group holding three NATO technicians, he was killed in the course of an assault by the Turkish police after the three hostages had been executed. Such immediate, hard-line tactical measures often are backed, as they were in Turkey, by massive arrests, which are, in effect, a form of official hostage taking, and the enactment of retroactive laws introducing the death penalty for certain terroristic crimes. Twice in 1972 Turkish terrorists diverted Turkish aircraft to Bulgaria and threatened to destroy the aircraft and all on board if prisoners in Turkey were not released. The Turkish Government refused these demands and in both cases the terrorists surrendered tamely to the Bulgarian authorities without carrying out their threats. It is worthy of note that in May 1972, during an attempt by Israeli special forces to recapture forceably a hijacked Sabena Air-

lines plane at Lod Airport, a majority of the hostages were released unharmed following a gunfight in which the two male hijackers were killed. Both women hijackers were placed on trial and sentenced to life imprisonment. The surviving terrorist of the three Japanese who later the same month made a revenge attack at Lod Airport also was tried according to law and sentenced to life imprisonment. In notable contrast was the action of Ethiopian security forces who, following an unsuccessful skyjacking over Madrid, rushed the two ELF skyjackers to the forward section of the aircraft and, with official sanction, summarily executed them by slitting their throats. Perhaps the hardest line of all is acting according to law notwithstanding the inconveniences of the consequences of doing so.

The international policy that seems to be emerging in the barricaded-hostage situation is patient watchfulness and refusal to offer any concessions. This does not preclude the supply of food and other necessities or the possibility of an ongoing dialog with terrorists. This policy, however, clearly has its limitations where a large number of hostages is held, as in the Beilen case, for the terrorists try to manipulate the situation to their own advantage by threatening, and sometimes carrying out their threat, to shoot hostages periodically. This firm policy now seems to those who advocate it to produce satisfactory results in a majority of cases, in the sense of a resolution of the matter without bloodshed. Mr. Tiede Herrema, a Dutch businessman, was held for 36 days by two IRA terrorists in a small bedroom of a house in Monasterevin, Eire. For 18 days, police surrounded the house but made no concessions to procure his release, despite fearful threats on the part of the terrorists to maim their victim. The Balcombe Street siege in London, which lasted 6½ days, ended with the surrender and arrest of the four IRA gunmen and the release, unharmed, of the two hostages. Similarly, the Spaghetti House incident was ended without resort to force while pursuing a policy of passive containment and no concessions. The apparent success of this policy is, nevertheless, conditioned by a number of factors that are worth noting:

1. The countries concerned had no death penalty for acts of terrorism. Thus, the terrorists were not backed into a corner from which they could hope to escape only by a suicidal act. In Turkey, for example, where the terrorists faced certain execution regardless of their further actions, they had no inducement to spare the lives of their hostages. In contrast, Dutch penal policy is particularly benign, and those tried and convicted in the Beilen case received not only speedy justice but the relatively light (although for the Netherlands, heavy) sentences of 12 years in prison.

2. The countries that have adopted this policy

with success have an excellent reputation for good-faith bargaining and fair and impartial administration of justice. Those surrendering, therefore, could be certain that they would not be subjected to ill treatment in the event of giving up their hostages.

3. Outside pressure could not be brought to bear effectively at the decisive moment by other members of the terrorist organization involved so as to jeopardize other lives or interests, which might have caused the countries concerned to capitulate. The result could have been different if, for example, a British, Dutch, or Eirean airliner had been seized in the course of the incidents mentioned in order to compel the governments of those countries to accede at least to the safe conduct of the terrorists out of the country. It may be recalled that the wounded Lebanese skyjacker, Leila Khaled, was arrested in London in September 1970 for a spectacular skyjacking but was released by the British Government as part of a general agreement to secure the safety of hostages who had been taken, from various hijacked airliners, to the Middle East.

4. Prolongation of the incident allowed for the development of the empathy between the hostages and their captors that is known as the "Stockholm Syndrome," which tended to reduce, progressively, the probability of the hostages being killed during the course of the incident.

No doubt all these hypotheses will be put to the test in the not too distant future. Perhaps the most that can be hoped from a policy of firmness is that terrorists will become generally discouraged; it cannot be hoped that they will give up altogether the practice of taking hostages. Each incident will have to be managed on its own merits, and the principle of no concessions may well have to be abandoned where foreign governments insist that terrorist demands be met to protect their own nationals. It is probably this consideration, as much as any other, that determined the quick and much criticized concessions made by the Austrian Government in December 1975, when the 11 OPEC oil ministers were held hostage in a 20-hour siege in the Vienna headquarters of the world oil cartel. It has been said that: "If there is one lesson from the experience of other countries in handling urban guerrillas, it is that it is totally wrong-headed to march out with a shopping list of military techniques and try to apply them mechanically." [*The Economist*, July 29, 1972, p. 39.] With the necessary adaptations, this sentiment could well be applied to the policies that various countries find it necessary to follow in the matter of bargaining with terrorists. Clearly, where international relations are at stake or the terrorists are able to command a decisive, tactical advantage, a policy of no negotiations may be quite unrealistic. Only those countries that are able to insist unequivocally

on a sacrifice of the hostages, regardless of numbers or identities, will be able to maintain such a policy.

One further factor relating to this matter should be examined in the context of the international scene. Modern society has become extremely vulnerable, in part because interests that can be placed at risk by terrorist action are no longer contained within neat, carefully delineated jurisdictional boundaries. International aviation, for example, although sometimes identified with specific national interests, is at the service of the world on a commercial basis. The economic, professional, and business interests involved transcend national boundaries, so that pilots of, say, El Al and Middle East Airlines share a common interest in air safety that is stronger than mere political or ideological considerations. It is of no little significance that the intervention of the International Federation of Airline Pilots Associations was a decisive factor in the return by Algeria of the El Al airliner skyjacked to Algiers in 1968. Such associations and interest groups have been most useful in formulating and refining international responses to terrorism.

The interest of the private sector is of considerable and growing importance, because terrorists, particularly in Latin America, are turning their attentions increasingly to the possibilities that its vulnerability offers. Foreign business interests have come under heavy attack by terrorists in Latin America, especially in Argentina. Huge ransoms have been demanded by and paid to terrorist groups, and these sums have increased noticeably the capacity of these organizations to continue their operations against government forces. In March of 1974, a \$14.2 million ransom was paid for the release of an Exxon Corporation executive. Official concern is understandable, for the sums of money acquired in this way by Argentinian terrorist groups alone probably exceed the budgets of most of the government forces opposing them. Latin American governments have found themselves quite unable to prevent, by legal means, compliance with the terroristic demands. Some multinational corporations are now paying protection money to terrorists for the continuing privilege of doing business in these countries. The potential perils of the situation were highlighted dramatically in April 1976, when Owens-Illinois, Inc., complied with certain terrorist demands in order to secure the release of an executive kidnaped in Caracas by Venezuelan terrorists. In consequence, the Venezuelan Government expropriated the Venezuelan holdings of the United States company for alleged violation of Venezuelan constitutional law, a move that caused considerable concern in the foreign business community. There is a latent and unresolved antagonism here: what may seem to be in the best interests of the private company involved may well be deemed on practical, commercial, and

humanitarian grounds to be against the public interest by a government fighting a difficult campaign against a well-organized terrorist movement. Even nations that have, unofficially, taken a hard-line stance on the matter of concessions have tended to turn a blind eye to the payment of ransom and the meeting of other conditions by corporations and private individuals. There is something of a double standard at work here. In Milan, Italy, where criminal kidnappings have been rife for many years, the situation, as of May 1976, has reached a point where the public prosecutor has intervened to prevent the payment of ransom; this development is being watched with interest elsewhere in Italy. The enforceability of such a prohibition is a matter of some complexity but it is unlikely that it will be followed by legislative action.

Aviation Security: The International Experience

Few modern conveniences are shared as universally as commercial aviation; in 1974, scheduled airlines carried 423 million passengers. While flag carriers tend to emphasize national pride and distinctions, the traveling public generally is more concerned with which airline will get them where they want to go at the most convenient time and under the most favorable conditions. The air traveler is delightfully cosmopolitan and concerned with little more than economy, safety, and convenience. The world's air spaces are occupied constantly by duly licensed, organized and unorganized carriers transporting, through a host of jurisdictions, a hodgepodge of travelers largely oblivious to the interesting legal and logistical questions raised by this modern miracle of international intercourse. The skyjacker or aircraft pirate is a frightening and unwelcome intruder upon this otherwise happy and practical community of nations. The ways in which different countries have come to appreciate the vulnerability of modern aviation and the steps they have taken, individually and collectively, toward its better protection form a fascinating subject for comparative study.

It seems useful to consider first the practical measures that have been taken to safeguard aviation from terrorist attacks. Modern aviation is exceptionally vulnerable. Aircraft may be blown up in flight by an explosive device concealed within the plane structure before takeoff; by an explosive device carried aboard, knowingly or unknowingly, by a passenger; or by a bomb loaded onto the aircraft in the freight and luggage it carries. Aircraft may be attacked and destroyed at commercial airports on the ground in commando-style attacks or from a distance by means of portable antiaircraft type weapons. They may be shot down out of the skies by the same

means or by other aircraft equipped for the purpose. Passenger terminals are targets of terrorist attacks either by bombing or the more spectacular and dastardly operations with automatic weapons and grenades, such as those that took place at Lod Airport, Israel in May 1972, Leonardo da Vinci Airport, Rome in December 1973, or Orly Airport, Paris in January 1975. In its own way, perhaps the most fearful of all terrorist phenomena is air piracy, the forcible assumption of command in flight by a person or persons whose intent is to use this control over aircraft, crew, and passengers for their own coercive purposes. In the interests of safety and the maintenance of the public confidence so necessary for the continued prosperity of the commercial aviation industry, each of these threats has to be faced realistically. The different ways in which the various countries and the public and private sectors have met this challenge are tied to the magnitude of the terrorist threat at any particular time and place and a desire to do as little as possible to interfere with business as usual, while maintaining a margin of safety likely to give the impression to the traveling public that the possibility of hijacking does not render flying more hazardous than the popular conception generally tends to hold.

For a variety of reasons, skyjacking increased quite sharply since 1968. In 1970, the Popular Front for the Liberation of Palestine launched a massive attack on international civil aviation. Following the successful skyjacking of the El Al Boeing 707 to Algeria in 1968, Israel took special and perhaps unique measures to prevent a repetition of an occurrence that might have forced her commercial aircraft out of the skies. Aircraft were modified structurally so as to make their takeover by a skyjacker much more difficult, and airframes were strengthened so as to minimize the harm that could be caused by explosive devices. Pilots were authorized to execute unorthodox maneuvers to frustrate any skyjacking attempts. Armed security guards were placed aboard all aircraft. Exceptional security precautions were taken at all El Al facilities at home and abroad and rigorous searches of passengers' baggage and persons were performed routinely. This target hardening made it very difficult for Arab terrorists to carry out another successful skyjacking by the means used at that time, and, taken as a whole, these procedures formed a notable contrast to the somewhat slipshod practices that the rest of the world's aviation generally considered sufficient to insure the safety of those conveyed. The upshot of these precautions was a daring change of tactics by the terrorists and a spilling over of the conflict onto innocent victims of a variety of other nationalities. Instead of trying to board El Al aircraft as legitimate passengers, terrorists, taking advantage of relatively weak airport

security outside Israel, began to try a frontal assault of a particularly brutal character. On December 26, 1968, an El Al Boeing 707 was attacked by machinegun fire and with grenades while on the ground at Athens Airport. One passenger was killed and a stewardess injured. Two Arab terrorists were captured, tried, and sentenced. On February 18, 1969, an El Al airliner preparing to take off from Zurich for Tel Aviv was subjected to machinegun attack by four Arab terrorists. The Israeli agent aboard opened fire and killed one terrorist. Four crew members of the aircraft and three passengers were wounded in the exchange. The other three terrorists were arrested by Swiss authorities. These three terrorists were subsequently tried and sentenced to 12 years at hard labor. The Israeli security guard also was tried under Swiss law but was acquitted on the grounds that his act was one of justifiable self-defense. On September 8, 1969, two Arab terrorists tossed handgrenades into the El Al office in Brussels; one of the terrorists was captured. On November 27, 1969, a Greek child was killed and 13 other persons wounded during a handgrenade attack on the El Al offices in Athens. The perpetrators, like those in the earlier airport attack mentioned above, were tried and sentenced to long-prison terms but were released in August 1970, after the skyjacking of a Greek aircraft by other Arab terrorists. On February 10, 1970, four members of the Popular Front for the Liberation of Palestine attacked a bus and lounge at Munich Airport, killing one Israeli and wounding 11 others waiting to board an El Al flight. On September 6, 1970, the Popular Front for the Liberation of Palestine organized and executed a spectacular multiple skyjacking. One of the aircraft taken was an El Al flight from Amsterdam to London. The skyjacking was frustrated when the security guard aboard killed the male skyjacker and wounded the female, Leila Khaled, who was subsequently arrested when the plane arrived in London.

Frustrated in these attempts, the Popular Front for the Liberation of Palestine engaged three Japanese terrorists to perpetrate an assault at Lod Airport in Israel. The three terrorists, who had arrived at the airport on an Air France flight from Paris, had concealed their weapons in suitcases that had traveled in the hold of the aircraft, something that had not been foreseen at that time. After collecting their suitcases, they extracted automatic weapons and grenades and mercilessly and indiscriminately attacked all in sight, killing 25 persons and wounding 76. One terrorist was killed in the gunfire, the second was killed by his own grenade, and the third was captured and subsequently tried and convicted. The terrorists had been instructed to await the arrival

of El Al flights in order to kill mainly Israeli citizens or those with Israeli sympathies, but the result of this cowardly attack was mainly the deaths of innocent Christian pilgrims, many from Puerto Rico. On August 16, 1972, an El Al plane was damaged shortly after takeoff from Rome by a bomb carried in its luggage compartment. The bomb had been concealed in a record player given to two English passengers by two Arabs who had befriended them. This incident led to even more stringent searching of baggage and personal belongings, and it is probable that only the structural modification to the aircraft prevented this from being a fatal tragedy. On July 19, 1973, an attack on the El Al office in Athens by a Palestinian terrorist armed with a machinegun and handgrenades was frustrated by an alert security guard who pressed a security button that closed inner doors made of bulletproof glass. The terrorist fled to a nearby hotel, where he managed to take 17 hostages. After several hours of negotiations by the Ambassadors of Egypt, Lybia, and Iraq, the hostages were freed in return for safe passage for the terrorist out of the country. The following day a tragic sequel to the Lod Massacre took place. A Japan Airlines Boeing 747 was skyjacked by one Japanese and three Arab terrorists shortly after takeoff from Amsterdam. A fifth skyjacker was killed shortly after the takeover when a grenade she was carrying accidentally exploded. The skyjacking was said to have been in protest of the \$6 million that Japan paid in compensation to the victims of the Lod Airport attack. After proceeding to various places, the plane finally was taken to Benghazi, Lybia, where the skyjackers released the passengers and destroyed the aircraft with explosives. On April 4, 1973, Arab terrorists launched another attack on El Al passengers, this time at Rome Airport. On September 5, 1973, one of the most bizarre and frightening incidents of all took place in Italy. Italian military police, acting on intelligence information supplied to them, arrested five Arab terrorists who were planning to shoot down an El Al airliner at the Rome Airport. One of the terrorists had two Soviet-made portable heat-seeking ground-to-air missiles. This discovery opened up terrifying prospects for international air security generally. Although all five were tried and convicted, two in absentia, they were released quickly. On December 17, 1973, one of the most tragic attacks of all took place. Arab terrorists waiting for an El Al aircraft at Rome Airport were forced to take action prematurely. They attacked a Middle East-bound Pan American jet, spraying it with machine gun fire and hurling grenades into it. At least 32 people were killed and 18 wounded. They then commandeered a Lufthansa aircraft, and, without receiving clearance from airport authorities,

forced it to take off and land at Athens with a number of hostages. From Athens they flew to Damascus and then to Kuwait, where they released the hostages and surrendered to the Kuwait Government. These terrorists had managed to fly from Madrid, Spain, where they had boarded an aircraft virtually without search, carrying the weapons that enabled them to carry out their assault at Rome Airport. On April 22, 1974, two Palestinian terrorists were convicted of plotting to blow up the West Berlin office of El Al, but were released on June 9, after the authorities had received threats that other terrorists would strike at the World Cup Soccer matches in West Berlin and other locations in West Germany if the two imprisoned terrorists were not released. In January 1975, three Palestinian guerrillas made an abortive grenade and bazooka attack on a departing El Al jumbo jet at Orly Airport in Paris. They seized 10 hostages and barricaded themselves in the airport lavatory. Seven persons were wounded by gunfire in the process. After negotiations, they were given safe conduct in a French aircraft and eventually found asylum in Baghdad. The frustration of attacks upon Israeli aviation has led, increasingly, to the involvement of other governments and innocent victims in various parts of the world. While many people undoubtedly have been deterred from using El Al as a flight carrier, the precautions necessitated by the terrorist attacks probably have made it one of the safest airlines in the world. The terrorists certainly have failed in their objective of damaging its operations and have come nowhere near dragging it out of the skies. This campaign did serve, incidentally, to point up the woeful lack of security at most of the world's major airports and to expose the general vulnerability of world aviation.

Other nations selected as particular targets for terrorists have followed the Israeli line to some extent. The search procedures on flights to Belfast originating in the United Kingdom are said to be the most rigorous in the world, exceeding even those conducted by El Al. This is in notable contrast to the procedures that obtained on most domestic flights prior to a skyjacking incident in 1975, when passengers were not even subject to search. Ethiopian airlines carry armed security guards who have on occasion not only frustrated skyjacking attempts but have eradicated the skyjackers summarily in execution-style killings. Yet international security measures in general have remained haphazard and apathetic in comparison with these extremes. Personal searches at many of the big airports throughout the world are carried out so perfunctorily as to be of no value at all. Hardly anywhere is hold baggage searched systematically; the reason given is that to do so would delay flights unacceptably. In some parts of Latin America, where hijacking has been

rife and terrorism notoriously widespread, searches are not carried out at all, even for international flights.

Despite precautions that are taken, it is still frighteningly easy to introduce illegal objects onto aircraft. Many airports whose domestic and international services interconnect are physically unsuited to guard against determined, commando-style assault. Some airports, such as those in Rome and Frankfurt, literally bristle with firepower but its disposition is not well coordinated and the crowds of passengers at times of arrival and departure make it difficult to deploy and greatly increase the possibility of harm to innocent victims that can result from an indiscriminate exchange of gunfire. Much electronic equipment is either faulty or used by inexperienced, bored, and inattentive operators. Yet despite these pessimistic indications, skyjacking has been declining steadily from the high point reached in the early 1970's. It would be comforting to think that the various practical, antiskyjacking measures have produced this effect, but a sober appraisal of the international scene suggests that the decline has occurred without them or even in spite of them. Accordingly, consideration now must be given some of the legal and diplomatic measures that have been taken to combat the menace of this form of terrorism.

At least 22 nations have laws dealing specifically with the crime of aircraft piracy or skyjacking. Other countries have provisions in their penal codes or penal laws that are applicable without modification to this type of criminal behavior as well as to the types of homicidal assault involving aviation on the ground. But the incidence of application of these laws, some of which carry the death penalty, has been very low. Sentences in those cases that have been prosecuted have been determined largely by political rather than strictly juridical considerations. Only in the Soviet Union and the Philippines has the death penalty actually been exacted. In the case of the Philippines, the severity of the penalty does not seem to have been a deterrent in any way.

The most serious skyjackings and other forms of interference with aviation, namely those with unquestionably political overtones, either have gone unpunished altogether or those captured, tried, and convicted have spent a relatively short time in prison before being released in consequence of some further terrorist action. The international considerations that at times override the proper application even of clear domestic law in the matter of skyjacking are exemplified by the case of Dr. Tsironis, a Greek national who, in 1969, skyjacked a Greek domestic flight and diverted it to Albania. After being refused asylum in both France and Italy, he flew to Sweden where, in the words of the noted Swedish authority, Jacob Sundberg, "He got a hero's welcome." He was

given a substantial living allowance by the Swedish authorities and was lodged with his family in the Hotel Carlton in Stockholm. After pressure was brought to bear by, among others, Professor Sundberg, Dr. Tsironis was tried and sentenced in the Stockholm City Court to 3½ years imprisonment for skyjacking. This was quite exceptional; where countries have granted asylum, the skyjackers generally have not been prosecuted, even where domestic law would have permitted this course. Algeria, a frequent goal for skyjackers, has granted asylum but returned the ransom money in each case. It is worth observing that political considerations did not obtain in any of these cases, and in those where the skyjackers were motivated primarily by political objectives, such as that involving the payment by Lufthansa of \$5 million to the Popular Front for the Liberation of Palestine in South Yemen in February 1972, the ransom was not returned. An examination of the law in action internationally does not suggest that the legal solution has been a conspicuously successful one in reducing this form of terrorism.

Various international efforts at collaboration on an official and unofficial level have been undertaken. These have assumed the form of international agreements, bilateral agreements, and pious declarations. The United Nations has produced three conventions, the Tokyo Convention of 1963, which requires signatories to return the skyjacked plane and its passengers; the Hague Convention of 1970 for the Suppression of Unlawful Seizure of Aircraft; and the Montreal Convention of 1971 for the Suppression of Unlawful Acts Against the Safety of Civil Aviation. The two latter conventions deal with different forms of aerial piracy and require that countries either extradite or prosecute the skyjackers. The Montreal Convention, largely in response to changing tactics and the spectacular political skyjackings staged by the Popular Front for the Liberation of Palestine, requires similar action against the perpetrators of any kind of aircraft sabotage and the type of attacks against aviation on the ground that became characteristic of the early 1970's. The effectiveness of these conventions has not been tested seriously. They are clearly a response to specific events and a belated recognition of an almost universal interest in air safety. This is emphasized by the Soviet Union's warm endorsement of these conventions, which is in striking contrast to that country's attitude toward some other aspects of the international control of terrorism. The general ineffectiveness of the 1963 convention was demonstrated patently by the rash of skyjackings beginning in 1968. Generally speaking, the three conventions have proved to be weak legal instruments and many countries have not signed them. The result of this is that neither extradition nor prosecution can be guar-

anteed in a large number of cases. Politically speaking, it would not be feasible for those countries that have not subscribed to these conventions to take a more active line against skyjackers. The matter is complicated further because those countries that provide safe haven often do not have aviation of their own that is put at substantial risk. Many countries still view skyjacking as a political gesture rather than a criminal act, producing a lack of uniformity in criminal policy. To counteract this, many countries with compatible interests have found it desirable to enter into bilateral agreements that enable them to regain control of the aircraft and passengers and to prosecute the offenders whenever possible. On the whole, however, an ad hoc policy appears to prevail at present, and in consequence of this, a skyjacking may result in some extremely bizarre and dangerous situations. It is not uncommon now for countries to refuse aircraft, even in desperate circumstances, landing facilities at their airports. It is difficult to judge what effect a comprehensive policy of this sort might have on skyjackers. Undoubtedly, it would increase the strain on flight crews and produce a number of difficulties in the management of the skyjacking incident. The fundamental problem is really the age-old one of certainty of apprehension and punishment. To this end, many have called for a policy of no sanctuary; this was adopted by the International Association of Airline Pilots at its Annual Conference in Vienna, Austria in March 1975. As a practical matter, a skyjacked aircraft must be allowed to set down somewhere if a tragedy is to be averted, and, to date, skyjackers always have managed to find a country which, if not actually sympathetic to their cause, is not openly antagonistic toward it. The International Civil Aviation Organization, to which 128 countries belong, met in Rome in 1973 for the purpose of strengthening existing conventions relating to international civil aviation. The deliberations of this body were perhaps even more ineffectual than those of the United Nations, and no useful proposals resulted from the meeting. The massive onslaught on international aviation by the Popular Front for the Liberation of Palestine in the early 1970's united for the first time many disparate groups and interests. The airline pilots, in particular, brought considerable pressure to bear and proved that in these days of reliance upon air travel no country could afford a boycott. The true effectiveness of this flurry of international activity is difficult to gauge. Certainly these various legal, diplomatic, and practical measures would not constitute a real deterrent to the determined skyjacker; a careful examination reveals that they are stronger in theory than in practice. Yet skyjacking has abated and it is difficult to attribute the subsidence to any particular measure. Intelligence sharing undoubtedly has

played an important part, and many tragedies probably have been prevented by this means. There is still some reluctance, however, sometimes on legal grounds, to official sharing of information with those responsible for airline security in the private sector, and there is a suggestion that the tragedy at Rome Airport in 1973 might have been avoided had certain information been passed on promptly. The denial of landing and refueling rights or the provision of other aircraft demanded by terrorists is, once more, a matter of hard-line versus soft-line policy. While, in theory, the adoption of such hard-line policies might cause some skyjackers to think twice about the activities they are undertaking, it must be borne in mind that while they are in effective possession of the hostages and aircraft they have a powerful bargaining lever, and the denial of such privileges might, in certain circumstances, jeopardize the lives of the hostages. Any limitation on the powers and discretion of the aircraft commander in such situations is likely to meet with considerable professional resistance.

The Legal Responses to Terrorism

There is a general international expectation that nations will take appropriate steps to diminish terrorism within their own borders and prevent its export to other countries. It is almost superfluous to say that these latter obligations are honored more in the breach. The United Nations has sought, by Resolution of the General Assembly, to prohibit the organization or instigation of, assistance to, or participation in terroristic acts or acts of civil strife in other countries. Given the present political state of the world, such declarations are quite utopian and do not result in any useful legal action on the part of the countries concerned. Most countries are, in any event, far too concerned with protecting themselves and their own interests against terrorism to bother overly with the enactment of laws designed to prevent the spread of terrorism elsewhere. Many countries have found it necessary to enact special laws either to incriminate or to sanction more severely certain types of conduct or to strengthen the hands of those having to deal with terroristic activities. Few countries lack completely the means, through their substantive criminal law, to deal with the broad generality of terroristic conduct, murder, mayhem, kidnaping, arson, bombings, and sabotage; but many have found it desirable to specify certain aspects of this conduct as specially needy of repression, to clarify the laws dealing with it, and to attempt to address the peculiar modalities that characteristically identify terroristic behavior.

Domestic legal responses to terrorism are seen to fall broadly into three categories:

1. The creation or invoking of special emergency laws that facilitate certain practical responses by the authorities that otherwise would be unconstitutional, illegal, or inhibited by some existing state of affairs;

2. The enactment of special substantive laws making new offenses, clarifying certain aspects of conduct already incriminated, or punishing more severely certain acts that already are classified as crimes under the ordinary laws of the state;

3. The revision or enactment of certain procedural laws that permit a more effective or less restricted response on the part of the authorities. These measures might be direct, such as those relating to powers of arrest, search, and detention; or indirect, such as those relating to various forms of intelligence gathering. The intensity of terrorist activity directed against any particular state generally has determined the extent to which recourse to one or all of the normative modifications indicated has been felt necessary.

Resort to emergency powers usually has been a prelude to a primarily military response to terrorism. This pattern typically has been followed where terrorism has broken out in a colony or protected territory. A state of emergency is declared by the executive and this gives rise to a number of special powers exercised by the civil authority, some of which bring into play purely military powers. Among the more controversial legislation of this kind is the Special Powers Act passed in Northern Ireland in 1922 and subsequently amended and extended. Designed to repress the IRA and other Republican groups, the Act gives substantial powers to the executive to intern persons for years without trial, relief of habeas corpus, or review by the judiciary.

Such legislation sometimes has been necessitated by strictly legal considerations, particularly in some Latin American countries. A frequently employed device in those countries is the suspension of the constitutional guarantees so as to allow for the employment of special powers of arrest, detention without being brought before a magistrate within a certain period of time, search and seizure without warrant, and a variety of other measures that make it easier for the authorities to make mass arrests and engage in practices that otherwise might be challenged before the regular courts. In Uruguay in April 1972, Congress passed a special law creating a state of internal war. It was this measure and the powers taken under it that enabled the authorities to break the Tupamaro campaign. The invoking of the Canadian War Measures Act as a response to FLQ terrorism may be seen in the same light. Many of these measures are justified by the countries taking them on the grounds that a state of war does indeed exist and that the resultant terrorism can be dealt with only in this way. Such measures, once imposed, tend to last a long time and sometimes become

institutionalized as insurance against further outbreaks of insurgency. The invoking of such powers not infrequently leads to excesses due to the absence of the regular controls and can be a prelude to a veritable reign of terror. The effectiveness of such emergency measures in combating terrorism under appropriate circumstances cannot be denied, but they can be invoked rarely without producing over-reaction. Operations taken under these special powers are exempt from all inquiry unless massive international opinion can be mobilized so as to bring them under scrutiny. Perhaps no measure taken by the British in Northern Ireland has attracted more criticism than the policy of internment without trial, which was changed eventually under pressure of international criticism. Not all countries are so sensitive in these matters. At any particular point in time a surprisingly high percentage of countries finds it necessary to operate under states of emergency rather than the ordinary legal regimes that function under normal conditions.

Some countries have specific substantive crimes characterized as "terroristic activities" or "terrorism" in their penal codes or special laws. The Mexican Federal Penal Code, Article 139, specifies such a crime category, but reflects the general preoccupation of Latin American jurists with the niceties of legal interpretation. Terrorism generally is not regarded as a substantive crime *sui generis*. Instead, most countries subsume a variety of terroristic acts under different headings of their penal instruments or define terroristic acts incidentally to the main purpose of the penal instrument itself. For example, the hostage-taking technique, an increasingly used terrorist modality, is not defined or dealt with expressly as a terroristic crime in many codes and special penal laws. Most jurisdictions presently deal with it as some form of qualified restraint of liberty, intimidation, or sequestration. Many of the laws in effect are not designed primarily to meet the terroristic elements contained in the offense; the distinctions are analyzed and discussed in a publication of the French Ministry of the Interior, "Contribution a L'Etude du Phenomene de la Prise D'Otages, Livre I." While terrorism is defined in the supplemental provisions of the United Kingdom Prevention of Terrorism Act of 1975, no attempt is made to give this the character of a distinct substantive offense. The Spanish Penal Code, Articles 260-264, and the Code of Military Justice, Article 4, define certain substantive crimes of terrorism for the purposes of Spanish law. The provisions relating to offenses concerning explosive substances have some similarity to those contained in Article 272 of the Greek Penal Code as amended by Article I of the L.D. 364/1969. The Spanish Decreto-Ley of August 26, 1975 on the Prevention of Terrorism provides for, among other matters, an increase in the severity of punishment for

some of the defined offenses under particular conditions. This legislation is particularly interesting in the matter of hostage taking in that it specifically provides for mitigation of punishment in the event that the perpetrator releases the hostage promptly, unconditionally, and unharmed. It is interesting, too, that this legislation, by virtue of Article 2, would be applicable to quasi-terrorism. In general, it may be said that the international tendency is against the creation of a substantive crime of terrorism but toward a definitional clarification of certain conduct as terrorism with certain legal consequences. The employment by many countries of conspiracy laws against those engaging in acts of terrorism is also noteworthy; these laws are used to prosecute terrorists for what is essentially a form of association for illegal purposes. Thus, the progression of South African legislation from the Suppression of Communism Act through the Anti-Terrorism Act to the latest Internal Security Commission Act attacks subversive organizations and their membership.

A number of European countries, including the United Kingdom, France, West Germany, Italy, the Netherlands, Sweden, and Spain, have found it necessary or desirable to enact specific, antiterrorist laws in recent years. Reference already has been made to the new Spanish law, which contains some extremely interesting provisions. In an unusually long legislative preamble, which is in the nature of an explanation or justification for the measure, it makes express reference to its similarity to special laws passed or to be passed in the United Kingdom, France, Italy, and West Germany. It should be borne in mind that, in recent years, Spain has suffered a number of vicious terrorist attacks designed specifically to disturb public order at a particularly sensitive time in Spain's history, and the police have been frequent targets of these attacks. The law provides a mandatory death penalty for offenses of this nature as well as for hostage taking in which the victim is killed or seriously injured. The law is directed, too, against illicit associations of the sort that encourage subversion and violence, and describes and sanctions all terroristic activities that might be conducted by such groups. The law provides severe penalties for those who afford safe haven to terrorists and terrorist groups, distinguishes between terroristic threats and terrorist acts, and contains a number of other provisions designed to facilitate the processing of such cases and their investigation. Bail is contemplated only exceptionally for the types of crimes comprehended within the dispositions of the Spanish Decreto-Ley. Notwithstanding considerable international disapproval, Spain has exacted the death penalty for acts of terrorism on a number of occasions since 1975. The Spanish Decreto-Ley, though criticized by some jurists for its haste in preparation and technical faults, does seem to represent a sincere

attempt to deal legislatively with some of the problems of terrorism peculiar to Spain.

The United Kingdom legislation also is the product of a special situation. Irish-related terrorism has long been the only serious disturber of the United Kingdom's domestic peace. During the extended period of disentanglement from imperial or colonial situations, terrorism, as distinct from clamorous protest, was not brought home to British shores. The IRA was active in England before World War II and shortly after hostilities commenced, but the terrorist bombing campaign conducted then did little more than arouse the ire of the British public, the concern of which after 1940 was directed more toward the German bombing campaign. Following the recrudescence of violence in Northern Ireland in the late 1960's, the IRA once more opened a campaign of terror in England itself. A sustained, but somewhat incompetently organized and executed series of bombings took place from 1973 through 1975. These were largely the work of the Provisional Wing of the IRA. The bombing of a Birmingham public house in November 1974, which claimed the lives of 21 innocent victims, resulted in widespread revulsion and made it possible for the British Government to introduce stringent new legislation aimed at meeting the terrorist threat. The Prevention of Terrorism (Temporary Provisions) Act 1974 was, as the title would suggest, a temporary measure designed to meet the very special situation existing then. It struck first and foremost at proscribed organizations, of which the only one named in Schedule I of the Act is the IRA. Until the passage of this legislation it was legal to display IRA banners and propaganda and collect money in the United Kingdom to finance terrorist activities. Parading in paramilitary uniform was, however, forbidden under the Public Order Act of 1936, although instances of such conduct did occur on occasion. The Act provides for exclusion orders to be made by the Secretary of State (in England, the Home Secretary) so as to exclude or remove certain persons from Great Britain. The legislation as amended, which is for a period of 12 months, gives extensive powers of arrest and allows a police officer to arrest without warrant a person whom he may reasonably suspect to be "a person who is or who has been concerned in the commission, preparation or instigation of acts of terrorism." For the purposes of the legislation, terrorism is defined as "the use of violence for political ends, and includes any use of violence for the purpose of putting the public or any section of the public in fear." A person so arrested shall not be detained for more than 48 hours after his arrest, but the Secretary of State may, in any particular case, extend this by a further period not exceeding 5 days. This is a substantial inroad into what many regard as a fundamental British freedom requiring a person arrested by the

police to be brought before a judicial officer of competent jurisdiction within 24 hours of arrest. The legislation also authorizes searches without warrant in cases of great emergency in which it is in the interest of the state that immediate action be taken. This legislation undoubtedly has strengthened the hands of law enforcement authorities and has permitted the terrorist threat to be faced realistically. It is difficult to judge how efficacious this legislation really was, because its enactment coincided with a substantial abatement in IRA-related terrorist activity. Much of the success that the English police have had against the IRA has been the result of good intelligence and generally effective law enforcement practices rather than enhanced authority in consequence of this legislation. In dealing with terrorists who have been apprehended, the tendency has been to use the common law crime of conspiracy; five IRA terrorists were convicted of this crime in May 1976, in Manchester, England after a lengthy trial and sentenced to life imprisonment. The law relating to criminal corrections in the United Kingdom gives the executive branch of government considerable latitude in the matter of release of convicted persons, even those who are sentenced by the courts to life imprisonment. Comparatively few persons, in fact, serve more than 10 years in English prisons.

Sweden is another country that has special legislation directed specifically at the terrorist problem. Here, too, the problem has been approached by attacking the proscribed association. On April 13, 1973, an act was promulgated with a view to introducing special measures to prevent certain violent acts with an international background. There is no indigenous Swedish terrorism as such, but a number of transnational terrorists have disturbed the Swedish domestic peace in a way that has necessitated these measures. The legislative measure is intended essentially to be preventive rather than punitive one. The 1973 legislation expired at the end of 1975, but its provisions have been integrated substantially into the Alien's Act by the enactment of SFS 1975 No. 1348. Its first article provides that a foreigner who arrives in the realm shall be returned if there is well-founded reason to believe that he belongs to or is active in a political organization or group that, on the basis of what is known about its activities, one may fear will resort to violent means, threats, or constraint for political purposes. The administration of this Act and the classification of the persons to be returned or excluded is entrusted to the National Police Board. The Act contains extensive powers of search and examination to produce evidence that might lead to the enforcement of its provisions. It also contains useful wiretapping provisions, which are an important extension of those provided for by other Swedish statutes. Unlike the

English legislation, the statute itself does not list the proscribed organizations against which it is aimed, but these organizations are identified from time to time as a result of the operations of the authorities and are published accordingly. By the end of 1975, the list included slightly less than 80 individuals who belonged to the so-called Ustasja Movement (the Croatian terrorist movement); the groups within the Palestine Liberation Movement that were assumed to be attached to the Black September Organization; the Japanese Red Army group; and the Baader-Meinhof group. Sweden traditionally has pursued an extremely liberal policy toward many of those engaged in wars of national liberation, and the statute really is intended to distinguish those who are likely to perpetrate criminal acts on Swedish soil from those who are genuinely seeking asylum. Again, it is difficult to estimate the effectiveness of the legislation, but it is believed that the intelligence facilities authorized under this Act are extremely valuable to the Swedish police.

Mention should be made of the general international attitude toward intelligence and intelligence gathering. Interpol is precluded from exchanging or disseminating information relating to suspects where the character of the prospective offense is political in nature. This is extremely inhibiting where offenses of a terroristic character are involved, but the rule is interpreted liberally when a clearly defined criminal offense is expected or where the individual concerning whom information is required has been convicted of a common crime. The absence of any universally accepted definition of political crime is both a help and hindrance in this regard. The importance of the intelligence function in combating terrorism has been recognized by most nations, which have, accordingly, increased substantially and coordinated better their intelligence services in recent years. The gathering and utilization of information obtained by means of electronic surveillance have received detailed attention from a number of European legislatures in recent years. The policy is generally still more liberal in this regard than in the United States. [See H.H.A. Cooper, *Comparative Law Aspects of Wiretapping and Electronic Surveillance*, Commission Studies, NWC Report, Washington, D.C.: Government Printing Office, 1976.] Many European countries have legislative watchdog committees particularly for electronic surveillance matters, but most intelligence work is carried out in an aura of considerable secrecy and is protected by a blanket characterization of national security interest. There is comparatively little legislation in this area in European countries but mention might be made usefully of the United Kingdom

Official Secret Acts. These statutes of 1911, 1920, and 1939 deal generally with espionage and the unauthorized obtaining or disclosure of official information. Of particular interest is the provision of the act of 1920 that makes it an offense for any person to use information in his possession to benefit any foreign power or in any other manner prejudicial to the safety or interests of the state. This legislation is a strong bulwark against the unauthorized leaking of information by government employees and others coming into possession of information that could be prejudicial to the state if it were published. This legislation has been criticized much in recent years, especially by representatives of the news media, but it remains in force and continues to be applied in cases deemed appropriate by the government.

Conclusions

International concern with terrorism is evinced by the diversity and intensity of measures that a variety of countries have thought necessary to take by way of precaution and response. The cost of terrorism in terms of these measures has been considerable and is steadily rising. Despite definitional and ideological difficulties, the world community has seen the need for close collaboration and is moving toward that end. There is a growing awareness of the vulnerability of modern society to this threat and a realization of the need for interdependence of nations to combat it. Nevertheless, progress continues to be slow and useful collaboration is likely to be restricted in the near future to those nations having common interests to protect. While a great deal can be learned from the experience of other countries, terrorism always must be dealt with within its particular sociopolitical context, which tends to impose certain limitations on the applicability of measures proven successful elsewhere. Solutions that are seen to be acceptable in one country clearly would be out of the question in a different juridical or sociopolitical setting. The general approach has been impressionistic rather than scientific, and there is a tendency for certain ideas, resting on a slender foundation in fact, to gain disproportionate currency through imperfect analysis and transmission. When these notions are used to determine policy, they can, if wrongly assessed, have disastrous results, as in the area of the hard-line versus soft-line approaches. There remains a real need for more thorough research and analysis before the international experience can be transformed into a useful learning process for all nations.

APPENDIX 2

TERRORISM AND NEW TECHNOLOGIES OF DESTRUCTION: AN OVERVIEW OF THE POTENTIAL RISK

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Introduction

Progress in technology on a worldwide basis, and particularly within industrialized nations, has advanced to the point where an individual or a group could perpetrate a terroristic act of catastrophic consequences. The purpose of this paper is to examine the broader aspects of this problem, to estimate its magnitude, and to identify the measures that local law enforcement authorities, governmental leaders, legislators, and the community as a whole might take to control high-technology terrorism. It is hoped that the material presented in this appendix will provide adequate information and recommendations that might serve as the foundation of interrelated policies and procedures for countering this potential threat.

History has been punctuated by acts of terroristic violence aimed at achieving such ends as radical changes in society, capitulation of government to specific demands, or simply the weakening of an incumbent authority. The issues of the time have ranged from undermining the Tsarist regime in 19th century Russia to those of the present day involving Palestinian liberation, Irish independence, and social change in Latin America. There is a multitude of issues in U.S. society today that provide the *raison d'être* for terrorist organizations. These have been discussed in detail earlier in this report. The subject

of this appendix is the use of new technologies of destruction—the illegitimate, unsanctioned use of weapons that are significantly beyond the current terrorist state of the art.

The heightened interest in the potential use of high technology by terrorists has been generated by the widespread and controversial issue of nuclear material theft. Growth of the nuclear power industry has raised the specter of stolen material and home-made bombs. For governmental officials, particularly local law enforcement authorities, and society in general, the problem goes beyond a nuclear safeguards system and the implications of its possible failure. The range of technologies available to terrorists and the potential consequences of its use are becoming progressively greater, to include deadly and often more exotic forms, such as chemical and biological agents, lasers, and precision-guided munitions.

The following discussion focuses on the full spectrum of high-technology weapons, including nuclear explosives, chemical poisons, and biological agents; the individuals who might become involved in their use; the motivations that cause these individuals to act; the resources necessary to employ high technology; the methods of employment; and control mechanisms. This brief paper is not intended to be a detailed examination of the problem, which would require far greater technical and behavioral discus-

sions than space permits. Rather, it offers an overview of the many considerations involved in high-technology terrorism, providing insights into the complexity of the problem—a starting point.

The Concept of High-Technology Terrorism

Definition of High-Technology Terrorism

Any definition of high-technology terrorism is conditioned by the environment in which it is viewed. Transistorized portable radios and high-speed aircraft represent high technology in less developed countries. In modern industrialized states, fully automated factories, satellite communications, and laser beams are indicative of advanced technology. Even within any one society the extent of appreciation for technology may differ from group to group. Since the advent of the 20th century, and particularly in the period after World War II, technological advances have been so great that the gap between innovators of technology and the layman has grown steadily. This phenomenon is reflected in the ever-increasing disparity between the state of the art, or simply advanced technology, and the levels of the terrorist's application of them.

Throughout history terrorists have been capable of availing themselves of the technology of the day. Guy Fawke's use of 36 barrels of gunpowder in an attempt to blow up Parliament in 1604 is a good illustration. The Russian terrorists of the late 18th and early 19th century employed guns and explosives to undermine the Tsarist regime. However, as the 20th century has progressed, a marked change has taken place in that the technologies used by terrorists have not made the quantum jumps that technology as a whole has.

The apparent reasons for terrorists failing to remain abreast of technological innovations are quite complex, involving the motivation, education, and general background of the terrorist and the availability of advanced technologies. Crucial to the answer is the simple fact that terrorists have discovered that the more conventional methods of violence, explosives in particular, have been adequate for their needs. Whether in fact these less technologically sophisticated methods have resulted in victory or achievement of ends is a moot point. The key variables in limiting terrorist use of high technology appear to be the perception that traditional means are still effective and a general unwillingness to escalate to potentially greater levels of violence. To date, terrorists have considered plane hijackings, kidnappings, and bombings appropriate means to achieve desired ends.

Principal among the concerns of law enforcement and governmental officials are what forms of high-

technology terrorism might be employed and what impact could be expected. The definition of high technology is best constructed by examining the dimensions of technology with respect to categories and limits. Technology taken alone, regardless of the category, is limited by more than hardware or even the sophisticated application of a device. It includes the organization necessary to conceive the idea and formulate the plan; the capacity to secure resources; and the organizational ability and mechanical expertise to construct, deliver, and employ the hardware.

Two categories of high technology are readily discernible and provide a convenient framework for studying this phenomenon. The first and less dangerous class in terms of potential consequences is that of improved current technologies. Within this classification are technologies that would represent advancement of means presently employed by terrorists. Central to this appendix is the second category of high technology—unfamiliar modes or new technologies not previously used by terrorists. Primary attributes that differentiate this class of technology from the first are that the technology itself is totally new in terms of terrorist application, and the societal consequences realized from the culmination of an act are at least an order of magnitude greater than those using conventional technologies. From this basic general understanding of high-technology terrorism it is possible to extend the discussion to specifics concerning each category.

Improved Technologies

Evidence supports the contention that terrorists are not availing themselves of the present technologies. To date the most sophisticated weapons technology associated with terrorists has been the SA-7 Strella antiaircraft missiles. Several indications of intended use of these missiles have occurred, including the threats against Heathrow Airport outside London by IRA terrorists (1974) and the actual seizure of an unknown number of SA-7's in a Rome apartment occupied by Palestinian terrorists (1974). Although greater sophistication in planning, tactics, coordination, and group interconnectivity is apparent from such incidents as the attack on the Israeli Olympic team by the Black September Organization at Munich in 1972, few examples of the application of high technology can be cited. However, the increased liaison among terrorist groups and heightened awareness of the possible application of improved technologies pose the potential for escalation.

In examining the potentialities of terrorists employing this class of high technology, one is impressed with the fact that law enforcement will not be faced with a host of new problems, but only an ex-

tension of those that currently exist in combating terrorism. Analysis of terrorist activity over the past dozen years led to the postulation of two considerations with respect to improved technologies. First, there probably will not be a significantly large technological jump made at any single point; rather, incremental improvements on existing technologies will occur. For example, the use of precision-guided weapons would probably be preceded by the introduction of large-caliber, longer range rockets or mortars as terrorist weapons. Second, improvements on existing technologies will primarily affect law enforcement rather than the community as a whole. The changes wrought by advancing types of technology will not materially change the nature of terrorism, the ends to be achieved, or the means; nor is it likely that the patterns of target selection will be significantly altered.

Within the category of improved technology, the range of terrorist action is bounded in two ways: existing systems are improved upon or new systems with the same basic characteristics and capabilities are adopted for the first time; and the impact upon society in terms of destruction and death remains at essentially the same levels. At the more basic level, terrorists can be expected to employ explosives with greater destruction power in smaller quantities. Examples of other improvements along this continuum are: The introduction or upgrading of communications and jamming equipment; the use of remote control, even wireless command detonation units; the employment of wire-guided munitions; the development of computer models and simulations to anticipate law enforcement actions and to determine system vulnerabilities; and the use of advanced electronic systems to counter physical protection measures.

New Technologies

Within the technological environment in the United States there is a multiplicity of hazardous materials whose dangers are well known. For example, the result of an accidental nuclear power plant core meltdown is understood; the conditions posed by the accidental release of hydrochloric acid actually have been experienced; and the epidemic effect of certain foreign biological elements has been witnessed on numerous occasions. But the threat of intentional, malicious use of new substances designed to maximize their impact on society is a heretofore unapplied concept.

In the foreseeable future, new technologies that might be applied by terrorists appear to focus on the types of weaponry using nuclear, chemical, or biological materials. Although one might suggest technologies using other basic materials, this discussion of new technologies primarily restricts itself to these

three. A discussion of more exotic technologies could include weather modification, high-energy lasers, fission weapons, and others. Any number of new technologies, such as precision-guided munitions, might emerge, but this appendix restricts itself to the technologies that seem to pose the most realistic potential for terrorist application in the near and midterm: nuclear, chemical, and biological.

Of these three, nuclear technology is the most significant in today's milieu because of societal attention. Society is becoming increasingly aware of the implications of the civil nuclear industry. The dangers of plutonium, in particular, and high enriched uranium, to a lesser degree, are extensively publicized. The nuclear is the newest of the three technologies, and as more nuclear material becomes available, potential for its illicit use increases. Nuclear technologies may be examined in terms of two general classes: fabrication of a homemade bomb (or stealing one) and construction of a dispersal device. Within each class, the chief variables are the type of radioactive material used, the amount of material required, and the size of the device.

Lethal chemical technologies are not new, but, aside from the World War I environment, their use has been limited. Although nuclear weapons have both antipersonnel and antimaterial capabilities, the primary characteristic of chemical weapons is their antipersonnel nature. In marked contrast to nuclear technologies, in which fabrication poses a greater difficulty than delivery, chemical technologies are rather easily developed, but actual delivery presents the most significant difficulty. Because of these delivery problems and the quantities of substances required, chemical technologies are potentially restricted to a much smaller scale in terms of application and casualty-producing effects.

There are many highly toxic substances usable for creating mass casualties whose components are commercially available to an apparently legitimate "front" organization. Three toxic chemicals exemplify the range of technologies available: the fluoroacetates, because preparation is relatively simple; the nerve gases, because they are so widely known; and botulinum toxin (BTX), because of its extreme lethality (although BTX is produced by a living organism, it is treated as a toxic chemical; its use does not depend on infecting the victim with the living organism, but is based on the ingestion or inhalation of the chemical substance associated with BTX). The ability of terrorists to employ chemical technologies is more dependent upon the target characteristics, the availability of the poisons, and the requirement for an effective delivery and dissemination means than upon the chemicals' intrinsic toxicity.

Biological technologies have a longer history than

nuclear technologies and a somewhat shorter history than those involving chemical agents. Developed over the past 35 years by various nations, biological technologies are principally characterized by their antipersonnel nature and an inherent variability of effectiveness that makes their application unpredictable. Defined as living organisms, or infective material derived from them, that are intended to cause disease or death in man, animals, or plants, these agents range from the highly lethal anthrax and cryptococcosis to the moderately lethal pneumonic plague, from Rocky Mountain spotted fever and psittacosis to the mainly incapacitating agents such as undulant fever, desert fever, and tularemia. Unlike nuclear technologies, whose use is limited by the availability of material, and unlike chemical technologies, which are practically limited by delivery problems, biological technologies are quite adaptable to demonstration attacks on small, isolated targets, while retaining a capacity of a larger attack. The range of potential lethality within the spectrum of biological agents is indicative, in part, of the difficulty in preparation, delivery and dissemination problems, and resilience under differing environmental and meteorological conditions.

Magnitude of Consequences of Terrorist High-Technology Employment

The potential magnitude and resultant impact on the community of terrorist use of new high technology might strain or significantly undermine existing societal structures. Two general types of consequences for the community seem relevant to this discussion. The objective consequences can be measured in terms of casualties and damage, and the subjective consequences are concerned with the effects on the norms and values of society. By their very nature, subjective consequences are difficult to evaluate and project, and the almost complete absence of terroristic incidents involving nuclear, chemical, and biological technologies and the dearth of unclassified weapons' effects information leads to a situation in which much of the material in this area, even related to objective consequences, is imprecise and speculative.

Objective Consequences

At the lower end of the threat range in terms of potential damage and casualties resulting from new technologies is the dissemination of chemical agents. Requiring the least amount of resources to manufacture of the technologies examined, the use of chemical agents would result in the fewest casualties because of the necessity for unique target vulnerability and the difficulty associated with dissemination. Four methods of dissemination appear plausible:

1. Covert contamination of foodstuffs or beverages with bulk agent;
2. Covert generation of lethal vapor concentrations in an enclosed area;
3. Covert dissemination of aerosols in an enclosed area;
4. Overt/covert attack in open areas.

The result of food or beverage contamination would be casualties to those using the commodity. Normal servings, such as a cup of coffee or an 8-ounce glass of juice or soda, would result in a lethal dose. Thus, the casualty rate is a function of how much of the contaminated foodstuff is consumed before discovery.

Vapor or aerosol dissemination of a nerve gas or BTX in an enclosed area could easily result in lethal doses to everyone at that location. As mentioned earlier, although chemical agents can be extremely deadly in small quantities, dissemination in large areas significantly reduces effectiveness and thus casualties. Dissemination problems increase geometrically with the size of the area and the ability to control the environment into which the agent has been introduced.

An attack on a selected outside population target is extremely sensitive to environmental conditions, the nature of the agent, and the form of attack employed. For example, a chemical bomb exploded in a busy terminal would undoubtedly kill hundreds; an attack on a stadium full of football fans using a low-flying crop-duster-type aircraft might kill thousands; aerosol dissemination by means of a smoke generator located in a van cruising the streets might kill tens of thousands. However, to accomplish an attack on an outside target as outlined above with only a moderate degree of success would require tens of gallons of agent and appropriate, although not necessarily ideal, environmental conditions. Even rudimentary calculations of casualties and other effects are extremely difficult to arrive at, and even they would be tenuous. On balance, it is clear that, if an attack is kept within what a terrorist group might reasonably undertake, the practicalities of chemical technologies would limit the resultant exposure to no more than a few thousand individuals at one time.

The least discussed and understood technology of the three presented is the biological, and yet it presents the greatest casualty-producing potential. As stated previously, biological technologies are difficult to assess because of the significant import of the environment and the general lack of experience in assessing effects. From what is known of these agents and their application, it is apparent that, with a commitment of technical expertise similar to that which nuclear weapon fabrication would require, the resulting casualty-rate potential is greater. The

wide variety of biological agents outlined in the definition section offers myriad opportunities for the use of biological technology. For this reason, only the most lethal, anthrax and cryptococcosis, are considered below. Similar attack methods might be employed using the less lethal agents, with proportional reduction in casualties.

Using either anthrax or cryptococcosis, an attacker might simply drive through a medium-sized city using a truck-mounted dispenser. During spring or summer this type of apparatus would not raise questions in most locales. Anyone exposed for 2 minutes would probably inhale enough to be infected. Not all the victims would receive lethal doses, but the medical care problems associated with tens of thousands of cases of anthrax infection in themselves would be catastrophic for a community.

Smaller attacks could be successfully launched against large crowds that remain in enclosed spaces for 2 or 3 hours. The proliferation of domed stadiums has provided a series of ideal targets. For football and baseball games, these structures usually seat more than 70,000 persons. Using approximately 1 fluid ounce of either anthrax or cryptococcosis in aerosol form would result in the inhalation of an infective dose within an hour.

Nuclear technology represents a midrange threat in terms of casualties, but it is the most powerful with respect to damage or destruction of physical property. Unlike the use of chemical and biological technologies, terrorist employment of nuclear technologies would involve delivery problems that are relatively easy to solve. Far more difficult for the application of this technology are the acquisition of nuclear material and the fabrication of a weapon.

Simplest of the nuclear technologies to design and employ is the radioactive dispersal device. Although a wide range of radioactive materials, such as Cobalt-60, high enriched uranium, Cesium-137, Strontium-90, Iodine-131, and radium might conceivably be used in a dispersal device, the following discussion focuses on the most widely publicized and perhaps the most lethal radioactive material—plutonium. Whether employing a highly sophisticated dispersal mechanism or an uncomplicated bomb to send plutonium particles into the atmosphere, the results would be more in terms of casualties caused by cancer over a period of 15 to 30 years than immediate deaths. Without a complex medical explanation of the effect of plutonium on the human body, the extent of casualties can be examined as a function of the amount inhaled. If 12,000 micrograms (millionths of a gram) are inhaled, death will occur within 60 days; 1,900 micrograms, 1 year; 700 micrograms, 3 years; and 260 micrograms will cause cancer. For comparison, plutonium is approximately 10 times as toxic as nerve gas; anthrax is about 10 times more toxic than plutonium; and BTX lethality,

measured in submicrogram quantities, is more than a thousandfold greater than anthrax.

However, these theoretical figures are somewhat misleading because they do not take into account the effects of environmental conditions on plutonium dispersal. Generally speaking, dispersal would be quite inefficient and the amount of plutonium inhaled would be small. For example, a daytime release of 1 kilogram of plutonium (approximately 2.2 pounds) would cover more than 2,000 square meters with a lethal dose potential. But the expected lethal dose received by persons in the area is one cancer for every 5 grams, or a total of 200 people. At night, this rate is increased threefold because of comparatively more stable atmospheric conditions. Dispersal within a building ventilating system would result in considerably more lethal doses for each gram of plutonium. In each case, the number of short-term (less than 60 days) deaths would be few, if any. Most of the victims would be unaware of the hazard because of the nature of plutonium and the lack of symptoms that might otherwise indicate the danger.

Once plutonium has been acquired, an alternative use might be the construction of a nuclear bomb. Few experts believe that one man in his basement is capable of building a nuclear device. Fabrication of a nuclear device is a time-consuming and risky task requiring highly skilled technicians. Given reasonable resources and talent, the yield of such a fabricated device would be 0.1 to 10 kilotons (KT). The range of the yield is highly variable, based on the expertise of the designer and the workmanship in construction of the weapon components. Assuming a surface burst of about 1 KT, using a truck as the probable means of delivery to the target, the damage in a downtown area of a major city would be in excess of 100,000 immediate fatalities from the blast and destruction totaling in the billions of dollars.

Damage produced by these weapons varies with the design and the yield of the weapon and the location of detonation. A demonstration explosion in a sparsely inhabited area might produce a few immediate fatalities and cause delayed casualties from fallout. A detonation in a small town or suburban area might destroy the community, but the actual fatalities would be in the thousands, not tens of thousands. Equally as significant as blast in causing casualties is the prompt radiation released by the explosion. The higher the prompt radiation, which is many times more dangerous to life than residual fallout, the greater the number of immediate and long-term casualties resulting.

Subjective Consequences

At a more abstract level of description, the subjective consequences of terrorist employment of new high technologies can be evaluated in terms of im-

fact on the community. An incident involving chemical, biological, or nuclear technologies would certainly have significant ramifications for local and higher level governmental officials. But it will be public reaction that would drive, to a great extent, these officials. Thus, it is important to at least place these subjective consequences in perspective with respect to threatened incidents prior to the first actual use of new technologies and the possible impact of that first incident upon subsequent events.

There have been a number of threats over the past several years involving nuclear weapons or material, or other new technologies. Several radical publications have cited terrorist group threats to put LSD or other drugs in the water supply of cities. A 14-year-old boy, in Orlando, Fla. in 1970, threatened to blow up the town with an A-bomb unless a \$1 million ransom was paid. The accompanying drawing he provided was convincing enough to raise serious questions. To date, none of these threats has been carried out, nor have communities been affected by the threats themselves. No mass evacuations have taken place, no extended searches have been undertaken, and no general curtailment of community life or individual liberties has occurred.

Communities have not been affected by threats involving new technologies, because in each instance the threat was either determined not to be credible or local decisionmakers made the conscious decision to treat the threat in generally the same manner as they treated conventional bomb threats in dealing with the community. The obvious drawback to this approach is that in the first actual instance many people might die. However, when weighed against the effects and costs of massive community action in response to every threat that seems credible, one can find merit in this style of response.

Once it is necessary to involve the entire community in countering threats of new-technology terrorism, the general fear level of the community will have been raised. Regardless of the outcome of that immediate threat, changes in society will have been wrought. Given the likely media coverage of a high-technology event, the effect of reacting on a community-wide basis would be experienced as a precedent by all local leaders involved with future threats, whether in the affected community or not. Equally as significant is the probability of an epidemic effect once it has been demonstrated that a threat resulted in a widespread reaction. As evidenced by event data on hijackings, bombings, and even kidnappings, often a rash of similar incidents or threats follows a widely publicized terrorist act.

Until a threat is actually carried out or a threat is permitted to impact on the community as a whole, it seems unlikely that any change in public fear will result. Although the nuclear safeguards debate has highlighted a full range of catastrophic dangers,

there has been relatively little reaction from the public, including those communities in the vicinity of the 55 operational nuclear power plants. There is no evidence of a general exodus from plant areas nor even any sign of shrinking property values. Once an incident occurs, changes in public fear will be primarily a function of the damage, casualties, and societal psychological impact. With respect to these functions, the principal fear in determining the subjective consequences of an act appears to be the distance from the target and the extent of media coverage. At this point it is impossible to judge societal reaction, because, to date, the world has not experienced a deliberate act that killed thousands of people, outside of war. But some insight might be gained from recent disasters and terrorist acts.

A Palestinian terrorist killed himself and 87 other persons aboard a U.S. commercial airliner in 1974 when he detonated a bomb while in flight off the coast of Greece. The incident was initially reported as an accident; the subsequent findings of a deliberately set bomb did not have any significant impact on aviation in general or on passenger volume in particular. In April 1974, a self-styled Atom Guerilla sprayed railway compartment cars with radioactive I-131 in Austin, Tex., on two occasions. A total of six persons became ill with upset stomachs, but no hospitalization was required. Again, no recognizable impact occurred, even of a local character.

Two incidents in the United States resulted in significant consequences. The ALIEN bomber killed three persons at the Los Angeles Airport in late 1974 with an explosive device placed in a locker. This had the immediate but transient effect of reducing the use of that airport and led to increased security measures for all passengers. The bomber later threatened other incidents, causing public fear and an increase in local security measures. The LaGuardia Airport bomb explosion in December 1975 killed 12 persons and was the catalyst for Presidential action. The media coverage brought the incident to virtually millions of homes. As a result of this event new countermeasures have been instituted at airports, affecting every air traveler.

The incidents cited above point, as does the full weight of evidence derived from disaster and terrorism research in general, to several conclusions concerning subjective reaction. First, the local consequences of acts are far greater than the nonlocal consequences. Particularly with respect to the overall level of concern and fear, locales impacted upon directly by events have reacted by taking preventive measures. Nonlocal populations have reacted with sympathy and even bitterness, but implementation of new measures has been limited. Second, it is unlikely that public fear will increase until after an event occurs. Threats have not resulted in significant societal changes. Finally, assuming that an extrap-

olation from current experience to incidents involving new high technologies is valid, the communities subjected to new-technology terrorism will accept increased safeguards and the concomitant decrease in civil liberties. The paramount concern of society is to protect itself from known consequences. Society will seldom act until after some consequences have been demonstrated, particularly consequences of a local character, but society will be susceptible to changes in its norms, values, and structure once an event has been experienced.

Panic

Beyond the societal consequences mentioned, the question of panic merits attention because of the impact it can have on a community, both as an immediate phenomenon and with respect to longer term consequences. Panic is often discussed, but research and understanding of the subject are limited. For the purposes of this paper, panic is a human reaction to danger impelling the instinctive removal of oneself from the immediate danger area. This panic may be, in fact, the result of the loss of self-control caused by acute fear, or it may be a more orderly flight for the same reason. There are few instances in which communities, in part or as a whole, have fled in panic. For example, panic was not evidenced in either World War II atomic bomb attacks. Only limited, localized panic has been witnessed in the numerous tornado and earthquake situations. No evidence is available that portrays serious panic resulting from mere threats without accompanying action.

Of greatest importance to law enforcement and local authorities are those conditions that are most conducive to creating panic situations. Foremost, the threat must be sudden and unexpected, posing a danger that would be sufficient enough to cause immediate and intense fear. The threat must be direct and localized. Other factors contributing to panic include a population that believes there is a danger for which they are unprepared and which is beyond the capacity of normal behavior responses to adequately treat. Elements of novelty or incomprehensibility increase the tendency to panic. Confusion with respect to the general situation and specifics, such as escape, avoidance, and counteraction, directly impact on the likelihood of community panic. Finally, not only must the population be aware of their helpless situation—no escape routes, no information, bewildering uncertainty—but community leadership in the form of an authoritative, realistic response must be absent.

It is unlikely that these conditions could be successfully achieved by a terrorist, regardless of the nature of new technology selected for employment. Beyond the necessity of establishing the credibility

of the threat without compromising himself, the perpetrator is faced with the problem of localizing the threat to specific segments of the population and successfully conveying that threat. These two elements of a panic situation would require at least some official assistance, in the form of coordination with the media. Any degree of official involvement will offset characteristics of panic, such as the unexpected or incomprehensible nature of an event and the resultant leadership void.

Even in a direct application action, it is unlikely that panic would occur. At worst, a sudden nuclear weapon detonation would tear apart a community. Probably some form of initial panic would result, but early action would be taken to implement preexisting contingency plans. Whether or not these would deal with the resultant damage is a matter of conjecture. But the authorities would be in control, exerting leadership, and countering the principal characteristics of a panic situation.

Other types of new technologies offer less of an opportunity for panic. Authorities would have time to respond to chemical and biological attacks by providing avoidance guidance and countermeasure instructions. Although the use of those technologies could present a completely unexpected action, the total uncertainty of the situation would contribute to the authorities' ability to control the populace. Because such employment would be new, any reasonable response from authorities would be accepted as correct and helpful, thus defusing the panic tendency. Only in the absence of governmental information, guidance, and leadership is the public prone to panic.

Although panic is rare, particularly in large segments of the population, there are cases of mass hysteria in localized situations. Over the years, instances of panic in hotel or restaurant fires have been noted. The possibility of this type of panic, isolated and localized but still potentially serious because of the potential for it to spread to other segments of the population, must be recognized and prepared for by local officials.

Up to this point, panic has been considered as a possible correlative to unique and catastrophic events. The question of panic takes on different dimensions after the first high-technology attack, although it must be explored in a more speculative vein. What would happen if terrorists elect to launch a campaign of incidents involving high technologies, and particularly new technologies? To date most of the literature deals with disasters that, at most, occur every several years. The compression of several events into a narrow timespan may well change community behavior, heightening the tendency to panic. The evidence of wartime bombing, the extended violence in Northern Ireland, and other high-intensity terroristic situations (e.g., Algeria between

1954 and 1957), however, all indicate that panic occurs only in isolated cases. Whether or not past experience would be reflected in high-technology terrorism situations is a point of contention that will only be settled when or if such a situation occurs. But at a minimum, governmental officials should be aware of the possible consequences of panic and the possible general, societal reaction to an intensive campaign of high-technology terroristic acts.

Throughout U.S. history, the citizens of this country have shown remarkable resilience in the face of adversity. One might attribute the lack of catastrophic, disastrous outcomes in the United States to advanced technology and communications. Regardless of the act, the populace has had at least a background appreciation of the type of disaster and the consequences involved. The abundance of portable radios and the rapid response of authorities have combined to minimize fear and limit panic. These same characteristics will play a significant role in future situations. It is incumbent upon local law enforcement and other governmental officials to take measures that will enhance their ability to provide adequate guidance to the population in situations where panic is likely.

Assessment of the Threat Potential of New Technologies

Relevance of Current Terrorism

The initial section of this paper outlined the different types of new high technologies that might be employed by terrorists and focused on those involving chemical, biological, and nuclear technologies. With these definitions as a reference point, a brief discussion of the objective and subjective consequences for society of new technologies was presented. A logical next step is to explore the threat as it appears to exist today, then outline a general method of analysis for examining the seriousness of the threat of high-technology terrorism as a whole, and finally, apply that methodology to the assessment of threats posed by new modes of high-technology terrorism.

In and of itself, technical capability does not provide an adequate basis for perpetration of a terrorist attack. There are a variety of strictly non-technology factors that serve as preconditions for high-technology terrorism; among them are organization, group size, tactical methods, and intelligence capabilities. Equally significant, motivation must be present. The difficulty in assessing these necessary attributes arises from the dearth of incidents involving new technologies from which insights might be derived. To date very few incidents using chemical,

biological, or nuclear agents have been undertaken, although a review of a few may be of interest.

Several instances of each type of new technology have occurred, but none with significant consequences. In 1970, a group of radicals attempted to blackmail an officer at the U.S. Army's biological warfare center into assisting in the theft of biological weapons. This plot was discovered when the officer requested issue of several items unrelated to his work. Two college students plotted to introduce typhoid fever bacteria into the Chicago water supply in early 1972. The culture was developed in the college laboratory and was to have been placed originally in water supplies throughout the Midwest. The circumstances surrounding discovery of the plot are unclear, but the organism selected would have been readily destroyed by normal chlorination.

Nuclear incidents are probably the most prevalent of all acts involving new technologies. The Orlando and Atom Guerrilla cases have been mentioned previously. Over the past 10 years, there have been a number of incidents in the United States in which small quantities of radioactive material were lost or stolen from hospitals and research facilities. None of the thefts has been of weapons-grade material or of other materials in an amount that would present a significant danger to large segments of the population. Several unsuccessful intrusions at U.S. weapons sites in Europe have been reported. And in Italy, neo-Fascist extremists plotted to introduce radioactive material into the water supply of selected cities in 1974. The plot was uncovered before any material was acquired.

These few incidents illustrate the application of new technologies by terrorists, but at a low level of technical sophistication. None achieved the level of potential outlined earlier. Thus, it is not possible to analyze and draw conclusions from past events with any degree of confidence. A different approach must be taken to assess the potential threat of new technologies. The current milieu of terrorism, employing conventional modes of destruction, provides a baseline from which extrapolation to the application of new technologies can be made. Quantification of conventional events lends itself to the systematic evaluation of past motives, targets, and resources. But for the assessment of the new-technology threat potential, one must move beyond past data and make subjective judgments.

The assessment of the use of new technologies with respect both to terrorists at large and to specific groups should combine the evidential and the judgmental. It is unlikely that the correlations that presently exist among motivations, objectives, and targets will change, regardless of the level of terrorism. A principal factor then becomes the ability to ascertain to what levels of violence a particular type of group will escalate to achieve its objectives. A

type of group that has taken pains to avoid casualties in the past, probably will not be interested in creating the fatalities generally associated with adopting new technologies. Conversely, a type of group that has historically shown little regard for human life in the target area, such as a separatist movement, should be examined to determine whether it has escalated its terrorist acts and has collected the resources necessary for new-technology terrorism.

Current terrorist threat data and historical events do no more than provide insights. Once certain correlations have been made, it is necessary to move to the judgmental. Questions requiring subjective evaluation include: What persons, including terrorists and nonterrorists, are prone to employ new technologies; when will an attempt be made to use new technologies; what types of technology are most likely to be used; and what general and specific targets are likely to be attacked?

Prior to discussing the specific characteristics of the potential terrorist threat employing new technologies, a brief description of the method of analysis is warranted. Starting with a brief overview of the vulnerability of U.S. society to terrorist attack, the analysis then focuses on the specific characteristics of terrorists that might be indicative of those inclined to perpetrate acts using new technologies. The initial characteristic examined is motivation, which permits the later placing of other characteristics in perspective with respect to the force driving the perpetrator to act. Then the discussion shifts to the potential targets and the resources necessary to undertake new-technology terrorism. The final portions of the section address the modes of application for new high-technology terrorism and conclude with a summary of the characteristics that provides a total view of the discrete elements discussed previously.

Characteristics of Potential New-Technology Terrorists

Vulnerability of Modern Society

Because it is technologically developed, mobile, and wealthy, U.S. society offers the terrorist a variety of resources and targets that leaves little doubt concerning its vulnerability. The highly interrelated services necessary to keep a modern city alive offer countless opportunities to the terrorist. Accidental occurrences underscore the vulnerabilities of our society. The Northeast power blackout of 1965 and the New York City telephone exchange fire typify potential targets. In the former case, electric service to the Northeast section of the United States, including New York City, was totally cut off for hours because of a power grid problem. The tele-

phone exchange fire in the spring of 1975 disrupted service to a large segment of New York City, in some cases for a week. Initially, police, fire, and other emergency services were completely cut off from telephone service, as were tens of thousands of individuals. Terrorists have not taken advantage of these vulnerabilities to date, but it is evident that it would be possible to disrupt society using conventional means only.

U.S. society contributes to its own vulnerability. There is no question that the technical skills and resources to embark on new-technology terrorism are available. The limiting factor has been, and will apparently continue to be, the ability of an extremist group to combine the necessary physical resources with technicians who are motivated to engage in an activity that could potentially kill thousands of people.

Importance of Characteristics

The ability to understand terrorism and to structure responses is in large measure dependent upon an appreciation of the characteristics of the perpetrators. For this reason, the following sections will describe the more crucial characteristics: motivations, targets, resources, modes of employment, and risk and attractiveness of specific acts. The information presented in this discussion is drawn from the evaluation of over 4,500 worldwide terroristic acts of violence from 1965 to 1975. That data base contains the full spectrum of terroristic violence including hijacking, kidnaping, bombing, arson, armed attack, assassination, and psychological terrorism.

The detailed analysis of these events highlighted the significance of examining characteristics by providing insights into some of the myths that have been created concerning terrorism. By way of illustration, one of the principal findings refuted the oft-repeated warning of the intuitive analyst—that terrorist acts do not form a pattern but must be examined as individual acts. In fact, there are several discernible characteristics that typify various types of groups. Although each of the groups and incidents is not totally comparable, there is enough similarity to permit the acceptance of identifiable characteristics within group types. For example, issue-oriented groups, such as antiwar extremists, target symbols of the issue; U.S. black revolutionary groups target symbols of authority; separatist groups are indiscriminate with respect to inflicting casualties; and all groups are fundamentally nonsuicidal, with only a few willing to risk direct confrontation with force, such as Black September and the Japanese Red Army.

Many of the aspects of high-technology employment can be extrapolated from conventional ter-

rorist acts. Whether target selection is indiscriminate or discriminate is highly relevant. Analogies may also be drawn between conventional and high-technology terrorism in the areas of motivations, tactics, and the collection and application of resources. An understanding of terrorist characteristics may assist law enforcement officials in determining credible threats, in successfully countering high-technology undertakings, and in providing the community with information essential for insuring timely recognition and identification of possible terroristic indicators.

Motivations

The principal purpose of this discussion is to provide the reader with an overview of the motivational characteristics of terrorists. Although persons acting with other motivations might potentially employ high technology for their ends, the emphasis here is on the terrorist. As a basis for explanation and as a means of placing terroristic violence in perspective with respect to other forms of violent behavior, a framework of eight motivations has been developed. This framework is established by viewing motivations in general, then examining the more explicit components of stimuli and nature of the act, and finally describing each of the eight forms of violent behavior, with an extended presentation of terroristic violence.

There is general agreement among psychologists that motivations, including violent motivations, are internal factors that arouse, direct, and integrate a person's behavior. The nature of the motive may be described along two dimensions: the source of the stimulus to violence; and the degree of rationality in adjusting the means to the ends. These two components are the basis for determining the propensity of an individual to engage in new or unfamiliar modes

of high-technology violence with its associated results.

In defining these motivations, it is necessary to briefly discuss two theoretical concepts that permit a reasoned categorization. First, all stimuli are either external or internal. External stimuli require some environmental cue to be activated, such as the nuclear power issue, food for the poor, unemployment, civil rights, or the war in Vietnam. These stimuli react on preexisting dispositions to internal motives. Internal stimuli are those that originate entirely within an individual or group psychology and do not require environmental cues. Either of these two stimuli may be rational or emotional; that determination is made on the basis of the rationality applied to approaching the ends desired. A final set of concepts involves the public or private nature of the act. In public violence, there is a societal reaction or an audience for a given event. Conversely, private violence has an internal benefit for the perpetrator, with no outside feedback necessary for the perpetrator to achieve a sense of fulfillment.

By combining these three sets of concepts—source of stimuli, rationality, and the nature of the act—one is able to isolate potentially real threats from those considered unlikely to be carried out, with respect to high-technology terrorism. Figure 1 provides a graphic representation of the eight forms of violent behavior that can logically be drawn from an evaluation of these factors and actual violent incidents.

These eight forms are representative of the spectrum of violent behavior. Although terrorism is central to this appendix, often the other seven forms of violent behavior are termed terroristic, gaining wide publicity for that reason. Furthermore, individuals or groups engaging in any of the forms of violent behavior may employ high technology to achieve their ends. The following offers a detailed discussion of terrorism and briefly treats the other forms of violent behavior.

Figure 1. Forms of Violent Behavior

Stimuli Nature	Rational- Internal Stimulus	Emotional- External Stimulus	Emotional- Internal Stimulus	Rational- External Stimulus
Private	Criminal	Revenge	Pathological	Vigilante
Public	Terroristic	Protest	Sociopathic	Paramilitary

Terroristic Violent Behavior

Terroristic violent behavior, as the principal focus of this paper and the most likely to involve high technology, is examined in somewhat greater depth than the other forms. Persons who engage in terroristic behavior have a variety of motivations, such as protest demonstration, disruption, revenge, and persuasion. At the core of terroristic behavior is the political nature of the movement and its goals. Thus, by definition, actions of terrorists are in some fashion related to the ultimate goal of effecting political change—the *raison d'être* for the organization's existence. The means of realizing respective terrorist motivations can be graphically depicted in four sets that run along a progressive continuum (Figure 2). The high specificity of demands entails that government or some other entity either perform, or refrain from performing, some act. Hijackers that bargain for the release of prisoners provide an example of this means. Other illustrations include

Figure 2. Terrorist Means

Target Selection	Specificity of Demands	High	Low
	Discriminate	Bargaining	Political Statement
Random	Social Paralysis	Mass Casualties	

the continuing power substation bombings in northern California by the Red Guerrilla Family, accompanied by demands for reduced power rates, and the release of the Harrises from jail, demanded after the explosions at the Hearst Estate Museum in early 1976, which was perpetrated by the George Jackson Brigade and the New World Liberation Army.

At the low end of the demands spectrum are those with much less specificity: the political statements. These demands are usually generalizations concerning society as a whole and are often represented as ends to be achieved through action. Examples of this type of demand are "freedom for everyone" and "elimination of all forms of racism, sexism, capitalism, Fascism, individualism, possessiveness, and competition."

Highly discriminate targeting is usually associated with bargaining and political statements, and involves a relatively low level of actual violence. These targets are chosen for their readily identifiable connection with the opponents of the terrorists or because of the target's value and the willingness of the coerced parties to meet certain demands to regain or preserve it. Random target selection is most often the hallmark of those groups whose means are to create social paralysis or inflict mass casualties. Terrorists seldom resort to random target selection in the initial stages of their movement and terroristic activity. Rather, indiscriminate attacks are resorted to when neither bargaining nor political statements have been perceived as successful by the terrorists. Usually, random targeting is accompanied by an increase in the level of violence.

Experience demonstrates that social paralysis is usually associated with relatively high levels of specific demands. The random targeting that accompanies social paralysis is indicative of a group that has failed to achieve its ends through bargaining and political statements using less destructive violence. Terrorists who are motivated to employ social paralysis as a means usually do not care about publicity as a method of gaining popular support for their position. They appear to believe that the higher level of violence associated with social paralysis, through random targeting, enables them to achieve more specific demands. These activities bring the struggle directly to the anonymous citizen. The IRA attacks in London subways in mid-March 1976, is illustrative of the type of attack that terrorists so motivated undertake. In recent history, no U.S. domestic terrorist group has had these motives.

Means involving mass casualties are typically employed by a group at the conclusion of a failed revolution, during periods of intense frustration, or when support declines. Acts involving mass casualties express recognition by the group that:

1. The strength to use bargaining as an effective tool has been lost;
2. The public has been saturated with statement-related attacks; or
3. Popular support has been eroded either by attacks that caused social paralysis or by other terroristic acts in general.

Other Forms of Violent Behavior

Of these other seven forms of violent behavior, criminal, paramilitary, and vigilante behaviors are least likely to be motivated to employ high-technology violence, particularly new technologies. The motive of the criminal is financial gain, an unlikely result from the application of a new-technology attack. Vigilante-type groups are motivated by their

perceptions of social justice and societal norms, and are not disposed to employ methods that are anomic to society. Paramilitary behavior is primarily motivated by adventuresome considerations. There is no indication that this type of violent behavior would motivate a group of individuals to employ high-technology terrorism. The lack of incidents involving this type of behavior constrains explanation and limits the utility of further elaboration.

Protest behavior is usually associated with groups who commit violent acts as a means of venting frustrations. These groups are likely to represent a faction of a larger organization that is protesting through legitimate means. Protest violence tends to be a spontaneous and relatively short-lived phenomenon. This form of behavior is often confused with issue-oriented terrorism, and, in fact, differentiation is often not possible because terrorist groups are radicalized splinter groups of protest movements in many instances. The motivation of these splinter groups is essentially that of bringing issues to the fore. This behavior is not conducive to motivations that would result in an attempt to use high-technology terrorism.

Revenge as a form of violent behavior is motivated by vengeance directed against the source of frustration or injustice. It is quite possible that high-technology violence might be of interest to an individual seeking revenge. Two factors, however, militate against the use of this level of violence. First, the target is usually very discriminate, and, second, revenge is a highly individualistic motivation that is unlikely to result in group formation; group formation is a practical prerequisite for most acts involving high technology.

Pathological behavior, like revenge, is highly individualistic. But the stimulus is internal, arising from some need for personal psychological gratification. Thus, the specific motivation of an individual may be any one of an infinite number. Persons acting on pathologically related motivations should be considered the most likely, apart from terrorists, to turn to high-technology violence. Considering the individualistic, private nature of this form of behavior, the chief inhibiting factor for this individual is the lack of resources and technical knowledge.

Sociopathic behavior may be either an individual or group phenomenon. Viewing society and its requirements for conformity as external stimuli for violence, sociopathic violent behavior may be motivated by thrill seeking, subculture group loyalty, or purely antisocial reasons. The category of sociopathic behavior requires a group psychology of collective arousal to consummate an act of violence. Although sociopathic violent behavior is basically antisocial and amoral, those involved in this type of behavior have not been disposed to employ the ad-

vanced methods of violence that the application of high technology would require.

Targets

The types of targets terrorists might attack employing high technologies are an important characteristic in assessing the potential threat. An understanding of target selection will provide a planning basis for local officials and higher governmental authorities. The application of historical data with respect to targets has validity because it appears that the nature of the motivations, the means, and the ultimate goals for terroristic behavior will not change. Hence, regardless of the specific targets one considers, it is likely that the process of target selection will remain essentially the same. Terrorists will probably select targets using the same fundamental criteria that have been applied in the past: targets have been lightly or totally unprotected and have offered the terrorist an opportunity to communicate a message at relatively low risk. Seldom are targets randomly selected, even those that appear to be indiscriminately chosen. Rather, targets are selected to convey some symbolic message or to graphically depict the total vulnerability of society to terrorist actions.

Targets such as power-generating stations, communication centers, fuel tank farms, refineries, bridges, tunnels, dams, transportation systems, and large office buildings could be considered potential targets for new technologies, particularly a nuclear explosion. Aside from low-level explosions at numerous power substations in northern California over the past 2 years and scattered incidents involving attacks on power transmission lines and office buildings, terrorists have not elected to attack the many vital targets in the United States. Most of the targets listed above would be susceptible to the employment of conventional high explosives with potentially devastating results. To facilitate further evaluation, potential targets of new technologies have been divided into two categories: property and personnel.

If the terrorist selects a form of new technology for an attack because of the target's resistance to conventional methods, then property targets will probably be large, relatively hard, and inaccessible to a direct attack using conventional munitions. If the terrorists desire to deny access through contamination, the use of a nuclear device is the only reasonable technology available.

People as a primary terroristic target are equally vulnerable to all three categories of new technologies: chemical, biological, and nuclear. A nuclear explosive device would have a devastating effect on a large crowd in the open. A nuclear explosion or biological agent used in the vicinity of a major out-

door sports complex would be maximized by the high density of population. Because of the impact of environmental conditions, however, dispersal technologies are most effectively applied in closed areas. Delivery of these agents into a subway system, large public building, domed sports stadium, or convention center would inflict thousands of fatalities.

Attacks through bulk foodstuffs or beverages (via dairies, meat processing plants, canning companies, bakeries, and soda and beer bottlers) offer the terrorist a means of attacking either particular groups or a broad cross section of society, depending on the specific facility attacked. Contrary to popular belief, the water supply is not a highly vulnerable target. For example, based on personal consumption as opposed to other uses and a 4 billion gallon reservoir, if each member of a community of 20,000 were to drink 16 ounces of water, it would require in excess of 14 billion lethal doses to deliver one dose per person. If the best suited chemical, fluoroacetates, were used, it would require 600 metric tons. Any of the highly lethal biological agents are not effectively transmitted by water and would be further debilitated by the purification system.

Resources

Without a doubt, the resources to commit any act involving known high technology are available in the United States. At the same time, all of the types and applications of high technology the terrorist might potentially employ are unknown because of the breadth of the problem and the absence of experience when uncontrolled high technology was adopted. Thus, much of this material is speculative and, in the interest of brevity, exemplary. To this end, each class of new high technology is examined separately, with the intent of providing insights rather than definitive descriptions of resources.

Chemical Technology Resource Requirements

Construction and employment of high technology involving chemical agents are not extremely difficult for a trained chemist or toxicologist. Using standard organic chemistry processes, any of the compounds listed previously can be manufactured. A consensus among the chemists queried is that one knowledgeable individual could legally purchase all the supplies and equipment necessary, and establish a laboratory operation that probably could produce more than 10 kilograms of toxic agent per year, depending on the specific type. Thus, for a few thousand dollars in supplies, extensive dedication in terms of time, and a small facility, a knowledgeable individual could have the basic ingredients necessary to kill thousands of people.

Probably more difficult and risky for the terrorist

is the fabrication of a satisfactory dispersal device and actual dispersal. Although a myriad of methods for dissemination might be suggested, the opportunity for operational testing is limited. Thus, the attack would probably be the first full use of the device. Three to five persons would be necessary to set up the device and insure that it is working prior to departure. Information on the target, specifically building heating and air conditioning systems, is highly significant. Without some detailed information on the target prior to the attack and even without construction of the dispersal device, the probable success of the effort might be in question.

With respect to chemical technologies, a few points merit emphasis. First, one trained individual could make and employ chemical agents. However, for any one person to be knowledgeable in the technical aspects as well as the operational considerations of target analysis, methods of attack, placement of the device, security, and escape is extremely unlikely. Second, it is unlikely that a terrorist with the requisite tactical expertise would also possess the skills necessary to successfully manufacture chemical agents.

Although the most toxic chemicals have been discussed, numerous less toxic agents are available for use by the terrorist. Some of these agents are available commercially as insecticides. In attempting to achieve certain ends while restricting the level of violence, terrorists might well resort to these less toxic chemical agents. At a minimum, the shock effect of this technology would probably produce a societal reaction and recognition of the group.

Biological Technology Resource Requirements

Resources considered necessary and sufficient to develop biological agents and employ this technology are somewhat greater than those for chemical agents. The task is made more difficult by the nature of biological agents themselves. Several specific steps are required to manufacture this type of agent and then apply it to a target. These steps include the selection and acquisition of the seed culture, seed cultivation in ample quantities to meet target requirements, a means of keeping the agent virulent, and a method of effective dissemination.

To successfully develop biological technology, the most important resource is trained persons. The type of knowledge needed probably is beyond a biologist, necessitating the employment of both a microbiologist and a pathologist. This requisite expertise—the minimum staff capability—appears critical for the achievement of a biological weapon. Equipment is dependent upon the type of agent selected, but the extent of the facility and the accompanying cost would be somewhat greater than

that for working with chemical agents and less costly than nuclear weapons fabrication.

Two principal problems still face the potential biological terrorist. An initial problem is the necessity to secure the biological seed culture, obtainable from one of three sources: a research facility, a medical laboratory, or a natural reservoir. The first two involve theft or diversion, while the third, and most secure source, requires the terrorist to sample, isolate, and identify the organism. Obviously, this latter method cannot be accomplished by the layman. Second, assuming there are adequate facilities to manufacture and maintain the completed quantities, the use of biological technology evolves around a practicable method of employment. Avoiding the detailed discussion of the difficulties and pitfalls of dissemination, it is adequate for purposes of this paper to state that overcoming the problem of the deterioration of the biological agent once it has been released requires extensive skills, even beyond those available to microbiologists and pathologists.

Examining the practicable adoption of biological technologies by terrorists leads to several conclusions concerning resources. It would take a highly trained individual with experience in microbiology, pathology, aerosol physics, aerobiology, and even meteorology to make a reasonable attempt at manufacture and employment of a biological agent. Thus, although it is possible for one individual to undertake this type of technology, it is highly unlikely that this will occur. A larger group of at least three to five members with a full range of capabilities, including training, tactics, technical knowledge, resources, and operational experience, is considered the optimal number required to perpetrate an act using biological technologies.

Nuclear Technology Resource Requirements

Nuclear technology is at the same time the most difficult and the simplest of the new technologies for terrorists to employ. On one hand, of the technologies explored, the dispersal of radioisotopes by wrapping a material, such as COBALT-60, with explosives is the easiest. Aside from acquisition of the radioactive material, which is relatively simple today, this type of device is quite uncomplicated, and employment presents no technical problems. Given the terrorists' willingness to accept a rudimentary device with little concern for dispersal patterns, one individual can achieve enough technological skill to steal the material, wrap it in explosives, set the charge, and detonate the device. Manufacture of a nuclear weapon, however, is another matter.

The initial problem faced by the would-be bomb maker is the availability of weapons-grade material. Theft or diversion of adequate amounts of material

in themselves requires extensive resources in terms of personnel, equipment, and weapons. Diversion of material from an operating facility places minimal requirements on the perpetrator in terms of weapons and equipment, but at least one employee must be involved. Systematic diversion from a plant where material is processed and stored appears impractical because of the stringent security measures specifically designed to preclude such an incident. These same security procedures limit access to quantities of material adequate for weapons fabrication, eliminating the simple crime of opportunity as a source of sufficient material.

Theft of material by an overt or covert attack on fixed sites or the transportation system offers an opportunity to acquire the requisite quantity of nuclear material for bomb fabrication. But the resources considered necessary are well beyond most groups. Current security measures have been determined adequate to counter a theft by up to six armed personnel. In addition, intelligence requirements, familiarity with nuclear operations, handling expertise, and specialized nuclear equipment further complicate any attempt at material theft. Such thefts would be highly complex, requiring resources more extensive than the most sophisticated conventional criminal design, such as the Brinks Robbery.

Despite the testimony of a few nuclear experts on the one-man resource for nuclear weapon construction, it is apparent from the bulk of the literature that a one-man operation is not feasible. Once material is acquired, most experts agree that anywhere between 10 and 20 persons might construct a crude but reasonable weapon in 1 to 2 years. Staff for the project would have to include at least one competent nuclear physicist and a nuclear engineer. Other necessary support staff are a chemical engineer, a metallurgist, several technical personnel trained in general and specific nuclear laboratory procedures, explosives and nuclear materials experts, and possibly a precision metal worker. Facilities for this effort must, at a minimum, include laboratory accoutrements, nuclear handling tools and equipment, precision metal shop machinery, radioactivity monitoring gear, and adequate ventilation. The cost of the laboratory and associated equipment would probably be in excess of \$50,000 to \$100,000. Once the weapon is completed and mounted on transport or emplaced, however, resources for the employment of that particular device are minimal. One person can effect the initiation of any action using the weapon.

Although the above description addresses the resources necessary for weapons fabrication with a degree of assurance with respect to safety and success, the question of the absolute minimum is still unanswered. A group that does not concern itself with safety or the destructive characteristics of the

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resultant weapon could fabricate a weapon with four to six personnel with the following skills and equipment: a nuclear engineer and a nuclear physicist; explosives expertise; nuclear material handling equipment; and minimal laboratory facilities. Even were personal safety to be totally disregarded, which is a questionable assumption for a group of four to six persons, certain minimum equipment and knowledge is necessary to accomplish the task. Under the conditions outlined above, it is possible that those constructing the weapon would receive lethal doses of radiation because of the lack of safety features. Fewer resources in terms of knowledge and equipment would most likely result in the death of group members prior to completion of the project.

The preceding discussion has focused on the resources necessary to manufacture the three new high technologies from basic raw materials. For the terrorist, a simpler solution in many respects might be the theft of a weapon or device from some government facility. With respect to nuclear technology, weapons and weapons-grade material have been highly protected since the inception of nuclear technology. The proliferation of nuclear weapons, however, and the expansion of the commercial nuclear industry, which has a byproduct of weapons-grade material, has significantly increased the opportunity for theft. Requiring less manpower and technical skill, theft of a weapon or weapons-grade material requires less manpower and less technical skill and is less difficult than the actual fabrication of a nuclear bomb.

Chemical and, to a lesser degree, biological weapons have been available for years both in the United States and abroad. Although ostensibly protected, these sites have been vulnerable to attack. In fact, in 1975 a quantity of mustard gas was reported stolen from a munitions storage site in France, allegedly by a terrorist group supporting the Baader-Meinhof Gang in West Germany. With respect to availability of these weapons, the U.S. policy of elimination of its biological weapons and reduction of chemical weapons stockpiles has significantly reduced the danger of theft. Further, following reports of storage site vulnerabilities, security has been appreciably improved at these sites in recent years.

By way of summary, the reader should understand that the employment of any of these technologies is not easy. This admonition is necessary because this discussion of resources has been abbreviated by design. The specialized talent required to construct each technology must be emphasized. Chemical and biological technologies have the advantages of essentially unrestricted data sources, relatively small resource requirements, the availability of key resources, and at least a limited opportunity to test the product. But recognition must

be given to the fact that significant design and engineering problems exist, particularly with respect to dissemination.

On the whole, of those technologies examined, it appears that chemical technologies might be constructed most easily, but that they pose a somewhat ineffectual threat. Biological weapons might be constructed with a little more difficulty than chemical weapons, while posing a more significant threat. An equally great threat might be realized from nuclear technologies involving weapons-grade material, but the relative difficulty in obtaining the material and the subsequent difficulties of bomb construction raise questions of the overall practicality of selecting this new technology.

Moreover, there has been no evidence to substantiate that any terrorist group within the United States has the requisite resources and motivations to undertake an act of high-technology terrorism. Adequate resources, in terms of personnel and equipment as outlined above, have been available to a number of terrorist groups, but technical expertise and the resolve necessary to develop and employ high technology appear lacking. Although U.S. terrorist groups have failed to initiate any such attack in the past, apparently because requirements exceeded capabilities, the increasing sophistication of these groups may result in an organization capable and willing to engage in high-technology terrorism.

Application of New Technologies

For the law enforcement officer, the legislator, the decisionmaker, and the community as a whole, discussions of the separate and distinct elements that compose new-technology terrorism are of obvious interest. Even more significant, however, each is concerned with the consequences of the combination of these characteristics. This section is designed to bring the earlier segments of the paper together and place the new technologies in perspective. It is apparent that two general modes of employment form an appropriate framework for this discussion: the direct application and the coercive threat of new technologies.

Direct Application

The direct application of new technologies involves an action with little or no warning. When warning is provided, it is not for bargaining purposes but as a means of limiting damage, causing panic, gaining publicity, or for other target-related reasons. For example, most U.S. terrorist bombings that would potentially endanger people have been preceded by a warning for purposes of limiting casualties. Direct application is undertaken by per-

petrators who have determined that their purpose is best served by the use of the weapon itself.

A broad spectrum of high-technology direct applications might be employed by the terrorist, and the decision to use any one of them is based primarily on motivation and resources of the individual or group. At the lower end of the spectrum are the discriminate employment alternatives, which focus on the use of smaller, controllable quantities of the technology. In these instances, the primary objective would be the demonstration effect. Releasing a small quantity of a chemical or biological agent in a controlled manner to produce casualties within a selected target group is illustrative of this level of action. Similarly, the use of precision-guided munitions with a minimal amount of explosives exemplifies this mode of direct application.

At a higher level of damage, direct application of high technology has two salient features. First, as the potential consequences to the target or public increase, the degree of discretion in target selection diminishes. Although a PGM may be targeted against a police precinct headquarters, the high explosives will undoubtedly cause public casualties beyond the target itself. Second, and closely related to discrimination, is the proportional loss of control of the consequences as the level of action escalates. Chemical or biological weapons may well carry effects far beyond the intended target. Once agents are released, the attacker has lost control of events, with potential catastrophic results.

In the past, few attackers have selected targets indiscriminately, and even fewer have employed weapons that present problems of subsequent control after employment. Throughout their history, the Weather Underground has targeted areas where the likelihood of personal injury was minimal. In most cases, the Weather Underground telephoned a prior warning to further preclude casualties. It is evident from past events that terrorists, in general, seldom opt for direct application of technologies that cannot be controlled and for which the quantitative consequences cannot be determined to some degree prior to the attack.

The terrorist that would resort to the direct application of new technologies causing uncontrolled, indiscriminate casualties and damage has not appeared. This terrorist would have to combine the motivation necessary to inflict a high level of damage; the technical expertise and resources; and the willingness to sustain his commitment for an extended period of time. For certain types of new technologies, such as biological or nuclear weapons, the requirements, in terms of resources, organization, and group cohesion, are significantly increased because of the necessity to involve more than one person. Problems of technical expertise and resources may well be lessened by expansion of the group, but the

problems associated with maintaining motivation and sustained group commitment increase in geometric proportions in relation to group size. One individual may well accept uncontrolled indiscriminate consequences, but it is not likely that any group of persons would be able to retain the organization with objectives of this nature.

Coercive Threats

Terrorist employment of new technologies as means of coercive threat is more likely than direct application. In this mode, the terrorist is able to exert considerable pressure while permitting avoidance or delay of the decision to actually use the capability. The range of possible coercive threats covers all of the new technologies discussed throughout this paper, as well as those involving more exotic and devastating means. It is difficult to provide a full range of illustrations of coercive threats to date because many of them are either classified or simply have not been publicized. But the 1970 Orlando, Fla., extortion, previously described, is typical of the coercive threats for money; and the 1974 A-bomb threat against the Capitol, in an attempt to gain \$10 million of food for the hungry in the United States, exemplifies those threats used for improvements in social conditions and general political statements. The majority of the new technology threats have involved nuclear material, particularly bombs, and have been for extortion or explicit political concessions. None of these threats has been carried through. More interestingly, very few of the threats have been assessed as possibly credible.

Analysis of particular coercive threats using new technologies is best accomplished by examining each threat through four components. First, there is the actual or implied threat itself; second, the target or hostage; third, the demands; and fourth, the authorities involved with the threat and its verification. The mere fact of a threat, although it might indicate a perception on the terrorists' part that the coercive threat offers more than direct application of technology, does not necessarily signal a serious incident. Persons charged with response authority must assess the potential of the threat and the wide-ranging implications should it be carried out.

With respect to the threat itself, two principal factors relating to the characteristic of the threat, regardless of its context, are important in the overall process of its evaluation: the magnitude of the consequences if the threat is executed; and the credibility of the threat. In terms of the range of new technologies, these two factors cannot always be separated. The type of technology involved and the potential results of application may influence the determination of threat credibility. Nevertheless,

each threat must be examined individually, and a judgment made as to its credibility.

It is necessary for officials to realize that an evaluative process must take place to reasonably determine the credibility of the threat. Each threat must be viewed in several steps. First, is the threat possible? Given the state of the art, the specified nature and scope of the threat, and the situation, is it possible in technical and theoretical terms to achieve what is threatened?

Second, the threat must be examined for feasibility. Because high technologies are new phenomena, the question of whether or not the threat can be believed may be unanswerable. Rather than attempting to answer it, officials must analyze if it is feasible to carry out the threat. Questions at this level focus on the nature and extent of resources and motivations. Third, the threat must be evaluated in detail to determine the practicality of the act. This determination centers on examining whether or not the threat is practical in terms of the organization threatening the act. In what is actually a refinement of feasibility analysis, officials must make a subjective determination based on the best information available. Finally, the process is completed through making a highly judgmental determination of the probability of the occurrence.

Only through a combination of these steps can officials assure themselves that each threat has been completely examined. Significantly, within a certain range, as the magnitude of consequences increases, the willingness to accept the threat credibility also increases. This phenomenon is the result of the decisionmakers' evaluation of the potential cost to the target and the community, and the escalated consequences of a wrong decision.

Until a threatened act of new high-technology terrorism is actually committed, it is unlikely that the approach to credibility evaluation outlined above will change. Following the first incident of actual violence using any of these new technologies, however, all other threats become more credible. And the more threats that are carried out, the greater the acceptance of relative likelihood will become.

In cases of new-technology threats, the target or hostage could significantly influence the decision-making process. The determining factor is the communication of threat facts to the hostages themselves and the size of the threatened group, perceived or actual. In small-group situations, akin to aircraft hijackings, it is unlikely that the group could influence decisions. The possible threat to a city of 100,000 people, however, may create an entirely different atmosphere for the decisionmaker. To date there are no events from which to extrapolate the consequences of hostage impact. In most nuclear threat cases the public was not informed, primarily be-

cause the threat was deemed not credible. If a threat using new technologies is carried out, the nature of the hostage will probably have greater impact on the decisionmakers than previously.

The character of any official response to a coercive threat will also depend on the nature of any demands accompanying that threat, and, in particular, on their reasonableness. Regardless of the threat magnitude, certain demands will not be met by authorities, either because of an inability to do so or because of a patent unwillingness to sacrifice that much. A \$1 billion ransom, immediate unilateral disarmament, an end to all nuclear power plant construction, resignation of all Democrats or Republicans in Congress, and changes in laws are examples of demands that would not be acquiesced to by governmental authorities. If the perpetrator has been rational enough to arrive at the point of possession and threatens application of new technologies, however, a valid assumption would be that the terrorist has the rationality to keep his or her demands within acceptable bounds, or at least negotiate toward them. The use of a coercive threat must be recognized as a leverage mechanism, permitting a small group to exert inordinate pressure on the system, in relation to its size. Coercive threat demands are seldom the only or "best and final" offer, but rather are a prelude to negotiation.

Perhaps the most significant set of personnel in the coercive threat are the authorities involved. Law enforcement officers and governmental decisionmakers must make judgments concerning the threat and its credibility. The perceptions of this group with respect to the situation and its subsequent actions are the catalyst for the terrorists. Whether or not a coercive threat reaches fruition, or is even prematurely triggered, is the direct result of the authorities' actions.

The first task of decisionmakers—credibility evaluation—has already been discussed. Closely allied is the difficult, often impossible, task of threat verification, which requires the decisionmakers to combine scientific data and subjective judgments. The scientific inquiry provides the basis for determining the possibility, feasibility, practicality, and probability of occurrence of the threat. As one moves across the spectrum from possibility to probability, scientific data become less useful and subjective evaluations gain in prominence.

Unless indications of preparation for the future application of a new technology are detected during those preparatory stages, it is hard to verify most threats in a timely manner. Chemical and biological technologies can be developed in a small laboratory facility. Even the employment of nuclear material in a threat might be credible, because verification of missing minimal quantities of the material is not possible. The more secretive the organization mak-

ing the threat, the greater the difficulty to be encountered in verification.

Successfully countering the direct application and coercive threat modes of high-technology terrorism is dependent upon well-planned and -executed control measures and timely and appropriate responses. Without these control and response measures, the ability of authorities to differentiate between hoaxes and realistic threats is severely handicapped. Understanding the range of characteristics of terrorists likely to employ high technology in achieving their ends is central to formulating effective control measures and response means.

Summary of Terrorist Characteristics

Prior to discussing control and response mechanisms, it is beneficial to summarize the characteristics of terrorists who might potentially use high technology. Although terroristic or other forms of violent behavior may result in the use of high technology, the adoption of high technology will be tempered by the objective of the group. An implicit point made earlier in the text should be clearly stated by way of summary—new modes of high-technology terrorism do not necessarily involve mass casualties or a high dollar value of destruction. But the physical resources, training, planning, overall organization, and risk involved in designing or acquiring and employing high technology is far beyond what most groups would be motivated to undertake. Two concepts are useful in summarizing those characteristics that indicate a willingness to explore, formulate, and initiate actions to use high technology: the elements of risk and attractiveness associated with actual attacks; and the nonsuicidal nature of the terrorist.

Addressing the nonsuicidal nature of terrorism first, an appropriate generalization appears to be that terrorists do not usually engage in activity that involves the risk of confrontation, capture, or a fight to the death. Despite highly publicized but isolated cases of suicidal terrorist attacks, such as the attack on Lod Airport, the Malot raid in Israel, and the siege and subsequent death of SLA members in Los Angeles, terrorists and most other perpetrators of violence do not have a death wish. Supporting this assertion is the fact that the over 2,500 bombings reported by the FBI Bomb Data Center in 1975 represent in excess of 95 percent of all U.S. terrorist activity. Bombing attacks, and terrorist activities in general, are usually covert actions against unprotected targets.

Closely associated with the nonsuicidal nature of terrorism is the terrorists' reluctance to engage in attacks that might result in confrontation. In examining over 4,500 incidents, no U.S. events occurred where a guard force of more than two or

three men armed with sidearms were on duty. Cases where a small guard force was involved are few, less than 1 percent of the total. Equally as illustrative is the fact that over 60 percent of all bombs are placed outside the target: against a wall, on a windowsill, or against a door. These placements can be made easily with little risk of detection.

The second and most significant concept relative to terrorist characteristics is the risk and attractiveness of the intended attack. Either implicitly or explicitly, terrorists will examine the factors of risk and attractiveness in determining the nature of their attacks and the targets. Attractiveness represents the appeal of the target and the method of attack to be used. Primarily the terrorist is asking: What will be the gain in terms of achieving the goal of the organization? At the same time, the terrorist will consider the accompanying risks involved in accomplishing the act.

Risk is actually twosided: risk in acquisition and risk in implementation. In assessing the former, the terrorist must weigh the risk of acquiring the necessary resources to include personnel, skills, equipment, and material. High-technology terrorism, particularly chemical, biological, and nuclear modes, requires extensive risk in the acquisition phase. Not only are there extensive dangers of detection in accumulating resources such as nuclear material, but personnel safety is a constant concern, as are the strains placed on the organization by the requirement for commitment over an extended period of time.

Implementation risk is greater in high technology than in conventional terrorism because of the inherent characteristics of the technologies themselves. It is generally more difficult and risky to employ a chemical, biological, or nuclear device than to engage in other forms of terrorism. Resources, personnel, and organization, along with the target and mode of attack are key risk-determining characteristics. Probably most significant of the risks is maintaining the necessary degree of motivation among organization members. Unless the willingness and resolve to commit an act that may have catastrophic societal consequences can be sustained, the organization faces an increased likelihood of compromise.

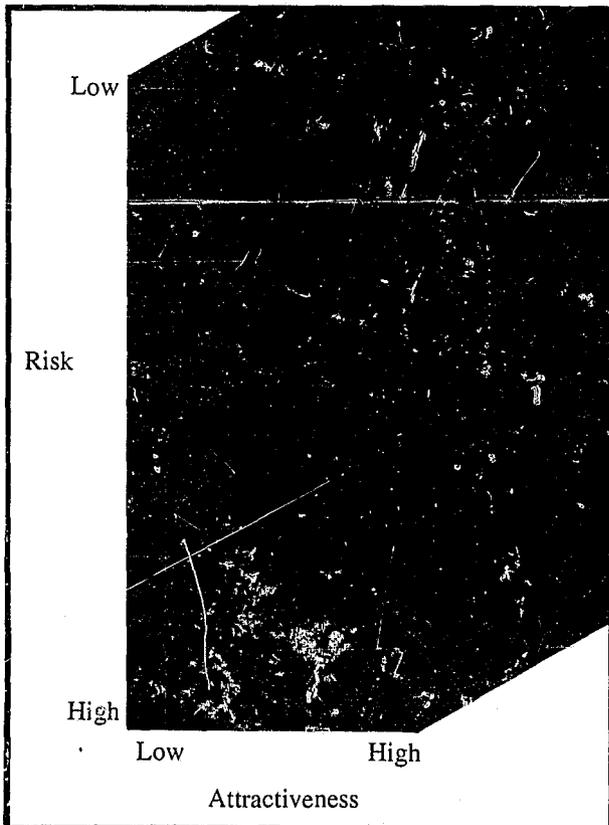
The terrorist is least likely to become involved in a low attractiveness-high risk situation; but a high attractiveness-low risk situation is ideal. Terrorists normally opt for some point between the worst and ideal cases, trying to optimize each and still achieve their objective. As evidenced by the previous characteristics of terrorist attacks in general, and bombings in particular, terrorists will trade off attractiveness to reduce the risk factor. In high-technology terrorism, two points are evident with respect to risk:

1. When acquisition risk is low but employment risk is high, the greatest potential is for threat situations; and

2. When acquisition risk is high and employment risk is low, the greatest potential is for direct application.

Figure 3 provides a graphic representation of risk and attractiveness associated with high-technology terrorism. Regardless of the range of casualties and destruction, the risk of acquiring most high technology is far greater than the risk of acquiring conventional resources. Thus, where the risk in achieving the capacity to employ high technology is low, so is the ultimate attractiveness of the act. Only with high risk can a relatively high attractiveness be realized. But when resources are acquired at high risk, the scale then curves sharply toward high attractiveness, indicative of the fact that once resources for an attack employing high technology have been obtained, nearly any desired degree of attractiveness can be attained. The initial risks of obtaining resources and successfully using them are so great, however, that few, if any, groups would be willing to attempt to cross the threshold of violence associated with high-technology terrorism.

Figure 3. High-Technology Terrorism Risk And Attractiveness



Control of and Responses to High-Technology Terrorism

An understanding of the uniqueness of the phenomenon called terrorism is central to attaining even marginal success against the conventional or high-technology attacks. Both the current approach taken to combat terrorism and the dismal failure of governmental authorities to thwart actions are symptomatic of a system that does not recognize the nature of the threat. All too often, police and governmental officials refer to terrorists as criminals and approach the problem as if terrorists were acting out of criminal motivations. In general, authorities are ill-prepared to deal with conventional terrorism. More significantly, when terrorists employ the types of high technology discussed in this appendix, local, State, and even Federal authorities will probably be incapable of fully coping with the situation. This final section initially addresses, in brief form, several shortcomings of the current system and postulates a series of control and response considerations that are applicable to various levels of law enforcement, to other official decisionmakers, and to legislators.

Introduction of high-technology terrorism will place additional strains on systems that are already facing rising crime rates, citizens' demands for better protection and effective government, and the economic realities of escalating costs. The ability of those systems to respond to the unique demands of high-technology terrorism is thus constrained by resources. Further, the inability to identify the official participants may also constrain response capacity.

Local officials will probably be principal participants in most high-technology terrorism incidents. In particular, local law enforcement will be the first to recognize an actual attack and, in the majority of the cases, the first to be notified of threats. The preponderance of the high-technology threats over the past 5 years have been received initially by local officials. Recognizing the secondary role that State and Federal agencies play in countering these threats, the following discussion emphasizes the local aspects of controls and responses to high-technology terrorism. Throughout this section of the appendix, however, the authorities, jurisdictions, and functions of Federal, State, and multilocal organizations as they relate to those of local government are presented.

Two concepts of crucial importance in analyzing the current system for controlling and responding to high-technology terrorism are jurisdiction and authority. Often used without definition and interchangeably, the specific meaning of each is significant for understanding the problems that exist today.

Jurisdiction refers to specific boundaries between entities and is primarily used in terms of lateral integration. Authority is used with respect to the horizontal relationships between organizations, particularly in describing local, State, and Federal roles and functions.

Current System Characteristics

The current system for controlling and responding to high-technology terrorism can be viewed as a system of measures that provides a general overview of preparedness. The extent of planning is a general measure in that it reflects other system characteristics. It is not only necessary to examine local planning, but it is also useful to explore State and Federal planning as well. Other aspects of preparedness include resources, training, intelligence, and local, State, and Federal relationships.

Planning

To date, planning has generally been inadequate to meet the problem of high-technology terrorism. There has been little or no planning designed to specifically meet and respond to incidents involving high technology. This is particularly true at the local and State levels of government, and to a lesser degree within Federal agencies. In those cases where local and State disaster plans exist, they are plans for natural disasters. For example, along the gulf coast there are well-formulated plans to respond to hurricanes; in the Midwest extensive tornado planning has been accomplished; and earthquake response plans have been prepared in detail in California. These plans provide special systems for specific incidents, however, and fail to offer the responses necessary to counter high-technology terrorism attacks.

Despite the proliferation of nuclear power plants and ever-increasing amounts of radioactive material used in society, very few locales have planned for nuclear emergencies created by failures in systems. Even fewer have considered those factors related to a terrorist-instigated act. Although an extensive improvement at the State governmental level is apparent with respect to peacetime nuclear emergencies, terrorism is still not adequately addressed at the State level either. Only recently has the Federal Government undertaken actions to plan for nuclear terrorism. Within the Energy Research and Development Administration, and to a lesser extent within the Nuclear Regulatory Commission, there has been contingency planning and agency responses have been formulated.

Unfortunately, the limited planning that has been done suffers from several shortcomings. The higher the level of planning organization along the local,

State, and Federal continuum, the less likely it is that issues of vital importance to the local authorities will have been addressed. Although Federal and State planning contribute to local planning, it is unlikely that the plans are coordinated, and, more significantly, it is questionable that the contents are made known to other levels of government. Of greatest importance to the overall problem of high-technology terrorism is the fact that, aside from nuclear terrorism, other forms have not been addressed at any level of government.

Resources and Training

Resources may be categorized into two general types: physical and information. Physical resources deal with those resources that are tangible in nature, available to respond to and control incidents; information resources are those intangible assets such as training, procedures, and techniques—generally, learned material. A myriad of resources are available in times of crisis. These include official resources at the local, multilocal, and State levels; U.S. military and nonmilitary Federal resources; and resources available in the private community.

It is generally agreed that adequate physical resources are available to provide relief to the victims of high-technology terrorism. But specialized equipment permitting earlier intervention in high-technology incidents is lacking. The availability of equipment to handle chemical, biological, and nuclear situations is not widespread enough to insure adequacy of response.

The sufficiency of information resources is open to question. Over the years, many mechanisms have been created for the application of resources in disaster environments. Often these procedures have worked extraordinarily well, but in other instances there have been noticeable failures. The preceding discussion of current planning highlighted the problems of applying specialized individual disaster plans to high-technology terrorism situations. From a resources standpoint, one must question whether previously established preplanned mechanisms or rapidly generated *ad hoc* procedures will actually provide the needed physical and information resources under the uncertain conditions created by high-technology terrorism.

Another basic consideration is the training of those who might be confronted with high-technology terrorism. Most certainly the training provided for law enforcement officers significantly contributes to their ability to respond to crises generally, regardless of the specifics. New methods of response are recognized and understood and advanced equipment provides assistance in identifying problems and bringing outside expertise to bear on the situation quickly. But even though they are prepared to

cope with general crisis situations, law enforcement personnel and decisionmakers are not trained to counter high-technology terrorism specifically. In fact, there is not general appreciation of the problem of terrorism. As previously stated, in most instances terrorists are viewed as common criminals, with identical training and operational procedures established for handling both terrorists and criminals. This serious weakness in training and in actual operational policies and procedures will result in a less than adequate response in those instances where high-technology terrorism is employed. The rather undistinguished record of law enforcement in apprehending terrorists is ample testimony to support the proposition that the training necessary to deal with this phenomenon is lacking.

Intelligence

One reason law enforcement has been ineffective in countering terrorism is that intelligence has generally been insufficient. The nature of terrorism—covert acts undertaken by small groups of dedicated secretive individuals—is a major obstacle to successful intelligence activities. Compounding the problem of intelligence gathering is State and Federal protective legislation regarding invasion of privacy by governmental organizations, and the overall concern for individual privacy that has created the climate and controversy within which these laws were framed. Beyond constraining intelligence collection and use within any one jurisdiction or authority, the current milieu has also restricted dissemination and coordination of intelligence among local, State, and Federal agencies and between parallel organizations across jurisdictional lines.

By way of illustration, during the intensive search for the Harrises and Patricia Hearst, this group was stopped by a local law enforcement official. Not realizing the identities of this group, however, he conducted a license check and permitted them to leave. At the same time, other law enforcement agencies were actively gathering and evaluating information on this group. This episode demonstrates that often the line law enforcement officer is not provided with critical intelligence.

The current intelligence system does not have the capacity to effectively counter high-technology terrorism. A hypothetical example serves to highlight a major deficiency in the intelligence system. The theft of a highly infective biological culture from a Chicago research facility, the purchase of laboratory equipment in Cleveland, and the rental of an isolated facility suitable for a laboratory in Akron presents an excellent portrait of a potentially dangerous situation. But the lack of intelligence exchanges and standardized procedures applicable to

high-technology terrorism would permit this series of significant but seemingly unrelated activities to pass unnoticed.

Local, State, and Federal Relationships

Planning for high-technology terrorism is in a rudimentary stage and is characterized by problems of decentralized authority and resources, jurisdictional ambiguities, and deficiencies in provisions for intelligence collection and exchange. At each echelon of government, authority with respect to incidents involving nuclear material is explicitly governed by Federal statute, with many States having parallel legislation. Where chemical and biological agents are involved, however, there are no similar delineations of authority. Thus, in any incident the potential for the exercise of implicit prerogatives at all levels exists, even in cases where a situation might be better handled by another entity. For example, the local decisionmaker may insist on retaining control of the situation following the employment of a chemical weapon by terrorists. Because of the potential for direct impact on neighboring communities and the breadth of resources available to the State, this kind of division of authority may deny the affected locale the full benefit of available assistance. The issue of jurisdiction and authority is multidimensional, involving far more than the definition of local, State, and Federal relationships.

In the first instance, the question of jurisdiction arises within the local law enforcement agency. Particularly during that uncertain but crucial initial period, without planned procedures it is probable that intradepartment in-fighting will develop concerning control of the situation. The likelihood of this occurring appears to be proportional to the size of the department and the lack of prior planning. As the locale begins to request State resources, and the magnitude of the incident becomes apparent, questions relative to local and State authorities will evolve. Further, in the more serious attacks where required Federal assistance includes the use of military forces, a new problem in the apportionment of authority arises. Experience in the 1960's with major city riots raised several authority issues. In the riot context these have been partially resolved, but for the unique high-technology terrorism situation, little has been accomplished in addressing these questions.

Recognizing that the current system of law enforcement, decisionmaking, and legislation has failed to adequately address the question of high-technology terrorism as a unique and potentially dangerous phenomenon, it is necessary to formulate guidance that will contribute to rectifying the inadequacies as they now exist. The hypothetical nature

of high-technology terrorism creates a dilemma in postulating control measures. The lack of an evidentiary basis makes the discussion more evocative than prescriptive in nature. From the foregoing description of present day preparedness, it is clear that action at all levels of government is required.

Recommendations for Controls and Responses

The range of possible controls that might prevent, deter, or limit the employment of high-technology terrorism is similar to those outlined in the main body of this report. Because of the magnitude of potential consequences and the differences in certain components of the threat, however, it is worthwhile to detail those characteristics of high-technology terrorism that will in turn affect controls and responses. Throughout the preceding discussion of high-technology terrorism, there has been an implicit framework of five phases for each incident, comprising a life history of the event. These phases provide a conceptual means of understanding how far any one instance has gone; they offer a sequence in which control points may be identified and action taken, and, if significant numbers of incidents occur, they will contribute to the determination of the most effective allocation of resources by phase.

- **Conceptualization of the basic idea**—It is at this point that the perpetrator decides that conventional means of attack are inadequate. Because of the dissimilar nature of the types of high-technology terrorism, in all probability the terrorist initially determines the general character of the technology to be employed: chemical, biological, or nuclear. At least tentatively, the terrorist has weighed the risk and attractiveness factors, decided on the objectives to be achieved, and selected the general category of target. It is difficult to take control measures against this first phase because it is not feasible to directly impact on formulation of the idea. Certain general preventive measures, however, may assist in deterring an attack: hardening of likely targets; control of materials; systematic intelligence exchanges; publicized planning and citizen information programs; and generally, any measure that will reduce risk and attractiveness.

- **Formulation of the group and attack planning**—In all probability the group is already in existence; the decision to employ high-technology terrorism is an escalation in the group activity. The key to this phase and continuation into the other phases is the willingness of the group to accept the new threshold of violence. Data on past terrorist organizations indicate that the strain created within the group by escalation, particularly to extreme forms of violence, has caused the disintegration of many groups. This phase is indistinguishable from the first phase in terms of control measures, except that

the factor of strain on the group may produce opportunities for direct intervention by authorities. In particular, disaffected group members may become available as informers.

- **Fabrication/theft of a high-technology device**—At this point the group must assemble adequate resources to implement its plan of high-technology terrorism. Only in this phase does the group intention surface. The resource requirements may necessitate expanding the group, either to provide a sufficient number of persons or to incorporate essential expertise into the organization. The danger of detection increases significantly in this phase because the terrorist group must interact with outside sources to collect resources, either through legitimate channels or by theft. Once again the principal actions for control are preventive, but the opportunity to infiltrate the group or to detect significant indicators is far greater in the third phase than in the first two phases.

- **Application of the weapon**—The fourth phase involves either the direct application of the weapon against a target or the use of the weapon in a coercive threat. Once this stage has been reached, the consequences will affect all aspects of the community. In this phase, control measures move beyond the essentially preventive, to the responsive. In addition to law enforcement agencies, decisionmakers, non-official community leaders, and outside official agencies become extensively involved in the processes. Response measure include activation of plans, coordination with other agencies, application of resources, and considerations of the potential of future incidents occurring. Primarily, these measures focus on limiting damages and allocating resources.

- **Consequences of the action**—The fifth, and final, phase in the framework developed to examine control and response to high-technology terrorism is the consequences of the action. In this phase, the terrorist is no longer principal; the focus shifts to governmental agencies, the attacked community, and society in general. The types of control measures implemented in this phase deal primarily with a continuation of those measures outlined in phase four and specific postattack plans and actions to restore normal community life.

It must be recognized, however, that the dearth of high-technology terrorism results in a degree of speculation with respect to control mechanisms. Without adequate historical data, the relative importance of any measures recommended is open to question. The following discussion attempts to be analytical, but in many cases the extrapolation from the known to the perceived outcomes of high-technology terrorism is purely hypothetical. The greatest utility of some sections of this discussion may be in surfacing issues and positing concepts in situations where the evidentiary basis is lacking.

Suggestions for control and response measures are offered with reference to the five incident phases outlined above in a variety of categories: planning, resources and training, decisionmaking, local, State, and Federal relationships, intelligence, legislation, and constraints.

Planning

Central to effectively controlling high-technology terrorism is the implementation of a planning process, not only by local law enforcement but also by local decisionmakers, parallel jurisdictions, State and Federal agencies, and the community as a whole. Planning offers a connecting function that to some degree embraces all the other control mechanisms. Regardless of the specific control measure for high-technology terrorism, planning is essential. The uniqueness of high-technology violence necessitates prior consideration and planning for this phenomenon by all levels of government.

This appendix is intended to offer a starting point for planning by presenting the information necessary to gain an appreciation of the dimensions of high-technology violence and by outlining specific planning considerations. All law enforcement agencies and governmental units should develop contingency plans with respect to high-technology terrorism, either as a stand-alone set or in conjunction with other plans for implementation in terrorist situations. Primary planning responsibility should be vested in those organizations with response authority, but cooperation with other agencies is essential. The planning process itself must be either a comprehensive multiagency effort across jurisdictional and authority lines, or a series of single-agency plans that are integrated and coordinated with all potentially involved agencies.

Coordination and verification of plan elements should be effected with all agencies that might participate in response to high-technology terrorism. The degree of detail will be greater at lower levels, but each governmental unit must be aware of its role as perceived by others. Plans created in a sterile environment without interagency interaction will only lead to confusion and ineffective application. It is better to identify and clarify differences in the planning stage rather than during an actual incident.

The plan should provide detailed guidance on these aspects of high-technology terrorism:

1. Methods for identifying potential high-technology terrorism situations should be outlined to include the collection of indicators, assessment of the threat, and operational procedures specifically designed to thwart a developing threat. Basic to this phase of planning is the establishment of a workable threat-assessment methodology;

2. Methods for verification of threats, and procedures to rapidly evaluate direct application of high technology without warning, should be formulated;

3. Procedures for responding to a direct application or a coercive threat should be established. The roles and functions of the lead organizations, parallel governmental units, higher level government agencies, and nonofficial organizations should be defined. These procedures would identify responsibilities, authorities, and, most importantly, the systematic application of physical and personnel resources to a range of situations. This portion of the plan must identify the required resources and realistically consider the availability of internal and external resources to meet these requirements in the application and consequence phases of the incident. In particular, responses to coercive threats should provide detailed information concerning negotiations. Key personnel for a wide range of negotiation situations should be identified with explicit guidance relevant to lines of authority, coordination, roles, and responsibilities;

4. Specialized units, as outlined in the following section dealing with resources, should be defined and plans for organizational implementation detailed. Clear, concise procedures must be delineated to insure the rapid, smooth transition of organizational resources and functions to these units at the proper time. Multiagency planning in this respect permits organizations to plan this type of resource on a predictable basis and insures that a mechanism exists for implementation;

5. Alternative command and control structures should be established with predetermined conditions stipulated for activation of these mechanisms;

6. Specific guidance with respect to the media and public information should be formulated; and

7. Policies concerning the application of police powers during periods of uncertainty following the employment of high technology should be established.

Plans should include detailed procedures to be followed by all organizations, regardless of their role. Policies and procedures that become operational when high-technology terrorism is detected should be specifically defined to include gradations of response tailored to the level of technology employed and extent of application. Other policies and procedures should be developed for coping with the consequences phase of high-technology terrorism. These include measures to preclude recurrence; emergency mechanisms as required; definitions of type and scope of outside assistance by class of incident; provisions for integration of outside assistance; and sequences for the restoration of order, services, and normal community life. Plans must be specific yet flexible. Regardless of the diligence exercised

in planning, the application of any plan will ultimately be on a case-by-case basis. For this reason, it is essential that the plan be drawn to permit its successful implementation across the spectrum of high-technology violence. The characteristics of high-technology terrorism present a planning problem for government agencies. Currency in plans relating to high-technology terrorism situations is crucial. But the lack of information about this form of violence means that new information has greater importance than for other plans where detailed data are available. Those plans dealing with high-technology terrorism should be updated as often as possible, particularly in comparison to other, less perishable plans.

Beyond planning itself, a series of distinct but related controls and responses should be discussed. The next several segments of the appendix address these subjects, including: resources and training, decisionmaking, and local, State, and Federal relationships. Each of these generalized areas of control and response is examined, not only with respect to that subject in particular, but also as it relates to planning.

Resources and Training

All organizations are constrained in providing the requisite amounts of resources and training considered necessary to meet existing requirements. With respect to high-technology terrorism, the requirements for resources and training could be boundless. Those described herein, however, seem to be a prudent minimum for successfully identifying and responding to high-technology terrorism.

There must be recognition of the fact that different training is needed at different levels of authority. At the local level, on which the primary emphasis of this discussion rests, training in recognizing and responding to high-technology terrorism must be broad-based. At the same time, local specialization should not be encouraged because of the breadth of resources necessary to support such an effort. Local training should include four major elements that are essential in coping with high-technology terrorism. Each of these four is outlined below, with a brief description of what local responsibility should be.

1. The potential application of high explosives and new technologies (chemical, biological, and nuclear) requires that local officials be familiar with the basic characteristics of these technologies. This knowledge is necessary to permit preliminary identification and assessment of the nature of the attack. All local law enforcement officers should be trained in these characteristics, including: type of device, means of delivery, and possible location of the launcher or placement of the device;

2. Local officials should be trained in procedures and mechanisms for controlling and responding to high-technology attacks. First aid, immediate local actions, and countermeasures should be taught on a recurring basis, updating training as new characteristics of that type of terrorism are discovered and new procedures formulated;

3. A negotiation situation may be thrust upon any local official. Time constraints and other factors dictate that local officials should have enough training to undertake at least initial negotiations. Even though no two situations are alike, any potential negotiator can profit from this type of training. Specifics concerning the characteristics of negotiation situations and guidelines for negotiations should be developed and taught. Simulations involving not only local, but also State and Federal officials would provide excellent training and offer insights into the best techniques for negotiation situations;

4. All three elements of training listed either implicitly or explicitly require obtaining outside assistance from multijurisdictional, State, multi-State, and Federal agencies, and nonofficial sources. Because assistance comes from an array of organizations, local training should stress what agencies should be notified in what situations. As a general rule, when a jurisdiction is faced with a high-technology threat, the FBI should be contacted immediately. In cases where terrorists have employed high technology, local officials should notify the FBI to obtain Federal specialists as appropriate, and the State Governor's office to request activation of appropriate disaster measures.

Emphasis on training at the State level should be upon specialization to augment the capabilities of locales, as required. Specialized training should be oriented toward those services necessary to restore order and normal community life, to assist in preventing high-technology terrorism, and to provide appropriate planning coordination and integration. Multi-State specialist teams could provide many of those services normally viewed as a strictly State or Federal prerogative. Federal training should focus on those highly specialized areas, particularly in technical fields, such as a sophisticated detection system for locating radioactive material, where neither local nor State governments have the information or the capacity to accomplish the job.

The type and amount of equipment acquired in anticipation of high-technology terrorism must, by the necessity of resource requirements, vary with the size of the law enforcement agency, particularly at the local level. At a minimum, however, each jurisdiction should have a basic chemical test kit and a radiological monitoring device. Beyond these, the examination of probability of use seems to indicate that local expenditures for additional equip-

ment will not provide a return in relation to the cost. Sophisticated radioactivity detectors, infrared detection devices, artillery/mortar shell tracking radars, delicate chemical monitors, and other similar equipment are available through U.S. Government agencies as the need arises. Local officials should understand the procedures for requesting such Federal assistance.

Where both personnel and equipment are concerned, conservation of scarce resources is achieved through the employment of outside assistance. Each agency, however, should recognize the tradeoffs in terms of timely response, potential for ineffective coordination, and interjurisdictional problems when outside assistance is sought and depended upon to fill existing voids. Regardless of the preplanning and operational relationships, capability is somewhat reduced by reliance on extraorganizational supplements for equipment and expertise. Most significant among the problems inherent in outside assistance is the extent and timeliness of integration into the existing framework. Many of these operational problems might be overcome by planning exercises, simulations, games, and actual field exercises.

Decisionmaking

The decisionmaking process is to a large extent connected with planning and, to a lesser extent, with training. Decisionmakers must have some preplanned basis upon which to build in crisis situations. Detailed planning assists the decisionmaker by permitting maximum time for actual decision while minimizing the time required for adjustments to that particular crisis. Training is necessary to insure that the decision process is a smooth-flowing sequence of events with minimal disruptions. Decisionmakers must have practice implementing the process, while contributors of information and supporting personnel must be trained in the preparation of timely responses in support of the decisionmaking process. Without planning and training, the decision process might flounder for lack of necessary information.

The most compelling aspects of decisionmaking in the event of high-technology terrorism revolve around the potential societal consequences of the act and the time available to make the necessary decisions. With respect to the conceptualization, planning, and fabrication phases of high-technology terrorism, the decisionmakers must be prepared to evaluate data and implement security and preventive measures. Prior to the first completed action with meaningful consequences, it is unlikely that any decisions affecting large segments of the community will be made. But in the aftermath of that first incident, decisionmakers will be faced with

extensive public pressures to respond during this first phase of the decisionmaking process.

Following the direct application of high technology or as a result of consequences of a failure to thwart a coercive threat, the decisionmaker is faced with those tasks normally associated with other disasters. Although the stress will be greater because the deliberate nature of the act will create a general atmosphere of community fear, it is not unreasonable to assume that the majority of the decisions will follow previous patterns noted in disaster situations. These decisions can be, and already are, preplanned to a large extent. Decisions should be formulated in the planning stages, with flexibility to react to individual situations.

Critical for the decisionmaking process are those instances where a coercive threat has been received. In these situations, policies and procedures should be established to govern a range of decisions, including, but not limited to, those that involve the definition of negotiable issues and the conduct of negotiations. These policies and procedures should include:

1. Identification of decisionmakers and notification processes that include local, State, and Federal officials;
2. Initial responses to the full range of threats and demands;
3. Threat verification actions;
4. Procedures for evaluating the consequences of threatened actions;
5. Identification of the role of outside nonofficial participants;
6. Requirements for local, State, and Federal assistance;
7. Policies concerning negotiable demands and tailored responses,
8. Policies governing media coverage and news release;
9. Preventive actions appropriate for the threat; and
10. Disaster mechanisms should the threat materialize.

These are by no means all-inclusive. They lack the desirable detail with respect to planning for coercive threat situations, but offer insights into the more salient considerations. The principal advantage in planning and actually arriving at sets of predetermined responses is to focus on the problem. Increases in the magnitude and consequences of high-technology terrorism, however, carry a concomitant decrease in the validity and, perhaps, in the acceptability of preplanned responses.

Two factors significantly influence the decisionmaking process in stress situations. First, the essence of individuality cannot be captured in

contingency plans, no matter how detailed. Responses of decisionmakers are situation-dependent. Thus, all planning must be flexible enough to permit incremental or even wholesale changes because of situational differences.

Second, time is the most crucial element in coercive threat situations. The likelihood of severe time constraints must be examined for their impact on planned decisions. For example, time restrictions may force decisions on other echelons sooner than anticipated. Time pressures may also require that decisions be made in the absence of information or without opportunities for detailed evaluations. Realizing there is never adequate time to respond to these situations, procedures and methodologies must be well thought out prior to incidents, unique problems and issues must be anticipated, and decisionmakers must be trained to respond in stress situations.

Local, State, and Federal Relationships

Most likely, high-technology terrorism will initially involve local officials, particularly law enforcement officials, with outside agency assistance evolving from that point. With respect to this type of terrorism, only in the case of nuclear material does the law clearly identify a role for the Federal Government. In addition, when any disaster of major consequence occurs, including a terrorist attack, the State Governor has the option of declaring martial law and using the National Guard or requesting Federal military assistance. Beyond these, there are no clearly defined situations where existing statutes would apply, relevant to high-technology terrorism.

The nature of most official relationships will, to a great extent, depend upon preexisting relationships, the type of incident, personalities, past experience, and recognition of the assistance that is available. For example, if intelligence is to be effective in countering the threat in the planning and fabrication phases of high-technology terrorism, exchanges of information must take place at all levels of law enforcement, including lateral exchanges between parallel agencies.

Once a coercive threat becomes apparent or direct application of a weapon is a fact, the problem of relationships between involved agencies increases significantly in complexity. Because new-technology terrorism may well affect areas that cross city, county, State, or even international boundaries, the possibilities of questions or even confrontations over prerogatives, authorities, and responsibilities are great. The complex nature and sophistication of these technologies may require the application of specialized skills and equipment that is available only at State and, more usually, Federal levels of government. For example, the military has the most

advanced chemical and biological expertise and apparatus; expert nuclear bomb technicians are available within the Energy Research and Development Administration and FBI general laboratory support is unrivaled throughout the world.

Without repeating the comprehensive standards and goals presented in Chapter 4 concerning local, State, and Federal relationships, a few points are worth mentioning.

1. In cases where there is no clear jurisdictional authority, or the potential for multijurisdictional impacts are present, all levels should endeavor to clarify and identify lines of authority and responsibility. Because the local level has the principal planning burden and will probably be the principal on-the-scene authority, it is at this level that discussions should be initiated;

2. Each level of authority should consider the total resources available from all sources in responding to high-technology terrorism, and should consider coordinating the use of these within an overall planning framework. Special skills and equipment should be identified, coordinated, and integrated into plan preparation; and

3. Nonofficial sources of skills and equipment should be identified and integrated into planning. These resources must be coordinated by local officials, stipulating under what circumstances these resources are to be used, when control passes to official authority, guidelines for use, and a set of overall terms and conditions covering such use.

Intelligence

Current law enforcement intelligence methods are inadequate for dealing with the existing and projected terrorist threats in the United States. The large above-ground movements with terrorist branches underground, such as the Black Panthers and the American Indian Movement, have, to a great extent, been replaced by small terrorist organizations with less than 10 members. Although evidence supports the thesis that some sort of loose network of groups exists, these groups are difficult to track and penetrate. The meaning for high-technology terrorism is plain: current methods of intelligence are insufficient.

In dealing with potential high-technology terrorism, proven intelligence methods should not be abandoned. It must be borne in mind that the intelligence systems under discussion here are specifically designed to counter high-technology terrorism; to function, these systems require an adequate existing system for generalized antiterrorism intelligence. For example, identification of terrorist groups is in the realm of general intelligence, but without it, other intelligence specifically related to high technology loses much of its importance. Continued

reliance on general intelligence for purposes such as identification of groups and individuals and their modus operandi is the key to successful intelligence operations against high-technology terrorism.

Despite the importance of a general intelligence system, the need to develop specific intelligence related to high technology is apparent. A general indication of possible terrorist activity does not usually provide sufficient insights to ascertain the type of violence that is to be employed. The early detection and substantiation of possible high-technology terrorism is of paramount significance in light of the potential magnitude and consequences of such an attack. The following discussion focuses on specific high-technology indicators and two types of trend analysis—escalation trends and objective trends.

Examples of indicators that should be developed and evaluated include:

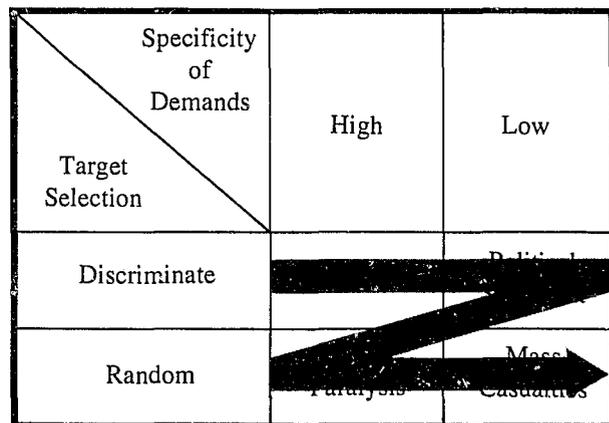
1. Theft of radioactivity monitoring equipment;
2. Theft or loss in shipment of a biological culture;
3. Theft of chemicals clearly associated with the manufacture of dangerous agents;
4. Theft of explosives and/or bomb components;
5. Purchase or theft of unique filters;
6. Purchase or theft of special handling equipment (e.g., protective clothing, isolation chambers, glove boxes);
7. Abduction of persons with high-technology backgrounds;
8. Rental of isolated facilities;
9. Purchase of laboratory equipment suitable for chemical, biological, or nuclear experimentation;
10. Suspicious purchases of chemicals;
11. Indiscriminate targeting by terrorists;
12. Increased acquisition of funds by terrorist groups;
13. Increased terrorist liaison and coordination;
14. Increased expenditures by terrorist-connected groups; and
15. Unexplained sickness or unusual diseases reported for treatment.

It is very doubtful that even three or four of these indicators would occur at any one locale. Thus, to be of utility in detecting potential high-technology terrorism, there should be a mechanism for information exchange. This type of activity is beyond the ability of local police to implement. But even at the local level, law enforcement agencies can create a liaison that will provide information exchange within the locale or regionally. Once these indicators appear, law enforcement and decision-makers should initiate preplanned activities, consider required responses, and attempt to match the pattern of activity with other general intelligence indicators in order to establish the group involved and the nature of the threat posed.

One final intelligence technique merits discussion: trend analysis. In the past, police have examined the target patterns of terrorists and analyzed the possible future targets. Although it has not proven very successful in apprehending terrorists, the emphasis that this type of analysis places on selecting and protecting potential targets serves to focus on the increased security measures. A reasonable assumption is that this has in many cases deterred activities of terrorists by altering the risk and attractiveness evaluation of the terrorist.

Escalation trend analysis moves a step beyond target pattern evaluation, and addresses and builds on any sequence of acts committed by a single group. When taken as a whole, the characteristics of events may provide predictive indicators of future activity. Figure 4 is a duplication of terrorist means portrayed in Figure 2, with the addition of a directional arrow. Historically, terrorist activity has escalated through a series of steps, with each of the four means reflecting a higher plateau of violence—from bargaining to political statements to social paralysis to mass casualties. Application of this generalization might indicate when a terrorist group has or will escalate its activities. Equally as important, the failure of a group to change means and engage in more destructive terrorism is a signal either that, in the group's perception, their objectives do not merit more indiscriminate targeting and greater destruction or that resources are lacking to increase the level of violence.

Figure 4. Escalation of Terrorist Means



A second type of trend evaluation—objective trend analysis—provides indications of the potential for a particular group to escalate to the employment of high-technology terrorism to gain specific objectives, without the escalation of means depicted in Figure 4. For example, a group may continue to be motivated to bargain for certain objectives, but be

frustrated in attaining them using conventional terrorist tactics. Recognizing that more extreme means are inappropriate to their objectives, the only options open to the group are to abandon the quest or to seek greater leverage—an option satisfied by the use of high technology. Election of this latter option does not necessarily indicate the direct employment of high technology, but the likelihood of a coercive threat is significantly increased as the group's inability to achieve its ends and an unwillingness to escalate direct violence results in frustration. Tracking the attributes of individual groups and the incidents they perpetrate will provide at least a rudimentary indication of this type of trend and the potential for high-technology terrorism.

Legislative

With respect to the legislative measures that might be enacted to control high-technology terrorism, the temptation exists to at least outline a series of statutes that would enhance the efforts of law enforcement agencies and governmental bodies in dealing with the problem. Unfortunately, legislative prescriptions for this problem do not come easily. Three factors act to restrict the delineation of laws curbing terrorism in today's milieu:

1. The phenomenon of terrorism has defied adequate definition—one that would truly be viable in a legalistic sense; behavior that is perceived as terroristic by some people is perceived as psychopathological by others;
2. To date, laws specifically designed to combat terrorism in free societies have not in fact curtailed terrorism; and
3. Assuming that meaningful legislation could be written, the efficacy of undertaking security or preventive measures that might curtail civil liberties, while being of dubious value in the current threat environment, must be questioned.

At the same time, two facets of legislation applicable to high-technology terrorism deserve further consideration. In the first instance, there are a number of legislative enactments that might have a deterrent value. These statutes might well be enacted in today's environment as they do not directly affect individual civil liberties, but appear to have merit with respect to establishing desirable standards and guidelines. Such laws would:

1. Develop standards for protecting specific materials and items of equipment crucial to the manufacture of high-technology weapons;
2. Clarify jurisdictional questions and establish operational responsibilities governing direct application, coercive threats, and consequence situations; and
3. Provide specific legislative guidance governing the authorities of police and responsibilities of

local and State decisionmakers in high-technology terrorism incidents.

In a future milieu where the threat of high-technology terrorism is a reality or a threat of increasing probability, legislative action may be not only required but demanded. Recognizing the admonitions stated earlier with respect to civil liberties, a legislative program should include the following additional considerations:

1. Provision of specific mechanisms for the exchange of intelligence information and indicators among all levels of government, including lead-agency designation;
2. Prescription of licensing procedures for the purchase and retention of special materials associated with high-technology terrorism; and
3. Establishment of specialized State, Federal, and regional units trained in high-technology terrorism countermeasures, including negotiations.

Civil Liberties

An examination of the consequences of the employment of high-technology terrorism creates questions concerning countermeasures and the ultimate abridgment of individual civil liberties. The potential for such abridgment is, in part, a function of the actions of local law enforcement; more importantly, however, it resides with the various State legislatures and the Federal Government. Conducting efforts to maintain individual civil liberties while protecting the community from high-technology violence requires considering the consequences of underreaction on the one hand, and the impact of overreaction on existing norms and values on the other. High-technology terrorist acts occur along a continuum of magnitude and consequences in which no one set of responses is appropriate for all cases. Thus, it is essential that potential responses be planned, weighing proposed countermeasures against the consequences of each act.

From the standpoint of law enforcement, the mere existence of a potential for high-technology terrorism does not in and by itself confer any special powers of search, seizure, detention, or other extraordinary legal means; the political realities in any community would make it difficult, if not impossible, to move beyond existing laws relating to individual rights so long as high-technology terrorism does not move beyond its first three phases: conceptualization, planning, and fabrication. Even the exercise of existing State prerogatives, such as declaring martial law, using military forces, and imposing local options such as curfew, appears unrealistic prior to the first meaningful attack that results in extensive injuries or destruction. Following the application phase and extending into the consequence phase of a high-technology terrorist action, it is

likely that normal disaster measures, including those that affect civil liberties, will be promptly implemented.

Moreover, once high technology has been employed by terrorists, political constraints on new initiatives that impinge on civil liberties will be relaxed. The immediate and perhaps extensive alteration of existing laws is to be reasonably expected. In addition, law enforcement will alter practices and procedures to meet new requirements for countermeasures. In addressing this problem, law enforcement officials and local, State, and Federal decisionmakers and legislators should carefully weigh the merits of each new step that involves limitations on civil liberties.

Furthermore, in a series of events involving high-technology terrorism that reaches various phases but falls short of direct application and consequences, it is likely that officials will react with gradually escalating countermeasures. The implementation of incremental control measures most likely will result in an erosion of civil liberties, more gradual, but no less real than those that would follow a completed incident.

Several points warrant special attention by law enforcement and legislators considering countermeasures:

1. Regardless of the magnitude and consequences of any act of high-technology terrorism, future actions are still of low probability because of the difficulty in combining the requirements for resources, motivations, and opportunity;

2. The probability of future incidents of equal or greater consequences than the first act is inversely proportional to the magnitude of the first action;

3. The tendency toward overreaction appears to far outweigh that of underreaction, creating a real risk that civil liberties will be sacrificed for a minimal derived value in terms of societal protection; and

4. The greatest danger to civil liberties in the long term is that the evolution of control measures will erode individual rights incrementally. Individual measures may appear prudent and warranted at the time; the danger lies in the synergism of such measures.

In conclusion, it is worth noting a complex paradox. In any curtailment of civil liberties to counter high-technology terrorism, the measures taken should not be so extensive as to seriously impair democratic norms and values or the structures built on them. Even if terrorists do not succeed in reaching their particular objectives, they win when they provoke the system to restrict civil liberties drastically. At the same time, however, the values and structures that must be preserved in a response to terrorism are among the very factors that permit the terrorist to continue to operate.

Economies

The most salient issue in a discussion of economies and high-technology terrorism is the question: What is the value of countermeasures? How much money and other resources should local, State, and Federal governments spend to protect against a possible threat that obviously has a potential for consequences several orders of magnitude greater than any current threat, but a much smaller probability of occurrence? Indeed, will any moneys be spent to combat the threat of high-technology terrorism? The political and fiscal realities for local officials cause a common dilemma. How can moneys be spent on an unrealized potential threat when current problems such as drugs, prostitution, organized crime, street crimes, and even white collar offenses are greater than the capacity of society to deal with them? The choices are to be made by local leaders, whose deliberations must seriously question whether the economic realities of the modern community will permit expending resources on terrorism before the fact. Unfortunately, the magnitude of the threat and its possible societal consequences, however great, are difficult to portray in terms as urgent as everyday community problems such as school budgets, services, and conventional police protection.

The problems with economic balancing in designing countermeasures at all levels of government are far too complex to be effectively explored here. But a brief discussion of possible economical trade-offs and constraints in controlling high-technology terrorism at the local level is appropriate. To begin, it should be apparent that high-technology terrorism is more speculative than real. Chemical and biological technologies have been available for years and have never been employed. The necessary expertise and resources have evidently not combined with the unique motivation required to precipitate an act. And based on past terrorist behavior, the most likely future action will be the coercive threat. Thus, when ordering priorities for the expenditure of resources for measures to deal with high-technology terrorism, the item of first importance may well be those costs associated with threat situations, including verification procedures. The development of techniques and procedures for dealing with high-technology threats will also have secondary value, because they will apply also to hostage-bargaining and negotiation situations involving conventional threats.

A second priority for local expenditures might be to provide at least a minimal capability to conduct preliminary tests to determine the nature of an attack that used chemical, biological, or radioactive material. Although such an attack is a low-probability event, it is possible to achieve a crude but

workable detection system at a small cost for those actions that have high societal consequences. Each police unit could maintain relatively inexpensive monitoring equipment and test kits. Although its use generally would be restricted to ascertaining the presence and identity of a substance, this equipment would enhance the opportunity for rapid detection and an appropriate response.

More difficult to evaluate in terms of economy and tradeoffs is the attainment of a middle ground between a minimum capability and a fully independent local capability to cope with high-technology terrorism. At this time it would seem prudent for local agencies to expend resources to gain an understanding of the problem and to begin basic planning. Currently there is no overall system that specifically addresses controls and responses within the framework of the five phases of high-technology terrorism outlined above. How many resources should be allocated to each phase seems to be of key importance. Extensive expenditures to counter phases one and two (conceptualization of idea and formulation of the plan) appear to offer only minimal return because of the secretive nature of the venture at this stage. But moneys spent to detect fabrication (phase three) may result in deterrence and prevention. Expenditures for phases four and five (application and consequences) beyond basic planning and practical preparations for negotiation would be marginal at this time.

Especially significant to local law enforcement's consideration of resource allocation is that the unique character of high-technology terrorism demands that outside resources be applied to achieve even a modicum of success in combating it. The emphasis in resource allocation should be directed toward planning response requirements, defining availability of assets, (internal and external), and achieving their integration into an overall plan. Expenditures for sophisticated equipment to counter high-technology terrorism does not appear to be a necessary investment for local or even State governments. The concept of Federal reaction teams seems well worth pursuing from a resources point of view in the foreseeable future. These teams would offer ~~local~~ a relatively timely response capability, while preserving local resources for the more important tasks of planning, negotiation, and establishing basic detection systems.

Conclusions

The preceding material has attempted to provide an overview of terrorism and new technologies of destruction. By the very nature of the subject, much of the paper has been more speculative and heuristic

than definitive. It is difficult to fully verify all attributes given in the descriptions of high technologies. With respect to total casualties and destruction, it is difficult to define even the potential with precision. However, the discussion does place the likely impact of new technologies in perspective with respect to current terrorism in the United States.

Although the threat of high-technology terrorism encompasses a broad spectrum of malevolent acts, from relatively inconsequential radioactive releases to nuclear detonations and large-scale anthrax infections, the threats examined have been grouped in the upper limits of that range. In summarizing those threats of greater magnitude and societal consequences, it can be stated that, the probability of any group successfully combining the material resources, requisite skills, and motivations necessary to perpetrate an act using high technologies is extremely low. Even the theft of a suitable ready-to-use weapon, such as a precision-guided munition nuclear device or plutonium is not likely. Although probability is low, recognition must be given to the fact that, if an action is perpetrated using high technologies, the results could strain the very fabric of society. Casualties and damage might be several orders of magnitude greater than any terrorist attack of the past.

For these compelling reasons, new-technology terrorism and control mechanisms merit the attention of law enforcement officials, decisionmakers, and legislators at all levels of government. Particularly significant in this respect are the local law enforcement agencies and decisionmakers. In all probability, terroristic acts in the first instance will involve the local community. Local officials will be the first to encounter the attack, becoming responsible for initiating counteraction and response procedures. Examination of control measures here have centered on the local officials and emphasized the roles played by them.

In the discussion of the eight specific aspects of control, several key points have surfaced repeatedly. First, as an umbrella concept, planning is the principal factor in control. Without planning, other aspects of control will in all probability fail when implementation is necessary. Second, the resolution of jurisdictional issues cuts to the heart of effective planning, coordination, and response. Delineation of authorities and responsibilities laterally and vertically in local, State, and Federal relationships is essential.

Third, civil liberties must be considered wherever a possible conflict with safeguards arises. Above all else, the basic norms and values of American society and the structures within which they exist must be preserved. The dismemberment of these traditional democratic institutions, either as a re-

flexive reaction to a significant terrorist attack or incrementally, must be resisted. Fourth, regardless of the optimum, or even desirable, steps to combat the potential threat of new-technology terrorism, the economic and political realities of the community, the State, and, to a lesser extent, the Federal Government, limit any meaningful attempts to achieve positive action prior to a successful coercive threat or the direct application of new technologies. Issues of current concern dominate both the political and economic attentions of decisionmakers

and law enforcement officials. The unknown, the unrealized, and the untried do not command the allocation of scarce resources.

New-technology terrorism represents an unknown, unrealized threat. But its potential nature should not delude public officials and private citizens into believing it cannot happen. Despite the limited resources available now and in the future, the risks of inaction mandate that this phenomenon be examined and evaluated and responses to it planned.

APPENDIX 3

PROFILE OF VIOLENCE IN ARGENTINA: 1955 TO 1976

Pedro R. David

Introduction

Since 1930, Argentina's political and social life has been marked by periodic disruption of its constitutional system. In 1955, President Juan Peron was overthrown by a military movement headed initially by General Leonardi, and subsequently by General Aramburu and Admiral Rojas. Repression was systematically used by the government to curb and suppress Peronist political opposition, and, under Aramburu, even the death penalty was applied to a group of military men and civilians headed by General Valle who tried, unsuccessfully, to organize a rebellion against the ruler. The unrestrained repression by those in power immediately created adequate preconditions for violent retaliation by Peronist elements of the still-powerful labor unions and the more active elements of the Peronist Party. Acts of terrorism, bombing, and violence resulted and became increasingly more commonplace.

In 1961, Aramburu called for elections, and, with the help of the still-outlawed Peronist Party, Frondizi became President of Argentina. Violence decreased immediately after the installation of the elected government. Soon after, however, powerful elements of the military—viewing the political alliance between the Peronists and Frondizi with increasing resistance—were successful in deposing

the President. Guido, the president of the senate, became Frondizi's successor in 1962.

Three years before, in 1959, a rural guerrilla group called the *Uturuncus* was discovered in Taco Ralo, Province of Tucumán, the sugar area of Argentina; "Che" Guevara, an Argentinian, was at the peak of his political and social influence among Argentine university groups; and the Cuban revolution was vastly admired by civilian groups opposed to military rule.

The Onganía Period

In 1963, Illía was elected President of Argentina. Three years later, his government was deposed by an army revolt led by General Pistarini who, with the commanders-in-chief of the navy and air force, appointed General Onganía as President of Argentina.

Onganía's economic and social policies were effective in creating conditions for organized, violent opposition. In 1967, in the Province of Tucumán alone, 11 sugar factories were closed down by the national government and 50,000 workers were out of work. Very proud people, who for decades were skilled technicians in the closed factories, were suddenly without homes or food for their families, and had to stand in lines for charitable distribu-

tions of bread and soup. Those who were able left the province to join the *villas miserias* in Buenos Aires or other urban centers. It is not surprising that in the province of Tucumán, today, the guerrilla movement is both well organized and strong. The insensitivity of the Onganía government to social and economic matters produced the ideal preconditions for violence. Let us add that Tucumán became the only territorial area of Argentina in which the guerrillas were able to establish a distinct center for their operations—a true guerrilla base. The army was sent to Tucumán to fight the movement in 1973, and is still there at this writing.

Under Onganía, three main factors contributed heavily to the organization of systematic terrorism and guerrilla warfare, the first being his economic and social policies. Second, there was close cooperation between the most radicalized students of Argentine universities and activist elements of Peronist labor unions. From 1964 to 1972, both the Buenos Aires School of Philosophy and Letters and the Law School became training centers for guerrilla operations. (Onganía was deposed by el Cordobazo in 1969, after violent terrorist activities in Salta, Tucumán, and Mendoza.)

The third factor was cooperation from the Tupamaros in Uruguay, guerrilla elements in Bolivia and Chile, and support from the bellicose segments of the Cuban revolution. For public consumption, every terrorist activity was supposedly performed on behalf of Peron's return; the exile of Peron in Madrid and the disgrace of the Peronist Party were ideological umbrellas under which every act of violence was justified. At no time, of course, did Peron deny such claims or condemn violence. He had asserted continuously that violence from the top generates violence from the bottom. He clearly saw the revolutionary war of the guerrillas as an instrument that might even prompt the fall of military rule and provoke a subsequent call for general elections—elections that the Peronist Party undoubtedly would have won.

One of Onganía's first moves was to dissolve political parties, promising no elections for many years to come and preparing himself to rule the country with an iron hand. Very soon after, however, his economic and social policies were vigorously opposed by a political front mounted through a coalition of Peronists, traditional parties like the Radicals, the General Confederation of Labor, and groups of university students and professors.

In 1969, in the city of Cordoba, workers and students, heavily armed with modern weapons and bombs, depredated the city for 48 hours, overcame the police forces, and—without initial opposition from the local army garrison—sealed the fate of Onganía's regime. It was the triumph of the coal-

tion of labor and students organized to follow classic lines of urban guerrilla warfare. The event had lowered the prestige of the regime to such an extent that the army, navy, and air force leaders subsequently asked Onganía to resign.

As it is known today in Argentina, the Cordobazo—the devastating urban guerrilla operation that isolated the city of Cordoba in 1969—was preceded by continuous violence and terrorism in different parts of the nation. However, Argentine public opinion at that time did not see the Cordobazo as the first systematic exercise of urban terror by organized groups; rather, the general feeling of the country was that the explosion was part of a feeling of widespread rejection of the Onganía government. In any event, the Cordobazo had made the army rule even more untenable, and Onganía was replaced by General Livingston, who was deposed soon after, in 1971, by General Lanusse.

The ERP and Montoneros

The first guerrilla group to be organized was the ERP (*Ejército Revolucionario del Pueblo*), the Revolutionary Army of the People. They did not call themselves Peronists, and their ideological commitments were of the Cuban revolutionary type. They identified with leftist revolutionary war, and Maoist teachings were also espoused. Santucho, an economist from Santiago del Estero, Argentina, who later trained at Harvard in the late fifties, became the leader of the ERP.

A second group was organized in 1970 on the occasion of the kidnaping and assassination of General Aramburu. In a publication of the group, Mario Firmenich and Norma Arrostito gave the following analytical account of the kidnaping and assassination of Aramburu.

It was 1:30 p.m. of the 29th of May, 1970. The radios of the country were given a notice that later on, would shake the Nation. General Aramburu might have been kidnaped. . . . It was the 29th of May. The day in which the people were commemorating the first anniversary of the "Cordobazo." The Montoneros were born The first objective of the kidnaping, among others, was the public announcement of the establishment of the organization In a matter of hours, or days at the most, all the Argentines were going to know that the Peronists fights, the fights of the Resistance, the *Plan de Lucha*, that of the Uturuncus, and all the fighting expressions of Peronisms were achieving a synthesis in a group of youth ready to win or die for its country

The second objective of the operation was to accomplish revolutionary justice against the most intelligent of the leaders of the Libertarian Revolution (*La Libertadora*) The *basque*, was directly responsible for the bombings of May square, persecutions and tortures. Aramburu was also responsible for the killings of 27 patriots in June 1956. Also Aramburu was guilty of the theft and disappearance of Evita's corpse The last objective had to do with

the political situation in the country at that moment Aramburu was conspiring against Onganía Aramburu had proposed to organize the integration of Peronism to the Liberal system through the cooperation of Peronist traitors like Paladino, Coria, and other participationists At the end, he (Aramburu) wanted to do what Lanusse had tried to organize many years later and also nullified by the Argentine people. The dictatorship has to wait two years to organize the trap.

The statement was exhibited in the Great Hall of the Law School of Buenos Aires after the election of Campora to the Presidency in June 1973.

There were also two letters on the same issue: one, according to the Montoneros, was sent to Peron on February 9, 1971; the other was a reply from Peron on February 20, 1971. In the letter to Peron, the Montoneros again were trying to explain the reasons for the assassination of Aramburu, as well as the reasons for the assassination of Alonso, the labor leader of the textile unions—although they denied the latter killing. One paragraph in particular, relating to Aramburu, deserves careful analysis: "We were concerned, the Montoneros said, by some versions, according to which, with this killing we have interfered with your immediate political plans. . . . It is of importance, they say, to insist that in our plans we do not want to create obstacles for your overall strategy of the leadership of the Peronist movement We believe your clarification of this point is important. The press indicated a contradiction between our actions and your plans. . . ."

Peron's reply, dated Madrid, February 20, 1971, contains two points of specific relevance to the questions posed by the Montoneros. First, Peron indicated approval of what had been done. Second, he said there was no contradiction between the actions of the Montoneros and his overall leadership of the movement.

There is, of course, no evidence whatsoever to support the authenticity of these letters. However, one point is evident: in 1971 Peron did not publicly condemn guerrilla activities. On the other hand, it was not authoritatively within his power to give directives at that time, although he clearly did not want his orders ignored. Peron was aware that guerrilla members were using his name as an umbrella, and because this was also an alternative strategy in his conquest of power, he allowed them to do so.

Peronist Rule and the Guerrillas

Because his election was then forbidden by law, Peron selected the candidate—Campora—to run for the Presidency. Campora was sworn in as President of Argentina on May 25, 1973, and one of his first actions was to free every guerrilla member in prison, on the basis that they were political prisoners. The

most notorious leaders of the ERP and the Montoneros regained their freedom.

The confusion of those days was so great that even common criminals such as Chiape, one of the best known dealers of drugs in the international scene, were also freed, although Chiape was later arrested again. Nor did Campora abstain from showing sympathy to the belligerent youth from guerrilla and political organizations. Peron watched cautiously as Campora proceeded toward closer relations with the leftist sector of Peronism, and, 3 months after being sworn in, Campora's resignation was requested by Peron. Then, as a candidate of the Peronist Party, with his wife, Isabel, as vice-presidential candidate, Peron was again reelected to the Presidency with 70 percent of the national vote.

There is no question that Campora's resignation had to do with his misjudgment of Peron's traditional political style. Peron was always very critical of those who disobeyed his commands—whatever their motives—and such was the case of Peronist youth and their representatives in Congress.

The return of Peron was considered a strong deterrent to political violence, because the various groups involved in terrorism had openly advocated his return to the Presidency. Peron made it clear that, having been elected by almost 70 percent of the total vote, he would not tolerate deviants in his political party, and that his was a revolution of peace, not terror. Peron called for the resignation of numerous national legislators allied with the leftist Peronist groups and subsequently ordered open warfare against terrorism. Rucci, president of the General Confederation of Labor and a strong supporter of Peron, was assassinated soon thereafter.

Violence decreased for a while immediately following Peron's return to power. It was a period of transition in which negotiations were in the making between the guerrillas and Peron. However, guerrilla and terrorist activities escalated at a time in which the Montoneros insulted Peron in the *Plaza de Mayo* (May Square) on October 17, 1973.

It is believed that Peron felt confident of his ability to convince his allies to cease their violent activities, because the triumph of Peronism was already assured by popular vote and a "revolution of peace" was in progress. However, the youth in arms viewed the price already paid for the return of Peron as too great to be nullified by a retreat from the original aims of overthrowing the system. It is important to remember that in 1972, 1 year before Peron's return, more than 20 members of guerrilla groups were executed by the military in the Rawson prison.

Peron did not publicly condemn these activities until January 20, 1974, on the occasion of the guerrillas' bloody attack against the army garrison of Azul. Months before, on May 19, 1973 (*La*

Nacion, Buenos Aires), Peron had rejected the use of violence to counterattack violence. He said: "To repress is like adding violence to violence . . ." After Azul, Peron said: "Everything's got a limit. There is no longer a group of common criminals but an organization with foreign objectives and inspiration attacking the State and its institutions as a means to break the unity of the Argentine people and in order to provoke a chaos that will bar the road to reconstruction and liberation of the country that we are so committed to achieve The extinction of criminal terrorism is a task for all wishing a free, just, and sovereign nation, and because of that we shall actively fight against . . ." On February 25, 1974, the Argentine Penal Code was reformed by Congress, at Peron's request, to include stiffer penalties for acts of terrorism, political kidnappings, and political violence. Finally, on April 20, 1974, Peron said: "Youth has a lot to learn from the justicialist doctrine, because even if they had fought so well and courageously in the last years, they should not forget those that during 30 years have undergone the same fight. . . . (*La Nacion*, Buenos Aires)

It is worth mentioning that, during the last years of military rule, special legislation was drafted to counteract terrorism and political violence, and that a high tribunal was created specifically to judge terrorist activities. One of the members of that tribunal, Judge Quiroga, was assassinated by leftist guerrilla groups in 1974.

Isabel Peron

When Juan Peron died of cancer on July 21, 1974, the entire country, ignoring past political disputes, gave the late President the most impressive honors ever awarded to an Argentine President. Even Balbín, who, as leader of the opposition, fought against Peron for many years, generously gave his posthumous tribute to Argentina's most important political figure of this century.

When Peron's wife, Isabel, took over the Presidency, the country again was the theater for kidnaping, political assassinations, bombings, attacks on army installations, and, in many instances, open warfare between police, army forces, and guerrilla groups.

The problems posed for Isabel Peron were enormous; among them was continuous and systematic guerrilla war. However, a new element was present that may alter decisively the former balance of power between the guerrillas and the army: the lack of public support for guerrilla operations. The guerrillas undoubtedly expected that escalation of their activities would prompt an army takeover of the constitutional government, thereby providing the guerrillas with the ideological support they

needed to operate. The coup of March 23, 1976, deposing Isabel Peron, could provide the Argentine guerrillas with the best support possible: a fight directed against a military ruler who has usurped power from a constitutionally elected government.

As is frequently the case in Argentina, there is no question that, in the present picture, there are many who speculate about a military takeover. There also seems to be little doubt that the military takeover could provide the guerrillas with a strong favorable factor—resulting in possible countrywide support of subversion. An alternative also is possible: the army may finally defeat the guerrillas, as happened in Uruguay with the Tupamaros.

During the past year (1975 to 1976), the army has been very successful against guerrilla and terrorist activities. In January 1976, nearly 100 guerrilla members—by modest estimate—were killed in a frustrated attack on the army garrison arsenal of Monte Chingolo in the Province of Buenos Aires. Among the dead was the son of General Alsogaray, the army chief who took Illía out of the *Casa Rosada* and who later became Onganía's commander-in-chief. Father, military ruler; son, guerrilla member—this is one of the many contradictions of Argentina today.

It appeared that the guerrillas were becoming extinct. A new civilian government, if elected, would give a heavy, final push toward the extinction of revolutionary war. However, recent military intervention, in a movement headed by General Videla, might, in the end, give the guerrillas the political umbrella for which they have been searching.

Brief Profile of the Argentine Guerrillas

The Argentine guerrillas are predominantly urban; nevertheless, in the northern Province of Tucumán, there are very powerful rural guerrilla groups. Tucumán, many times called the Cuba of Argentina, is extensively covered by tropical and subtropical forests, facilitating the operations of rural guerrilla groups.

The guerrilla groups are connected with similar groups operating in neighboring countries (Chile, Brazil, Uruguay, and Bolivia), and members are recruited mainly from the professional class of the Argentine bourgeoisie. They were denounced by Peron as being part of the IV International, directed from Paris. There are few members from the working class.

Members undergo an intense political and social indoctrination. Both the Montoneros and the ERP are calling for a radical revolutionary focus very much along the lines of the Chinese and Cuban revolutions. The guerrilla groups try to exploit the negative aspects of the social and economic structure

of the nation. They operate with substantial financial resources, obtained through astronomical amounts paid to them in exchange for the freedom of captives. For example, the kidnaping of the Born brothers resulted in the payment of an estimated \$60 million to the guerrilla groups. They infiltrate every sector of Argentine life, much like the Tupamaros did in Uruguay some years ago. Some attacks on army garrisons are aided by soldiers already recruited by the guerrillas. The guerrilla groups use sophisticated weaponry. Although the great majority of guerrilla members are men, the presence of women should be acknowledged. The women are notorious for their endurance, courage, and determination to die for their cause.

The rightist terrorist group known as the AAA (Triple A) acts mainly in retaliation against leftist terrorist groups. They portray themselves as being violently anticommunist.

By the end of 1974, three main groups were the chief perpetrators of political violence: two of leftist orientation—the ERP (Revolutionary Army of the People) and the Montoneros; and one of rightist orientation—the AAA (Anticommunist Alliance of Argentina).

In the period between May 1973 and June 1975, more than 5,000 acts of terrorism had occurred; and between August 1974 and August 1975, nearly 700 persons were murdered in acts of political violence.

APPENDIX 4

DISSENT AND DISORDER IN CANADA

Brian A. Grosman¹

Introduction

Much of the disorder that has manifested itself in Canada in recent years springs from attempts at sociopolitical change confronted by governmental and societal resistance. Redistribution of power in Canada has taken place, for the most part, by way of legitimate political action and institutional adjustments. This kind of change moves slowly and the lack of perceptible movement increases the frustration felt by those dissatisfied with the static state of affairs. Rebellion leads to resistance; terrorism leads to repression—that, in large part, is the lesson to be learned from Canada's consistent response to dissent and disorder.

This paper attempts to describe the ebb and flow of Canadian confrontations, those between political dissidents and government, between labor and business, and between French and English. It is an attempt to highlight these clashes so that the reader is better able to assess the Canadian sociopolitical context in which they took place. The state of English and French interaction, for example, provides the base criteria for much of the confrontation described.

It is inevitable that in an impressionistic document certain events receive priority because of the limitations of space. The panoply of Canadian history is as broad as the country and cannot be easily

digested to 30 pages. Some small indication of the complexity of relationships that have served as a catalyst to the redistribution of power in Canada is attempted here. Hopefully, these few selected details will encourage interested readers to probe further into the literature dealing with Canadian political protest.

The general question implicitly raised is: To what extent can a government based on legitimacy and the rule of law act to protect that legitimacy? Law is concerned primarily with events that have occurred. What may be even more significant, although purely speculative, is the history that did not happen as the result of an anticipatory act on the part of government to restrain potential political and social disruption. The modest claim of this brief inquiry is that it may provide some insights into the Canadian governmental response to threatened rebellion, disorder, and revolution. There may be lessons to be learned from the substantial Canadian public support for the government's action in the face of political disruption, whether it be the government of 1837 or that of 1970.

The Historical Background

Canada's development has, for the most part, been a peaceful one. The battle of the Plains of Abraham in 1759 outside Quebec City subdued the French

and established Britain as the sovereign power. In 1791 the predominantly French Province of Lower Canada and the English-speaking Province of Upper Canada were established, each with an elective assembly. The English component of both Lower and Upper Canada was strengthened by the influx of the United Empire Loyalists from New England fleeing what they viewed as the excesses of republicanism and disloyalty to the British Crown. They brought with them not only loyalty to Britain, but an attachment to legitimately constituted authority, class privilege, and public restraint not normally associated with the rugged individualism of the American frontier. English-speaking Canada's political ethic has been based upon deference to established authority and to the concept that authority flows down from the Crown. The cornerstone of what was to become cemented as the Canadian political tradition is that liberty and justice cannot exist without lawfully constituted authority in an ordered society.

Politically motivated violence developed, both in Upper and Lower Canada in 1837. The rebellions in the Canadas were led by two radicals, Louis Joseph Papineau in Lower Canada, and William Lyon Mackenzie in Upper Canada. They led protest movements aimed at radical political change to be achieved by the overthrow of the established order by force of arms if necessary.

In 1837 and 1838, there was a substantial patriot movement in the United States aimed at territorial acquisitions in Canada. This American sentiment played a significant role in encouraging the rebellions in Upper and Lower Canada. The American patriots believed that an invasion of Canada would be supported by rebellion by Canadians against the governing factions. In this sense, Americans were interested in fomenting rebellion in Canada on the basis that republicanism and populist democracy would appeal to a significant number of Canadians as an attractive alternative to hierarchy and political authority based upon privilege. This view found some sympathy in Canada with those segments of the population attracted to the American revolutionary philosophy.

Rebellion in Lower Canada

Led by Papineau, protest was aimed at the reform of the nonelective legislative council which, under the governor, ruled Lower Canada. Public support for the protest placed the governor in a tenuous position. When a riot was threatened during a by-election in Montreal in 1832, the governor called out the troops, and the Riot Act was read. A clash between the military and the crowd took place when the troops opened fire and three persons were killed.

In 1833 the governor of Lower Canada reported to England that "the language and conduct of the disaffected in this Province are such as to leave no doubt of their desire to effect a separation from the Mother Country and the establishment of an independent government."² The dissidents argued that an elected council ought to replace the appointed one. They urged political reform and in doing so indicated that they did not advocate rebellion. Yet the support for this movement for political reform by groups aiming at extending republicanism from the United States to Canada gave strength to a growing sentiment that Canada ought not to be governed by outside authority and its royal representatives. The American success in gaining independence from colonial rule had considerable appeal to French Canadians who felt oppressed by an alien British regime forced upon them.

Support for outright rebellion grew as the governor's resistance to change appeared intractable. Six counties pledged open rebellion. In Montreal the Sons of Liberty mobilized men and trained them for battle. Fearing assistance for this insurrection would come from across the border, the governor acted to put down the revolt and arrest its leaders. The leaders escaped to the United States where they organized, in 1838, a powerful patriot liberation movement. They proposed to invade Canada with American support. On February 28, 1838, a force of 700 men invaded the Province of Lower Canada, declared the independence of Lower Canada from Britain and proposed to set up a republican form of government. The commander-in-chief of the Patriot Army declared himself president of the new republic and called upon the people to rise up against their oppressors.³ To the declared president's surprise, support from the population was not forthcoming. In November of the same year a second force crossed the border and joined Canadian patriot forces in the Richelieu Valley and north of Montreal. Expected arms and ammunition from the United States failed to arrive and the patriots found themselves engaged in an unequal battle with government forces. The rebellion was put down, and mass arrests by government discouraged further resistance.

The reasons for the uprising are not hard to find. French Canadians had been excluded from the institutions of power in their own country, and all negotiations for participation had proven fruitless. Rebellion seemed the only real alternative if government was to represent the people. Resistance to colonial authority associated Canadian political aspirations with the American revolutionary spirit.

Rebellion in Upper Canada

In Upper Canada because of the loyalist associa-

tions of a frontier community, reformers moved more slowly toward acceptance of revolutionary action than did the patriots of Lower Canada. Similar dissatisfaction fueled both movements but in Lower Canada the population felt totally excluded by language and tradition from the colonial regime. Not so in Upper Canada; privilege and nonrepresentative government might be resented but it was easily understood as part of a familiar British tradition. Thus popular support for revolt was less strong in Upper Canada.

In December of 1831 the popular reformer William Lyon Mackenzie was expelled from the Assembly for advocating change in the political structure of the province. The public supported Mackenzie's return for he was reelected and escorted back to his Assembly seat by a mass of supporters.⁴ During this time the movement in Upper Canada changed from one directed at reforming political structures to one of distrust and hostility toward the government controlled through the Legislative Assembly. At meetings the movement's criticisms of the government were met by attacks by government supporters (Tories). The reformers in reaction armed themselves and determined to resist harassment by government supporters. Political unions were established which organized weekly military drills for their members.

By November of 1837, Mackenzie's supporters decided on rebellion as the only means of effecting political change. A handbill was distributed which read as follows:

MARK MY WORDS, CANADIANS! The struggle is begun—it might end in freedom; but timidity, cowardice or tampering on our part, will only delay its course. We cannot be reconciled to Britain . . . We are determined never to rest until independence is ours . . . Up then, brave Canadians! Get ready your rifles and make short work of it.⁵

Between 700 and 800 men assembled at Montgomery's Tavern on the outskirts of Toronto on December 3, 1837. Others assembled north and west of Toronto to join the rebellion, but the affair was badly bungled and government troops had no trouble in quashing the revolt and scattering the dissidents. Mackenzie fled to the United States; two of his lieutenants, Samuel Lount and Peter Mathews, were captured and hanged for their part in the rebellion.

The chief justice of Upper Canada, John Beverley Robinson, sentenced Lount and Mathews and in doing so enunciated the civic duties incumbent upon them and praised the blessings accorded by a structured and ordered society. He reaffirmed the benefits provided by the legal and political system of Upper Canada—which, he indicated, ought not to give rise to resistance or rebellion.

You were not the tenants of rigorous and exacting landlords; you were not burthened with taxes for the State . . . You lived in a country where every man who obeys the laws is secure in the protection of life, liberty and property; under a form of government, which has been the admiration of the world for ages.

The chief justice said if it was a republic they wanted they could have moved to the United States. He then went on to spell out a citizen's duty.

There is no doubt the chief cause [of your dreadful fall] has been your willful forgetfulness of your duty to your Creator, and of the purposes for which life was bestowed upon you . . . You have, I fear, too long and unreservedly indulged in a feeling of envy and hatred towards your rulers—which was sure to undermine every just and generous sentiment, and to lead in the end to the ruin of your happiness and peace.

Lount had been a member of the Legislative Assembly. The chief justice was critical of his behavior.

In a country in which you have been admitted to the honourable privilege of making laws to bind your fellow subjects, it was due from *you* to set an example of faithful obedience to public authority.⁶

Such politically motivated disorder, though unsuccessful in both Lower and Upper Canada, awakened Britain to the necessity for change. In consequence, a new era of reform and self-government was shortly to arrive.⁷ Lord Durham, one of the most advanced liberals of the time, was appointed in 1838 as governor general. He issued his famous report in 1839 which set forth his recommendations for solving the "colonial problem." Charges were dropped against all those accused of rebellion except for Papineau, Mackenzie, and a few other leaders who had fled the country. The Durham Report condemned the evils of oligarchic rule, the privileges of the land owners, and of the Anglican Church. He recommended the granting of responsible government, the division of imperial and local affairs, and the uniting of the two provinces of Upper and Lower Canada. Durham stressed that Canadians could be trusted to control their own affairs. Freedom, he believed, would only strengthen loyalty. Less inspired was the recommendation that the Canadas be unified, thereby absorbing the French in a sea of English-speaking Canadians. French Canada naturally resisted the report. Despite this resistance, the ill-fated Act of Union was passed in 1840.

In 1849 the Rebellion Losses Bill of Lower Canada provided compensation for those who had suffered losses during the rebellion, along with the general amnesty. Tories resented and resisted what they termed "payments for rebellion." They fomented riots, attacked the homes of reformers, invaded the parliament building in Montreal, ran-

sacked and burned it to the ground. This was to be the last outburst of politically motivated violence in Canada for some considerable time. The newly appointed governor general, Lord Elgin, stood firm against the rioters and responded to the wishes of the elected Assembly. In doing so, he at last secured self-government for the Province of Canada.

The Revolt in the West

The Canadian West was fashioned by fur traders attached either to the Hudson's Bay Company, which held a large tract of Western Canada by Royal Charter, or to the Nor'Westers, a Montreal-based firm of aggressive entrepreneurs. The Nor'Wester trade itself was carried on by a hearty breed of French Canadian "voyageurs" who inbred with the native Indians, producing French-speaking half-breeds called Métis. They pursued the buffalo and the fur trade in a nomadic existence across the vast prairie.

The presence in Western Canada of the centrally administered North West Mounted Police maintained the law and respect for orderly development. The violence characteristic of settler-Indian encounters of the American West did not take place on the Canadian frontier. The North West Mounted Police, organized in 1874, policed the West from Manitoba to the Rockies and from the 49th Parallel to the Arctic Circle. As a result, major conflict with Indians, trappers, and traders was avoided.

The Métis began to take up land in the Red River Colony. In doing so, they came into conflict with land-hungry white settlers and the central government. It was not only a question of land, for the Métis were concerned about the need to preserve the Catholic religion and their French culture in the face of a mass migration of English Canadians. The Métis leader, Louis Riel, resisted an English takeover by setting up a provisional government. He occupied Fort Garry and halted the newly appointed lieutenant governor as he traveled toward the settlement. Riel was not in revolt from Britain or the central Canadian government for it had not yet taken over authority in the West. He was challenging the power of the Hudson's Bay Company and their ex-employees at the Red River. Riel set up orderly government over all the settlers in the Red River Colony (now Winnipeg). A small group mounted violent opposition to Riel. This led to the unfortunate execution by Riel of Thomas Scott, an English-speaking Canadian who opposed him.

Riel, in his negotiations with the central government in Ottawa, achieved many of his original aims. The Red River Colony could enter the Dominion as a separate province with guarantees for Métis land and French linguistic and religious rights. The Métis had apparently succeeded in creating Quebec-West.

Yet Ottawa felt some show of Canadian authority in the West was necessary, and, accordingly, sent a military expedition west through Ontario. Feeling in Ontario was running high over the execution of Scott, a fellow Orangeman, by the "rebel Riel." Ontario Protestants denounced Riel as a traitor and murderer and applauded the expeditionary force on the understanding that they would put down the "rebellion" and arrest Louis Riel. At the same time, Quebec regarded Riel as a hero and warmly supported his aspirations. Riel, fearing that the expeditionary force was sent to punish him for Scott's execution, fled the Red River. His provisional government collapsed. Canada gained that part of the West and made it the Province of Manitoba. The Riel rising increased tensions between English and French Canada.

The Métis moved further west to settle the banks of the North Saskatchewan River. Before long, the westward movement of settlement reached the Saskatchewan country, and once more the Métis feared for their land. Louis Riel returned from the United States, where he had sought sanctuary, to lead his people once again.

Ottawa would not respond to the legitimate grievances of the Métis and soon Riel had launched his people into violent revolt. In association with the plains Indians, a substantial force was mounted against the incursions of railroads, surveyors, and civilization which spelled the end of the buffalo and the Métis way of life. The rebellion of 1885 was a populist revolt in defense of the old life of the prairie hunter against the encroachments of the farmer, the railroad, and central government. Guerilla-style warfare was mounted by the Métis at the skirmishes with government forces which took place at Duck Lake, Fish Creek, and finally, at the battle of Batoche. It took more than 7,000 government troops, rushed from Eastern Canada on the newly completed railroad, to crush the rebellion and capture Riel.

The federal government was unwilling to accept the fact that the revolt in the West developed from the genuine grievances of the Métis. It preferred to believe that unsophisticated Indians and half-breeds had been misled and exploited by a few clever agitators like Louis Riel and his first lieutenant, the able tactician and hunter Gabriel Dumont. There was some truth in the fact that Riel was the only one who could mobilize the Indians and Métis under his messianic leadership to revolt against the central government. Louis Riel was captured at Batoche and taken to Regina to stand trial for treason.

The trial was a cause célèbre and was followed intently across Canada. The crowded, stuffy courtroom in Regina was the stage for the most dramatic state trial in Canadian history. Riel was still viewed

as a hero in Quebec and seen as a man defending his people's linguistic, religious, and property rights. He was reviled in Ontario as a traitor and religious zealot. The trial encapsulated the deepening French-English conflict.

The trial was political. Guided by his own private vision of reality, Riel tried to carry his revolutionary struggle from the open prairie into the courtroom. He viewed a great public trial as an opportunity to vindicate himself.⁸ Against Riel's opposition, his lawyers elected to plead insanity on his behalf. Riel wished to accept responsibility for his actions which he felt were justified. The six-man English-speaking jury found Riel guilty, but recommended mercy. Commutation presented political dangers to Prime Minister Macdonald, for Ontario was howling for Riel's blood. On November 16, 1885, Riel was hanged.

The trial of Louis Riel can be viewed as an integral part of the government's consistent reaction to political violence in Canada. Resort to violence, whatever the motive, will result in decisive condemnation. Canadian political change is to take place within the context of an ordered society, within the institutions of government and under the law. Since, in theory, legitimate avenues to initiate political change exist, violence and disorder cannot be tolerated—no matter the cause.

The historian, Edgar McInnis, has stated that "Riel became a symbol of all the deep-rooted antagonisms that continued to divide Canada along racial lines and that contributed in a major degree to the revival of sectionalism which marked the final decades of this century."⁹ The trial and execution of Louis Riel opened the deepest wounds of potential conflict in Canadian society, wounds which are not, to this day, healed.

The Winnipeg General Strike and the Uses of Seditious Conspiracy

If *Riel v. The Queen* was Canada's most notorious treason trial, it was labor unrest in Western Canada prior to and during the depression which resulted in a multitude of controversial trials for seditious conspiracy.

There is a presumption of seditious intention when "anyone teaches or advocates or publishes or circulates any writing that advocates the use, without the authority of law, of force as a means of accomplishing governmental change within Canada."¹⁰ The section of the Criminal Code (repealed in 1936) under which most of the labor leaders were charged provided that:

Any association, organization, society or corporation whose professed purpose or one of those professed purposes is to bring about any governmental, industrial or economic change within Canada by the use of force, violence, or physi-

cal injury to persons or property, or by threats of such injury, or which teaches, advocates, advises or defends the use of force, violence, terrorism, or physical injury to persons or property, or threats of such injury, in order to accomplish such change, or for any other purpose . . . shall be an unlawful association."

This Draconian legislation, passed during the period of labor unrest which followed the First World War, also provided for extended powers of search and seizure. The psychological impact of such repressive legislation upon freedom of speech and association is significant. The vague definition of sedition combined with the wide and uncertain application of the conspiracy offense provided the government with a wide net with which to haul in "dissidents" and "troublemakers."

Labor in Winnipeg was restless in the spring of 1919; inflation was rampant, business profits were large, wages fixed, and the ending of the war flooded the labor market with returned veterans looking for jobs.¹² Organized labor in Winnipeg worked to secure full union recognition by recalcitrant management. Some radical labor leaders looked to the recent Russian revolution for a model of political change initiated by the working classes. Others fought to amalgamate all the militant unions of the West into what was called O.B.U.—One Big Union. On May 15, 1919, labor walked out and the largest and most nearly successful general strike in North America was underway.¹³

Thirty-five thousand workers left their jobs, bringing the city to an economic standstill. Although the labor leaders controlled the strikers and kept the situation nonviolent, the so-called Red Scare was headlined in local newspapers, bringing middle class citizens and government officials close to hysteria.¹⁴ The press saw the acts of labor as a presage of a more general attempt at a Bolshevik revolution.¹⁵ The report of the federal minister of labor to the prime minister was that the strike had emanated from the "Red element" and that it was "the duty of government to remove this menace. . . ." ¹⁶

On the 26th day of the strike, the federal government, aware that most of the strike leaders were of British origin, introduced a bill providing for the deportation of aliens convicted of seditious offenses. It was passed through the House of Commons, the Senate, and received Royal assent all on the same day. The prime minister announced the very next day that 10 of the "revolutionary leaders had been apprehended" and placed in custody.¹⁷ Eight of the 10 were charged with seditious conspiracy. As a result, the strikers held a massive parade to protest the arrests and charges. The mayor read the Riot Act. When the strikers did not disperse, a large contingent of North West Mounted Police charged the crowd. Shots were fired and two men were killed. The strike ended a couple of days later.

The emotionally charged atmosphere surrounding the trials did not assist in the administration of impartial justice. The government pursued the theory of a communist conspiracy in the courtroom and in the press. Labor strife, according to the government's case, was fomented by communists bent upon the overthrow of lawfully constituted authority and the establishment of Soviet-style government in Winnipeg.¹⁸

The evidence presented at the trials consisted of radical socialist statements made by the accused leaders and their supporters over the preceding months. To support a charge of conspiracy, acts done or words spoken in furtherance of a conspiracy may be given in evidence against all the conspirators. The rule has a multiplier effect so that in a conspiracy trial, once a common purpose is established all the accused persons are, in law, considered to have said or done everything that every other conspirator, whether charged or not, has said or done.¹⁹ Since to be considered a conspirator does not require that the person be charged, or even named, the prosecution can introduce evidence of the words or actions of anyone considered by the jury to be a conspirator, and evidence of that person's words and actions constitutes evidence against the accused. Accordingly, all forms of socialist and communist pamphlets were introduced by the prosecution to establish its case. Documents found in the hands of third parties became admissible in evidence "if they relate to the actions and conduct of the persons charged with the conspiracy or to the spread of seditious propaganda as one of the purposes of the conspiracy."²⁰ Eight of those charged were convicted.

Political Protest in the Thirties and Thereafter

Political protest in the early thirties, at the outset of the Depression, resulted in the arrest of eight leaders of the Communist Party of Canada. Seven were charged and convicted as members of an unlawful association under (the now repealed) Section 98 of the Criminal Code.

The Doukhobors

Disruptive minority religious sects such as the Doukhobors faced charges of seditious conspiracy resulting from nude demonstrations, arson, and resistance to the local educational authorities. Mass arrests and trials in the 1930's resulted in the imprisonment and compulsory education of large numbers of the Doukhobor sect calling themselves the Sons of Freedom.²¹

Subsequent prosecutions in the 1950's were based on the theory that Sons of Freedom activity was an outgrowth of an organized conspiracy to

intimidate Parliament and the legislature of British Columbia. Section 51 of the Criminal Code provides: "Everyone who does an act of violence in order to intimidate the Parliament of Canada or the legislature of a province is guilty of an indictable offense and is liable to imprisonment for 14 years." The evidence consisted of some 500 documents and the oral testimony of 98 witnesses which set out Freedomite criticisms of the Canadian government. The judge, however, found no evidence of conspiracy.

The vagueness of conspiracy and sedition charges and the tendency to permit the Crown to introduce evidence which is more prejudicial than probative makes it essential to exercise restraint in laying such charges. Vague offenses provide an excellent pretext for the harassment of political dissenters whatever their potential for violent political action.

The Regina Riot

The ravages of the Depression in the West and the extended drought created an army of unemployed single men with little hope of finding jobs. Hundreds of such men protesting their unemployment and lack of government relief left British Columbia to trek to Ottawa in order to voice their grievances. The "On to Ottawa Trek" came to an end in Regina on July 1, 1935, in a bloody clash between the trekkers and the Royal Canadian Mounted Police.

In the early stages of the trek, Prime Minister Bennett took the position that the federal government could not intervene unless requested to do so by a provincial government or by the railway where the men were trespassers. Yet the federal government feared that the group was communist led. Bennett believed it could very well be a revolutionary army headed for Ottawa gathering massive numbers of recruits along the route. Once the trekkers entered Saskatchewan, the provincial government insisted that they be permitted to pass through peaceably. That was not to be the case.

Regina was the headquarters of the Royal Canadian Mounted Police, the federal police force, and Winnipeg, the next stop for the trek, had already suffered through its labor disruptions. Bennett decided that the men must be stopped at Regina. Police clashed with the rock-throwing unemployed. Injuries and death followed the fierce clash. The federal government had made certain assumptions about the political motives of the trekkers and, on the basis of those assumptions, initiated a violent confrontation which was seen as proof of the government's hypothesis.

Labor Strife in Northern Quebec and Ontario

On February 13, 1949, the asbestos industry

workers went on strike at Asbestos, Quebec. The strike lasted until the end of June. It acquired an aura of quasi-revolution and became known as the "strike at Asbestos." Five thousand miners took part in the strike which lasted 120 working days at Asbestos and 114 working days at Thetford Mines.

On May 5 and 6, 1949, the Riot Act was read and strikers were arrested en masse. The Riot Act was in force for 53 hours, during which time Quebec provincial police acted with force against the strikers. Lawyers were not permitted to see their clients as a result of an atmosphere which some have argued was characterized by police and political repression.²²

On January 14, 1963, members of the Lumber and Sawmill Workers' Union went out on strike in order to obtain a wider bargaining unit to include other pulpwood cutters in the region of Northern Ontario. The Spruce Falls Pulp and Paper Company resisted the strikers' attempt to amalgamate union bargaining power. Nonunion workers called settlers, who were stockpiling logs at Resor Siding north of Kapuskasing, Ontario, were attacked by 400 strikers enraged by what they considered scab labor and strikebreaking. The strikers surged down a small road cleared in the deep snow and brushed some 10 provincial police officers to one side in their attempt to get at the scabs.²³ Twenty settlers at the site, possessing eight firearms, resisted by shooting into the mob. Two strikers were killed instantly and another was fatally wounded. Nine others received gunshot wounds.

Nineteen of the settlers were each charged with three counts of noncapital murder. Most of the strikers were charged with unlawful assembly and rioting. A total of 223 strikers were convicted and fined, whereas of the 19 settlers charged with noncapital murder, only 3 were convicted of illegal possession of weapons and fined \$100 each.

Much of the mass violence of the sixties and seventies in Ontario and Quebec has centered around labor unrest and industrial conflict. In Quebec, labor organizations have literally challenged the provincial government's right to govern by mounting massive protests and engaging in civil disobedience. Quebec provincial legislation ordering construction workers, teachers, and hospital workers back to work has been, and continues to be, ignored by militant unions. Injunctions are flaunted and labor leaders who are jailed become martyrs in the eyes of their supporters. Labor's challenge to governmental action may yet lead to more and more explosive forms of disorder. The resolution of the labor-government confrontation by conciliation and compromise has become more difficult as positions harden. Labor in Quebec has used violence as a strategy to gain not only increased wages, but effective power.

Separatist Agitation in Quebec

The Conscription Crisis

The religious, cultural, and ethnic composition of Quebec that divided it from the rest of Canada was raised to the level of open antagonism over Canadian participation in World War I. Quebec felt no obligation to participate in what, according to French Canadians, was the defense of Britain and its imperial interests. French Canadians were instructed by their clerics and by local politicians that their first duty was toward Quebec; that their mission was to preserve the future of the race in French Canada; and to do so they must not suffer the loss of young men in foreign wars. Such a call appealed to French Canadian instincts of self-survival.²⁴

The Conservative government under Robert Borden precipitated the conscription crisis of 1917 when it imposed compulsory military service. Borden was supported in his action by the vast majority of the English-speaking population of Canada. In Quebec there were riots in opposition to conscription and conscripts took to the woods. Quebec's resistance confirmed the view of many outside Quebec that French Canadians lacked patriotism. Within Quebec, participation was seen as proof that Canada remained Britain's handmaiden.

Britain's declaration of World War II on September 3, 1939, was followed by Canada's entry on September 10. The provincial member for Kamouraska, Quebec, René Chalout, expressed a widely held sentiment when he said . . . "I am afraid that French Canadians would rather fight in the streets of Montreal than fight in Europe."²⁵

Once Canada declared war, the National Defense Regulations came into effect. They provided that anyone "prejudicing recruiting" or "interfering with the success of His Majesty's forces" committed a crime. The French Canadian Members of Parliament led by Ernest Lapointe opposed conscription for overseas service, although they agreed to support limited participation on the basis of voluntary service. Prime Minister Mackenzie King pledged himself not to impose conscription for overseas service. The mayor of Montreal, Camilien Houde, viewed national registration as a prelude to conscription. As a result of preaching disobedience to the law compelling registration, he was arrested and interned for 4 years. Brooke Claxton, a federal member of Parliament, put the dilemma simply: "For some Canadians conscription is the symbol of an all-out war effort; for other Canadians who have just as deep a love for their country as the others, the word conscription is the symbol of racial domination."²⁶

By January 1942, the Opposition Conservative Party was calling for immediate conscription.

Mackenzie King bowed to pressure and decided that a plebiscite on the question would release him from the pledge that he had made to the French Canadian electorate. There were demonstrations in Montreal against the proposed plebiscite, and on February 11, 1942, police and protestors clashed when demonstrators holding a meeting to oppose conscription broke windows and caused considerable property damage.

On March 24, after an anticonscription meeting, a group of young French nationalists paraded through the Jewish district of Montreal, smashing windows in Jewish shops. French Canadian nationalism was supported by neo-Nazis like Adrien Arcand and the youthful Blue Shirts. French Canadian nationalists were vocal in their anti-Semitism. They habitually blamed English interests and "Jewish finance" not only for allegedly dominating the Quebec economy, but for the war itself. Pétain was admired because he had withdrawn France from the war.

The overall response to the plebiscite across Canada was a vote of 63 percent in support of conscription and 36.3 percent against. In Quebec, however, the vote was 71.2 percent against. The majority of Anglo-Canadians had voted to support conscription while the vast majority of French Canadians voted no. The vote cemented national disunity. André Laurendeau, a perceptive French Canadian writer, has said: "For we felt ourselves forced by a foreign power. When a people feels itself enslaved, how can it be expected to go off freely to defend the freedom of others."²⁷ A limited form of conscription was adopted in late 1944. The Prime Minister, in attempting to balance French and English Canadian interests, had sowed the seeds of suspicion and distrust.

The Rise of Modern Separatism

The Initial Violence.

Canada's "two solitudes," the French and the English, have not only developed from separate cultural, religious, and linguistic roots; that development also has been peppered with conflict between the interests of the two feuding groups, resulting in stereotypes held by the one group about the other. English tend to label French Canadians as church-dominated, economically backward, parochial, and linguistic fanatics. Pierre Elliott Trudeau has written that "... social thought in French Canada took a narrow nationalistic path, blinkered by clericalism, agriculturalism, and a paternalistic attitude towards labor."²⁸ French education was church-dominated, stressing entry into the professions and a disinclination toward business and commerce. Yet, what little truth there is in the stereotype was quickly changing

after World War II as education became more secular and open. Stereotypes also persist in French Canada about Anglo-Canadians. They are seen as perpetual British loyalists, dominating Canadian commerce and finance to the disadvantage of aspiring French Canadians.

There were only 60,000 French Canadians 200 years ago. Today there are 5 million—a remarkable feat of survival. French Canadians represent over 80 percent of the population of Quebec and 28 percent of the total Canadian population.

In the 1960's, under the leadership of Premiers Jean Lesage and Daniel Johnson, provincial programs were initiated which gave French Canadians increased participation in their own economy, and more powers to preserve their cultural heritage and linguistic rights. But French Canadians themselves are deeply divided between avowed federalists and committed separatists. The separatists' goal is to separate from the rest of Canada and to achieve independence. The adherents of separatism are divided according to the means they advocate to achieve independence—by the vote, or by violence. A fringe of this separatist movement has provided fertile ground for political violence in Quebec.

Early in the 1960's there were three formal separatist parties. They were the right-wing nationalist group led by Raymond Barbeau called the *Alliance laurentienne*; a left-wing organization formed in 1960 called the *Action Socialiste pour l'indépendance du Québec (ASIQ)*; and the more moderate group, the *Rassemblement pour l'indépendance nationale (RIN)* which was led by André d'Allemagne and Marcel Chaput.

Popular protests were mounted against federal buildings such as the Canadian National Railway's new Queen Elizabeth Hotel in Montreal. It symbolized not only federal but imperial interests, and Canadian National Railway president Donald Gordon raised separatists' ire by saying he had been unable to find competent French Canadians to fill senior positions on the railroad. Separatists surrounded the hotel shouting independence slogans and burning Donald Gordon in effigy along with the Canadian flag.

It was with the organization in 1963 of the *Front de la libération Québécois (FLQ)* that terrorism was used as a weapon to achieve an independent Quebec. In March 1963 the new terrorist organization took action. Molotov cocktails were thrown at three Canadian Army establishments in Montreal. The letters FLQ were painted on the walls. The bombings were followed by a news release from the FLQ.

NOTICE TO THE POPULATION OF THE STATE OF QUEBEC

The Quebec Liberation Front (FLQ) is a revolutionary

movement of volunteers ready to die for the political and economic independence of Quebec.

The suicide-commandos of the FLQ have as their principal mission the complete destruction, by systematic sabotage, of:

- a) all colonial (federal) symbols and institutions, in particular the R.C.M.P. and the armed forces;
- b) all the information media in the colonial language (English) which hold us in contempt;
- c) all commercial establishments and enterprises which practice discrimination against Quebecers, which do not use French as the first language, which advertise in the colonial language (English);
- d) all plants and factories which discriminate against French-speaking workers.

The Quebec Liberation Front will proceed to the progressive elimination of all collaborators with the occupier.

The Quebec Liberation Front will also attack all American cultural and commercial interests, natural allies of English colonialism. All FLQ volunteers have on their persons during acts of sabotage identification papers for the Republic of Quebec. We ask that our wounded and our prisoners be treated as political prisoners in accordance with the Geneva Convention on the rules of war.

INDEPENDENCE OR DEATH

The Dignity of the Quebec People demands independence.

Quebec's independence is only possible through social revolution.

Social revolution means a free Quebec.

Students, workers, peasants, form your clandestine groups against Anglo-American Colonialism.²⁰

The FLQ members were determined that their actions should approximate the high level of their propaganda. They launched a series of raids. A bomb exploded at the federal government's National Revenue Building in Montreal; another was found in the Central Railroad Station; a section of track on the Montreal-Quebec main line was blown up; dynamite was found beside a main Montreal television transmitting tower; a bomb was thrown at a window of Royal Canadian Mounted Police headquarters in Montreal; and a night watchman at an army recruiting center was killed by an exploding bomb. This death initiated a denunciation by the provincial political parties, both federal and separatist, of the methods of the FLQ. Police raids were intensified and a number of terrorists were arrested and convicted. Bombings continued throughout the month of May 1963. On May 17 five bombs exploded in mail boxes in the City of Westmount, part of greater Montreal, and alleged to be home of the wealthy Montreal Anglais. One bomb exploded while being dismantled, maiming for life an army bomb expert, Sergeant Major Walter Leja.

These separatist activities coincided with a new social, political, and economic awareness in Quebec. Militant trade unionists moved to organize teachers and public servants. The Quebec government took more control over the economy by nationalizing the power companies and overhauling social services in the province. The provincial government itself was

taking an increasingly nationalist stand. Quebec leaders continually spoke about the need for more autonomy for Quebec. The federal government attempted to meet Quebec's sensitivities by increasing bilingualism in the federal public service and by setting up a royal Commission on Bilingualism and Biculturalism to recommend "what steps should be taken to develop an equal partnership between the two founding races."

After a short hiatus, the FLQ in 1964 resumed operations as the *Armée de libération Québécois*. Bank robberies, burglary, and assault were capped by a major theft of rifles, machine guns, grenades, and ammunition from armories in Montreal and Shawinigan. On August 28 of the same year, two armament factory employees were killed in another terrorist-led robbery. The leaders were apprehended and convicted, bringing to an end the exploits of the FLQ.

The Queen's visit to Quebec in October 1964 illustrated the depth of the Québécois resentment toward the fact that Canada still was ruled in principle by an English Queen. The Queen was greeted by troops, police, and demonstrating separatists which degenerated into a mêlée of club-swinging policemen and rock-throwing separatists. The FLQ had originally found considerable support among the mass of the French population in their cry against English domination and independence, but as the violence grew, support for an FLQ-led revolution ebbed.

The Spread of Violence

Early in 1965 connections between Montreal separatist groups and black nationalists in the United States were made explicit by the revelation of a cooperative endeavor to blow up the Statue of Liberty, the Washington Monument, and the Liberty Bell. Stokeley Carmichael, a leader of black nationalists, telegraphed his support to the FLQ:

Courage Nos Frères!

SNCC experiences government chicanery and deception daily. We refuse to be divided from our FLQ brethren by malicious lies. We support you in your trial. Your experiences are no different from those of true patriots everywhere and anytime who revolt against tyranny. We are confident of your complete vindication.

Washington SNCC
Stokeley Carmichael²⁰

The telegram was sent as a result of an act of terrorism which had gained international notoriety. On May 5, 1966, a bomb was placed in a shoebox at the shoe manufacturing company La Grenade in Quebec City, a company embroiled in labor troubles. The bomb killed the owner's secretary, Miss Morin, and injured three others.

Charged with the death of Miss Morin were Pierre Vallières and Charles Gagnon, the intellec-

tual leaders of the FLQ who were found in the United States. On September 27 they had paraded in front of the United Nations in New York protesting the "political repression of Quebec."³¹ Once extradicted to Canada, prolonged delays of the trial and lengthy pretrial incarceration gave credibility to the Gagnon and Vallières claim that they were "the victims of political persecution." It is in the context of the multitude of trials, rehearings, and appeals which did not end until 1969, ending in acquittal for Gagnon and conviction on a reduced charge for Vallières, that Stokeley Carmichael sent his telegram of support.

While awaiting trial, Vallières wrote his book, *Negres blancs d'Amerique*, in which he said, "It is because I cannot bear to be a nigger that I joined the FLQ. That is why I will stay there until the victory of the white negroes of Quebec over capitalism and imperialism." His plea for a "total multinational revolution" fell upon fertile ground, not only in Quebec but in all countries with movements of national liberation founded upon violent revolutionary aspirations.³²

The Preliminary to Crisis

Some support for the FLQ, mainly in the city of Montreal, could still be found in Quebec political parties like the *Rassemblement pour l'indépendance nationale (RIN)*. In 1966 the RIN was the leading separatist party in Quebec. The party president, Pierre Bourgault, advocated a left-wing independent Quebec where only French would be spoken.

President Charles de Gaulle arrived in Quebec in 1967 to honor Canada's Centennial. He was welcomed enthusiastically by separatist groups, including the RIN, as though he were Quebec's liberator. The general moved like a conquering hero from Quebec City to Montreal where, on the balcony of the City Hall, he declared "Vive le Québec libre"—the slogan of the RIN. With this moment, Quebec nationalism and the RIN power had reached its height. After this, the independence movement would be dealt a death blow by the Quebec Crisis of 1970, whereas the RIN disintegrated shortly after de Gaulle's visit as a result of internal squabbling.³³

The demise of the RIN was hastened by its participation in a massive demonstration on the eve of the federal election, June 28, in Montreal. The Prime Minister, Pierre Elliott Trudeau, a firm federalist, was reviewing the annual St. Jean Baptiste Day parade, which turned into a bottle-throwing, 5-hour riot in downtown Montreal. Trudeau stood his ground at the height of the mêlée, and, by his courage, gained the admiration of the electorate across Canada. A few members of the RIN drifted into the *Mouvement Souverainete Association*

(MSA), an organization built in the image of René Lévesque, an acerbic liberal who in 1967 decided to go his separate way. Lévesque became the urbane and intelligent voice of separatism in Quebec, who, in October 1968, formed his own party, the *Parti Québécois*, with a platform for Quebec independence through democratic political action.³⁴ He advocated an alternative route to independence which eschewed violence.

Student support for independence became more vocal. Quebec's economy slumped after the celebrations of Expo 67; levels of unemployment rose to twice those in Ontario. Thousands of students were graduating from Quebec's new general and technical colleges, the CEGEP's, with little hope of finding employment. By September 1968, student frustrations became critical and the CEGEP students went on strike, occupying the schools and forcing them to close. Revolutionary literature circulated freely among the dissident students. At the same time, an attempt was made to phase out English instruction in the predominantly Italian St. Leonard's district of Montreal, leading to demonstrations and counter-demonstrations.

Along with student militancy, Montreal's unions became more radicalized as the economic situation deteriorated. Montreal taxi drivers increased tension by attacking the Murray Hill Limousine Service which, through their monopoly position, excluded taxis from Montreal's Dorval Airport. Limousines were set on fire, the airport blockaded and firebombs thrown at Murray Hill buses—actions which added to the general state of agitation in Montreal.

Bombing attacks resumed in late 1968. On October 14 bombs were placed at the Union Nationale Club and the Reform Club in Montreal. In November bombs were placed at a number of well-established companies. Early in 1969, bombs were found placed in Ottawa mailboxes. Explosions occurred at the headquarters of an association of company unions, at the Bank of Nova Scotia, the offices of the Quebec Department of Labor and a downtown Montreal armory. On February 13 the Montreal Stock Exchange was rocked by an explosion which tore out one wall, injuring 27 people.

In October, the entire Montreal Police Force went on strike, leaving the city without police protection for 48 hours. Montreal firemen joined them before both groups were ordered back to work by provincial legislation. While the police were on strike, the militant taxi drivers, with student support, attacked the Murray Hill garage. Shots were fired; firebombs hit the garage where cars and buses were wrecked. The army was called in to quell the riot and to guard City Hall.

Early violence had been primarily directed at the symbols of English-speaking domination and

federal authority, but the later stages indicated a growing involvement of radical student and worker groups.

Police were convinced that an organized subversive movement was planning armed insurrection. This conviction was reinforced by the police discovery of a document titled "Revolutionary Strategy and the Role of the Avant-Garde." This document set out a three-phase program leading to an armed takeover. It called for "armed struggle" and "urban guerrilla warfare by the FLQ."³⁵

By 1970, revolutionary activity in Quebec was increasing in step with international movements. Both Gagnon and Vallières called for "worker power" to "destroy fascist and racist power in North America." Gagnon indicated that "there is no difference between the struggle here and the liberation movement of Palestine, of Vietnam, of Black Power."³⁶

On April 29 the new Liberal leader, Robert Bourassa, led his party to a solid victory in the Quebec election. The independent *Parti Québécois* came in second with 23 percent of the popular vote. However, that popular vote translated into only seven seats in the legislature, and the lack of any real political power added to the frustrations of impatient separatists.

On June 21 police foiled a plan to kidnap the U.S. consul and subsequently, another to kidnap the Israeli consul in Montreal. On June 24 a bomb exploded at defense headquarters in Ottawa, killing Mrs. Jeanne d'Arc St. Germaine and injuring two others. Police feared a major FLQ autumn offensive aimed at selective assassinations and kidnappings. Their fears were justified, for on October 5, 1970, James Cross, British Trade Commissioner in Montreal, was kidnaped by four armed members of the FLQ, initiating what has become known as The October Crisis.

The October Crisis

The Events

Repeated warnings from the police and the continual spate of FLQ bombings had not prepared the governments and the public for the shock of a political kidnaping. On October 5, 1970, the Prime Minister, Pierre Elliott Trudeau, addressed the following words to a stunned nation:

It is a difficult decision when you have to weigh a man's life in the balance, but our commitment to society is greater than anything else. We cannot let a minority group impose its will on society by violence.³⁷

He was responding to the ransom demands made by the FLQ. Negotiations were carried on with the

kidnapers in an attempt to give the police time to locate James Cross and his abductors. The federal and Quebec provincial governments appeared calm but concerned in their response to the demands. But the lack of success by the police agencies forced both governments to carefully consider the political and human implications of the hard line being advocated. The government compromised and permitted the broadcast of the FLQ Manifesto—one of the kidnapers' demands. The FLQ achieved its propagandistic aims while the governments were no closer to obtaining the release of Cross. On October 10, the Quebec Minister of Justice offered safe conduct out of the country for the kidnapers in exchange for their victim.

Minutes after the final deadline set by the kidnapers had passed without further government concessions, a second FLQ cell kidnaped Pierre Laporte, Minister of Labor and Manpower, Minister of Immigration, and House Leader of the Quebec government. The second kidnaping increased considerably the pressure on both governments to acknowledge the seriousness of the threat posed by the FLQ, a seemingly efficient terrorist group bent upon achieving total independence for Quebec and the overthrow of the capitalist system as part of a global revolution. Police activity was intensified. Prime Minister Trudeau indicated that the government would use every means at its disposal and that these means would include the use of military power and the curtailment of civil liberties in order to combat the reign of terror which challenged the state. The FLQ increased their demands for the release of political prisoners in exchange for the kidnap victims. Communications from the FLQ were read over French Canadian radio stations setting out the latest ultimatum.

Ottawa and Quebec were acting in close concert over the response to be made in light of the Montreal Police Director's report that extra powers and the aid of the senior governments were required to deal with "an extremely dangerous subversive movement" aimed at the overthrow of government through sedition and armed insurrection. The Quebec government called in troops of the Canadian Army under the civil power clause of the National Defense Act.³⁸ The troops took up positions around public buildings. Quebec Premier Bourassa and Mayor Drapeau wrote to Ottawa indicating that a state of crisis existed in Quebec, a condition which could no longer be controlled by provincial and municipal police resources. The city of Montreal and the province requested that the federal government act to deal with a state of "apprehended insurrection."

Government Response

At 4 a.m. on Friday, October 16, the federal

cabinet proclaimed the War Measures Act.³⁹ This emergency legislation had never before been proclaimed in peacetime. The regulations made under the act outlawed the FLQ and approved extraordinary police powers of arrest and detention. In early morning raids the police arrested 242 people who could be held in jail, without charge, for up to 21 days and without trial for up to 90 days. Under the act it became illegal to belong to or have belonged to the FLQ or any similar organization, to communicate statements from such illegal organizations, to advocate the acts, aims, or principles of groups such as the FLQ, to contribute money to them, harbor, provide a meeting place, or associate with them or with any group that advocates or engages in crime as a means of achieving political change.

The act is a federal statute, brought into force by order in council; its proclamation does not require the approval of the provinces or of Parliament. The federal government did introduce a resolution in Parliament seeking its approval for the government's action on the understanding that the proclamation of the act would be revoked on or before April 30, 1971, unless Parliament adopted a resolution extending the emergency powers beyond that date.

Section 2 of the War Measures Act provides that:

The issue of a proclamation by Her Majesty, or under the authority of the Governor in Council shall be conclusive evidence that war, invasion or insurrection, real or apprehended, exists and has existed for any period of time therein stated, and of its continuance, until by the issue of a further proclamation it is declared that the war, invasion or insurrection no longer exists.⁴⁰

Section 3 grants unrestricted authority to the federal cabinet to make orders and regulations it deems necessary to deal with the emergency. The act further provides that the proclamation itself shall be sufficient evidence of the existence of a crisis as the courts are explicitly prevented from hearing any challenge to the proclamation.⁴¹

In the political debate that followed the government's proclamation of the War Measures Act, opposition parties were critical of the use of emergency powers and demanded that the government justify its action. The Canadian public overwhelmingly supported the government action and the reassertion of authority, a public reaction which springs from a firmly entrenched Canadian tradition. Once again the Canadian historical tendency to defer to authority silenced a minority concerned about the civil liberties of those arrested. Some argued that the government had not established the need for such emergency measures to deal with the disruptions and kidnappings. The government, without providing any further evidence beyond what was public knowledge, defended its action by its claim that there existed an "apprehended insurrection."

New and retroactive criminal offenses were created by the regulations in addition to the expansion of police powers of search, arrest, and detention. Prime Minister Trudeau justified the need for emergency measures in the following way:

In recent years we have been forced to acknowledge the existence within Canada of a new and terrifying type of person—one who in earlier times would have been described as an anarchist, but who is now known as a violent revolutionary. These persons allege that they are seeking social change through novel means. In fact they are seeking the destruction of the social order through clandestine and violent means.

Faced with such persons, and confronted with authoritative assessments of the seriousness of the risk to persons and property in the Montreal area, the government had no responsible choice but to act as it did last night. Given the rapid deterioration of the situation as mentioned by Prime Minister Bourassa, and given the expiration of the time offered for the release of the hostages, it became obvious that the urgency of the situation demanded rapid action. The absence both of adequate time to take other steps or of alternative legislative authority dictated the use of the War Measure Act.⁴²

In his television address to the nation the following night he made his political position clear:

And if any doubt exists about the good faith or the ability of any government, there are opposition parties ready and willing to be given an opportunity to govern. In short, there is available everywhere in Canada an effective mechanism to change governments by peaceful means. It has been employed by disenchanting voters again and again.⁴³

On October 17, the day after the invocation of the emergency measures, the dead body of Pierre Laporte was found in the trunk of a car at an abandoned airport just outside Montreal. Police raids were stepped up and the number arrested by October 22 had reached 329; of that number 103 had been released, none had been charged and none had, up to that time, been permitted to see a lawyer. By early November 439 persons had been arrested under the War Measures Act. The regulations under the act permitted the Attorney General to arbitrarily refuse bail. Eventually, 435 persons were released without being charged, some after detention ranging up to 21 days. They had been denied information, denied counsel, interrogated and then "tried" in someone's office in their absence.⁴⁴ By December there were 49 persons charged under the regulations. Fifteen of those were also charged with seditious conspiracy.

The horror of Laporte's death stunned Canadians of all political persuasions and strengthened the government's resolve to stand firm. At the same time, the federal opposition parties were raising serious questions about the retroactive effect of the regulations, the need for mass arrests, and the concern about the use of the wide-ranging powers now

provided to the police and other governmental authorities. Although there was little doubt about public support for the War Measures Act the government indicated that it was prepared to make adjustments that would substitute less drastic regulations to deal with civil disturbances.

The arrest of a number of FLQ supporters and careful work by the Royal Canadian Mounted Police led to the discovery of the house where James Cross was being held captive. Negotiations resulted in the release of Cross and transportation to Cuba of those holding him. Subsequent arrests of members of the FLQ cell responsible for Laporte's kidnaping and murder resulted in their trial and conviction.

The federal government's management of the crisis without doubt strengthened its political authority in the country. The seeming strength of government resistance to blackmail and the willingness to take political action to some extent helped to resolve the high level of anxiety felt by ordinary citizens. Public confidence was restored by the government's ostensible ability to cope with crisis.

The regulations made pursuant to the War Measures Act remained in force until replaced on December 2, 1970, by the Public Order (Temporary Measures) Act, which in turn remained in force until its expiry on April 30, 1971.⁴⁵ Despite the federal government's promise to search for alternatives to the War Measures Act it remains, without alteration, as Canada's only legislative response, outside the criminal code provisions, to "apprehended insurrection," terrorist violence, and major civil disorder. The lack of sophistication of institutionalized mechanisms to deal with such situations was recognized, but alternatives have as yet to be developed.

In retrospect, many thoughtful Canadians are less than enthusiastic about the Government's use of the War Measures Act during The October Crisis and the refusal of the courts to review the evidence upon which the government alleged that "an apprehended insurrection" existed. The War Measures Act suspends the Canadian Bill of Rights and most other rights which have developed as part of the Canadian and English legal tradition aimed at protecting the individual from an abuse of power. When the act is in force, protective legal procedures are rendered useless in the face of executive action. Under these circumstances, the concepts of individual protection are relegated to functioning only in tranquil times for they are abrogated in times of fear and disorder. That is because we in Canada accept the unrestricted legislative sovereignty of Parliament which overrides common law protections and statutory enactments such as *habeas corpus* and the Bill of Rights. As yet in Canada, since the Canadian Bill of Rights is not entrenched in a constitution, there has not developed a proposition of inalienable and funda-

mental rights which remain inviolate and superior to the wishes of the state.

Canada, unlike the United States, has not accepted the necessity and validity of entrenched provisions relating to the protection of certain freedoms as part of our law. If the courts assume the legitimacy of an act of the executive confirmed by Parliament, and do not look at the alleged facts upon which the legislative action is based, there seems to be little legal protection available to the individual in the face of executive action. So long as there is no access by way of the courts to mount an effective challenge to a statute, the individual is, in tense and difficult times, at the mercy of what may be an oppressive and discriminatory law. It may be argued from the present state of Canadian law that it follows that when government interference with civil liberties is most likely, protection of these liberties is least available.⁴⁶ In a form of government where legitimacy arises from accountability, the War Measures Act is legislation which expressly escapes accountability.

Quebec traditionally has accepted the imposition of authority, be it that of church or state. That tendency, to maintain authority in the face of political disruption, is a French Canadian characteristic. This acceptance of government that governs, that acts, that makes its presence known and felt is well known to Prime Minister Trudeau. His initiatives taken during The October Crisis may have been based in part on the belief that French Canadians need some display of governmental firmness if faith in the system is to be maintained. The British and American tradition of individualism and concern with individual rights and freedoms has never been adopted into the French Canadian tradition which has accepted corporatism and authoritarianism as a more indigenous political growth.

Outside Quebec there is also evident a general public attachment to orderliness and the support of legitimately constituted authority. Canadians wish to achieve institutional and governmental change by balancing interests and compromise within a democratic political environment. Tocqueville astutely observed that: "Men living in democratic societies . . . are forever varying, altering and restoring secondary matters, but they are very careful not to touch fundamentals. They love change but they dread revolutions."⁴⁷

FOOTNOTES

¹ Chairman, Law Reform Commission of Saskatchewan, and Professor of Law, College of Law, University of Saskatchewan, Saskatoon, Saskatchewan, Canada.

² Clark, S.D., *Movements of Political Protest in Canada (1640-1840)*, University of Toronto Press, Toronto (1959).

³ *Ibid.*, p. 310.

⁴ *Ibid.*, p. 354.

⁵ Ibid., p. 387-388.

⁶ McNaught, K., "Political Trials and the Canadian Political Tradition", in *Courts and Trials*, ed. M.L. Friedland, University of Toronto Press (1975) at 142.

⁷ Careless, J.M.S., *Canada, A Story of Challenge*, Cambridge University Press (1953) at p. 187.

⁸ See Morton, D., *The Queen versus Louis Riel*. University of Toronto Press (1974); see also Stanley, G.F.G., *Louis Riel*, McGraw-Hill Ryerson Ltd., Toronto (1963); and Woodcock, G., *Gabriel Dumont*, Hurtig Publishers, Edmonton (1975).

⁹ McInnis, E., *Canada, A Political and Social History*, Holt, Rinehart and Winston, New York, (1960) at 338.

¹⁰ R.S.C. 1970, c. C-34, s.60(3) and s.60(4).

¹¹ S.C. 1919, c.46, s.1, 97(A)(I).

¹² See Masters, D.C., *The Winnipeg General Strike*, University of Toronto Press (1950).

¹³ See McNaught, K., "Political Trials and the Canadian Political Tradition", (1974), 24 *University of Toronto Law Journal*, 149 at 157. Accounts of the strike may be found in: Masters, *The Winnipeg General Strike* (1950); Robin, *Radical Politics and Canadian Labour* (1968); McNaught and Bercuson, *The Winnipeg Strike: 1919* (1974); and Bercuson, *Confrontation at Winnipeg*, McGill-Queens, (1974).

¹⁴ McNaught, *ibid.*, p. 147.

¹⁵ See Balawyder, A., *The Winnipeg General Strike*, Toronto: Copp Clark Co., (1967).

¹⁶ *Ibid.*, p. 39.

¹⁷ *Ibid.*, p. 36.

¹⁸ *Supra*, McNaught, Note 13 at 138.

¹⁹ See MacKinnon, R.P., *Criminal Conspiracy in Canada: A Critical Study*, LL.M. Thesis, University of Saskatchewan, (1975).

²⁰ *R v. Murphy* (1920), 33 C.C.C. 1 at 6. See also Katz, "Some Legal Consequences of the Winnipeg General Strike of 1919" (1970), 4 *Manitoba Law Journal*, 39.

²¹ See Woodcock, G. and Avakunovec, J., *The Doukhobors*, Toronto, Oxford University Press (1968); and Kettles, J. and Walker, D., *Verdict*, McGraw-Hill, Toronto, (1968) at Chapter 3.

²² Trudeau, P.E., ed., *The Asbestos Strike*, James, Lewis & Samuel, Toronto, (1974).

²³ Transcript, "Preliminary Inquiry"; the author was one of the defence counsel defending the nineteen men charged with capital murder. See generally Stewart, W., *But Not in Canada*, Macmillan of Canada (1976).

²⁴ See Laurendeau, A., *Witness for Quebec*, transl. by Stratford, P., Macmillan of Canada, Toronto, (1973).

²⁵ *Ibid.*, p. 17.

²⁶ *Ibid.*, p. 51.

²⁷ *Ibid.*, p. 116.

²⁸ Trudeau, ed. *The Asbestos Strike*, James, Lewis & Samuel, Toronto, (1974).

²⁹ *Montreal Star* Special Report, "The FLQ, Seven Years of Terrorism", (1970), at 10.

³⁰ *Ibid.*, p. 35.

³¹ *Ibid.*, p. 34.

³² Vallieres, P., *White Niggers of America*, McClelland and Stewart, Toronto (1971).

³³ See Hagy, J.W., "Quebec Separatists: The First Twelve Years" in *Issues for the Seventies*, ed. Sheffe, N., McGraw-Hill, Toronto, (1971), for a detailed discussion of the RIN.

³⁴ See Levesque, R., *An Option for Quebec*, McClelland and Stewart, Toronto, (1968).

³⁵ *Montreal Star*, Special Report, *supra*. Note 27 at 50 for full text of the document.

³⁶ *Ibid.*, p. 52.

³⁷ Smith, D., *Bleeding Hearts . . . Bleeding Country*, Hurtig, Edmonton (1971) at 1. Quoted from report in

The Toronto Daily Star, October 10, 1970.

³⁸ R.S.C., c.184, s.232-242.

³⁹ R.S.C., c.288. See Appendix 4-1 for full text of Act and Regulations.

⁴⁰ R.S.C., c.288, s.2.

⁴¹ See, however, the opinion by Whyte and Lederman that the courts can judicially inquire into the sufficiency of the actual circumstances on which the government relies in declaring a state of emergency. Whyte and Lederman, *Canadian Constitutional Law*, Butterworths, Toronto, (1975) at 300-304.

⁴² *House of Commons Debates*, October 16, 1970, p. 194.

⁴³ Smith, D. *Bleeding Hearts . . . Bleeding Country*, Hurtig, Edmonton, (1971) at 87.

⁴⁴ Haggart, R. and Golden, A., *Rumours of War*, New Press, Toronto, (1971).

⁴⁵ See Appendix 4-2 for text.

⁴⁶ See Marx, H., "Emergency Power and the Bill of Rights", 16 *McGill L.J.* 71 at 82-91.

⁴⁷ Tocqueville, *Oeuvres Completes*, ed. Mayor, J.P., Vol. 1(2) pp. 262-264.

Appendix 4-1

War Measures Act

Public Order Regulations, 1970

Oct. 16, 1970

Whereas it continues to be recognized in Canada that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;

And whereas there is in contemporary Canadian society an element or group known as Le Front de Libération du Québec who advocate the use of force or the commission of crime as a means of or as an aid in accomplishing a governmental change within Canada and who have resorted to the commission of serious crimes including murder, threat of murder and kidnapping;

And whereas the Government of Canada desires to ensure that lawful and effective measures can be taken against those who thus seek to destroy the basis of our democratic governmental system, on which the enjoyment of our human rights and fundamental freedoms is founded, and to ensure the continued protection of those rights and freedoms in Canada;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Prime Minister, pursuant to the War Measures Act, is pleased hereby to make the annexed Regulations to provide emergency powers for the preservation of public order in Canada.

Regulations to Provide Emergency Powers for the Preservation of Public Order in Canada

Short Title.

1. These Regulations may be cited as the *Public Order Regulations, 1970*.

Interpretation

2. In these Regulations,

(a) "communicate" includes the act of communicating by telephone, broadcasting or other audible or visible means;

(b) "peace officer" means a peace officer as defined in the Criminal Code and includes a member of the Canadian Armed Forces;

(c) "statements" includes words spoken or written or recorded electronically or electromagnetically or otherwise, and gestures, signs or other visible representations; and

(d) "the unlawful association" means the group of persons or association declared by these regulations to be an unlawful association.

3. The group of persons or association known as Le Front de Liberation du Quebec and any successor group or successor association of the said Le Front de Liberation du Quebec or any group of persons or association that advocates the use of force or the commission of crime as a means of or as an aid in accomplishing governmental change within Canada is declared to be an unlawful association.

4. A person who

(a) is or professes to be a member of the unlawful association,

(b) acts or professes to act as an officer of the unlawful association,

(c) communicates statements on behalf of or as a representative or professed representative of the unlawful association,

(d) advocates or promotes the unlawful acts, aims, principles or policies of the unlawful association,

(e) contributes anything as dues or otherwise to the unlawful association or to anyone for the benefit of the unlawful association,

(f) solicits subscriptions or contributions for the unlawful association, or

(g) advocates, promotes or engages in the use of force or the commission of criminal offenses as a means of accomplishing a governmental change within Canada is guilty of an indictable offense and liable to imprisonment for a term not exceeding five years.

5. A person, who, knowing or having reasonable cause to believe that another person is guilty of an offense under these Regulations, gives that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for that offense is guilty of an indictable offense and liable to imprisonment for a term not exceeding five years.

6. An owner, lessee, agent or superintendent of any building, room, premises or other place who knowingly permits therein any meeting of the unlawful association or any branch, committee or members thereof, or any assemblage of persons who promote the acts, aims, principles or policies of the unlawful association is guilty of an indictable offense and liable to a fine of not more than five thousand dollars or to imprisonment for a term not exceeding five years or to both.

7. (1) A person arrested for an offense under section 4 shall be detained in custody without bail pending trial unless the Attorney-General of the province in which the person is being detained consent to the release of that person on bail.

(2) Where an accused has been arrested for an offense under these Regulations and is detained in custody for the

purpose only of ensuring his attendance at the trial of the charge under these Regulations in respect of which he is in custody and the trial has not commenced within 90 days from the time he was first detained, the person having the custody of the accused shall, forthwith upon the expiration of such 90 days, apply to a judge of the superior court of criminal jurisdiction in the province in which the accused is being detained to fix a date for the trial and the judge may fix a date for the beginning of the trial or give such directions as he thinks necessary for expediting the trial of the accused.

8. In any prosecution for an offense under these Regulations, evidence that any person

(a) attended any meeting of the unlawful association,

(b) spoke publicly in advocacy for the unlawful association, or

(c) communicated statements of the unlawful association as a representative or professed representative of the unlawful association is, in the absence of evidence to the contrary, proof that he is a member of the unlawful association.

9. (1) A peace officer may arrest without warrant

(a) a person who he has reason to suspect is a member of the unlawful association; or

(b) a person who professes to be a member of the unlawful association, or

(c) a person who he has reason to suspect has committed, is committing or is about to commit an act described in paragraphs (b) to (g) of section 4.

(2) A person arrested pursuant to subsection (1) shall be taken before a justice having jurisdiction and charged with an offense described in section 4 not later than seven days after his arrest, unless the Attorney-General of the province in which the person is being detained has, before the expiry of those seven days, issued an order that the accused be further detained until the expiry of a period not exceeding 21 days after his arrest, at the end of which period the person arrested shall be taken before a justice having jurisdiction and charged with an offense described in section 4 or released from custody.

10. A peace officer may enter and search without warrant any premises, place, vehicle, vessel, or aircraft in which he has reason to suspect

(a) anything is kept or used for the purpose of promoting the unlawful acts, aims, principles or policies of the unlawful association;

(b) there is anything that may be evidence of an offense under these regulations;

(c) any member of the unlawful association is present;

or
(d) any person is being detained by the unlawful association.

11. Any property that a peace officer has reason to suspect may be evidence of an offense under these regulations may, without warrant, be seized by a peace officer and held for 90 days from the date of seizure or until the final disposition of any proceedings in relation to an offense under these regulations in which such property may be required, whichever is the later.

12. These regulations shall be enforced in such manner and by such courts, officers and authorities as enforce indictable offenses created by the Criminal Code.

Appendix 4-2

Public Order (Temporary Measures) Act, 1970.

Third Session, Twenty-Eighth Parliament,
19 Elizabeth II, 1970

THE HOUSE OF COMMONS OF CANADA BILL C-181

An Act to provide temporary emergency powers for the preservation of public order in Canada

As passed by The House Of Commons,
the 1st December, 1970

Given Royal Assent the 3rd December 1970.

Whereas the Parliament of Canada continues to affirm that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;

And whereas the public order in Canada continues to be endangered by elements of the group of persons or association known as Le Front de Liberation du Quebec who advocate the use of force or the commission of crime as a means of or as an aid in accomplishing governmental change within Canada with respect to the Province of Quebec or its relationship to Canada, and who have resorted to murder, threat of murder and kidnapping as well as the commission of other acts involving actual or threatened coercion, intimidation and violence;

And whereas the Parliament of Canada, following approval by the House of Commons of Canada of the measures taken by His Excellency the Governor General in Council pursuant to the *War Measures Act* to deal with the state of apprehended insurrection in the Province of Quebec on the clear understanding that the authority for such measures should remain in force for a temporary period only, desires to ensure that lawful and effective measures can and will continue to be taken against those who thus seek to destroy our democratic governmental system, and agrees that all such measures as are hereinafter determined to be necessary by reason of the present emergency be taken under the authority of and in accordance with the provisions of a law of Canada expressly enacted for that purpose, the terms of which provide for its continuation in force for a temporary period only;

Now therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title

1. This Act may be cited as the *Public Order (Temporary Measures) Act, 1970*.

Interpretation

2. In this Act,

(a) "communicate" includes the act of communicating by telephone, broadcasting or other audible or visible means;

(b) "peace officer" means a peace officer as defined in the Criminal Code, and includes a member of the Cana-

dian Forces when assigned to perform the duties of a peace officer by authority of the Governor in Council;

(c) "statements" includes words spoken or written or recorded electronically or electromagnetically or otherwise, and gestures, signs or other visible representations; and

(d) "the unlawful association" means the group of persons or association declared by this Act to be an unlawful association.

GENERAL

3. The group of persons or association known as Le Front de Liberation du Quebec and any successor group or successor association of the said Le Front de Liberation du Quebec, or any group of persons or association that advocates the use of force or the commission of crime as a means of or as an aid in accomplishing the same or substantially the same governmental change within Canada with respect to the Province of Quebec or its relationship to Canada as that advocated by the said Le Front de Liberation du Quebec, is declared to be an unlawful association.

4. A person who

(a) is or professes to be a member of the unlawful association,

(b) acts or professes to act as an officer of the unlawful association,

(c) communicates statements on behalf of or as a representative or professed representative of the unlawful association,

(d) advocates or promotes the unlawful acts of, or the use of the unlawful means advocated by, the unlawful association for accomplishing its aims, principles or policies,

(e) contributes anything as dues or otherwise to the unlawful association or to anyone for the benefit of the unlawful association,

(f) solicits subscriptions or contributions for the unlawful association, or

(g) advocates, promotes or engages in the use of force or the commission of crime as a means of or as an aid in accomplishing the same or substantially the same governmental change within Canada with respect to the Province of Quebec or its relationship to Canada as that advocated by the unlawful association, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

5. A person who, knowing or having reasonable cause to believe that another person is guilty of an offence under this Act, gives that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for that offence is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

6. An owner, lessee, agent or superintendent of any building, room, premises or other place who knowingly permits therein any meeting of the unlawful association or thereof, or any assemblage of persons who advocate or promote the unlawful acts of, or the use of the unlawful means advocated by, the unlawful association for accomplishing its aims, principles or policies, is guilty of an indictable offence and liable to a fine of not more than five thousand dollars or to imprisonment for a term not exceeding five years or to both.

7. (1) Subject to subsection (2), a person charged with an offence under section 4 shall be detained in custody without bail pending his trial.

(2) No person shall be detained in custody pursuant to subsection (1)

(a) after seven days from the later of the time when he was arrested or the coming into force of this Act, unless before the expiry of those seven days the Attorney General of the province in which the person is in custody has filed with the clerk of the superior court of criminal jurisdiction in the province a certificate under this section stating that just cause exists for the detention of that person pending his trial, or

(b) after any certificate issued under this section in respect of that person has been revoked, or the Attorney General of the province in which that person is in custody has otherwise consented to the release of that person on bail.

(3) Where a person who has been charged with an offence under this Act is being detained in custody pending his trial, and the trial has not commenced within ninety days from the time when he was first detained, the person having the custody of the person charged shall, forthwith upon the expiry of those ninety days, apply to a judge of the superior court of criminal jurisdiction in the province in which the date for the trial, and the judge may fix a date for the beginning of the trial or give such directions as he thinks necessary for expediting the trial.

8. In any prosecution for an offence under this Act, evidence that any person, either before or after the coming into force of this Act,

(a) participated in or was present at a number of meetings of the unlawful association or of any branch, committee or members thereof,

(b) spoke publicly in advocacy for the unlawful association, or

(c) communicated statements on behalf of or as a representative or professed representative of the unlawful association, is, in the absence of evidence to the contrary, proof that he is a member of the unlawful association.

9. (1) A peace officer may arrest without warrant

(a) a person who he has reason to suspect is a member of the unlawful association;

(b) a person who professes to be a member of the unlawful association; or

(c) a person who he has reason to suspect has committed, is committing or is about to commit an act described in any of paragraphs (b) to (g) of section 4.

(2) Subject to subsection (3), a person arrested under subsection (1) may be detained in custody by a peace officer but shall be taken before a justice, magistrate or judge having jurisdiction and charged with an offence under section 4, or shall be released from custody, not later than three days after his arrest, unless the Attorney General of the province in which the person is being detained has, before the expiry of those three days, issued an order that he be further detained until the expiry of a period not exceeding seven days after his arrest, in which case the person arrested shall, forthwith upon the expiry of that period unless he has sooner been released, be taken before such a justice, magistrate or judge and charged with an offence under section 4, or be released from custody.

(3) In its application to a person who, immediately before the coming into force of this Act, was being detained in custody without his having been charged with an offence under section 4 of the *Public Order Regulations, 1970* made pursuant to the *War Measures Act*, subsection (2) shall be read and construed as though for the reference therein to "three days" there were substituted a reference to "seven days" and for the reference therein to "seven days" there was substituted a reference to "twenty-one days", except that nothing in this subsection shall be construed to authorize the detention of any such person in custody, without his having been charged with an offence under section 4 of this Act, for any longer period than the Attorney General

of the province in which he is being detained deems warranted having regard to the exigencies of the situation.

10. A peace officer may enter and search without warrant any premises, place, vehicle, vessel or aircraft in which he has reason to suspect

(a) anything is kept or used for the purpose of promoting the unlawful acts of, or the use of the unlawful means advocated by, the unlawful association for accomplishing its aims, principles or policies;

(b) there is anything that may be evidence of an offence under this Act;

(c) any member of the unlawful association is present; or

(d) any person is being detained by the unlawful association.

11. Anything that a peace officer has reason to suspect may be evidence of an offence under this Act may, without warrant, be seized by a peace officer and detained for not more than ninety days from the date of such seizure, unless before the expiry of those ninety days a justice, magistrate or judge is satisfied upon application that, having regard to all the circumstances, its further detention for a specified period is warranted and he so order, or proceedings in respect of an offence under this Act are instituted in which such thing may be required.

12. (1) It is hereby declared that this Act shall operate notwithstanding the *Canadian Bill of Rights*.

(2) Notwithstanding the declaration contained in subsection (1), nothing in subsection (1) shall be construed or applied so as to prevent the application of paragraphs (a) to (g) of section 2 of the *Canadian Bill of Rights* to this Act, in all respects as provided in those paragraphs subject only to the exceptions hereinafter expressly provided, namely:

(a) nothing in this Act shall be held to be a law of Canada that authorizes, or shall be held to operate so as to authorize, the arbitrary detention or imprisonment of any person; and

(b) for the purposes of that portion of paragraph (f) of section 2 of the *Canadian Bill of Rights* that relates to the right of a person charged with an offence not to be deprived of reasonable bail without just cause, just cause shall be presumed to exist where, under this Act, the Attorney General of the province in which the person is in custody has filed with the clerk of the superior court of criminal jurisdiction in the province a certificate stating that just cause exists for the detention of that person pending his trial and the certificate has not been revoked.

13. Notwithstanding the proclamation issued on October 16, 1970 pursuant to the *War Measures Act*, sections 3, 4 and 5 of that Act shall, on, from and after the day this Act is assented to, cease to be in force in consequence of the issue of that proclamation, and that proclamation shall be deemed to have been revoked.

14. On, from and after the day this Act is assented to, any offence committed under section 4, 5 or 6, respectively, of the *Public Order Regulations, 1970* made pursuant to the *War Measures Act* shall be deemed to be an offence committed under section 4, 5 or 6, as the case may be, of this Act, and any investigation, proceeding or other act or thing instituted, commenced or done under the authority or purported authority of those Regulations shall be deemed to have been instituted, commenced or done under the authority or purported authority of this Act and as though this Act had come into force on October 16, 1970.

15. This Act expires on the 30th day of April, 1971 or on such earlier day as may be fixed by proclamation, unless before the 30th day of April, 1971 or before any earlier day fixed by proclamation, both Houses of Parliament, by

joint resolution, direct that this Act shall continue in force until a day specified in the resolution, in which case this

Act expires either on that specified day or on such earlier day as may be fixed by proclamation.

APPENDIX 5

TERRORISM, DOMESTIC AND INTERNATIONAL: THE WEST GERMAN EXPERIENCE

By Herman Blei

A Short History of the Problem

A general knowledge of the personal backgrounds of the German terrorists is essential to an understanding of their actions. The Federal Republic of Germany began to experience serious student unrest about the same time as this phenomenon manifested itself in the United States of America and in other West European countries. Throughout the middle 1960's, the West German student movement was extremely active, but a crucial date for the present history is June 2, 1967, a symbolic date coinciding with the visit of the Shah of Persia to West Berlin. In consequence of that visit, there were massive demonstrations by both supporters and opponents of the Shah. On the night of June 2 a young German student, Benno Ohnesorg, was killed by a police bullet near the Opera House. This event represents, in some way, a point of no return; it tended to crystallize the radical opposition to the authorities at all levels.

One of the most dynamic leaders of the student movement at that time was Rudi Dutschke, who was extremely effective with large crowds of demonstrators. In 1968, on the Thursday before Easter, he was shot in the head by a supporter of the rightwing. In consequence, his career as an agitator was terminated, to all intents and purposes. From this time on, there was a considerable escalation of violence, and

matters rapidly approached the boiling point. As a result of this attack upon Dutschke, there were massive, spontaneous demonstrations directed principally against the Springer Publishing House. In Munich, two people were killed—one of the demonstrators and a pressman. In Berlin, a violent attack was made on the Springer Publishing House, causing heavy damage to the property.

One of the persons involved in the attack on the Springer premises was Horst Mahler, an attorney who was later a prominent member of the Baader-Meinhof gang. Mahler had been an assistant at the Free University of Berlin Law School, and later became a practicing attorney. He appeared, at that time, to have a promising career ahead of him. Two factors, however, tended to frustrate his career prospects, one factor related to his personal and domestic life, and the second, of a more professional character, resulted from his participation in the demonstrations against the Springer Company. As a result of his participation in those demonstrations, he became personally responsible for heavy damages. From these events in 1968 until May 14, 1970, Mahler became increasingly involved in leftwing activities—acting as defense counsel for many prominent radicals and losing his other clients. At this time, he also became counsel for Andreas Baader. Baader had been indicted with three others for arson of department stores in Frankfurt. The

codefendants of Baader in that case were Gudrun Ensslin, and two others of minor importance.

Ensslin had already acquired a somewhat colorful background prior to this trial. She had originally been a good student, but certainly not as good as the opinion she evidently held of herself in this regard. Her father was a Protestant minister of somewhat left-wing opinions, and he had enjoyed close relations with other people of similar persuasions. Ensslin's political formation seems to have been critically influenced by her personal emotional problems. She appears to have converted her frustrations and failure, by a process of rationalization, into a scheme of political action at variance with her own upbringing and her previous lifestyle. Ensslin appears to have been deeply influenced, at least at first, by her own religious leanings. She had been in the United States in 1958 as an exchange student when she was 17 or 18; at that time she seems to have been very immature and unworldly. Shortly afterwards, she fell in love with a young man, Vesper, who was the son of a prominent poet of the Nazi epoch. Neither of them appear to have held any well-formulated political opinions at this time. She and Vesper were instrumental in bringing out an edition of the father's poems. They had plans for publication. As a result, they became involved with a publishing house of liberal policies, which gave them a contract for a book on certain political matters. On the evening after the signing of this contract, a child was deliberately conceived by them. They then entered into a formal engagement to satisfy her parents, but this arrangement seemed to have little importance for either of them. The engagement was later broken by Ensslin, who had the child and went to West Berlin a short time before the death of Benno Ohnesorg. Shortly after the engagement was broken, Vesper committed suicide, leaving a note indicative of his infatuation.

During her engagement to Vesper, Ensslin was attempting to produce a doctoral thesis on *Finnegan's Wake*, but found the work too difficult and abandoned her studies. In Berlin, while studying, Ensslin met Baader. What were meant, originally, to be studies in the humanities soon degenerated into pure political activity. As early as 1965, Ensslin had worked for the Brandt for Chancellor Committee, and had been a supporter of the Social Democratic Party at that time. Subsequently, when the Great Coalition took place, it appears to have been a tremendous traumatic experience for her, as well as for many others. Undoubtedly, this event affected her political thinking and influenced her subsequent pattern of political activity.

Her meeting with Baader was decisive. Baader was born during the war. His father was a civil servant at the State Archives in Munich and held the degree of Doctor of Philosophy. The father was

killed in action shortly after Baader was born, and he was raised by his mother under the difficult war-time and postwar conditions. He was a problem child. He appears never to have worked at all. Baader had been living with an artist of some talent who catered both to his emotional and financial needs, but this affair had broken up about the same time as Ensslin's affair with Vesper. Baader fell deeply in love with Ensslin, and she with him. At that time, Baader was virtually an apolitical being. Ensslin appears to have had such influence over Baader that at her instigation Baader, together with Ensslin and two others, set fire, in April of 1968, to two department stores in Frankfurt as a protest against the Viet Nam War. The damages resulting from this criminal enterprise were more than one million marks. They were apprehended as a result of this and brought to trial.

At this trial in 1968, Ulrike Meinhof was a correspondent, covering the proceedings for a leftwing magazine published by her husband. Mahler was defense counsel for Baader at this trial. Thus the four principals met under circumstances that were to influence events for years to come. They were the nucleus of the self-styled RAF (Red Army Faction). There is a curious semantic point that is worth noting here with regard to the choice of this name. RAF is an acronym for Royal Air Force, which even at that time had a certain connotation for those Germans who had suffered from the allied air raids and also the reference to the Red Army had a negative connotation for those who had experienced the Soviet occupation. It was a somewhat pretentious choice, revealing the thought processes of these terrorists.

All the defendants were sentenced to 2 1/2 years' imprisonment, after a trial lasting a few weeks. The appeal was quashed. While the appeal was pending, Baader was at liberty. Taking into account the time he had served in pretrial detention, the balance of the sentence imposed was short enough for it to be considered unlikely that he would abscond; but the suspension was revoked, and after having been underground for almost two years, he was later taken back into custody to serve the balance of the sentence. This fact is most material to the course of later events.

Ulrike Meinhof also had a very definite Christian and peace movement background. Ulrike Meinhof was an orphan who lost her father when she was age 5 and her mother when she was age 14. She was raised by a well-known teacher of languages, Professor Riemeck, who was active in the Peace Movement. She had had a marked influence on the young girl; Meinhof seems to have had a relatively normal and trouble-free childhood. She seems to have developed into a very untypical teenager. Meinhof had a broken engagement for religious reasons. She

entered student politics in the late 1950's as a protest against atomic warfare. In consequence of these early political activities she met and later married a man, Roehl, who published a leftwing magazine, Konkret, but who evidently either had or developed marked personal, capitalistic ambitions. They lived in a very high style, somewhat incompatible with the ideals they nominally espoused. This, evidently, was cause for some considerable ideological confusion in Ulrike Meinhof. She wrote some notable articles of high quality and seems to have been, at that time, a very active and effective crusader for social justice. Her marriage, too, broke up in 1968; together with others she broke into the matrimonial home and committed a number of symbolic acts of vandalism before departing from Hamburg for Berlin with her twin children. She nevertheless continued her activities as a correspondent for Konkret.

It is worthy of mention that in 1961 she had undergone brain surgery. Although it is difficult to speculate on this matter, it is possible that this tumor, which could not be removed but had to be isolated surgically, may have had a causal effect on her later bizarre behavior. It seems, too, that for Ulrike Meinhof the Great Coalition was also a particularly decisive, traumatic experience in the political sense. She drifted towards the left as a result product of rationalized despair. She appears to have been particularly impressed by Baader and Ensslin at the trial she attended, contrasting their activist position with her own somewhat passive role as a writer. These were, for her, real actors in a very vivid drama and she felt keenly her own unsatisfactory position in relation to them.

When Baader was taken back into custody to serve the final period of his sentence, Meinhof entered into a conspiracy with Mahler and Ensslin to free him from custody. Meinhof claimed to be working on a research study on underprivileged juveniles in collaboration with Baader. Mahler made application to the prison authorities for Baader to be brought to a library for one day in order to work with Meinhof. The library was situated in Dahlem—a very quiet, very respectable area of Berlin. This location obviously facilitated the escape plans. So on May 14, 1970, Baader was brought to the library where he feigned research until Meinhof and two others entered the building and helped Baader escape through a window. In the course of the ensuing turmoil, one of the participants used a gun and seriously wounded an employee of the library. This violent outcome had not been part of the original plan. This event was, however, the real birth of the RAF. It is apparent to those who have studied this matter that the movement had little to do with an organized fight for social justice, but was henceforth more a desperate attempt of relatively unprepared fugitives to secure their own survival.

About three weeks later, Baader, Ensslin, Meinhof, and Mahler, together with some others who have disappeared from the scene, flew to a Middle Eastern country, where they underwent intensive training in various forms of guerrilla warfare. It seems that some aspects of this were not wholly congenial to the group nor always compatible with their personal or revolutionary ideologies. Neither Baader nor Mahler seem to have received any great benefit from this training; both appear to have been held in some contempt by their companions. Their anarchistic and undisciplined behavior seems generally to have displeased their Arab hosts.

The group dispersed and individual members returned to Germany within a short period and commenced a pattern of terroristic activity. They began by robbing banks—but contrary to the behavior of true revolutionary idealists, they appear to have used a great deal of the money thus obtained for private purposes and for indulging in a high style of living. Although many other persons became involved in the movement, it did not attract support from the working classes.

The group set about organizing a series of safe havens throughout the country and establishing caches of arms and explosives. They carried out a number of bombings, including those on United States military facilities at Heidelberg and Frankfurt. These activities intensified during 1971 and 1972. It was very difficult at this time for the law enforcement authorities to apprehend those responsible, because at this period there were still many persons who, for a variety of reasons, were able to feel either some sympathy towards the ideals that the group seemed to represent, or at least a certain sympathy towards their position as underdogs and fugitives. They were, consequently, able to find safe haven in a number of places throughout the country.

The nucleus of the expanded group, which was put together by the principals, consisted of many hardcore and experienced criminals; they operated extremely intelligently. It was not until June 1972, following the merger of the endeavors of State and Federal authorities, that a decisive campaign against these terrorists was possible. This campaign resulted in their eventual apprehension and the effective breaking-up of their criminal activities. By June 1972, the activities of Federal, State, and local law enforcement authorities had been brought to the fine pitch of coordination that was later to lead to their more formal merger. More detailed reference will be made to this later.

At this point in time both the law enforcement authorities and the general public made a great mistake. It was generally assumed that with the arrest of these terrorists the back of the problem had been broken, and that there would be no further outbreak

of terroristic violence from this group. The law enforcement authorities in particular seem to have decided to rest on their laurels at this point. The real error lay in the fact that other terrorist movements which took up where the RAF had left off had already come into existence.

One of these groups was the so-called June 2nd Movement. The name was taken, significantly, from the day the student was killed during the Shah's visit in 1967. This group had some early contact with the RAF, particularly as far as the provision of weapons and explosives was concerned. The June 2nd Movement believed it needed a sound theoretical base and considered the Baader-Meinhof group somewhat too confused politically for a permanent association. The group is rather remarkable for the number of women associated with it. They resisted, for ideological reasons, attempts by Baader to take over and direct the Movement's activities. They did, however, continue to obtain weapons and assistance from the Baader-Meinhof group.

This group seems to have indulged in terroristic activity from the very beginning, and eventually became much more dangerous than the original RAF group. For example, on February 2, 1972, they placed a bomb in a boathouse used by British Army officers, to "celebrate" the anniversary of one of the bloody events in Northern Ireland. One German employee was killed while checking the explosive device. The Movement of June 2nd seems to have confined its activities to West Berlin and engaged in a further series of bombings there. Not long after the RAF nucleus had been taken into custody, the June 2nd Movement intensified its terroristic campaign. It was joined, at this time, by remnants of the RAF, and the performance of both groups showed a marked improvement.

There was also a notable intensification of brutality. In late autumn of 1974, the augmented group carried out the assassination of the Chief Justice of the highest State Court of Berlin, Herr von Drenkmann. This was not a revenge killing, but rather the first, experimental attempt by the group at taking a hostage. It seems that there was an attempt to take Chief Justice Drenkmann hostage in his own house in order to secure the release of members of the Baader-Meinhof group and that he tried to escape; in consequence, he was murdered by the group.

The next spectacular exploit of the group was the Lorenz kidnapping, which took place shortly before the West Berlin parliamentary election in March 1975. Lorenz was on the way from his home to the Parliament building when his car was intercepted; he was taken to a secret hideout. The demands of the kidnapers were accepted precisely as they had been laid down. Lorenz was released unharmed in return for the release of 5 RAF members and other terrorists, who were flown to South Yemen. There

was concern in reliable circles that the Lorenz affair was simply a rehearsal to see how the authorities might react to some later exploit designed to secure the release of the principals. One of the released terrorists, Rolf Pohle, was recaptured in Greece in the summer of 1976. Another of the terrorists released at that time was a woman who probably participated in the kidnapping of the OPEC Ministers in Vienna in December 1975.

Another group of note had the strange name of *Socialistisches Patientenkollektiv*, the Socialist Patients' Collective. This group had been formed, in the early 1970's, by a married couple who were practicing psychiatrists in Heidelberg. The fundamental idea of the founders, later convicted of offenses under Article 129 of the Criminal Code, seems to have been that persons who act in an antisocial, deviant, or aberrant manner are not mentally ill but are made to act in this manner by the society and environment in which they live. Their patients came from all over Germany. Some of them were drug addicts, delinquents, and psychopaths; many of them were persons who were mentally disturbed in a general way. Some of these patients engaged in terroristic activities as individuals, but this fact was less important in itself than the fact that when the Baader-Meinhof group broke up, some of these patients then became members of the new terrorist organization. In particular, some of these persons joined the 2nd June Movement.

Mention should now be made of the unlawful activities conducted by members of these various groups while they were incarcerated. It is in this connection that it is material to mention the questionable activities of the members of the legal profession who represented these terrorists. When Ensslin was apprehended, approximately one week after the apprehension of the other members of the original Baader-Meinhof group, she had on her person a letter from Ulrike Meinhof that had been written after Meinhof's arrest. In the following weeks there was mounting evidence both that the group retained its cohesion and operational potential, even though the principals were in prison, and that there was considerable interchange and activity among the members of the group. The lawyers apparently acted as go-betweens, and even as organizers of certain of these activities. There seems to be little doubt that one of the lawyers, Haag, who is now underground, was responsible for organizing the abortive raid on the West German Embassy in Stockholm in the spring of 1975.

Since that time, many of these lawyers have been excluded from representation at the trials; some of them have been indicted; and others have been disbarred. One of their principal activities was the organization of the prison hunger strike by members of the Baader-Meinhof group and the propa-

ganda ensuing from it. The lawyers went to great lengths to maintain group solidarity, and even refused representation to those members of the group who would not cooperate, or who showed themselves reluctant to continue their participation in the hunger strike. This, among other matters, resulted in legislation to which reference will later be made.

The Contemporary Position

The efforts of State and Federal law enforcement authorities have borne fruit in the control of terrorism and the detection of terrorist groups. The increasing cooperation and intelligence sharing, resulting in the computerization of much of the available information about terrorist groups, has made it too difficult for terrorists to operate effectively within German territory. As a result of this, it appears that the more important figures of the terrorist movement have been forced to move the base of their operations to other countries. This appears to have been motivated by a desire not only to escape apprehension and prosecution by the German authorities, but also to qualify as international or transnational terrorists. This kind of terrorism is likely to be the trend of the future. The German terrorists have made a definite move to integrate themselves into other, international groups, as evidenced by the participation of two German terrorists in the Entebbe hijacking. There was at least one German terrorist in the group that participated in the kidnapping of the OPEC Ministers in Vienna. The idea seems to be to obtain by this means international cooperation in projected campaigns against German interests both at home and abroad. There is strong reason to believe that there are very significant terrorist activities pending against German targets.

There still seems to be no difficulty in these terrorists gaining access to German territory and then leaving for the safe havens that they have established overseas. There appears, currently, to have been a fragmentation of the major German groups—the terrorists are evidently acting in smaller units. There has been a considerable interchange both of personnel and technology among the different movements; there is close collaboration between the remnants of the RAF, the June 2nd Movement, and the *Patientenkollektiv*. There have been a number of bombings in recent months, but these do not seem to follow any consistent pattern, and might well be the work of individuals or very small groups who are capitalizing on the successes and reputations of the larger groups with which they have been associated.

For the moment, there seems to have been a temporary respite in the activities of all groups, and

some sort of regrouping or reorganization appears to be taking place. At the present time, the relative quiescence of these groups should not be taken to indicate either their dispersal or their loss of purpose, but rather a response to the effective measures that have been taken against them, as well as a desire on the part of the terrorist organizations themselves not to provoke actions that would be too repressive and inhibiting at this time. There is very real reason to fear that the really big coup is in preparation, with a view to freeing the remaining terrorists in West German custody.

Official Responses to Terrorism

There has been considerable legislation in West Germany relating directly and indirectly to terrorism. It would be convenient to discuss this under the subheadings of substantive criminal law; criminal procedure; and the measures relating to law enforcement in State and Federal jurisdictions.

Substantive Criminal Law

The West German Criminal Code is extremely specific in relation both to offenses and to the persons who may be charged with them. In the case of offenses committed by groups, it was not possible to begin proceedings for a specific offense, in many cases, on generalities of evidence. The principal author had to be identified and charged appropriately, as did any instigators and accessories both before and after the fact. This was extremely inhibiting where conspiracy-type offenses took place, where violent activities of a terroristic nature were carried out by groups, and where it was not possible to identify specifically the actors or assign to them the exact criminal roles that were appropriate in their cases. Indeed, the concept of conspiracy is quite foreign to German law. Additionally, by German law, there was an obligation to report to the authorities only certain very specific offenses before or during the course of commission. There is no general obligation to report crime to the police. Persons who in any way were associated with, or even participants in, certain crimes were not obliged to furnish information regarding them to the authorities. These requirements made investigation and prosecution of many terroristic activities committed by groups extremely difficult, and frustrated many of the early investigative attempts of the authorities. Furthermore, the definition of offenses against the State, particularly those relating to the overthrow of the State by violent means, are defined in an extremely narrow way. As the law originally stood, the vagueness of the allegations against some of the groups who had resorted to terroristic means with some future anticipation of overthrowing the State, was such as to

make the charges virtually unprovable by German law in the courts.

Since 1971, there have been four significant pieces of legislation amending the Criminal Code so as to make prosecution of certain terroristic activities more effective. The so-called Eleventh Law of December 16, 1971 amended the Criminal Code and introduced a new article, 316c, dealing with attacks on aviation. Article 6.3 of this law makes such offenses subject to German jurisdiction regardless of where they may have been committed. Such offenses carry prison sentences of not less than 5 years and not more than 15 years, and, in the case of offenses of minor importance, imprisonment of not less than one year. The specified offenses are: using violence or other means to overcome the free will of a person; indulging in other related activities so as to gain power or control over civil aviation in flight; influencing the command function of the captain and others having control of the aircraft; destroying an aircraft; or using firearms; or attempting to cause an explosion or fire to destroy or damage such an aircraft, or the cargo onboard the aircraft. These offenses carry sentences of 10 to 15 years in cases where the death of a person is caused by gross negligence. Penalties of imprisonment are provided especially for those engaged in any preparatory act necessary for the commission of these offenses. The article is not limited to terroristic acts per se, but is designed to meet a very specific terroristic activity.

The Twelfth Law amending the Criminal Code, also of December 16, 1971, introduced two new articles—article 239a and 239b. Both of these articles deal particularly with the taking of hostages. Article 239a deals specifically with the case of taking hostages for ransom. The other article deals with taking hostages for other purposes of coercion; in practice, this has special relevance in those cases where pressure is brought to bear on government agencies, police, etc. These offenses carry a prison sentence of not less than 3 years and not more than 15 years. In those cases where the death of a person is caused by gross negligence, a life sentence or a sentence of imprisonment for not less than 10 years is provided by the legislation.

The third legislative amendment is the so-called Fourteenth Law amending the Criminal Code, of April 27, 1976, which created a number of new articles of the Criminal Code and changed others in response to terroristic activities. By the old article 126, imprisonment of up to one year or a fine was applicable to offenders who threatened to commit a crime that would create a generally dangerous situation and thus disturb the public peace. This article was completely redrafted by the Fourteenth Law so as to make it more specific and amplify its scope. The threat posed by the perpetrators under

the new article must be one of the offenses specifically referred to by citation and the scope of the offense that is the object of the threat posed is thereby enlarged. The threats now have direct relation to the intentional killing of another person; offenses involving the commission of grievous bodily harm; hostage taking; robbery; extortion equivalent to robbery; arson; and crimes committed by the use of explosives. Furthermore, under the new version of article 126, the offense now need only involve the possibility of a disturbance of the public peace as a result of its commission, not an actual disturbance of the public peace. Thus even a threat, which is not made public, to cause an explosion would be sufficient for this new article to apply if it might give rise to a general warning by the authorities and thus disturb the public peace. The article is sufficiently comprehensive both to embrace the person who actually makes the threat and the person who indicates that another will commit the threatened act. The new article provides for prison sentences of up to 3 years or a fine for any of these offenses.

Terroristic activity involves a very important propaganda function as well as the dissemination of information relating to the specific conduct of terroristic activities. In response to these aspects of terroristic activity, the Government Draft of the Fourteenth Amendment to the Criminal Code suggested that a new article 130a should make it a criminal offense to give instruction relating to the commission of those offenses that are named in article 126, and to publish expressions of approval relating to such activities. Parliament took the view that this would impose an unwarranted restriction upon the rights of free speech; so it created a new article 88a. This makes it a criminal offense for anyone to endorse offenses with an intent to set themselves up against the constitution. The provisions of this article are so complicated in regard to the elements that are required for the commission of the offense that it is virtually impossible to conceive of a case in which it would be applicable.

The remainder of the draft suggested has been consigned to a new article 130a. The offenses so indicated, namely those concerned with giving instruction in terroristic activities, carry sentences of imprisonment of up to 3 years or a fine. The offense consists of producing, making accessible to the public, subscribing, delivering, keeping in store, announcing, touting, importing, exporting, selling, exhibiting publicly, or making possible the use of knowledge or materials containing instructions for an unlawful act that falls within the provisions of article 126, paragraph 1.1-6 and which, under the given circumstances, is apt to stimulate or promote the intent of others to commit the offense in question. This law shall apply also to instructions given in public or in any private assembly with the purpose of

promoting or stimulating the proscribed unlawful activity by other persons. The law makes a distinction between public declarations to persons who are largely unknown to each other and assemblies that are of a more private character and that may be convened for a lawful purpose, but to which an address of this prohibited character may be made.

A new article 140, dealing with those persons who offer a reward for the commission of a punishable act or who express their satisfaction at its commission, provides that it shall be an offense in respect of those matters that are specified in articles 138, 1-5 and article 126 1-6. These offenses must have been committed or attempted in such a way as to make the attempt criminal. The offense consists of giving a reward with no further requirements, or of approving them in a way that is apt to disturb the public peace; such approval must be manifested publicly, either before an assembly or by the dissemination of a written instrument.

Furthermore, there has been a redrafting of article 145d. The old article 145d was concerned with the giving of false information to law enforcement authorities about an offense that had not taken place. It also provided for those cases where false information was given to law enforcement authorities that was likely to deceive them as to the person who had committed an offense that had already taken place. The article did not cover prospective offenses and, in particular, did not provide for those cases that are very important to terrorism—namely bomb threats. The new article provides specially for the cases of false threats made to the authorities regarding crimes that are alleged to be going to take place and for the alleged perpetrators in such projected offenses. Such offenses carry a penalty of up to 3 years or a fine.

The new article 241 dealing with threats provides for imprisonment of up to one year or a fine for persons who threaten another person with the commission of a crime against him or a person who is closely connected with him. The exact scope of this article, so far as the class to which it refers, has not yet been the subject of judicial interpretation. The second paragraph of this article provides for prison terms of up to 1 year or a fine for those who threaten another person with the commission of a crime against him or a person connected with him.

In 1976, an important series of measures dealing with terrorism in a broad sense was introduced into the German Parliament. Amendments were proposed to the Criminal Code, to the Code of Criminal Procedure, to the law relating to corrections, to juveniles, to court organization, and to the laws dealing with practicing lawyers. The Government Draft had been passed by the *Bundestag* incorporating aspects of the other drafts that had been introduced according to the propositions of the subcommittees.

The *Bundesrat* originally objected to the passage of the law on the ground that it was inadequate. Insistence on this might have provoked a constitutional crisis, but this was averted after lengthy discussions, and the measures were passed into law as they had been adopted by the *Bundestag*.

These measures introduced one further important change into the substantive Criminal Code. They provided for a new article 129a. An understanding of the change effected requires some consideration of the original article 129, which still remains in effect and which deals with certain criminal associations. The original article 129 was directed, essentially, at relatively harmless organizations. It carried penalties of imprisonment of up to 5 years or a fine. It was and is not within the catalogue of offenses comprehended by article 138 enumerating those present or prospective offenses respecting which it is obligatory to give information to the authorities. Thus, even those persons who were aware of many of the details of the offenses committed by criminal associations falling within the provision were under no obligation to make this information available to the authorities. The new article 129a provides for longer sentences if the objects of the association are not just criminal offenses in the sense understood by article 129, but are terroristic acts. It provides for incarceration from 6 months to 5 years (no fine) for the following cases: the founding of an association, the purposes of which are activities directed toward murder; homicide of a lesser degree; genocide; taking of hostages; and a number of offenses against public security—for example, arson or the use of explosive devices, and other acts of a similar nature.

Any person who is a member of such an association, who promotes, advertises, or assists in such activities, may be guilty of an offense under this article. Increased sentences of imprisonment from 1 year to 10 years are applicable to the principals as well as to directing figures in the background. The law contains provisions for mitigating the sentence in return for cooperating with the authorities or preventing a crime that might take place in consequence of such an association. The Government Draft had originally provided for those who turn State's evidence, but this was eliminated from the law as finally passed as it was believed, particularly by reference to comparative experience, that its provisions would be ineffective and detrimental to the purposes of justice.

Code of Criminal Procedure

A partial reform of the German Code of Criminal Procedure in 1964 had given rise to an extremely benign code that favored defendants and their counsel to an unusual degree. The code and the re-

forming tendencies had been premised upon an acceptance, both by the legal profession and defendants, of certain minimal standards of conduct that would have permitted a fair and expeditious trial of the issues before the court. Certainly at the time that these reforms were promulgated, there had not been envisaged the possibility of grossly disruptive behavior in which defendants, and their legal counsel, would seek deliberately to frustrate the conduct of the legal proceedings. The Baader-Meinhof trials, in particular, exposed the weaknesses of these premises to a startling degree.

The conduct of the defendants made the orderly progress of the trial almost impossible. In addition, the undertaking by the defendants of the hunger strike made them so weak as to render them incapable of following the trial in conformance with the requirements of the law. In order to avoid the inconveniences of this and to prevent the defendants from taking advantage of loopholes in the law that were never intended for their benefit in this way, amendments to the law have been introduced so as to provide that a person who willfully incapacitates himself from participating effectively in his own trial shall not derive any benefit from such conduct. The law also now provides for the removal of a defendant from the court and the continuance of the proceedings in his absence in the event that he shall engage deliberately in disruptive behavior. It is a basic principle of German law that a criminal trial shall take place in the presence of the defendant from beginning to end. There have been and are some relatively insignificant exceptions to this general principle, but they were not of importance in relation to the trials of the major terrorist figures. The new legislation provides, essentially, for the continuance of the proceedings even in those cases where the defendant has incapacitated himself, (Article 231a, Code of Criminal Procedure) and provides, in other cases, for the physical removal of the defendant where he has made himself, by his behavior, a serious nuisance to the court (Article 231b, Code of Criminal Procedure). In those cases involving the physical removal of the defendant from the trial court, he will always be given the opportunity of being heard in some form or another on matters material to the issue before the court. The court may, in its discretion, allow the defendant to return to the court at any time if his behavior is deemed satisfactory and he is considered unlikely to interrupt further proceedings. The precise scope of this legislation is still a matter for interpretation in the courts.

Furthermore, there was no provision in the Code of Criminal Procedure for the removal or exclusion of a lawyer from the trial court or for his disciplining by the court in consequence of his conduct of a matter pertaining to the defense he was undertaking.

The legislators had, at the time of the original adoption of the code, been of the opinion that such matters were more appropriate for the professional associations to which the lawyer belonged. For many reasons, this simply did not work. Nevertheless, the courts had always assumed an inherent power to exclude a lawyer on a number of counts, namely if he was suspected of being an accessory before or after the fact to the crime which was being tried by the court; where he was acting contrary to the interests of his client and in the interest of another party; and where he had given serious offense to the court—for example, by threatening the court. Additionally, the courts excluded the lawyer if it was thought that he might be a witness in the case. These inherent powers were invoked so as to exclude the lawyer representing Meinhof when the letter from Meinhof was found in the possession of Ensslin, for it was assumed that the letter could only have been transmitted from prison through the medium of the defense lawyer. The lawyer raised a constitutional complaint regarding his exclusion with the *Bundesverfassungsgericht*, the Supreme Court, which found in his favor that this practice of exclusion was and had been unconstitutional since 1949, because there was no legislation or pre-constitutional customary law to this effect. The 1974 amendments to the Code of Criminal Procedure, which became effective on January 1, 1975, thus provided specifically, for the first time, for the exclusion from the trial of counsel in such cases.

By this legislation it is provided that counsel must be excluded where the following conditions obtain:

1. Where there is very strong suspicion of personal involvement by counsel in the commission of the crime, in benefiting from the profits of the crime, in assisting in the frustration of their recovery by the authorities, or in frustrating the apprehension, processing, and disposition of the perpetrators of the crime.

2. Where there is serious suspicion that the defense lawyer is likely to abuse his privileges of contact with defendants incarcerated for offenses that carry sentences of imprisonment that by the Criminal Code carry a maximum penalty of not less than one year.

3. Where there is serious suspicion that the defending lawyer may abuse his contacts with the defendant in prison for the purpose of putting in jeopardy the security of any institution.

The amendments introduced by the 1974 reform of the Code of Criminal Procedure provide that the accused may now only have representation by a maximum of three defense counsel of his own choice. Counsel cannot act for codefendants in the same trial.

The Law Relating to Law Enforcement

Since 1871, all law enforcement had been undertaken at a State level. There has always existed a strong disinclination to accept the principle of a central police force. In 1938, the *Reichskriminalamt* was established; it simply functioned as a criminal police agency with no involvement in political matters. Its first and only president was hanged for his participation in the plot of July 20, 1944 against the life of Adolf Hitler. Following the promulgation of the 1949 Constitution of the Federal Republic, federalism was again strong; a *Bundeskriminalamt* was established by the law of March 8, 1951, but this authority was created on a very small scale, with very limited resources, and was relatively ineffective for engagement in the fight against modern criminality. The fight against terrorism was notably hampered by the lack of a central police organization, and measures were accordingly taken to redress this defect. The law creating the *Bundeskriminalamt* had given practically no executive jurisdiction to this force; the first amendment to this law was on September 19, 1971. This law gave to the *Bundeskriminalamt* more executive powers. One of the principal results of this legislation was to be seen in the increased effectiveness in 1972 of the law enforcement fight against terrorism.

A second amendment to the law creating the *Bundeskriminalamt* was promulgated on June 28, 1973. This law further augmented the executive powers of the *Bundeskriminalamt*, and was a reflection of the growing international menace of criminality. In particular, it dealt with the centralization of information gathering, intelligence analysis, and dissemination. The *Bundeskriminalamt* was additionally given the responsibility for disseminating information concerning patterns of criminal behavior that had been observed in different parts of Germany and the world. This latter amendment provided for centralized record-keeping on all known criminals and criminal activities. The capacity of the *Bundeskriminalamt* for the establishment of a criminalistic service and its engagement in criminalistic research was also augmented. Certain training and development functions, too, were assigned to the *Bundeskriminalamt*, as also were the functions of technical assistance and those of the provision of expert testimony.

In particular, the amendment to the law dealt with certain jurisdictional aspects of the *Bundeskriminalamt*. It affirmed that the police preventive functions ordinarily remained with the States, but assigned to the *Bundeskriminalamt* important functions in criminal cases relating to internationally organized, illicit traffic in weaponry, ammunitions, explosives, drugs, and false currency, where the investigation involves matters that had taken place

abroad. The *Bundeskriminalamt* also has jurisdiction in relation to crimes committed against certain high officers of State and their guests. The *Bundeskriminalamt* was given jurisdiction in cases involving members of the diplomatic corps, in those cases where political or foreign policy considerations were involved. The *Bundeskriminalamt* may also assume jurisdiction in any case where the State authorities so request; where the Federal Minister of the Interior so directs, for serious reasons; or if the Federal Chief Prosecutor so orders in cases that he is conducting. It is important to note that in all of these cases the *Bundeskriminalamt* can give orders to the State *Kriminalamt* to secure proper cooperation. (Article 4, paragraph 5).

In recent times, the *Bundeskriminalamt* has, in a very practical fashion, been enormously augmented by massive injections of money and personnel, particularly assigned for the fight against terrorism. A special branch has been established for this purpose, and it is a reflection of these endeavors that terrorism has been curbed recently to the extent that it has.

The Law Relating to the Courts

The Federal Republic of Germany has both State and Federal courts which for the practical purposes of the present study, constitute a single system. The Federal court, the *Bundesgerichtshof*, is a final court of appeal from the State courts, the *Landgericht*, in any important case where there is a point of law in dispute. The State Courts are the trial courts, and have certain appeal functions. The *Oberlandesgericht* is a State Court, but it may exercise Federal jurisdiction in a number of specified cases. Among these cases are offenses against the state. Notable, for the purpose of the present account, is the jurisdiction that can be assigned to them with respect to offenses falling within article 129 of the Criminal Code. It was in virtue of these provisions that the *Oberlandesgericht* of Karlsruhe acquired jurisdiction in the case of the trials of the principal figures in the Baader-Meinhof case. In the cases of the other defendants of lesser importance, the Federal Chief Prosecutor did not invoke these provisions to take the case out of the jurisdiction of the respective *Oberlandesgericht* to which they ordinarily pertained. From a procedural point of view, it would have been very inconvenient for the German system to have tried all the defendants in one court and, in consequence, it was arranged that different trials would be held in the different jurisdictions involved. Nevertheless, the trial of the principal figures in the Baader-Meinhof case involved the construction of an extremely expensive, special courthouse building built to maximum security standards, which will be put to other uses when its primary purpose has

been served. Beyond this, there are no special trial procedures in cases of this type, and to have introduced them would have been unconstitutional.

The Law Relating to Corrections

A new Code of Criminal Corrections will shortly enter into force, but this does not contain any special measures directed against terrorists. As a matter of fact, terrorists are still treated as relatively privileged inmates within the German correctional system.

Likely Future Trends

There is no new domestic legislation in prospect at the moment in the fight against terrorism. There is evidence, nevertheless, of some concern among the States that the present laws against terrorism are

not sufficiently stringent. The law relating to contacts between defense counsel and incarcerated terrorists is still a matter of particular concern. There have been considerable exchanges on a diplomatic level to secure more effective international cooperation in measures directed against terrorists. The most important prospects for the control of terrorism are to be found in the field of cooperation with other like-minded nations, and the Federal Republic of Germany is constantly engaged in endeavors of this sort. The Federal Republic of Germany is acutely conscious of its vulnerable condition with regard to many of the activities that terrorists could direct against its interests—especially those connected with its relations with other nations. The present policy is to rely mainly upon the improvements in law enforcement capacity and cooperation with other nations rather than further amendment of domestic laws.

APPENDIX 6

CHRONOLOGY OF INCIDENTS OF TERRORISTIC, QUASI-TERRORISTIC, AND POLITICAL VIOLENCE IN THE UNITED STATES: JANUARY 1965 TO MARCH 1976

By Marcia McKnight Trick

Introduction

Included in this chronology are incidents within the United States from January 1965 to March 1976, in which it would appear that violence to property or persons has been used or threatened for political purposes. Political purposes should be interpreted to include a wide variety of motivations, from attempts to influence a government or group's policy, to competition for leadership within a group. When these purposes appear to be clearly articulated and adhered to by a particular group, and incidents occur frequently enough to constitute a campaign, such incidents can be categorized as terroristic.

Also included, as a second category, are those events that, although not appearing to have been politically motivated, nevertheless have a political impact in terms of creating fear in the general public, for example, spontaneous shoot-outs with police.

The third major category of incidents included are those disturbances of the peace, in which violence has often erupted spontaneously as an expression of political discontent. This category covers the urban riots of the 1960's, prison riots, campus disorders, unlawful occupations of buildings, and racial fighting within high schools and neighborhoods.

The fourth major category includes incidents in which tactics similar to those used by terrorists are

employed—but without the requisite political motivation. This quasi-terrorist category includes bank robberies in which hostages are taken, bomb extortion plots, aborted prison escapes, and airline hijackings. Only two types of incidents that might fall under the general definition given above have been excluded from the purview of this effort: (1) incidents attributed to organized crime and (2) kidnappings. Both of these categories were excluded because the paucity of information made distinctions between those incidents that were politically motivated and those that were merely criminal nearly impossible. Two clearly political kidnappings in the United States were included.

With the exception of information derived from the Federal Bureau of Investigation (relating to bombings and law enforcement officers killed) and the Federal Aviation Administration (airline hijackings), this chronology relied directly and indirectly on newspaper accounts. It is only when incidents are of spectacular, reoccurring, or local interest that they are reported in the news media. It is only after frequent use that reporters or librarians coin a phrase such as "terrorist" and that events falling within this category are listed in indexes, where they are available to the researcher. By the time the researcher has caught up with the events, the category of incident may be occurring so frequently as to become commonplace and no longer

newsworthy. To use the work product of a profit-motivated industry is to limit one's data to the perceived curiosity of the public. Thus, at the outset, it must be stated that this effort makes no pretense of providing a comprehensive record of incidents of politically motivated violence. Nor is this only a chronology of major incidents of terrorism, disorder, and quasi-terrorism within the 1965-1976 time period. Rather, an effort was made to include the full range of events, in order to at least partially avoid the arbitrary distinctions inevitable in such a project. It was believed that a glimpse of the full range of events would prove useful. To some extent the inadequacy of the data base assures a certain amount of exclusion; the fact that an incident is reported at all testifies to its importance as a major incident.

It should also be stressed that reliance on the news media tended to weight the data in favor of the larger cities, making it appear that incidents of political violence occur almost exclusively in New York City or the San Francisco Bay Area. The spottiness of the data is further accentuated by the fact that the researcher had special access to detailed information on particular political groups that was not available on other groups or other locations.

The more specific inadequacies of the data will be explored in the analysis of the categories which follows.

Terrorism

Bombing

American revolutionary groups have generally chosen to avoid direct confrontations with governmental authorities, preferring that most covert of terrorist tactics—bombing. The first effort to collect bombing data on a regular basis was initiated by the International Association of Chiefs of Police in August of 1970. In 1972, this function was assumed by the Federal Bureau of Investigation's National Bomb Data Program. The quantum jump in bombings in July of 1970 is misleading in that this actually reflects the beginning of comprehensive reporting of bombings. The bombings included in this chronology prior to that date were randomly reported in the news media; the majority were connected with racial disorders.

The criterion for inclusion in this chronology has been that a bombing appears to be politically motivated. The vast majority of bombings are nonpolitical, related to personal revenge, criminal extortion, or, increasingly, juvenile experimentation. When a bombing is unclaimed, the nature of the target is used as the distinguishing feature. For example, when the target is institutional and associated with the political establishment, such as a police depart-

ment headquarters, the event would be included, whereas the bombing of an individual policeman's car would not.

Though comprehensive and detailed information on bombings claimed by terrorist groups was available, the National Bomb Data Program does not break down its statistics on unattributed bombings into incident-by-incident descriptions. Only the more spectacular bombings are spotlighted in the Selected Incidents sections of the monthly bomb summaries. Thus, though attempts were made to supplement their data with newspaper accounts, the information on unattributed bombings is incomplete.

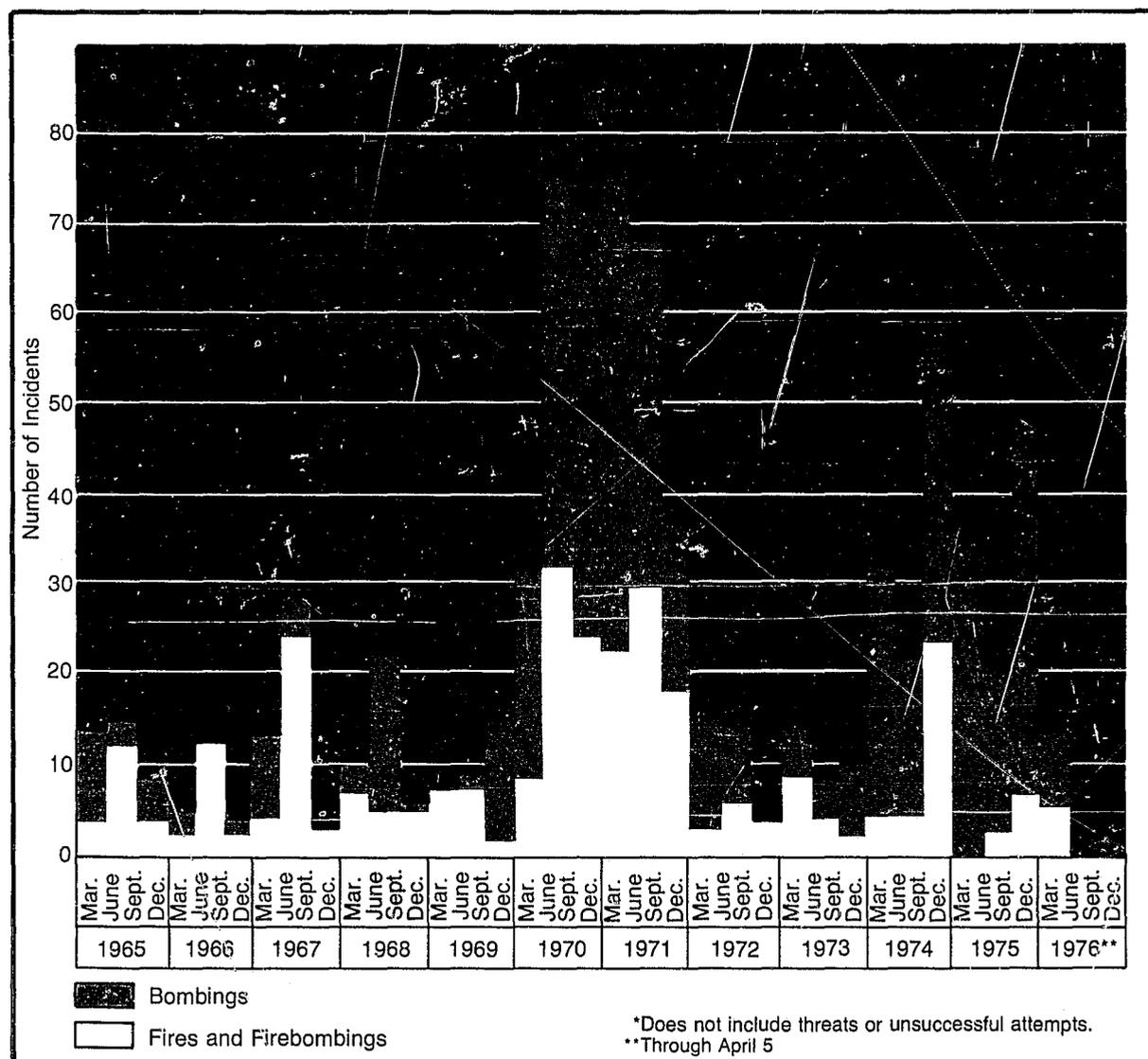
Given these qualifications, the decline in bombings in the years 1972 and 1973 is dramatic, and accurately reflects the cooling-off period brought on by the United States military withdrawal from Vietnam. This also appears to have been a period of retrenchment and reevaluation for those political activists left without an issue and a popular base, a time for them to read Carlos Marighella's *Minimanual of the Urban Guerrilla* and emerge in 1974 and 1975 as urban guerrillas.

The bombings mentioned in the 1960's in association with urban riots and campus disorders were typically done with Molotov cocktails. It is difficult to discern from the remains of a gutted store or ROTC building whether a fire has resulted from arson or firebombing, and the distinction is unimportant. This random destruction is qualitatively different from the highly sophisticated bombs set off by the Jewish Defense League, or the powerful explosives engineered by Sam Melville; thus, the distinction in Figure 1.

Perhaps the prototypical American revolutionary group is the Weather Underground, which abandoned mass organizing in 1970 to devote itself to bombing government and corporate buildings and issuing communiques. The group is representative not only in its major activity, bombing, but also in the precautions taken to avoid loss of life. Bombs are set to explode late at night in vacant buildings and are preceded by a warning call.

Of the terrorists who bomb, the exception to the rule that precautions are taken to avoid the loss of life is the Fuerzas Armadas de Liberación Nacional Puertorriquena (FALN), the group responsible for killing four people and injuring fifty-three people in the bombing of the Fraunces Tavern in New York City. This disregard for human life may be linked to the specificity of the group's goals. The FALN is not interested in a long term revolution within the United States, but rather in freeing their comrades from prison and securing Puerto Rican independence. Because the FALN is not movement-oriented, it need not be concerned that its random violence will alienate potential supporters.

Figure 1. Bombings in the United States: 1965 to 1976 *



Political Assassination

Two other terrorist groups also have deviated from this norm, both in terms of their major activities and in terms of the degree of violence to which they are committed.

The Black Liberation Army (BLA), frustrated by the inaction of the Black Panther Party, was interested solely in attacking policemen whom its members considered to be the front line opposition in their revolutionary war. Though much of their rhetoric referred to white racism, black policemen were not excluded as targets (two black policemen were killed by the BLA). Table 1 of law enforcement officers killed or injured in ambushes in 1971

and 1972 largely reflects the history of the Black Liberation Army. Black Panthers were suspected of earlier police assassinations, but the individuals involved may have been future BLA members. Though BLA members were connected with bank robberies, the fact that they did not publicize their participation suggests that this was more of a fund raising effort than a revolutionary action. So frequent were the members' attempts to escape from prison that their tireless efforts qualify as a group activity.

The Symbionese Liberation Army (SLA) is an aberration in a number of ways, possibly because of the mixed backgrounds of its members. Though made up largely of the now-standard white, middle-

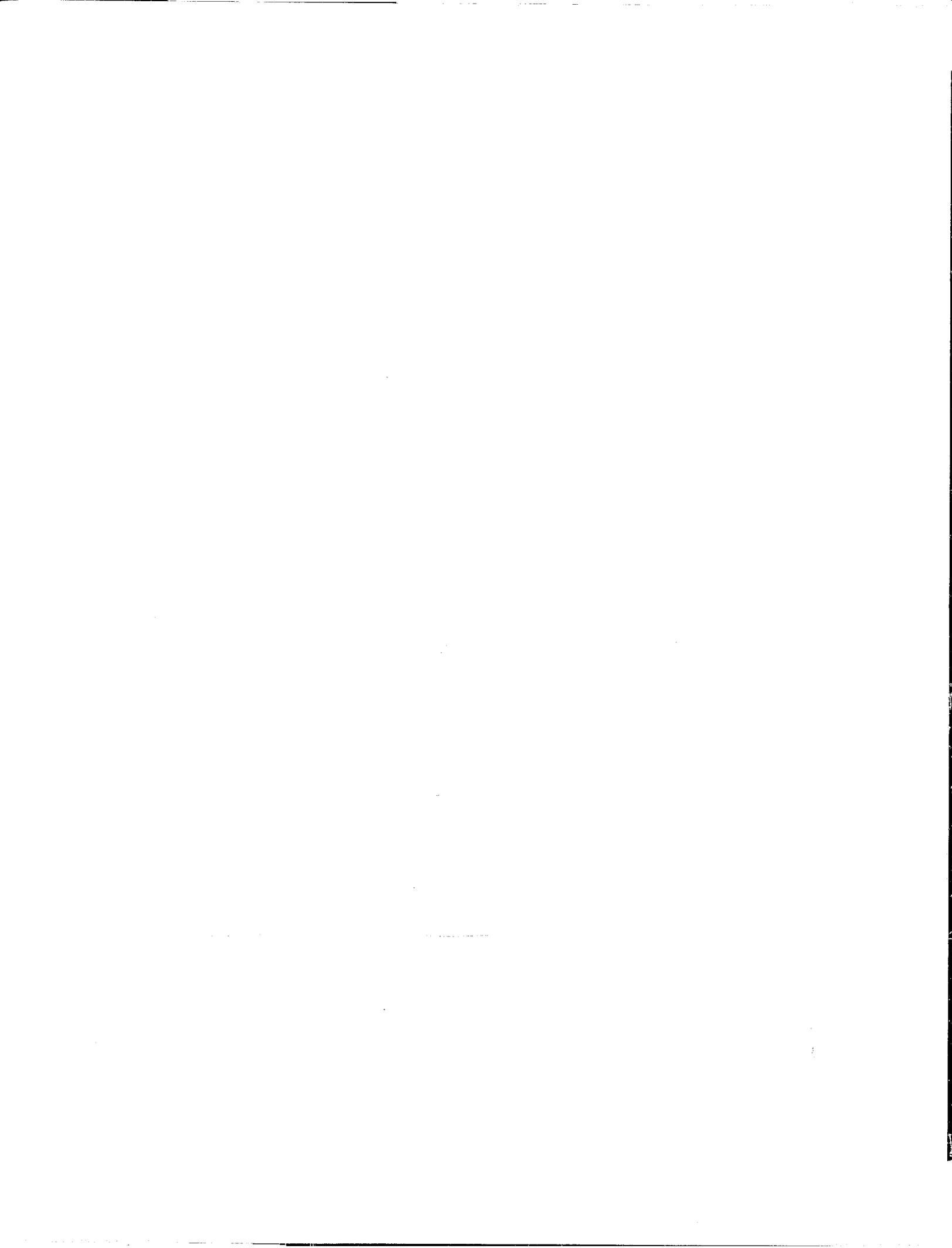
Table 1. Law Enforcement Officers Wounded/Killed in Ambushes*

Month	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976**
January	—	—	—	—	—	—	—	4 (2/2)***	—	—	—	—
February	—	—	—	—	—	—	—	—	—	—	—	—
March	—	—	—	—	—	—	—	—	—	—	—	—
April	—	—	—	—	—	1 (0/1)	—	—	—	—	—	—
May	—	—	—	—	—	3 (0/3)	4 (0/4)	—	—	—	—	—
June	—	—	—	—	—	4 (3/1)	—	—	—	—	—	—
July	—	—	—	—	—	4 (1/3)	—	—	—	—	—	—
August	—	—	—	2 (0/2)	—	13 (9/4)	2 (0/2)	1 (0/1)	—	—	—	—
September	—	—	—	—	—	—	1 (0/1)	—	1 (0/1)	—	—	—
October	—	—	—	—	—	—	—	1 (0/1)	—	—	—	—
November	—	—	—	—	—	—	1 (0/1)	2 (2/0)	—	—	—	—
December	—	—	—	—	—	—	—	2 (1/1)	—	1 (1/0)	—	—
Subtotal												
Wounded:	—	—	—	—	—	13	—	5	—	1	—	—
Killed:	—	—	—	2	—	12	8	5	1	—	—	—
TOTAL	—	—	—	2	—	25	8	10	1	1	—	—**

*Does not include law enforcement officers killed or wounded in spontaneous confrontations.

**Through April 5, 1976.

***Figures in parentheses indicate number of law enforcement officers wounded/killed, respectively.



class, educated political activists, the SLA is said to have been born out of a prison group called the Black Cultural Association. Their first action, the killing of black superintendent Marcus Foster, was shocking not only for its violence but also for the inappropriateness of the target. Perhaps because they lacked the expertise to bomb, the SLA preferred the dramatic media events shunned by other terrorists. Because they kidnaped a newspaper heiress and screamed the name of their organization while robbing banks, the publicity they received was completely out of proportion with the difficulty or frequency of their acts.

A number of incidents of assassination recorded here deal not with efforts to eliminate those of an opposite political view, but with a form of sibling rivalry within a political group. The Black Muslims are included in this chronology only because of the series of murders that resulted from factional fighting within the religion. The competition between the Black Panthers and the U.S. Cultural Organization to represent the black community led to greater violence among themselves than any perpetrated on the white community by those groups. This is equally true for the American Indians on the Pine Ridge Reservation in South Dakota, where deaths resulted from competition between the members of the American Indian Movement and supporters of the more traditional tribal leader, "Dicky" Wilson.

Spontaneous Violence

Violent confrontations with law enforcement authorities might be described as localized disorders, were it not that such events tend to reoccur with the same few individuals. Though clearly not terrorist in the lack of premeditation, the decision on the part of a group to carry weapons, combined with a reputation for animosity toward law enforcement officers, makes violence likely when there is confrontation. The Black Panther Party (BPP) exemplifies this phenomenon. Though their literature promised revolutionary war and armed Panthers patrolled the streets of Oakland, few covert criminal actions have been directly attributed to them. Instead, Panthers participated in shoot-outs with the police all over the country, so often in fact that their defense attorney Charles Garry was able to initiate the rumor that police had instituted a campaign to eliminate Panthers. Though in a few cases the police had acted with appalling lack of restraint (notably in the Chicago raid in which Fred Hampton was killed), careful examination revealed that in all but two cases the law enforcement authorities had responded reasonably. Yet without actively pursuing terrorist objectives, the Black Panthers had nevertheless con-

tributed to the kind of fear and racial tension aspired to by true terrorists.

Disorders

A disorder is here defined as a disturbance of the civil peace (see Figure 2). The events such a definition comprises vary considerably in their violence and their spontaneity. The relatively orderly civil rights demonstrations contrast with the destructive urban riots of 1966 and 1967. The urban race riots were often sparked unpredictably by minor incidents, whereas the campus disorders normally evolved from planned seizures of university buildings.

Racial Conflict

The majority of the incidents of racial conflict reported in 1965 came out of confrontations in the South, as blacks crossed color lines or demonstrated without permits for voter registration, and the Ku Klux Klan retaliated with bombings and assassinations. Demonstrations in which only a few or none were arrested are included to give the reader a sense of the political climate. By 1966, overt conflict had spread to the industrial cities of the North. As inner-city ghettos burned, the human casualties were most often firemen and housing project dwellers, who strayed too near a window and got caught in the crossfire between snipers and inexperienced National Guardsmen. By the summer of 1967, the contagion effect had reached its peak, spreading to such cities as Englewood, N.J., and Cambridge, Md.

Though the riots following the April 4, 1968 murder of the Reverend Martin Luther King, Jr., were widespread, reports suggest increased use by police of tear gas, rather than lethal weapons, and community patrols. A number of factors have been suggested to explain the relative peace in the summer of 1968: blacks were beginning to appreciate that the looting and burning hurt only themselves and brought little government response; elected officials, police, and community leaders grew more adept at ameliorating potentially violent situations and at riot-control techniques; rumor control centers were established; soul patrols, made up of teenagers who had been throwing rocks in 1966, walked the streets urging people to return to their homes.

By 1970, the scene of racial confrontation had shifted out of the inner city into the predominantly white neighborhoods, as black families began to integrate them, one by one. Those black families living in homes bordering the all-white neighborhoods continue to the present to have bricks thrown through their windows, bombs set off in their drive-

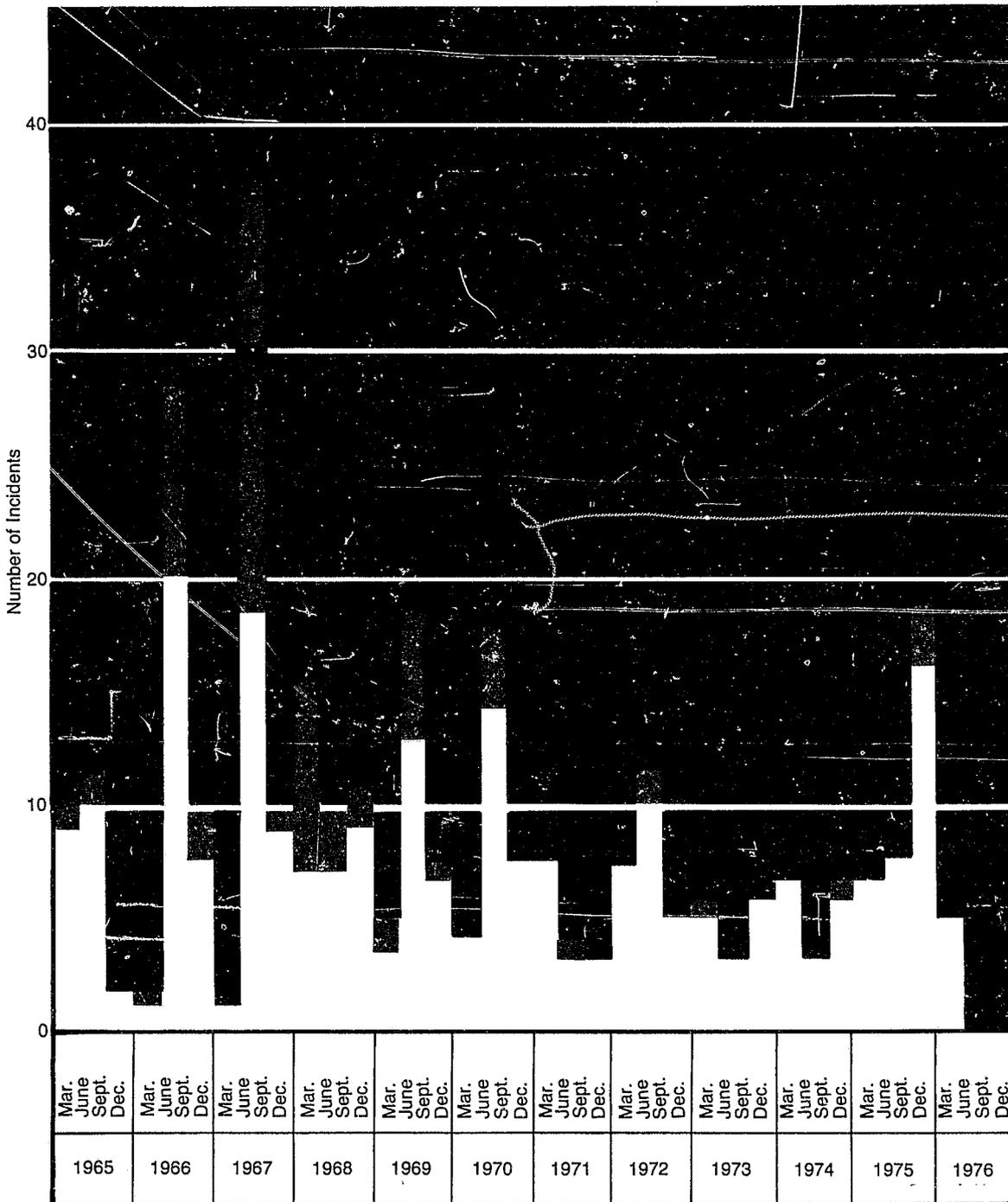
Figure 2. Disorders in the United States: 1965 to 1976

Includes occupations and off campus anti-war demonstrations.

Does not include campus disorders.

A disorder lasting more than one day is counted as only one disorder.

- Major disorder (more than 150 participants, lasting more than 3 hours: bombing, arson, looting, curfew, outside police).
- Minor disorder (8 participants or more, less than 3 hours: bombing, arson, looting, curfew).



ways, etc. Much of the racial conflict of the 1970's centers on the issue of busing to achieve racial integration. In the years 1974 and 1975, for which the greatest detail was available, there is a noticeable increase in racial disorders in the month of September, when the schools opened. Those disorders that occur in another time of year are usually connected with a judicial decision to enforce busing.

The qualifications made earlier concerning the inadequacy of the data need particular emphasis in the area of disorders. Excluding the years 1975 and 1976, when a newspaper clipping service that included local news media was available, this chronology relies solely on the national media. Only that disorder that is particularly destructive, lengthy, or current is worthy of mention in a national newspaper. Thus, the riots that took place in a small town in an off year have escaped notice. Even in an on year, the data are inadequate. The numerous riot commissions were more concerned with in-depth studies of the major riots and their historical preconditions than in a comprehensive collection of data on the full range of disorders. In summary then, the data concerning racial confrontations are accurate and representative, and major patterns are discernible, but comprehensive coverage of smaller scale events was, practically speaking, impossible in terms of the time and effort required to search through local newspapers.

Prison Riots

It has been suggested that the prisons are the political battlegrounds of the 1970's and that the new revolutionaries are the young inmates who have begun to define themselves as political prisoners. The increased use of broad political language in the demands made by rioting inmates tentatively suggests this hypothesis, although it is contradicted somewhat by the specificity of the demands themselves (they are usually concerned with the improvement of prison conditions). Unfortunately the data are simply inadequate to prove or disprove any conclusions concerning prison riots.

Prison administrators do not generally volunteer information on violence within the correctional institutions for which they are responsible. Though the data suggest a general increase in prison riots since the year 1970, this apparent trend may be due to greater inquisitiveness on the part of reporters (see table 2). Information on riot participants and their political backgrounds is insufficient to conclude that it is the political activists who initiate prison riots. Even if such data were available, it is always difficult to distinguish between deeply motivated behavior and that which is merely imitative, or rationalized after the fact. In the most carefully

studied prison riot of the century, at the Attica Correctional Facility in New York, controversy still exists concerning whether the riot was spontaneous or planned. Where possible, those riots that are clearly related to escape attempts have been distinguished. Although they may not qualify as disorders, escape attempts have been included in this chronology because of their quasi-terrorist nature; the escapees have borrowed the techniques of negotiating for the release of hostages from the more spontaneous riots. The clusters of incidents, often within days of each other, suggest that the contagion factor is very important in analyzing prison disorders.

The phrase "no more Atticas" reoccurred so often after the 1971 riot that took 43 lives, that it deserves mention here. Correctional officials have on the whole been far more cautious about using lethal weapons to regain control of the prison. Administrators have been willing to talk longer, and where negotiations have failed, tear gas has been used.

Occupations

An occupation can best be defined as a demonstration indoors. A particular group seizes control of a location or building for symbolic purposes. Though barricades may be set up and weapons displayed, this is unusual—the general peace is sufficiently disturbed by the novel presence of a vocal group of people. Though many groups have used the occupation as an instrument of political expression, two groups in particular have participated repeatedly in occupations which have resulted in violence—students and American Indians; they are discussed here as representative.

Campus Disorders

The events listed here as campus disorders typically begin with relatively orderly seizures of administration buildings or marches through the campus calling for a strike. The melee would take place when the students were confronted by local or campus police attempting to clear the area. Overt student violence was generally limited to rock throwing and window breaking. The more militant groups bombed Army-related buildings. The fatalities associated with campus disorders resulted from late-night bombings (at the University of California, Santa Barbara, and the University of Wisconsin, Madison) and the overreaction of inexperienced police and National Guardsmen (at Kent State University, Ohio and Jackson State College, Miss.).

The campus disorders from roughly 1967 to 1972 may be causally connected to two phenomena, the increased sense of black nationalism and the rising sentiment against the United States' involvement in the war in Vietnam. The demand for increased

Table 2. Prison Riots

Month	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976*
January	—	—	2	1	—	—	1	1 (1)**	2	2	1	3 (1)
February	—	1 (1)	—	—	—	1	3	2	1	1	—	1
March	—	—	—	1	—	—	—	1	3	1 (1)	1	—
April	—	1	1	2	—	—	3	1	2	4	3	—
May	—	—	—	—	—	1	1	3	4	2	—	—
June	—	—	—	—	4	1	—	1	2	—	1	—
July	—	2	—	—	—	2	1	4 (1)	3	6	—	—
August	—	2	—	1	—	2	2 (1)	3	—	2	1	—
September	—	1	—	—	3	1	2	2	2	—	7 (1)	—
October	—	—	—	2	4	6 (1)	2	5 (1)	—	1	4 (1)	—
November	1	1	—	—	—	4	4	1 (1)	1	—	1	—
December	1	—	—	—	1	1	2	2	—	3 (1)	1	—
TOTAL	2	8 (1)	2	7	11	19 (1)	21 (1)	26 (4)	20	22 (2)	20 (2)	4 (1)

*Through April 5.

**Parentheses indicated number escape related.

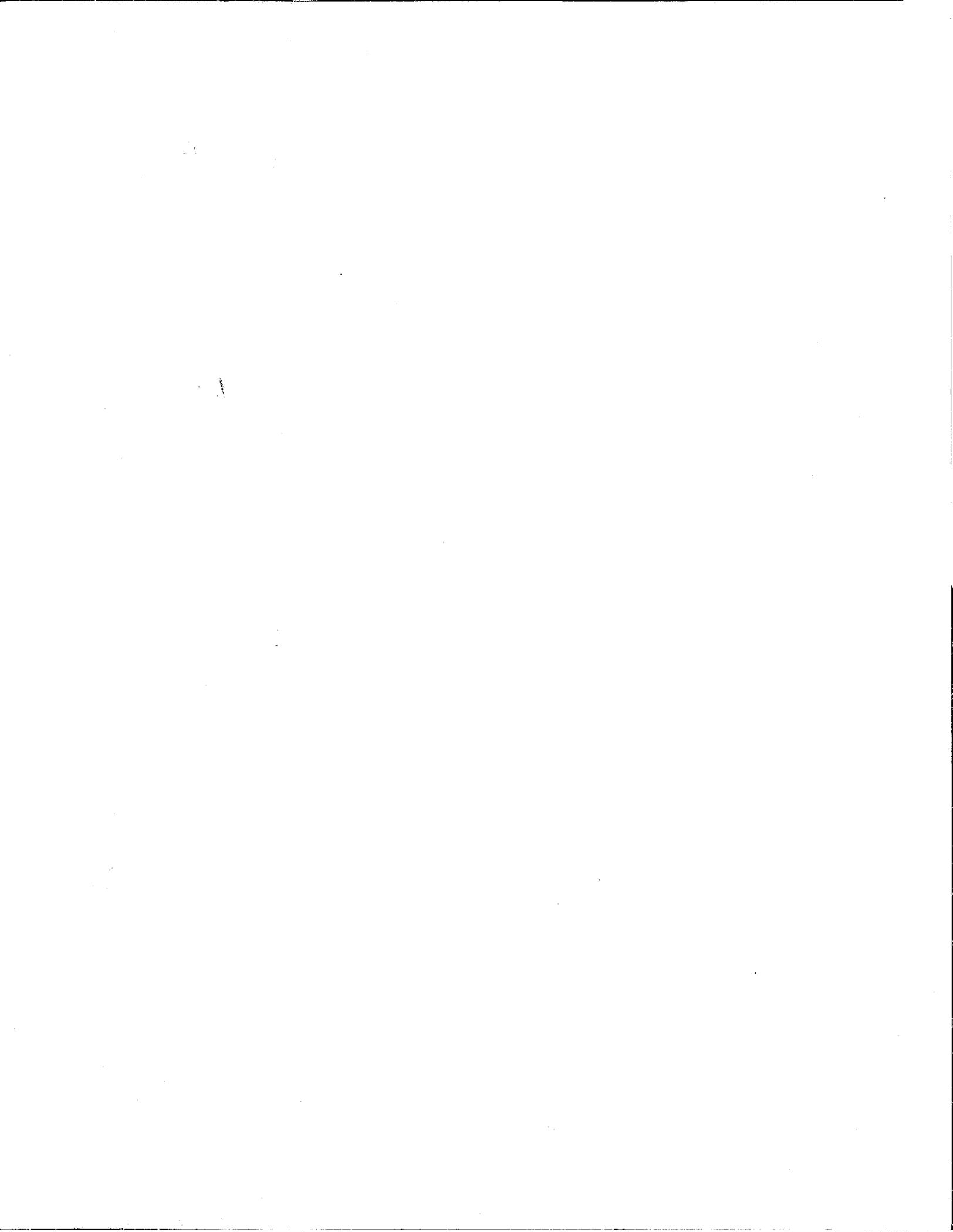
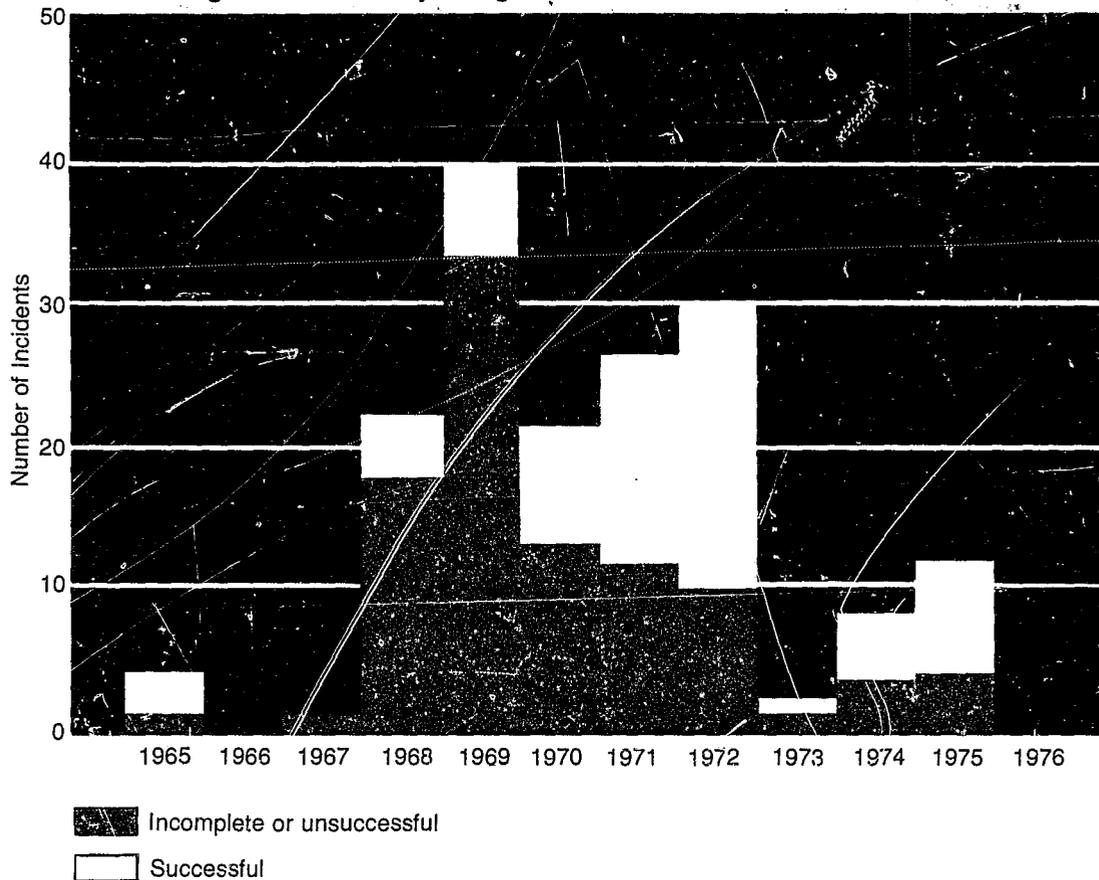


Figure 3. Airline Hijackings Within the United States: 1965 to 1976



carry-on baggage be screened through metal detectors, and (2) Cuba and the United States signed a treaty in the summer of 1973 whereby Cuba would only accept those hijackers requesting political asylum, returning all others. When considering the increases in 1974 and 1975, it should be noted that only 7 out of the 20 hijacking attempts were successful, and that those 7 were in the general aviation category (helicopters, small private planes), not subject to the major airlines' screening process.

WHO'S WHO

The following Who's Who is an attempt to describe in general terms the political groups whose names appear at least once in this chronology. The criterion for inclusion is that a group or individual was involved in a specific incident of terroristic or quasi-terroristic violence. An effort was made to distinguish between groups that were leftwing or rightwing in political orientation.

Groups of Leftwing Political Orientation

1. **Black Muslims**—Primarily a religious and commercial organization, its believers differed from the orthodox Muslims in that only blacks were allowed to become members. Leader Elijah Muhammad's teachings, that all white men were devils and that blacks would rise up against them and establish a separate state, were carried to their extreme with the random killing of 14 whites in San Francisco by the Muslim Zebra murderers. With the exception of the Zebra killings, the violence associated with the Black Muslims has involved shoot-outs with police and assassinations within the sect. With the death of Elijah Muhammad, more internal violence was feared, but Wallace D. Muhammad's succession as Supreme Minister was peaceful. Secular affairs (at least \$46 million in assets) are run by a six-man committee, with Wallace's brother Hubert, and Muhammad Ali as members. In June of 1975, Wallace B. Muhammad announced that white people would be allowed to join the Black Muslims.

Muhammad Speaks, the Black Muslim newspaper, has stopped demanding a separate black state. Thus the sect's potential for violence seems on the decline.

2. Student Nonviolent Coordinating Committee (SNCC)—Founded in the early 1960's, this small, multiracial group was primarily involved in voter registration in the South. In 1966, it was a staunch verbal advocate of black power—but by 1970 it had declined, with its leader H. Rap Brown still in prison, and its other major spokesman, Stokely Carmichael, traveling around the world promoting Pan-Africanism.

3. Revolutionary Action Movement (RAM)—Organized in 1963, this group advocated militant self-defense for blacks. In June 1967, police in New York City and Philadelphia rounded up 16 members and seized rifles, carbines, and shotguns. Two were charged with plotting to assassinate black moderates. Four more were later arrested in Philadelphia on charges of conspiring to foment a riot by poisoning the water supply. By 1968, the group had declined.

4. Republic of New Africa (RNA)—Founded in April 1968 with a few of its members formerly in RAM, this group had similar separatist goals. In August 1970, after a police raid on the residence of their leader, Imari, 11 members were charged with murder, assault, and waging war against the State of Mississippi.

5. Black Panther Party (BPP)—Founded in October 1966 by Huey Newton and Bobby Seale in Oakland, Calif., its membership swelled to several thousand with chapters in major U.S. cities. Their papers urged blacks to arm themselves for self-defense and liberation. On April 2, 1969, in a New York bomb plot case, 21 Black Panthers were indicted on charges of plotting to set off bombs in five midtown department stores. All were acquitted. On July 4, 1969, Stokely Carmichael, prime minister of the Black Panther Party, called a meeting to form a National Committee to Combat Fascism. The House Internal Security Committee stated on August 23, 1971, that the Black Panthers posed a danger to policemen but were "totally incapable of overthrowing the government." On January 30, 1972, Huey Newton said the party had abandoned the pick-up-the-gun approach. The violence associated with the Black Panthers has come out of confrontations with police, factional clashes within the party, and feuds with the rival black power group, the U.S. Cultural Organization (US). (The enmity between the BPP and US was allegedly encouraged by the FBI.) No longer instituting armed patrols in Oakland, the few hundred still active operate a shoe distribution program, an exterminating service, and health clinics.

6. U.S. Cultural Organization (US)—Based in Southern California, this black power group, led by

Ron Karenga, competed with the Black Panthers to represent the radical black community. Its members have been traced to at least two shoot-outs with the Black Panthers, in which three Panthers were killed.

7. Black Liberation Army (BLA)—Founded in 1971 as an offshoot of the Eldridge Cleaver faction of the Black Panthers, these more militant members have allegedly been responsible for several police killings in New York and San Francisco, and armed robberies to fund the organization. In New York, numerous attempts have been made by BLA members to escape from prison. With the November 15, 1973, killing in New York City of Twymon Meyers, police believe that most BLA members have been either imprisoned or killed in shoot-outs with the police.

8. Fuerzas Armadas de Liberación Nacional Puertorriquena (FALN)—Although the main ideology of this group is the belief that Puerto Rico should be independent from the United States, many of its communiqués concern themselves with exploitation by bankers and stockbrokers (yanqui imperialists) of the working classes. The FALN introduced themselves in October 16, 1974, with the bombing of five banks in New York City. The bombings seem to occur in groups, with New York City as the central location. The FALN does not seem overly concerned with the preservation of life: they are responsible for booby-trapping an explosion for a police officer and the bombing of a crowded restaurant in New York City. The FALN is suspected of causing 27 bombings in New Jersey, New York City, Chicago, Philadelphia, and Washington, D.C., resulting in 4 deaths and 57 injuries.

9. Jewish Defense League (JDL)—Founded in 1968 to protest Soviet treatment of the Jews, its leaders were a lawyer named Bert Zweibon and an orthodox rabbi named Meir Kahane. Members were trained in karate and the use of weapons to defend themselves against anti-semitism, their motto being "Never Again." During JDL's first 3 years they harassed Russians, Arabs, and Black Panthers with demonstrations and relatively harmless activities, such as letting loose mice and toads. Targets of their sabotage and bombings have been the offices of Soviet airlines (Aeroflot) and the trade agency (Amtorg). Their first reported bombing took place at Aeroflot and Intourist offices on November 25, 1970. One person died as a result of the bombing of agent Sol Hurok's office, an event that is widely attributed to JDL, though this was never proven. Early in 1976, a group calling itself the Jewish Armed Resistance began claiming bombings in New York City directed at targets similar to those of the JDL. Though the JDL acts as a conduit for the Jewish Armed Resistance's communiqués, it disclaims any connection.

10. **American Indian Movement (AIM)**—This group of young, militant Indians has sought better treatment of American Indians through dramatic occupations. AIM first gained national prominence with its Trail of Broken Treaties to Washington, D.C., and the nonviolent occupation of the Bureau of Indian Affairs (BIA) building. AIM leaders Russell Means and Dennis Banks negotiated with a Presidential commission set up in response to the occupation of Wounded Knee in 1973. The violence attributed to AIM is associated with shoot-outs with Federal marshals or FBI agents or in-fighting with the more traditional tribal leaders at the Pine Ridge Reservation in South Dakota.

11. **Students for a Democratic Society (SDS)**—Founded in 1959, this loosely knit student organization did not emerge as a political force until Tom Hayden's and Al Haber's Port Huron Statement at the 1962 convention. The statement called for an alliance of blacks, students, peace groups, and liberal organizations to influence the Democratic Party. The first anti-Vietnam War march was organized by SDS in the spring of 1965, which resulted in a sudden growth of membership. In April and May 1968, black and white SDS members occupied Columbia University. At the 1969 SDS convention in Chicago, a serious dispute arose when the Maoist Progressive Party attacked the Black Panthers as being more nationalist than revolutionary. The factions that developed around this issue led to SDS's disintegration. One of the more militant factions was the Revolutionary Youth Movement I, most members of which became Weathermen. The "Weatherman Paper," sponsored by Bernadine Dohrn, Jeff Jones, Bill Ayers, Mark Rudd, et al., was delivered at this convention and called for guerrilla tactics to bring about the destruction of U.S. imperialism.

12. **Weather Underground Organization (WU)** (Changed from the original **Weathermen** because of its sexist connotations)—In 1969, the Weather Underground concentrated on recruiting high school students for their mass action in Chicago, by picketing high schools and rushing into classes screaming "jailbreak." Disappointed with the poor showing by radicals at their October 8–11, 1969, Chicago Days of Rage, and angered by the killing of two Black Panthers in a police raid, the decision was made to turn the Weather Underground into an elite, paramilitary organization to carry out urban guerrilla warfare; thus it became the grandperson of American revolutionary organizations. On May 25, 1970, the New York Times received the first communique from the Weather Underground, stating that the group would go underground and that "within the next 14 days we will attack a symbol or institution of American justice." With hardly a day to spare,

the New York police building was bombed on June 9.

The only fatalities associated with the Weather Underground (buildings are typically bombed late at night and the bombing is preceded by a warning call) occurred on March 6, 1970, when three Weatherpeople were killed in a New York City townhouse after a series of explosions. Police investigation revealed the townhouse was being used as a bomb factory with the bombs manufactured being of the kind used to kill or maim people rather than destroy property. Some of the more spectacular incidents credited to the group include the bombing of the Capitol on March 1, 1971, the bombing of the Pentagon on May 19, 1974, and the freeing of Timothy Leary from a San Luis Obispo prison on September 13, 1970. The Weather Underground's bombing activities lessened considerably in 1972 (there was only the Pentagon bombing) and 1973 (there were only two bombings), but picked up again with four evenly spaced bombings in 1974. In July 1974, copies of their statement of revolutionary ideology and interpretation of American history, "Prairie Fire," were distributed in the San Francisco Bay Area and in Boston. The authors claim credit for 19 bombings in the United States since 1969. In terms of predicting future strategies of Weather Underground activity, the document asserts that "legal and clandestine struggle are both necessary; . . . peaceful methods and violent methods . . ." will be used.

13. **Sam Melville**—Arrested in the act of bombing U.S. Army trucks, he admitted to a number of 1969 bombings in the New York City area; the United Fruit Co. pier, the Marine Midland Bank, and the simultaneous bombings of the General Motors building, the R.C.A. building, and a Chase Manhattan Bank. A former plumbing hardware designer, this 33-year-old revolutionary typically positioned his bombs so as to wreak the maximum amount of destruction. He was killed in the 1971 uprising at the Attica Correctional Facility.

14. **Symbionese Liberation Army (SLA)**—Formed out of associations between prison-reform-minded white radicals and members of a prison group called the Black Cultural Association at the California Medical Facility at Vacaville, the SLA emerged with the November 7, 1973, incomprehensible killing of Oakland school superintendent Marcus Foster. Their next act was to kidnap newspaper heiress Patricia Hearst on February 4, 1974. As the terms for her release, they demanded that \$2 million in food be given to the poor of the Bay Area. When that food giveaway broke down into chaos, another distribution date was arranged; though it went much more smoothly, Patricia Hearst was not released. Through the taped communiqués sent to radio stations,

Patricia Hearst appeared to be progressively more alienated from her parents until she eventually declared her new revolutionary identity as Tanya and took part in the April 15th robbery of the Hibernia Bank. On May 18, 1974, six SLA members died in a gun battle and ensuing fire in a suburb of Los Angeles, with Emily and Bill Harris and Patricia Hearst viewing the entire incident in a nearby motel. Aside from a suspected role in a Sacramento bank robbery, the SLA concentrated on anonymity until Patricia Hearst and the Harrises were recaptured in San Francisco on September 18, 1975.

It is suspected that the remnants of the SLA have joined with the New World Liberation Front (NWLf). On February 12, 1976, San Simeon, the Hearst mansion, was bombed. The NWLF claimed credit for the bombing, and James Kilgore (former fellow house painter of Stephen Soliah, in whose apartment Patty Hearst was arrested, and also suspected in an SLA bank robbery in Sacramento) was identified as being on the tour that day at San Simeon.

15. New World Liberation Front (NWLf)—Based in the San Francisco Bay Area, this leftist group has adopted techniques similar to those of the Weather Underground—bombing accompanied by warnings and communiques. The NWLF has developed the communique into an art form, to the point of having designated above-ground spokesmen. NWLF espouses a variety of leftist causes and directs its attacks primarily against major corporations or government buildings. In 1970, the NWLF published the late Brazilian revolutionary Carlos Marighella's *Minimanual of the Urban Guerrilla*. Their first recorded entry into violent action was the August 5, 1974, unsuccessful bombing of an insurance agency in Burlingame. In 1974, the NWLF claimed eight bombings; the majority of the targets were linked to International Telephone and Telegraph, which the NWLF claimed "drained the life of poor people" and "must . . . admit complicity in Chile's murderous coup." In 1975, 22 bombings were attributed to the group, many of them directed against utility towers belonging to Pacific Gas and Electric (PG&E). Their demands have ranged from better health care at the San Bruno jail to free utilities for retired people. The most active revolutionary group in the United States today, it is believed by some that the NWLF acts as an umbrella for other terrorist groups in California, such as the Chicano Liberation Front, the Red Guerrilla Family, and the remnants of the SLA.

16. Red Guerrilla Family (RGF)—This Bay-Area-based group emerged on March 27, 1975, with the bombing of the FBI office in Berkeley. Though less active than the NWLF, the bombings claimed by the Red Guerrilla Family have been more powerful. The similarities between the two groups (on two

occasions they have bombed on the same day; their targets are similar) has led to speculation that either the Red Guerrilla Family is another name adopted by NWLF members to make revolutionary groups appear to be more numerous, or the two groups are working in cooperation with each other.

17. Chicano Liberation Front (CLF)—Another group with possible ties to the NWLF, this group was formed in the barrios section of Los Angeles in response to the deaths of Chicanos in an antiwar rally. Its targets have included banks, government offices, and supermarkets. Although it was very active in the early 1970's, the group declined after receiving a great deal of criticism for the killing of a Chicano employee in one of its bombings. It too is suspected of having joined with the NWLF.

18. Emiliano Zapata Unit (EZP)—Yet another San Francisco-based group, it appeared in October 14, 1975 with the unsuccessful bombing of a PG&E Tower in Belmont, Calif. In October, a number of Safeway stores were bombed in the Bay Area. The Emiliano Zapata Unit claimed one of those bombings (in Oakland) on October 31. Three more bombings were claimed by the EZP until on February 17, 1976, while making an arrest for an attack on a home in Marin County, the police traced the suspects to a group called the New Dawn Collective. The New Dawn Collective had described itself as an over-ground voice for revolutionary groups. From that arrest, agents and local police were able to raid a house in Richmond, Calif., on February 21, seizing 130 pounds of explosives and arresting six persons. Documents in the house linked the suspects with the Emiliano Zapata Unit.

Groups of Rightwing Orientation

1. Ku Klux Klan (KKK)—After a lull during World War II, the KKK returned to intimidating blacks, Jews, and Catholics through burning crosses, bombings, beatings, murders, and lynchings. The incidents occurred in waves, in 1945, 1948, and in 1950. The KKK responded to the civil rights movement with a new wave of such incidents in the early 1960's. FBI infiltration has undermined the secret organization, but it is still active in areas where racial integration is a major issue. A recent event for which KKK members were convicted was the bombing of school buses in Pontiac, Mich., on August 30, 1971.

2. Minutemen—A paramilitary, rightwing organization, their primary activity was harassing leftwing organizations, building up weapons arsenals, and threatening liberals with their insignia, the cross hairs of a rifle scope. Police arrested 19 members as they reportedly prepared to sabotage three leftwing camps in New York State on October 30, 1966. On October

18, 1971, charges against the 19 were dropped due to a court decision that held that the original search warrants were defective. Some members were alleged to have participated in at least one bank robbery to fund the organization. Strongest in the 1960's, the group declined by the end of the decade following the conviction of their leader, Robert DuPugh, for a Federal firearms violation.

3. **Legion of Justice**—Between 1969 and 1971, this Chicago-based group reportedly beat and gassed anti-Vietnam War demonstrators, and sabotaged theaters housing communist performers. Considerable controversy exists as to whether or not they were assisted in their efforts by law enforcement authorities.

4. **Breakthrough**—Opposed to communism, socialism, and most leftwing causes, this Detroit-based group is represented by its ubiquitous chairman, Donald Fobsinger, who has been arrested on numerous occasions for disturbing the peace at leftwing rallies. A mayoral candidate, Mr. Fobsinger was convicted for assaulting a priest at an antiwar rally in 1973.

5. **Secret Army Organization (SAO)**—Based in San Diego and Arizona, this small group concerned itself primarily with harassing student radicals, to the point of shooting at them in one incident. One of its members, recruited by an FBI informer, was responsible for the bombing of an erotic theater. The SAO is noteworthy in that it represents the difficulties faced by the FBI in maintaining the credibility of its informers without allowing them to become agents provocateurs. Lawsuits have been brought against the FBI and governmental officials concerning the FBI's role in funding and directing the organization.

6. **Cuban Action Commandos**—This Los Angeles-based group is believed to have been responsible for numerous bombings of consulates of countries deemed friendly to Castro's Cuba. Active in the late 1960's, many of its members were imprisoned. Particularly active in 1975, this group also directs its attacks against leftwing bookstores.

7. **Other Anti-Castro Groups**—Most of these groups are social and fraternal organizations for Cuban exiles, who hope to return to a Cuba without Castro. Over 1,000 such groups have been formed in Miami alone, but approximately 20 are now still active. Few of the groups are actually violent, but their proliferation and ties with the Cuban community make those that are violent difficult to apprehend. Bombing targets are usually government agencies or firms doing business with Cuba. With hatred of Castro as the only unifying ideology, these groups are transient and have overlapping memberships. These groups often use fictitious names for the purpose of fundraising, and use another name for terrorist activities.

8. **National Socialist Liberation Front (NSLF)**—Led by the late Joseph Tommasi, this group broke off from the insufficiently violent fascist National Socialist White People's Party to pursue more violent tactics. Tommasi was shot and killed by a regular Nazi in the summer of 1975. The NSLF is suspected of having been responsible for four bombings against leftwing groups in the Los Angeles area in 1975. With the death of Tommasi, its activities have declined.

9. **Peace and Freedom Fighters**—This Hungarian-exile group is based in Los Angeles. Police officials suspect the group has aligned itself with the Cuban Action Commandos and the National Socialist Liberation Front in actions against leftist organizations.

10. **Posse Comitatus**—Founded in Portland, Oreg., in 1968 in the home of Mike Beach, this vigilante group believes that the American Constitution has been subverted and that its members are justified in taking the law into their own hands. In their applications for charters, they state that they want "to aid the local sheriff in the exercise of his duties." Their literature asserts that Federal income tax and all licenses (particularly those involving weapons) are unconstitutional, and that the county government is their highest authority. Though their potential for violence appears to be considerable, only one incident of violence (the accidental discharging of a gun) has been attributed to the members of the organization. The Posse has been most active in the Northwest, in States like Montana, Idaho, and California.

CHRONOLOGY

1965

January 18. Selma, Ala.—Twelve blacks, including the Rev. Martin Luther King, Jr., are registered at the white Hotel Albert. Blacks are served at seven formerly white restaurants; Dr. King is punched and kicked, another man arrested.

January 19. Selma, Ala.—Sixty-two blacks are arrested on charges of unlawful assembly trying to register to vote.

January 20. Selma, Ala.—One hundred and fifty-six more blacks are arrested trying to use the front door rather than the side door.

January 22. Flora, Miss.—Allie W. Shelby attacked two policemen as he was led to jail; he was shot in head when he continued to resist; a coroner's jury later ruled it justifiable homicide.

January 26. Selma, Ala.—Thirty-four blacks, including chairman John Lewis of SNCC, are arrested for refusing to leave a voter-registration line of 100

at courthouse; a posse of men with cattle prods were in area to keep order.

February 1. Selma, Ala.—The Rev. Martin Luther King, Jr., and 263 others are arrested for parading without a permit (while marching to the courthouse). Five hundred black students are arrested (37 for contempt of court, the rest for truancy).

February 5. Selma, Ala.—Five hundred blacks are arrested while marching to courthouse.

February 16. New York City—Police arrest three black men and a Canadian white woman on charges of plotting to blow up the Statue of Liberty, the Liberty Bell, and the Washington Monument. Miss Dudos allegedly had driven a car carrying dynamite from Canada to the United States on February 15.

February 18. Marion, Ala.—Fifty State troopers led by Col. Albert Lingo, Alabama public safety director, charge into crowd of 400 blacks marching on jail; Jimmy Lee Jackson is fatally shot, 10 people are injured.

February 21. New York City—Malcolm X is fatally shot as he starts to address a rally.

March 5. Indianola, Miss.—A Freedom School and library are destroyed by fire.

March 7. Selma, Ala.—A vanguard of 525 black marchers are attacked by 200 State troopers and sheriff's deputies using tear gas, night sticks, and whips; 17 blacks are hospitalized; 67 are given emergency treatment.

March 9. Selma, Ala.—Fifteen hundred blacks start a token march, and turn back after a mile, after they come face-to-face with a human barricade of State troopers; Leroy Collins of CRS arranged the agreement to turn back; three white Unitarian ministers who participated are beaten; four men are arrested, and acquitted later.

March 18. Cleveland, Ohio—White and black students fight each other at Collinwood High School; two white boys are hospitalized.

March 21. Selma, Ala.—A march from Selma to Montgomery (declared legal by Judge Johnson) begins.

Vicksburg, Miss.—An integrated cafe is firebombed by the KKK.

Birmingham, Ala.—Four time bombs are found and dismantled in black neighborhoods; the KKK is suspected.

March 22. Birmingham, Ala.—Two bombing attempts are made by the KKK in two black neighborhoods.

March 25. Montgomery, Ala.—The march from Selma ends about noon; 25,000 are present; two

attempts of a delegation to see Governor Wallace are rebuffed; Mrs. Viola Gregg Liuzzo (white) is shot to death after returning some marchers to Selma; three KKK members are indicted on April 22; on May 4 an FBI agent testifies against them; the jury is deadlocked on May 7; a mistrial is declared; October 22, Hayneville, Alabama, found not guilty.

March 29. Meridian, Miss.—Two black churches are firebombed.

April 1. Birmingham, Ala.—The KKK is suspected of successfully bombing the home of a black accountant. Bombing attempts are made on homes of the mayor and a city councilwoman.

June 2. Bogalusa, La.—O'Neal Moore, a black deputy sheriff, is killed while on car patrol. Another deputy is wounded.

July 8. Bogalusa, La.—As a march to city hall breaks up, a white man, Alton D. Crowe, Jr., is attacked by two blacks, Henry Austin and Milton Johnson, and is shot and seriously wounded; Austin and Johnson are arrested.

July 15. Anniston, Ala.—Willis Brewster, a black, is shot by whites in passing car.

July 16. Bogalusa, La.—Civil rights pickets at a shopping center are attacked six times by whites without interference by nearby police; on the seventh attack, two attackers and one demonstrator are arrested; city police arrive after the attacks, seven pickets are arrested for trespassing.

July 20. Americus, Ga.—Four black women are arrested for refusing to move from a voting line marked "white women only."

July 21. Columbia, Miss.—The headquarters of the integrationist Council of Federated Organizations is damaged by fire, and riddled with bullets in a pre-dawn attack.

July 27. Ferriday, La.—Firebombs are thrown into two black homes.

July 28. Americus, Ga.—A white is killed three blocks from a demonstration at the jail when stones were thrown by whites at a passing car driven by blacks and shots were allegedly fired from the car.

August 2. Americus, Ga.—Twenty-three demonstrators (including the four women who were arrested previously on July 20) are arrested while two whites who were attacking demonstrators are not arrested.

August 3. Slidell, La.—Two black churches are burned.

August 11, 12, and 13. Los Angeles, Calif., Watts—A highway patrolman arrests a young black for speeding; a crowd gathers; a patrolman strikes someone with a billy club; a woman is dragged into the street, mistakenly accused of spitting on police; when

police leave, the crowd begins throwing rocks at cars, overturning cars, and setting fire to them. The next day is calm; at night the violence is repeated. Arson and looting occur that night; few police are used. The next morning, the absence of police inspires more looting; at noon there is a firebombing of white property. Several hours pass before the National Guard comes; when they do, they make heavy use of firearms; several persons are killed by mistake. It takes 36 hours to control the riot; 34 are killed, 4,000 are arrested.

August 11. Baton Rouge, La.—A motel and hotel housing civil rights workers is bombed.

Chicago, Ill., West Side—Several hundred blacks, mostly teenagers, riot after a freak accident in which a black woman is killed by a traffic standard hit by a fire truck ladder; 7 are injured; 18 blacks are arrested.

August 13. Chicago, Ill.—Blacks gather near firehouses; rioting follows; whites are beaten, policemen are attacked, stores and cars are hit with rocks, bottles, and Molotov cocktails; 1,000 are involved; 60 (including 18 policemen) are injured; 104 are arrested; violence ends early August 14. Sporadic violence occurs on August 14 and 15.

Springfield, Mass.—A series of demonstrations against police brutality leads to the burning of two white-owned stores.

August 16. Philadelphia, Pa.—Black mobs smash store windows and burn a car in a series of disturbances.

August 18. Los Angeles, Calif.—Fifty-nine are arrested, four are hospitalized as a result of clash between police and Black Muslims at Muhammad's Mosque (Muslim headquarters); police had received report of rifles being carried into the building; after answering a shot with a hail of fire, the police find two Molotov cocktails, two small fires, and evidence that some people had slipped out of building.

August 20. Hayneville, Ala.—Two whites who had demonstrated for equal job opportunities are shot by a special deputy sheriff.

August 22. Greensboro, Ala.—Perry Small, 87, is found beaten with his tongue cut out; he had voiced opposition to a local civil rights drive.

Jackson, Miss.—Rev. Donald A. Thompson, a white Unitarian minister, is seriously wounded by two shotgun blasts as he enters his apartment. Thompson leaves Mississippi November 19, after receiving continued threats on his life.

August 26. Plymouth, N.C.—Twenty-seven black and white civil rights workers are attacked and beaten after a KKK rally.

August 27. Natchez, Miss.—Civil rights leader

George Metcalfe is seriously injured when bomb explodes in his car; he had a broken arm. He was the president of the local NAACP.

August 31. Plymouth, N.C.—A crowd of whites closes in on a small group of blacks who are attempting to walk through a crowd after a march is canceled; one black fires a pistol and wounds a white, another white is stabbed in the melee; Governor Dan Moore sent 100 State highway patrolmen to Plymouth on the strength of reports that Klansmen were moving into area.

Harry Fergustrom, a white juvenile, successfully hijacks a DC-3 at Honolulu; he is committed to a juvenile correctional facility, and paroled November 3, 1967.

September 1. Plymouth, N.C.—Two white men are arrested for going into town dangerously armed.

September 2. Plymouth, N.C.—Eleven more white men are arrested at roadblock set up for weapons checking.

October 4. Crawfordville, Ga.—A teenage demonstrator (black) has his arm twisted and is thrown against a car by KKK Grand Dragon Calvin Craig; Craig is arrested on an assault charge and released on \$100 bail.

October 10. Lakewood, N.J.—Two adjacent homes being built for blacks in a predominantly white section are burned. A township council establishes a fund to help restore the property.

October 11. Molokai, Hawaii—An unsuccessful hijacking is attempted by two men; both tried in U.S. Navy court martial, are sentenced to 4 years, and receive dishonorable discharges.

October 12. Crawfordville, Ga.—Brigido Cabe, a Southern Christian Leadership Conference photographer, is attacked by Cecil Myers, a member of the Black Knights of the KKK. Fellow Klansman John Howard Sims is restrained by State troopers from joining in.

October 17. Crawfordville, Ga.—Myers, Sims, and five other Black Knights of the KKK are arrested for forcing George Turner, a black farmer, off the road and pointing guns at him after attempting to beat him; they are released on bond; seven shotguns, eight pistols, and several clubs are taken from them.

October 22. Lincolnton, Ga.—Thirty white segregationists, shouting "kill the niggers," attack 95 black marchers.

October 23. Lincolnton, Ga.—One hundred and seventeen demonstrators are turned back by State troopers because whites were lying in wait for them; seven civil rights workers are injured when their car is overturned.

October 26. A Cuban male unsuccessfully hijacks a plane from Miami to Cuba; he is acquitted of aircraft piracy and assault (mental competence was an issue of the trial).

November 7. Detroit, Mich.—Eddie Cook, a black sanitation worker, dies after being hit by a shotgun blast from a car carrying five white youths.

November 8. Jones County and Twiggs County, Ga.—Dr. Beverly Holland White, a white Daytona Beach physician, burns down an abandoned black church and house in Jones County and a neighboring black church in Twiggs County.

November 11. Chicago, Ill., South Side—The home of James Brown, a black in a white neighborhood, is pelted with bricks and Molotov cocktails.

November 17. A white juvenile unsuccessfully tries to hijack a plane from Houston to Cuba; he receives an indeterminate sentence for assault; he is paroled on June 8, 1967; the conviction is set aside September 24, 1969.

November 21. Ferriday, La.—Home of Robert Lewis, Jr., president of the Ferriday Freedom Movement, is damaged by what appears to be a gasoline bomb. Police arrest Lewis, standing with a shotgun in front of his house, for aggravated battery.

November 22. Charlotte, N.C.—The homes of four black activists are bombed; great damage is done but no one is hurt.

November 24. Menard State Penitentiary, Menard, Ill.—A prison riot lasting 4 hours takes place. Three hostages are held and three guards are killed. The cause is inmate demands for more radios, longer recreation periods, and improved food and medical treatment; the riot is blamed on mentally unstable inmates.

November 29. Vicksburg, Miss.—A bomb explodes in a car parked near a black grocery store where black leaders were reported to have been planning a boycott of local white merchants. The bomb damages the store, injures three, and overturns a passing taxi.

December 22. Natchez, Miss.—Charles Evers charges police with brutality in quelling a fight between a white man and one of seven blacks who had been picketing a store that refused to hire blacks.

December 30. Hawaii State Prison, Honolulu—Twelve inmates are involved in a riot due to fighting with a rival group of narcotics peddlers. Three inmates are injured.

1966

January 2. Newton, Ga.—The Notchaway Church, a

black church, is burned. Sheriff Warren Johnson says he received a phone call threatening his life if he investigated the fire.

January 10. Hattiesburg, Miss.—Vernon Dahmer, a black civil rights figure, is killed in a firebomb attack on his home. The home, store, and family car are destroyed in the explosion and fire. Three Klansmen receive jail sentences for the crime.

January 30. Los Angeles, Calif., Watts—Two sheriff's deputies are attacked by about 20 persons as they intervene in a fight between two youths.

February 2. Kosciusco, Miss.—Two civil rights workers are hit by shotgun blasts when night riders fire into a home housing nine civil rights workers.

February 6. Zachary, La. (Near Baton Rouge)—A bomb explodes in the home of Arthur Lewis, a black.

February 17. Indianapolis, Ind.—At the Indiana Girls School, 35 inmates riot to cover up a planned breakout; 11 inmates are injured.

February 21. Birmingham, Ala.—Five blacks are wounded when a white motorist fires eight pistol shots into a crowd of 150 blacks picketing the Liberty Supermarket.

February 24. Elba, Ala.—A formerly all-white school that had admitted two blacks in September is bombed just after the departure of 200 attending a banquet. No casualties.

March 14. Los Angeles, Calif., Watts—Three Mexican-American brothers are arrested on March 16 for injuring two black youths with shotgun blasts on March 14.

March 15. Los Angeles, Calif., Watts—Full-scale rioting breaks out in a 12-block area 3 miles from the center of the 1965 riot. Two are killed and 20 are injured; 19 buildings are damaged; 49 persons (23 of them juveniles) are arrested. A white driver is hit by stones thrown by high school students. A black boy is arrested; objects are thrown at police. About 600 take part in sporadic looting and burning of cars and buildings. A Mexican-American truck driver is pulled from his truck and shot to death. A black is slain in gunfire.

March 17. Los Angeles, Calif., Watts—A rally held to protest the accidental shooting of Leonard Deadwyler results in violence when a crowd of 500 loots liquor store, fires shots, and attacks two *Newsweek* reporters.

April 4. Lorman, Miss.—State troopers use tear gas to clear a dormitory of students throwing bricks and bottles at black Alcorn A & M College. Charles Evers charges the college president of suspending eight students and discharging the campus chief of

police for civil rights activity. The charges are denied.

April 13. Breathedsville Youthful Offenders Correctional Institution, Md.—A 2-hour riot resulting from grievances over food, movies, and recreation takes place. Two inmates and several guards are injured.

May 22. Bakersfield, Calif.—Two hundred throw rocks and bottles at policemen investigating an auto accident. Two thousand blacks are holding a meeting in a nearby park to discuss the City Council's refusal to implement antipoverty programs.

June 6. Hernando, Miss.—James Meredith is wounded from ambush as he makes a voting rights pilgrimage from Memphis to Jackson. An ambulance arrived almost immediately and took him to Memphis.

June 12. Chicago, Ill.—Rioting is touched off by the shooting of a Puerto Rican youth in the leg by a policeman. A crowd that grew to 4,000 sets fire to four police cars and attacks firemen. One hundred policemen and dogs are brought in. A *Chicago Tribune* photographer is beaten and his camera is smashed. A policeman is hit by a brick. Forty-nine are arrested, two are released because the judge said police had used excessive force.

Natchez, Miss.—A body of a black, shot 16 times with shotgun, is found in a creek. Three KKK members are arrested.

June 13. Chicago, Ill.—A squad car hit by rock swerves and barely misses several Puerto Ricans. Five hundred gather. Community leaders attempt to restore order. At a rally that night of 1,200, leaders call for order. After the rally, windows are broken and cars are stoned. Thirty-six are arrested, seven Puerto Ricans are shot, one is critically injured with a head wound. Several policemen and three reporters are injured by bricks.

June 19. Jersey City, N.J.—Fights occur in three taverns between blacks and Puerto Ricans.

June 20. Jersey City, N.J.—Disorder spreads, with youths on rooftops throwing rocks at passing cars.

June 21. Pompano Beach, Fla.—Six hundred blacks riot after a 10-year-old boy complains he was slapped by a white owner of a supermarket. There is no looting or significant property damage.

June 23. Cleveland, Ohio—A disturbance occurs stemming from a fight between blacks and whites playing baseball. Blacks start throwing rocks at passing cars and stone a white-owned supermarket. (On June 26, the supermarket is firebombed.)

June 24. Chicago, Ill., South Side—On a beach of Calumet Park, whites are arrested during conflict that

occurred when blacks and Puerto Ricans try to use the beach.

June 28. Cordele, Ga.—There is a 90-minute exchange of gunfire between blacks and whites, related to a confrontation at a desegregated swimming pool on June 26.

July 3. Omaha, Neb.—Black youths throw a firecracker and a bottle into a police car answering a call that youths were blowing up firecrackers in a parking lot. Several stores are looted. That night, and the next night, more vandalism occurs.

Larned State Hospital, Kans. (prison)—Twenty-five inmates riot for 7 hours, hold seven hostages; they demand more privileges and a grievance board.

July 9. Grenada, Miss.—Two white men allegedly shot at three white men entering a black church. They are acquitted of charges of pointing and aiming a deadly weapon.

Maryland State Prison—Jessup, Md.—One thousand inmates riot for 2 hours over heat, overcrowding, racial tension, and guard brutality.

July 12. Chicago, Ill.—Two policemen turn off a water hydrant; youths turn it on again; a crowd gathers. Seven youths are arrested; rumors circulate that they were beaten; there is rock throwing and firebombing for several hours.

July 13. Chicago, Ill.—Rock throwing, firebombing, and looting continue for several days. There are 533 arrests; three blacks are killed by stray bullets.

July 14. Chicago, Ill.—Seven hours of rioting occur; two blacks are killed in a crossfire between police and rioters.

July 15. Chicago, Ill.—Daytime looting occurs in the afternoon; 1,500 National Guardsmen are sent in.

July 15–22. Brooklyn, N.Y.—Gang warfare occurs between Italians and blacks, and Puerto Ricans and blacks; there are three separate fights July 15–16; July 17–18—one 10-year-old black is shot in the back by a sniper; two Puerto Ricans are knifed; July 18—a black woman is shot in the hip; July 21–22—there is riot-like turmoil.

July 18. Cleveland, Ohio—The precipitating incident is unclear. Bands roam the area, looting and lighting fires; firemen are driven away by gunfire; one black woman is killed; two black men are wounded in the crossfire with police; six policemen, one fireman, and two blacks are injured by flying objects.

Jacksonville, Fla.—Two hundred blacks march on city hall. Clashes break out between marchers and jeering whites; blacks begin throwing bricks and firebombs; one store is set afire; two white youths are beaten, and a woman is injured; police arrest a white man as he attempts to serve a Klan warrant on Rut-

ledge Pearson, the State NAACP president, who led the march.

July 19. Cleveland, Ohio—There is a sniper attack on police; one person is killed, two are wounded; during 4 hours of violence, 40 fires are started.

Jacksonville, Fla.—There is firebombing and other vandalism in black neighborhood; five black youths are arrested for rock throwing.

July 20. Troy, N.J.—Three fires are set and two windows are broken after a girl claimed she was pushed down two flights of stairs while being arrested on July 16.

Jacksonville, Fla.—Firebombing, etc., continues.

July 21. Cleveland, Ohio—A black man's family is shot at by police when the father refuses to get out of the car.

July 22. Cleveland, Ohio—A black man is shot by whites in a passing car while walking to a bus stop.

Troy, N.J.—Firebomb explodes in connection with charges of police brutality.

July 23. Cleveland, Ohio—A black man is killed by a shotgun blast from the window of a passing car.

July 28. Baltimore, Md.—After a rally at which Charles Conley (Connie) Lynch, a minister from San Bernadino, called Mayor Theodore R. McKeldin "a pompous jackass nigger-lover, etc." in the presence of 1,000 whites, teenage gangs invade black neighborhoods; no one is seriously injured.

July 30. Chicago, Ill., Southwest Side—Two hundred and fifty people demonstrating against segregated housing are jeered at and pelted by rocks and bottles; eight are arrested.

Perth Amboy, N.J.—Puerto Rican youths, numbering from 100-600, clash with police over an anti-loitering ordinance; the riot lasts for four nights, with rock and bottle throwing; 37 are injured, 41 are arrested.

July 31. Chicago, Ill.—Three hundred and fifty demonstrators led by the Rev. James Bevel stage a car caravan and march but flee from 300 white hecklers; 5 cars are overturned and burned; 2 are pushed into a lagoon, 23 had windows broken and tires slashed.

August 3. Minneapolis, Minn.—Fifty black youths, angered by insufficient job opportunities, smash some 25 store windows and loot three stores in a predominantly black neighborhood.

August 7. Lansing, Mich.—Blacks and whites, mainly teenagers, fight. Blacks start throwing stones in response to insults from white youths; the police are met by stones.

August 8. Lansing, Mich.—Blacks throw firebombs and smash store and car windows; police use tear gas to disperse a crowd of 200 black youths.

Grenada, Miss.—Local and State police use tear gas to disperse a black voter registration rally.

August 9. Detroit, Mich.—Policemen attempt to arrest three blacks for loitering; one policeman is knifed; 150 blacks gather and begin throwing rocks; 150 policemen are sent in and make seven arrests.

Milwaukee, Wis.—An NAACP office is bombed.

Grenada, Miss.—Three hundred blacks march to protest police use of tear gas; 150-175 whites throw bricks, pipes, and firecrackers while police stand by laughing.

August 10. Detroit, Mich.—Two firebomb attacks are reported; a black pedestrian is wounded by shots from whites in a passing car; 30-40 are arrested, among them seven white teenagers with Molotov cocktails.

Grenada, Miss.—One hundred and fifty blacks march protesting the August 9 attacks; 155 State troopers and 75 game wardens protect them from 500 whites; two whites are arrested for refusing to move.

August 12. Muskegon, Mich.—A crowd gathers outside hotel after rumor circulates of assault on two white men by blacks; a police car sent to investigate is surrounded; 70 reinforcements are called in to disperse crowd; five blacks are injured.

August 13. Walpole State Prison, Mass.—A 2-hour riot occurs over attempted drug theft; 9 inmates are injured, 15 are involved.

August 14. Chicago, Ill.—There are three simultaneous marches into white neighborhoods; whites throw eggs, tomatoes, bottles, and cherry bombs. In the evening police clash with youths after an American Nazi party rally; youths begin throwing rocks, bottles, and firecrackers at black motorists; two cars are damaged, a third is burned.

August 23. Marion Correctional Institution, Ohio—Seven hundred inmates riot.

August 26. Milwaukee, Wis.—Large white crowds, including KKK members, jeer and throw rocks and firecrackers at members of the Youth Council of the NAACP picketing public officials' homes for belonging to an organization (Fraternal Order of Eagles) that bars blacks.

August 26-28. Waukegan, Ill.—Gangs of black youths riot; 14 are injured, 80 are arrested.

August 28-31. Benton Harbor, Mich.—On four consecutive nights, black youths in crowds of from 50-400 persons throw stones and bottles at store windows.

August 28. Waukegan, Ill.—Blacks throw Molotov cocktails at passing cars.

August 30. Benton Harbor, Mich.—A black is shot by two white men in a car.

September 1. Dayton, Ohio—Rioting and looting by blacks is touched off by the fatal shooting of black man from a passing car containing three white men; the riot lasts until September 2.

September 4. Cicero, Ill.—Two hundred and fifty civil rights demonstrators march through an all-white suburb of Chicago; 2,000 National Guardsmen and 500 local police are on hand to protect the marchers; 15 persons are injured, including six white hecklers who were bayoneted by guardsmen; 34 persons are arrested for disorderly conduct.

September 6. Atlanta, Ga.—When a black resists arrests for car theft, he is shot and wounded by an Atlanta detective. One thousand blacks begin throwing rocks, sticks, and bottles at police and white bystanders; cars are overturned and windows are smashed. Seven hundred and fifty police use tear gas to disperse crowd.

Cummins Prison Farm, Ark.—One hundred and forty-four inmates riot.

September 7. Atlanta, Ga.—Molotov cocktail heavily damages a building in a black neighborhood; there are four less serious fires. A crowd of 400 was dispersed by police.

September 10. Atlanta, Ga.—A white man fatally shoots one black and wounds another. Police arrive to investigate; 400 blacks gather and throw bottles and bricks for 5–10 minutes.

September 11. Atlanta, Ga.—Scattered violence continues until after 2 a.m. Twenty persons are injured, 58 are arrested.

September 12. Atlanta, Ga.—One hundred and fifty to two hundred blacks, yelling "Black Power," throw bricks and bottles at policemen and newsmen's autos. Police quickly disperse the crowd.

Grenada, Miss.—A mob of whites attacks black children and reporters integrating the two all-white schools.

September 13. Grenada, Miss.—Whites continue to attack children and newsmen; they assault two carloads of black children who were being bused to school. U.S. District Judge Clayton issues a permanent order requiring city and county police to protect black children.

September 17. New Rochelle, N.Y.—The Rev. Melvin Dewitt Bullock, ex-president of New Rochelle NAACP chapter, is beaten to death.

September 27. San Francisco, Calif.—White policeman shoots and kills a black youth during a heat wave. Hundreds of black youths roam the streets, smashing windows, looting stores, hurling bricks and

firebombs. They lure fire trucks by setting false alarms and attack fire trucks. Mayor John Shelly imposes an 8 p.m.–6 a.m. curfew, augmented police forces; dogs and tear gas are not used.

September 28. San Francisco, Calif.—More extensive rioting breaks out late in the afternoon. Armed National Guardsmen are sent in. Police and guardsmen exchange gunfire with rioters and ride fire trucks.

St. Louis, Mo.—A demonstration over the shooting of a black robbery suspect leads to a riot; 50 are involved in smashing store and auto windows.

October 2. Philadelphia, Pa.—Small crowd gathers and throws eggs when blacks move into a rented house in Kensington section of North Philadelphia.

October 3. Philadelphia, Pa.—Five hundred gather outside a rented home of a black family, throw bottles and firecrackers. Seven are injured.

October 4. Philadelphia, Pa.—One thousand demonstrate in defiance of a preliminary injunction issued on a motion filed by the NAACP. Fifteen adults and five juveniles are arrested.

October 5. Richmond, Va.—A black church is damaged by an explosion. Marshall R. Karnegay, Virginia KKK Grand Dragon, offers to rebuild it and offers a \$200 reward.

October 18. Oakland, Calif.—A black woman is involved in a traffic accident. A teenage gang riots in the downtown business area; 47 businesses are damaged and five whites are beaten.

October 19. Oakland, Calif.—The Ad Hoc Committee for Quality Education launches 3-day boycott of black public schools in protest of de facto segregation. Two hundred and fifty blacks riot at Castle-mont High School; five white teachers and three white students are beaten; 30 persons are arrested. Youth gangs break into nearby food market and smash store windows; curfew is set up, armed police patrol the streets.

October 30. New York City—Nineteen members of the rightwing Minutemen are arrested to prevent planned firebomb attacks on three leftist camps and a Communist's office; suspects are seized donning hunting clothes; many weapons are seized; original search warrants were defective and all charges are subsequently dropped.

October 31. Ossining, N.Y.—Four hundred black youths rampage through downtown; gangs smash store windows and attack patrolman trying to disperse them; NAACP accuse police department of allowing white vandalism but not black vandalism.

November 5. Selma, Ala.—SNCC chairman Stokely Carmichael is arrested with two blacks on charges of inciting a riot at city hall.

November 21. Essex County Penitentiary, Caldwell, N.J.—Two hundred inmates riot for 2 hours because they want dessert every day and TV in their rooms; 18 inmates and three guards are injured.

December 9. Tuskegee, Ala.—Acquittal of a white service station attendant for slaying a black youth leads to riots; bottles and stones are thrown and stores are looted; no arrests are made.

1967

January 2. Jessup, Md.—At the Maryland House of Corrections, 100 inmates are involved in a riot.

Florida Keys—Sixty-nine men plus three CBS cameramen are arrested as they complete preparations for an invasion of Haiti; it is later revealed that CBS paid prospective invaders for exclusive rights to the filmed landing.

January 21. Collins, Miss.—Fire destroys a black church used in the Head Start Program.

January 29. Jessup, Md.—At the Maryland House of Corrections, 100 inmates riot for 2½ hours; inmate grievances concerned food and lack of vocational rehabilitation programs.

Washington, D.C., Chicago, San Francisco, New York, Ottawa, and Toronto—Six Yugoslav embassies and consulates are bombed; Yugoslav exiles are suspected.

February 6. Washington, D.C., New York City, San Francisco, Chicago—Yugoslav missions are bombed.

February 27. Natchez, Miss.—Wharlest Jackson, an NAACP treasurer, is killed by bomb exploding in his truck; he had recently been promoted to Mixer, a job previously held by whites in the Armstrong Tire & Rubber Co.

March 4. Grenada, Miss.—The Vincent Chapel A.M.E. church, headquarters for Southern Christian Leadership Conference, is damaged by fire.

March 12. Hayneville, Miss.—Fire destroys a former Episcopal church which had become the headquarters for Loundes County Christian Movement for Human Rights, Inc.

March 13. Liberty, Miss.—A Head Start office is severely damaged by a bomb explosion.

Fort Deposit, Ala.—Macedonia Baptist church (black) is destroyed by fire.

April 3. New York City—The Cuban Mission to the United Nations is bombed; U.N. acting chief suffers non-fatal burns in the bombing.

April 8. Nashville, Tenn.—Stokely Carmichael and Strom Thurmond speak at Vanderbilt University (there had been three disorders at black southern

universities). A Negro restaurant operator near Fisk University summons police to arrest a drunk; SNCC begins picketing, riot police arrive; a crowd gathers; when a city bus is attacked and police fire over the heads of the students, they disperse.

April 9. Nashville, Tenn.—Evening negotiations break down; police fire over heads of students; shots returned; at 4 a.m., several blocks away from the riot, one man is shot while driving home from a restaurant, another is shot during an exchange between students and police.

April 10. Nashville, Tenn.—Rioting breaks out at 7 p.m. despite patrolling by student anti-riot squads; police fire tear gas; all is quiet by 11 p.m.

April 11. Louisville, Ky.—Three hundred and fifty demonstrators, including Dick Gregory and the Rev. A. D. Williams King, brother of Martin, demonstrate against the voting down by city's board of alderman of an open housing ordinance. They are met by jeering whites chanting "We want Wallace."

April 13. Louisville, Ky.—White and black marchers are met by 75 whites who burn a cross on lawn of Southern Junior High School; King and another minister fall to the street under a barrage of rocks.

April 14. Louisville, Ky.—Several hundred persons defy judicial restraining order and march. Police cordon separates them from about 1,000 whites. Later in the evening, 100 demonstrators are followed by 500 stone-throwing whites.

April 16. Cleveland, Ohio—In racial rioting, several stores are looted, windows are smashed; four youths are arrested.

April 18. Louisville, Ky.—Police use tear gas and smoke bombs to disperse whites who try to disrupt marchers. Fifty marchers, including King, are arrested.

April 19. Louisville, Ky.—One hundred and fifty white and black open-housing demonstrators ride rented trucks into white neighborhoods and try to march. One hundred and nineteen demonstrators are arrested; 20 hecklers are arrested.

April 20. Louisville, Ky.—Seventy to eighty demonstrators are arrested as they climb out of trucks. Tear gas is used to disperse 600 whites.

April 21. Louisville, Ky.—One hundred and twenty-five demonstrators are arrested as they try to march in the evening.

April 25. Montgomery, Ala.—A bomb explodes outside home of Court Judge Frank M. Johnson's mother. Judge Johnson was a member of panel ordering desegregation in Alabama's schools.

May 9. Jackson, Miss.—Two black officers pursue a

speeding car driven by a black student onto the campus of Jackson State College. Students interfere in the arrest. Police call for reinforcements; a crowd of several hundred gathers; rock throwing begins but stops.

May 10. Jackson, Miss.—An even larger crowd than the night before gathers. Police attempt to disperse it by gunfire. Three are injured, one fatally. The National Guard restores order.

May 11. Jackson, Miss.—Minor incidents occur; serious rioting begins at 8 p.m.; students rush a police barricade set up to seal the campus, retreat and charge a second time. As they retreat, police fire shots into the crowd hitting a black delivery man. Fifty Jackson policemen stand by for 10 minutes without helping. The injured man is taken in an ambulance by blacks; he later dies.

May 16. Houston, Tex.—A civil rights group pickets a garbage dump; another pickets at a junior high school about discipline. College students who participate gather at Texas Southern University around a man who, after a dispute, had left and returned with a pistol. Police arrive in two unmarked cars and arrest him. Later one police car returns to campus and is met by rocks and bottles. Gunshots come from the dormitories; the fire is returned; two barrels are set on fire and police enter a dormitory; a policeman is killed by a ricocheting bullet. A search uncovers one shotgun and two .22-caliber pistols.

June 2. Boston, Mass.—At 5 p.m., a Mothers for Adequate Welfare sit-in turns into a riot when police arrive to clear the Welfare Department building. By 11 p.m. mobs are looting, setting fires, and sniping.

June 3. Boston, Mass.—Rioting resumes in the evening. Fires and looting occur; a fireman is shot in the wrist. Leaders charge that the police roughed up the mothers.

June 4. Boston, Mass.—Roving bands of blacks continue to loot and set fires.

June 5. Tierra Amarilla, N. Mex.—Forty armed members of the Spanish-American group known as Political Confederation of Free City States raid the Rio Arriba County courthouse and free 11 rebels arrested in connection with an attempt to regain control of lands granted to their forebears by the Spanish Crown; rebels take two hostages to the mountains; one hostage escapes, the other is released unharmed. (About 40 members of the rebels' families are taken into custody by National Guardsmen on June 16.)

June 11. Tampa, Fla.—Three youths rob a photo supply store; police warn one youth to halt, he doesn't and police fire while the youth is reaching for the fence; to three spectators it appears he was trying to surrender; rumors spread; people gather; police de-

cide not to send in more forces; there is looting; police are slow to react and refrain from using firearms; no officer or civilian is wounded during riot; the National Guard is used; tensions increase; the Guard is replaced by youth patrols in white hats.

Cincinnati, Ohio—Peter Frakes is arrested for loitering while raising funds for a cousin's defense. An announcement is made at a Negro Baptist Convention that a meeting will be held to protest Frakes' arrest and an antiloitering ordinance.

Prattville, Ala.—Snipers and police exchange fire at the home of Dan Houser.

June 12. Dayton, Ohio—Blacks attack whites after a speech by H. Rap Brown; they are kept under control by youth patrols.

Prattville, Ala.—Houser is hospitalized after being beaten; he files a damage suit against the Autauga County sheriff.

June 12-13. Black youths protest the fact that only 2 percent of truck drivers are black by interfering with deliveries; they attend an antiloitering meeting; police stay away from area though they are nearby; molotov cocktails are thrown and windows are broken when meeting breaks up; there is no looting. On June 13, judge gives maximum sentences to whites for disorderly conduct and to blacks for riot act violations. Black leaders make up 11 demands; city officials do not want to meet with them. That evening a crowd gathers and mills about; fires are set and rumors spread; at 2:30 a.m., the National Guard arrives, a few shots are fired; 63 injuries are reported, 12 require hospitalization; 56 of the 63 injured are whites; a total of 404 people are arrested; 128 are juveniles, 338 are 26 years old or younger.

June 15. Cincinnati, Ohio—A riot breaks out in a workhouse as 12 blacks convicted of participating in riots arrive at the prison; 409 inmates (black and white) fight with guards, police, and the National Guard for 3 hours.

Cincinnati, Ohio—There are sporadic cases of gunfire and window smashing.

June 17. Atlanta, Ga.—At the Dixie Hills Shopping Center, a youth is told by a security guard not to enter the Flamingo Grill; there is a scuffle; 3,200 to 3,300 gather but disperse.

June 18. Atlanta, Ga.—Another crowd gathers at the same shopping center, discuss their grievances, and agree to meet the next day.

June 19. Atlanta, Ga.—The shopping center is closed down; a youth attempting to stop a burglar alarm is superficially wounded by police; 250 gather; there is a lukewarm response to a suggestion to submit a petition; Carmichael says "take to the streets," and they do; the crowd reaches 1,000; rocks are thrown at 9

policemen; 60 to 70 reinforcements arrive and regain control.

June 20. Atlanta, Ga.—Another meeting is called of area residents; 200 protestors are met by 300 police; as 2 policemen chase several boys, a cherry bomb explodes at their feet. Several shots are fired by black policemen. A 46-year-old man is killed while sitting on his porch; a 9-year-old is injured. Because of efforts of the youth patrol and neighborhood leaders, there is no more violence.

McComb, Miss.—Saboteurs, allegedly members of the KKK, blow up four private houses and a barber shop.

June 21. New York City—Sixteen blacks (members of Revolutionary Action Movement) are arrested on charges of plotting to murder moderate civil rights leaders Roy Wilkins and Whitney Young; four more members are arrested in Philadelphia and charged with conspiracy to foment riot during which they intended to poison the water supply; the arrest yields 300 grams of potassium cyanide.

June 27. Buffalo, N.Y.—Bands of 300 to 350 young blacks throw rocks and set fires.

June 28. Buffalo, N.Y.—Four hundred policemen patrol; a white couple is dragged from their car and beaten. Forty juveniles are arrested.

June 29. Buffalo, N.Y.—There are sporadic incidents of rock throwing. Rioting is renewed in the evening.

July 3. Cincinnati, Ohio—In the Avondale Section, black gangs begin looting; they set 26 fires. Twelve to fifteen are injured.

July 4. Cincinnati, Ohio—In the Avondale Section further vandalism results in 11 arrests.

July 12. Newark, N.J.—A cab driver is arrested in early evening and dragged into police headquarters, which is visible from a housing project. Crowd forms. Rumors of beatings circulate and the police and crowd exchange profanities. Black leaders try to distract the crowd with a march. Cars are set afire and several stores are looted.

July 13. Newark, N.J.—A police brutality protest rally is set up in front of the Fourth Street Station. News cameras are present. A black reported that the mayor had decided to form a citizens' group to investigate incident and elevate black to rank of captain. Rocks are thrown at him. Police disperse the crowd. Looting begins. Police only cordon off area without reinforcements and cannot stop the looting.

July 14. Newark, N.J.—State police and National Guardsmen arrive before dawn. One hundred and thirty-seven roadblocks are set up by midmorning; there is poor police-National Guard communication. By July 17, Monday, State police and National Guard

are withdrawn. Twenty-three persons are killed; 21 of the fatalities are black, including one 73-year-old man, 6 women, and 2 children.

July 15. Plainfield, N.J.—There is looting and firebombing; more than 300 young blacks stone police cars.

July 16. Plainfield, N.J.—A white policeman is shot and beaten by a mob of young blacks.

July 17. Cairo, Ill.—There are rumors that a black in jail has been a victim of brutality; a warehouse is burned and three stores are damaged.

July 18. Cairo, Ill.—Snipers fire on a police car near a housing project with a population of 1,000. A lumber yard and cotton warehouse are firebombed.

July 19. Durham, N.C.—Three hundred blacks smash windows after an open housing demonstration.

Minneapolis, Minn.—There is street fighting and firebombing; the mayor says this is because of a job shortage. The National Guard is called in and remain until July 25.

Plainfield, N.J.—Three hundred National Guardsmen search for stolen automatic weapons without search warrants.

July 20. Minneapolis, Minn.—Cars are burned and there is sniper fire.

July 21. Englewood, N.J.—Store windows are smashed; there is some looting; eight policemen are injured; the disturbance is controlled by local police.

Minneapolis, Minn.—Mayor requests 300 National Guardsmen, the governor sends 600. A Catholic church is burned, but there is no major rioting.

July 22. Englewood, N.J.—Several stores are looted and small fires set. Black leaders cite delapidated housing as the major grievance.

Youngstown, Ohio—Two buildings are dynamited, three are burned; three men are beaten. Two blacks and five whites are arrested.

Birmingham, Ala.—Two hundred black youths smash windows after white police wound burglary suspect.

July 23. Detroit, Mich.—There is violence when an after-hours drinking club is raided at 4 a.m. Seventy-three blacks and the bartender are arrested. After police leave, a crowd gathers and 50 people begin looting; police do not return and the looting spreads; 600 to 700 National Guardsmen, 200 State troopers, and 600 Detroit police set up cordons, but cannot disperse the crowds. Governor Romney puts 7,000 National Guard troopers on alert. Snipers fire at police but police are ordered to hold their fire. A curfew is ignored. Police helicopters comb city in search of snipers on rooftops. The governor declares

a state of emergency; 650 are arrested, 20 are injured.

July 23-25. East Harlem, N.Y.—El Barrio—Renaldo Rodriguez is killed by an off-duty police officer. Rocks are thrown at squad cars. Mayor Lindsay arrives at 4 a.m. and discusses with leaders the brutality of the Tactical Patrol Force. July 24 is the worst night; two are killed.

Rochester, N.Y.—There is firebombing and looting. Two hundred youths throw rocks at a Public Works Department sprinkler truck that is watering down the street to prevent drag races.

July 24. Detroit, Mich.—After the Governor requests Federal troops from President Johnson, Defense Secretary McNamara orders 4,700 airborne troops to Detroit, with Cyrus R. Vance (Deputy Secretary of Defense), John Doar (from the Attorney General's Office), and Roger Wilkins of the Community Relations Service (CRS), U.S. Department of Justice, to oversee the operation. One hundred new fires are started. Fifteen are killed, 800 are injured, and 1,800 are arrested. Troops are sent by Vance to Michigan State Fair Grounds; President Johnson makes a TV address. At 10:30 p.m., Vance and Lieutenant General Throckmorton advise President Johnson that troops should be used and the President agrees. Paratroopers move into the East side of the city with rifles, tear gas, machine guns; barbed wire barricades are set up. Two police stations are attacked by snipers.

Violence subsides temporarily later in the day. Garbage is collected and food supplies are brought in; 700 refuge centers are opened; 10 new fires are set hourly. There is gun battle on the West side with the National Guard; 11 more people are killed.

Flint, Mich.—One hundred are arrested for firebombing; charges are dropped when they agree to patrol the area.

July 24-25. Pontiac, Mich.—Two blacks are killed in racial disorders.

Grand Rapids, Mich.—Three men, part of a task force to cool tempers, are wounded. Forty fires are set, and 40 people are injured; the National Guard arrives on July 25.

July 24-26. Toledo, Ohio—Although there are no serious injuries, there are scattered firebombings and vandalism; 20 fires are set.

July 24-28. Mount Vernon, N.Y.—There is rioting. Police are withdrawn on July 28. The city is patrolled by black leaders.

July 25. Cambridge, Md.—H. Rap Brown's speech incites a crowd to burn a black elementary school. Police chief lets a black-owned church and stores burn.

July 26. Detroit, Mich.—Death toll rises to 36 persons, including 29 blacks and 7 whites.

Chicago, Ill.—There are scattered bombings; six stores are looted; 22 are arrested.

Philadelphia, Pa.—There are scattered disorders.

Cincinnati, Ohio—In Avondale, blacks stone firemen, set fires, and loot stores.

Cambridge, Md.—Police use tear gas to break up a group of blacks.

July 27. Detroit, Mich.—Two more are killed. Romney lifts the curfew, but reimposes it to rid the city of sightseers.

Philadelphia, Pa.—A proclamation is issued by Mayor James Tate, with advice from Police Commissioner Frank Rizzo, prohibiting groups of 10 or more from gathering in public for other than organized recreation until August 15.

Chicago, Ill.—Thirty-five are arrested; rioting continues. According to the *National Lampoon*, a boy was drowned when he crossed a color line at 29th Street Beach.

July 28. Detroit, Mich.—Three hundred State police, 600 to 800 National Guardsmen are withdrawn; 13,000 to 14,000 remain.

July 28-29. Wilmington, Del.—Groups of blacks set fires, loot stores, and fire guns.

July 29. Chicago, Ill.—A store on West side burns after fire is started by five molotov cocktails.

July 30. Milwaukee, Wis.—Black gangs begin starting fires; 2 are killed, 83 are injured; 28 fires are reported. The mayor set up a 24-hour curfew with the help of the National Guard.

July 31. Wichita, Kans.—Bands of young blacks throw rocks and firebombs; 19 are arrested.

South Providence, R.I.—Three hundred and fifty police are called in after gangs of blacks throw stones at white man who used a gun to defend a lemonade stand; two blacks are injured; the stand is destroyed. White gangs attack blacks.

August 1. Washington, D.C.—Arson, vandalism, and looting occur. Firemen are pelted with rocks while fighting a two-alarm fire; there are 400 onlookers. Gangs begin roaming streets.

Chicago, Ill.—A black is fatally shot outside food and liquor store by the owner. The *Chicago Daily News* corrects rumors about the incident.

Milwaukee, Wis.—There is scattered sniper fire.

August 2. South Providence, R.I.—Fifty antipoverty workers make up a soul patrol; several fires are reported.

August 4. Wichita, Kans.—Twenty blacks and whites are wounded by shotgun blasts from ambush. One hundred blacks threaten to burn down the city unless

four whites they believe are responsible for ambush are apprehended.

August 5. Wichita, Kans.—Despite the arrest of the 4 whites, 300 blacks rampage through a neighborhood at 3 a.m.; policemen suffer cuts; two stores are firebombed.

August 7. Wichita, Kans.—A sniper wounds pedestrian; minor fires are reported throughout the day.

August 15. Holden, La.—Fifteen whites break through police escort and attack 20 blacks marching to protest the lack of job opportunities.

August 16. Satsuma, La.—Seventy-five white men charge through police guard and attack 25 marchers.

August 18. Denham Springs, La.—Marchers are met by hecklers; two blacks are struck by bottles, several by eggs.

August 19. New Haven, Conn.—A white restaurant owner shoots Julio Diaz after allegedly being threatened with knife. Bands of blacks start roaming. The Hills Parents Association and SDS Yale students urge crowds to disperse.

August 20. New Haven, Conn.—Disorders resume. Mayor Richard Lee declares a state of emergency; a 12-block black and Puerto Rican neighborhood is sealed off and placed under heavy patrol.

August 21. New Haven, Conn.—Black gangs roam in defiance of curfew.

August 22. New Haven, Conn.—Police arrest several carloads of young whites with firearms; no shots are fired.

August 25. Arlington, Va.—The American Nazi Party leader, George Lincoln Rockwell, is killed at a shopping center by disgruntled former captain in his army.

August 28. Milwaukee, Wis.—Angry whites clash with police and demonstrators as the Rev. Groppi begins daily open-housing demonstrations; 6 are injured, 16 are arrested.

August 29. Milwaukee, Wis.—Two hundred demonstrators are met by 2,000 rock-throwing whites; the police use tear gas. Freedom House (headquarters for the Youth Council) is firebombed.

August 30. Milwaukee, Wis.—The Rev. Groppi and 100 followers gather for rally at Freedom House, ignoring a ban by the mayor; 50 are arrested.

August 31. Milwaukee, Wis.—More marches are held.

September 1. Milwaukee, Wis.—More marches are held.

September 7. Milwaukee, Wis.—Lie-in becomes a

spree at mayor's office when 75 black commandos of the Youth Council vandalize a reception room.

September 10. East St. Louis, Ill.—There is violence and looting after H. Rap Brown's speech in black commercial section. Roosevelt Young is killed by police while being questioned about a stolen car.

September 13. Milwaukee, Wis.—Armed whites, waiting for black marchers who don't appear, clash with police instead; tear gas is used.

September 14. Chicago, Ill.—There is a riot after an SNCC rally citing police brutality. Sniper fire begins after dark.

September 18. Hartford, Conn.—Open-housing marchers begin throwing things when they reach a new business and shopping center; 24 store windows are broken; 25 are arrested for disturbing the peace.

September 19. Hartford, Conn.—Police use tear gas to disperse rock-throwing blacks.

Dayton, Ohio—There is looting and window breaking in the black West end section following a demonstration protesting the fatal shooting of a civil rights worker.

October 16. New York City—There are explosions across from the Cuban, Yugoslav, and Finnish missions to the United Nations.

October 17. Oakland, Calif.—Three thousand anti-war demonstrators gather at a draft induction center; 400 police and highway patrol officers use clubs and chemical sprays in a 10-minute melee.

October 18. Madison, Wis.—One thousand demonstrate against job recruiters for Dow Chemical Company, the manufacturers of napalm; they riot after police call to end the demonstration; 70 are injured, mostly students.

October 19. Chicago, Ill.—One hundred demonstrators attempt to break into the city's induction center.

Brooklyn College, N.Y.—Fighting between 200 New York City police and 1,000 students over 2 Navy recruiters; police are called to remove those sitting in.

October 20. Meridian, Miss.—An all-white jury convicts seven KKK members of conspiracy to deprive life or liberty without due process in the 1964 murder of three civil rights workers.

October 21. Washington, D.C.—Thousands demonstrate against U.S. policy in Vietnam; there is a rally at Lincoln Memorial and a march to Pentagon, where a vigil is held until October 23.

October 22. Washington, D.C.—David Dellinger, Chairman of the National Mobilization Committee, says that the committee has decided to change its tactics from peaceful sit-ins to civil disobedience;

they cross the line at the Pentagon authorized by their permit.

October 28. Oakland, Calif.—One policeman is killed, another is seriously wounded, and Huey Newton is seriously wounded in a gun battle; Newton is eventually judged not guilty of first degree murder, but is found guilty of voluntary manslaughter.

November 2. Winston-Salem, N.C.—There is disorder after burial of a man struck down by white police; gangs of blacks (500) begin roving the town, overturning cars, and looting.

November 13. Wilberforce, Ohio—Police attempt to arrest a black senior for threatening the black president of Wilberforce University; 30 to 50 students barricade the entrance to a building. After a student rally that evening, 100 to 200 students begin throwing rocks at police.

November 17. Philadelphia, Pa.—A school board president blames police for not wearing plainclothes outside a demonstration at the Board of Education administration building. Two busloads of police arrive; black gangs roam streets for an hour after demonstration.

November 20. Louis Gabor Babler, born in Hungary, successfully hijacks a Crescent Airline Piper Apache from Hollywood, Florida, to Cuba; the plane was scheduled to go to the Bahamas. He is still a fugitive; the profile is not applicable.

1968

January 24. Gastonia, N.C.—Twenty-eight inmates riot at the Gaston County Jail.

January 25. Miami, Fla.—Package en route to Cuba explodes; El Poder Cubano is suspected.

January 26. The Minutemen, a reactionary extremist group, is suspected of bank robberies.

February 6. New Haven, Conn.—Black and white students fight for more than 30 minutes at Hillhouse High School; they fight for 20 minutes at Lee High School.

February 8. Orangeburg, S.C.—Three South Carolina State College students are shot by State troopers while protesting segregation at a local bowling alley. Thirty-four are wounded when troopers thought that a trooper, who had been hit by a piece of wood, had been shot.

Miami, Fla.—The British consulate is damaged by a bomb. El Poder Cubano or other anti-Castro Cubans are believed responsible.

February 9. William Clark unsuccessfully tries to hijack a military charter DC-6 from Da Nang, South

Vietnam. His destination objective is unknown. At a U.S. Marine court martial, he receives 1½ years and a bad conduct discharge; on September 2, 1970, he receives a medical discharge as a schizophrenic.

February 17. Thomas J. Boynton, white, successfully hijacks a private charter Piper Apache from Marathon, Fla., to Cuba. He returned to the United States via Canada on November 1, 1969. He was sentenced to 20 years for kidnaping.

February 21. Lawrence Rhodes, white, successfully hijacks a DC-8 from Tampa, Fla., to Cuba. He surrenders in Spain on February 10, 1970. A January 4, 1971 hijacking charge against him is dismissed; he was committed to a mental institution; on July 8, 1971 he returns to prison; he is sentenced to 25 years for robbery on July 17, 1972.

February 23. Memphis, Tenn.—Striking sanitation workers march after the City Council rejects union demands for a dues check-off; 1,000 clash with police; mace is used to quell the disturbance; there are conflicting reports about the incident.

March 10. Salem, Oreg.—At the Oregon State Penitentiary, 700 inmates riot over cold food, no chance for parole, and poor visiting privileges; one inmate and three guards are injured.

March 12. Three Cubans successfully hijack a DC-8 from Tampa, Fla., to Cuba; all are fugitives.

March 19. Washington, D.C.—Howard University students seize the administration building after the administration refuses to drop charges against 39 students who disrupted the March 1 Charter Day ceremony; on March 23, the students accept compromise settlement.

March 22-24. Cheyney, Pa.—One hundred State troopers are called in to quell a demonstration of 300 students protesting the expulsion of an undergraduate for disciplinary reasons.

March 28. Memphis, Tenn.—Black youths throw bricks when not allowed to join Dr. King's march; 30 to 70 blacks loot alongside the procession; 250 city and county police respond with clubs and tear gas; 4,000 National Guardsmen arrive; Dr. King is taken to a motel; police fire tear gas at looters and bystanders; 60 are injured and one boy is shot by police.

March 29. Bowie, Md.—Three hundred of five hundred at primarily black Bowie State College seize the administration building.

March 30. Bowie, Md.—Students abandon building after Governor Agnew refuses to talk to them until building is vacated.

April 4. Memphis, Tenn.—Rev. Martin Luther King, Jr., is shot to death.

Washington, D.C.—Stokely Carmichael leads 50 youths down 14th Street demanding that stores be shut; the crowd swells to 400.

New York City—A no-guns policy by volunteers and police keeps disorders minor.

Pittsburgh, Pa.—There is scattered violence in black sections.

Memphis, Tenn.—During nights of the 4th and 5th of April more than 30 are injured in rioting.

Ithaca, N.Y.—Students at Cornell University hold the Economics Department chairman for 6 hours in protest against another professor's racist remarks.

April 5. Washington, D.C.—Rioting continues in three black sections.

Detroit, Mich.—A state of emergency is declared by Mayor Cavanaugh. Two blacks are killed.

Pittsburgh, Pa.—There is more vandalism and more firebombings.

April 5-6. Nashville, Tenn.—Two thousand National Guardsmen seal off the campus of black Tennessee A and I State University after 2 students are wounded; 50 guardsmen disperse a crowd of 200 with tear gas.

April 5-7. Chicago, Ill.—Blacks, out of school early, begin roaming the streets and smashing windows; four are killed and one fireman is wounded.

April 6. Washington, D.C.—There is a new wave of arson and looting; 8,000 additional Federal troops are moved into the city.

Chicago, Ill.—After nine blacks are killed, Lieutenant Governor Shapiro asks for Federal troops; firemen are attacked by snipers.

Baltimore, Md.—Four die in racial violence.

West Oakland, Calif.—Bobby Hutton, Eldridge Cleaver, three policemen, and a BPP officer are wounded in a 90-minute gunfight with police.

Pittsburgh, Pa.—Disorder spreads from black sections to the North Side; 90 are injured.

Memphis, Tenn.—The first death from the riot is reported; Governor Ellington orders 4,000 National Guardsmen to Memphis.

April 7. Chicago, Ill.—There are sporadic incidents of sniper fire; 11 blacks are killed; 7 of these deaths are related to the riot.

Baltimore, Md.—Violence subsides by morning, then increases steadily despite curfews; bands roam the city.

Pittsburgh, Pa.—A state of emergency is declared. State police and National Guardsmen are called in; police are told not to shoot looters; 24 are injured.

Tuskegee, Ala.—Two hundred and fifty black students hold 12 of the Tuskegee Institute's trustees captive in the college guest house for 12 to 13 hours.

April 8. Baltimore, Md.—Police dispel mobs with

tear gas; looting and arson spread; the first sniper fire is reported; a black is found burned to death.

Mount Auburn, Ohio—Black teenagers drag a couple from their car, stab the husband, and beat the wife.

Cincinnati, Ohio—There is a riot after a King memorial service; two are killed.

April 9. Baltimore, Md.—Sixteen black leaders tour the riot area after curfew.

Kansas City, Mo.—Police fire tear gas at 1,200 blacks gathered at city hall to hear Mayor Davis. School children march because they hadn't been let out of school like Kansas City, Kans., children.

Newark, N.J.—There is sporadic looting and a dozen fires; 600 are left homeless. Five hundred black youths patrol the city.

Trenton, N.J.—There is sporadic violence; a divinity student is killed by a white policeman; witnesses say he was trying to stop looters. National Guard troops withdraw on April 12.

April 10. St. Louis, Mo.—Students waiting outside a school are tear gassed by police who think they are resisting; police follow them into the school throwing tear gas. In the afternoon, rioters begin throwing molotov cocktails and set 70 fires; 22 are injured. Four blacks are shot and killed by unknown gunmen.

April 11. St. Louis, Mo.—There is a dusk-to-dawn curfew, violence declines. One black is shot and killed in a gunfight with police.

April 18. Raleigh, N.C.—At Central Prison, 400 inmates riot; the reported cause is anger of powerful inmates about the drive to rid prison of racketeering, homosexuality, and extortion; grievances include too little TV, and not enough visiting hours; two State police and three guards are injured.

New York City—The Mexican mission to the U.S. is bombed by El Poder Cubano, an anti-Castro group.

April 23. New York City—At Columbia University, whites, blacks, and nonstudents march in protest against the construction of a gymnasium and ties with the Institute for Defense Analysis; they tear down a fence at the gym site; they occupy Hamilton Hall, headquarters of the University, and hold Acting Dean Henry S. Coleman for 24 hours.

April 24. New York City—At Columbia University, Mark Rudd of the SDS leads students to the law library; students occupy and ransack the office of Dr. Grayson Kirk, president of the university; blacks release Coleman.

April 25. New York City—At Columbia University, two more buildings are seized—the social science and the architecture buildings.

April 26. New York City—At Columbia University,

the mathematics building is seized, classes are canceled; 250 high school students invade campus shouting "black power"; the campus is sealed off.

Columbus, Ohio—At Ohio State University, rioters seize the administration building, and hold two vice presidents and four staff members for several hours.

April 29. New York City—Columbia University requests that police end the seizures of the buildings.

April 30. New York City—At Columbia University at 2:20 a.m., 1,000 city police forcibly remove whites; 32 students, 4 faculty members, and 12 police are injured; 85 black students are removed from Hamilton Hall without incident.

May 1. New York City—At Columbia University, students and police clash during a student rally; 11 are injured.

May 3. Evanston, Ill.—More than 100 black students seize the finance building at Northwestern University; they surrender on May 4, after administration grants their demands.

May 5. New York City—At Columbia University, the faculty voted to end formal classes and cancel final exams.

Cheyney, Pa.—Four hundred of eighteen hundred students at Cheyney State College occupy the administration building for 2 days in a demand for improved curriculum.

May 9. Chicago, Ill.—At Roosevelt University, 24 students are suspended after a clash with police; students are demanding a full-time job for Professor Staughton Lynd; 16 students barricade themselves in the president's office.

May 17. Catonsville, Md.—Rev. Philip Berrigan is among nine held in the burning of 600 individual files from a draft board.

May 18. Salisbury, Md.—Three hundred blacks at a police station protest the shooting of a deaf-mute by a white policeman; the mayor announces a full investigation; a policeman is suspended. Night rioting starts despite a curfew; police use dogs and tear gas.

May 19. Salisbury, Md.—Blacks stone firemen; police use dogs and tear gas and are helped by rain.

May 26. Miami, Fla.—The Mexican consul general's residence is damaged by a bomb placed by El Poder Cubano.

June 5. Los Angeles, Calif.—Senator Robert F. Kennedy is shot to death by Sirhan Bishara Sirhan; Sirhan claims assassination was political.

June 21. New York City—Spanish Nationalist Tourist office is again bombed by El Poder Cubano.

June 22. Spokane, Wash.—Seven are found guilty of conspiring to rob banks to bolster Minutemen coffers.

June 28. Berkeley, Calif.—Demonstrations in solidarity with recent French student protests are sponsored by the Young Socialists Alliance.

June 29. Berkeley, Calif.—Tear gas is used by police to break up student demonstrations.

E. H. Carter, a black, successfully hijacks a DC-3 from Marathon, Fla., to Cuba; he is still a fugitive.

June 30. Berkeley, Calif.—A state of emergency is declared; a 7 p.m. to 6 a.m. curfew is set for a 50-square-block area around campus.

July 1. Velasquez Fonseca, born in Cuba, successfully hijacks a B-727 from Chicago to Cuba; he is still a fugitive.

July 4. John Hamilton Morris unsuccessfully hijacks a plane from Kansas City to Mexico; he pleads guilty on June 16, 1969; he tries to escape and is sentenced to 5 years to run consecutively with his present term; he is white.

New York City—The Canadian consulate and the tourist office are bombed by El Poder Cubano. The Australian National Tourist Office is bombed by El Poder Cubano.

July 7. New York City—The Japanese National Tourist Office is bombed by El Poder Cubano.

July 9. New York City—The Yugoslav and Cuban missions to the United Nations are bombed by El Poder Cubano.

July 12. Leonard Bendicks successfully hijacks a Cessna 210 from Key West, Fla., to Cuba. He is deported to U.S. in September 1968. On March 4, 1971, he is sentenced to 10 years for kidnaping. He is white.

Oran Daniels Richards tries to hijack a CU-880 from Baltimore, Md., to Cuba; charges against him are dismissed on September 3, 1969; he is released from a mental institution in Dayton, Ohio, on January 10, 1970; he is white.

July 14. Chicago, Ill.—El Poder Cubano terrorists bomb the Mexican National Tourist Office.

July 15. New York City—A bomb is found and removed by police from the French National Tourist Office.

July 16. Newark, N.J.—A bomb planted by El Poder Cubano is found and removed from the Mexican consulate by police.

July 17. Akron, Ohio—Rioting occurs. More than 100 persons are arrested.

Hernandez Leyva, a Cuban, successfully hijacks

a DC-8 from Los Angeles to Cuba; he is still a fugitive.

July 18. Akron, Ohio—There is firebombing and looting; a night curfew is imposed; the National Guard is called out.

July 19. Los Angeles, Calif.—An Air France ticket office is damaged by a bomb.

A Mexican National Tourist Office is bombed.

A Shell Oil building is bombed.

A Japan Air Lines office is bombed. El Poder Cubano is suspected of all the bombings.

July 23. Cleveland, Ohio—There is a gunfight between Black Nationalists and police; seven persons are killed; arson and looting take place; the relatively rapid restoration of order is credited to Carl Stokes. According to police, a squad car parked outside headquarters of Black Nationalists of New Libya is fired on by members; 3 Black Nationalists, 3 police, and 1 black helping the police are killed in wave of shooting; 3 more blacks are killed later that night, 23 are wounded.

July 27-29. Gary, Ind.—Black motorcycle gang, Sin City Disciples, tries to prevent the arrest of two rape suspects; looting and arson follow.

July 30. Peoria, Ill.—A rock-throwing incident involving 50 youths escalates to an exchange of gunfire.

Los Angeles, Calif.—Anti-Castro Cuban terrorists bomb the British consulate.

August 2. Brooklyn, N.Y.—Two patrolmen are wounded by shotgun blasts while answering a false cry for help; three Black Panthers are charged.

August 3. New York City—The Bank of Tokyo Trust Company is bombed by El Poder Cubano.

August 4. Jessie Willis successfully hijacks a Cessna 182 from Naples, Fla., to Cuba; he returns voluntarily via Mexico on January 10, 1969; he is sentenced to 10 years for kidnaping; he is paroled on July 28, 1971; he is white.

August 5. Watts, Calif.—At Ham's Mobil Service Station, four Black Panthers are ordered out of a car by two patrolmen; according to witnesses the Black Panthers started shooting; three of the four died in the gunfight; two patrolmen are wounded; one of four found not guilty of assaulting officers.

Los Angeles, Calif.—The British consulate is bombed by anti-Castro Cubans.

August 6. Chicago, Ill.—A curfew is imposed in two suburbs after a disorder where six police are injured by shotgun pellets; it is blamed on Black Elephants.

Watts, Calif.—Three blacks, two of whom were probably Black Panthers, are killed; two police are injured in gunfight 8 miles northwest of Watts.

August 7. Miami, Fla.—Violence breaks out after a

white newsman refuses to show credentials at vote-power rally at Liberty City, several miles from the Republican Convention.

August 8. Miami, Fla.—Violence breaks out when Governor Kirk and Ralph Abernathy don't appear at a scheduled meeting; three blacks are killed in a gunfight with police.

An underwater explosion by El Poder Cubano damages a British vessel near Miami.

Los Angeles, Calif.—The British consulate is bombed; the bombing is claimed by anti-Castro Cuban exiles.

August 11. Watts, Calif.—A 3-hour riot occurs as the Third Annual Watts Summer Festival closes; a crowd throws rocks and bottles at policemen arresting a woman for drunken driving; gunshots are fired from the crowd; 3 are killed, 44 are injured.

New York City—Cruising police are shot at by snipers from a rooftop, allegedly members of the Black Panthers.

August 12. Michigan City, Ind.—At Indiana State Prison, 25 inmates riot for 6 hours; they hold 2 hostages until officials agree to hear grievances.

August 17. Miami, Fla.—A Mexican airline office is bombed by El Poder Cubano.

August 22. Bill McBride, white, successfully hijacks a Cessna 336 from Nassau to Cuba; he is still a fugitive, no positive identification is made.

August 24. Boston, Mass.—Three hundred black students are barricaded in the Boston University Administration Building for more than 12 hours; they want more black history courses, students, and faculty members.

Voluntown, Conn.—State troopers fight a gun battle with six alleged Minutemen, who are reportedly trying to burn down the camp of the Pacifist Committee for Nonviolent Action. Troopers are alerted by FBI.

August 26. Chicago, Ill.—A week of sporadic violence begins.

August 28. Chicago, Ill.—At an afternoon rally in Grant Park, protesters are chased by security police down streets and attacked by clubs, tear gas, and mace to prevent them from marching to the Amphitheatre; of 300 newsmen, 63 are attacked by police according to the Walker Report.

August 29. Chicago, Ill.—Thousands of demonstrators against police brutality try to march to the Amphitheatre; 150 are arrested for breaking the police barrier; police use tear gas.

August 30. St. Paul, Minn.—Two off-duty police take a gun from a youth at a dance; other youths throw bottles and chairs; 10 shots are fired; police

disperse the crowd with tear gas; 12 are arrested, 52 are injured.

Berkeley, Calif.—Demonstrations take place against U.S. policy in Vietnam and Chicago police brutality.

August 31. Berkeley, Calif.—Demonstrations continue.

September 1. Newport News, Va.—A fatal shooting of a black by a white policeman occurs; \$2 million in damage is done in the black business section.

September 2. Berkeley, Calif.—State of civil disaster declared by the city manager after 3 days of continued violence.

September 4. Brooklyn, N.Y.—At the Criminal Court Building, 150 whites, many of whom are off-duty police, attacked a group of eight or nine Black Panthers in a hallway while attending a hearing for three Panthers arrested for assaulting a policeman on August 31; at least two of the police are members of the Executive Board of the Law Enforcement Group of New York.

September 10. Oakland, Calif.—Two police are dismissed and jailed for firing 12 shots into Black Panther headquarters and a neighboring restaurant; no one is injured; they were aiming for a picture of Huey Newton in the window.

Urbana, Ill.—Two hundred and fifty blacks are arrested after a 2-day sit-in at the University of Illinois student union; \$5,000 in damage is done to the student union.

September 12. Brooklyn, N.Y.—Two patrolmen are injured by sniper while stopped at a red light. The sniper is suspected of being a Black Panther.

September 16. Miami, Fla.—El Poder Cubano terrorists fire on a Polish vessel with rifles.

September 20. Suarez Garcia, a Cuban, successfully hijacks a B-720 from San Juan, Puerto Rico, to Cuba; he is still a fugitive.

September 24. Milwaukee, Wis.—Catholics, including seven clergy, seize draft board offices and burn thousands of records; defendants use insanity as defense; they said they had the "delusion that our cherished institutions were being perverted."

September 25. Boston, Mass.—In Roxbury, stores are looted and police are pelted from rooftops after a black power rally where high school students demand the right to wear African dress and to form black student unions.

September 30. Newark, N.J.—One hundred and seventy-eight inmates riot at the Essex County Jail.

October 2. Columbia, S.C.—At South Carolina Penitentiary, 300 inmates riot for better food, central air

conditioning, a revised inmate council, and access to reporters; 11 inmates and 6 guards are injured.

October 5. Columbia, S.C.—At South Carolina Penitentiary, 300 inmates riot again; \$58,000 damages result from both incidents.

Queens House of Detention, Kew Gardens, N.Y.—Nine Panther defendants are among the last 41 prisoners to surrender after a prison disturbance; authorities say Panthers acted as leaders of the revolt.

October 8. Washington, D.C.—A motorcycle policeman fatally shoots a black jaywalker; in protest 250 blacks block traffic and set fires until dispersed by tear gas.

October 14. Santa Barbara, Calif.—Twenty members of the Black Student Union seize a classroom building and hold it for over 9 hours.

October 23. Alben Truitt successfully hijacks a Cessna 177 from Key West to Cuba; he returns via Canada in February 1969; he is sentenced to 20 years for aircraft piracy and 20 years for kidnaping (to run consecutively); he is white.

New York City—Police capture El Poder Cubano terrorists who attempted to assassinate the Cuban ambassador to the United Nations; the ambassador is unharmed.

November 2. Washington, D.C.—Two black women are wounded by a white policeman; rumors spark disorders; three cars are burned, several whites are beaten, and 13 rioters are arrested.

Roger Pastorich, 17 years old, unsuccessfully attempts to hijack a DC-9 from Birmingham, Ala., to South Vietnam; he never gets off the ground; he is charged with carrying weapon aboard an aircraft; he is placed under psychiatric care and on probation due to his age; he is released on December 23, 1970; he is white.

November 4. San Fernando, Calif.—Three hundred students at San Fernando Valley State College hold two floors of the administration building, acting president Blomgren, and 35 others. Amnesty for demonstrators is agreed on; under duress, on November 5, the amnesty is canceled.

Raymond Johnson, a black, successfully hijacks a B-727 from New Orleans to Cuba; he is still a fugitive.

November 6. San Francisco, Calif.—At San Francisco State College, the Black Student Union, the Third World Liberation Front, and the SDS call for a student strike after the suspension of a black professor; they make 15 demands, including a demand for an autonomous black studies department.

November 11. Detroit, Mich.—Eleven young men and women are arrested on charges of conspiracy to bomb a CIA recruiting office, and cars belonging to

three police, an Army recruiter, a draft board office, a suburban school administration building, and the University of Michigan Institute of Science and Technology.

November 12. Carbondale, Ill.—Ten persons are wounded, including four patrolmen, in series of gun battles with blacks claiming to be Black Panther Party members.

November 13. Berkeley, Calif.—A Black Panther and a policeman are wounded in a shootout.

Boston, Mass.—Three blacks are fatally shot and two are wounded when five other blacks invade headquarters of New England Grass Roots Organization, ghetto self-help organization.

San Francisco, Calif.—San Francisco State College President Smith and the faculty suspend classes.

November 16. Bluefield, W. Va.—At Bluefield State College, rocks are thrown at the student union and the president's home; black students had submitted a number of demands.

November 19. San Francisco, Calif.—Three police are wounded in a shootout with eight Black Panthers.

November 22. Bluefield, W. Va.—At Bluefield State College, a bomb damages the physical education building; the school is shut down.

November 23. Five Cubans successfully hijack a B-727 from Chicago to Cuba; all are still fugitives.

November 24. Three Latins (two born in Puerto Rico) successfully hijack a B-707 from New York to Cuba; they are still fugitives.

November 29. Jersey City, N.J.—A police station is machine-gunned; Black Panthers are accused.

November 30. Montesino Sanchez, a Cuban, successfully hijacks a B-720 from Miami to Cuba; he is still a fugitive.

December 1. Newark, N.J.—There is a firebomb attack on Black Panther headquarters, allegedly by two white men dressed in policelike uniforms; four Black Panther members are injured.

December 2. San Francisco State College—Dr. Hayakawa reopens the college.

December 3. Eduardo Castera, a Latin, successfully hijacks a B-727 from Tampa to Cuba; he is still a fugitive.

December 5. San Francisco State College—Police use mace and drawn guns to keep 400 demonstrators away from a building; 25 are arrested.

Boston, Mass.—Roxbury's Martin Luther King, Jr., Middle School is closed indefinitely after student rioting; black teacher is attacked by black students.

December 11. Two blacks successfully hijack a

DC-8 from St. Louis to Cuba; they are still fugitives.

December 13. San Mateo, Calif.—One hundred and fifty minority-group students smash windows, doors, and TV cameras; more than 12 white students are beaten in a 20-minute rampage following a rally.

December 19. Thomas George Washington, a black, successfully hijacks a DC-8 from Miami to Cuba; he returns via Canada in November 1969; he is sentenced to 20 years for interfering with a flight crew; he is released on June 4, 1971.

Watts, Calif.—Frank Diggs, BPP, is found shot; no one was ever convicted though the weapon was found in 1969 raid on BPP party.

1969

January 2. A black couple successfully hijacks a DC-8 from New York to Cuba; the man was killed during a bank robbery in New York on April 22, 1971; he was described as an associate of the black power movement; the woman is still a fugitive.

January 3. New York City—Black and Puerto Rican participants in SEEK (Search for Education Elevation and Knowledge) conduct a series of demonstrations and campus invasions at Queens College.

January 6. Queens College, N.Y.—Students thought to be SEEK members invade the faculty dining room, the registrar's office, and the library; they smash dishes, records, and cards.

January 8. Waltham, Mass.—Members of the Afro-American Society of Brandeis University seize the campus communications center and hold it for 11 days. The number of students involved rose from 15 to 65 by January 18, when the incident ended; the incident began 2 days after dissidents from San Francisco State College visited.

January 9. Swarthmore College, Pa.—Approximately 20 students take administration building, demand more black students and staff; occupation ends January 16, when Dr. Courtney C. Smith, president, is stricken by a fatal heart attack while preparing for a meeting.

San Fernando Valley State College, Calif.—Two hundred and thirty-five people are arrested in an unauthorized rally.

Ronald Bohle, a 21-year-old Purdue University student, successfully hijacks a B-727 from Miami to Cuba; he returns via Canada on November 1, 1969, and is sentenced to 20 years for air piracy on July 6, 1972; he is white.

January 11. A white man successfully hijacks a B-727 from Jacksonville, Fla., to Cuba; he returns via Canada on May 5, 1969; he is acquitted of air

piracy and kidnaping on grounds of temporary insanity.

January 13. Queens College, N.Y.—Fifteen blacks ransack President Mulholland's office before a SEEK student announced the formation of group in his support of the president.

Near Truth or Consequences, N. Mex.—Minute-men leader Depugh and aide W. P. Peyson are arrested on conspiracy charges in connection with series of planned bank robberies; Depugh was also wanted on a Federal firearms conviction; Peyson had failed to appear for trial on previous charges.

A white person unsuccessfully attempts to hijack a CU-880 from Detroit to Cuba; he is sentenced on July 31, 1969, to 15 years for interference with a flight crew; he had a history of mental illness.

January 14. Minneapolis, Minn.—Seventy-five white members of SDS and 70 blacks seize the administration building of the University of Minnesota; they demand a degree program in Afro-American studies, among other things; 200 white power students gather outside the building.

January 17. San Jose State College, Calif.—Fifty students run through buildings, set off sprinkler systems, and splash paint; a police car windshield is shattered by a bullet.

UCLA—Two Black Panther leaders are fatally shot; two members of rival group, US, are thought to be responsible; FBI is blamed for provoking rivalry between the groups.

A Latin from the Dominican Republic successfully hijacks a DC-8 from New York to Cuba; he is still a fugitive; extradition process is underway.

January 20. Washington, D.C.—Three hundred to four hundred demonstrators hurl rocks and bottles at Nixon's limousine as it is en route to Inaugural; they had separated themselves from 6,000 nonviolent National Movement to End the War in Vietnam demonstrators.

January 22. Berkeley, Calif.—Fire in Wheeler Hall causes \$400,000 damage.

January 23. San Francisco State College—Third World Liberation Front holds rally in defiance of restrictions; 483 are arrested.

Jacksonville, Fla.—Firebombing and rock throwing break out after a white man is acquitted of murdering a black man.

January 24. Ayre (alias, no positive identification) successfully hijacks a B-727 from Key West to Cuba; he was a 19-year-old Navy deserter who "didn't want to go to Vietnam"; he is still a fugitive; he is white.

January 26. Seattle, Wash.—Edwin T. Pratt, executive director of the Seattle Urban League, is fatally

shot in front of his home in suburban Richmond Heights.

January 28. Two black men successfully hijack a DC-8 from Los Angeles to Cuba; they are prison escapees and are still fugitives.

Three black men successfully hijack a DC-8 from Atlanta, Ga., to Cuba; they are still fugitives.

January 30. University of Chicago—Four hundred students occupy the administration building until February 14 in protest of denial of tenure to Marlene Dixon.

January 31. Allan Sheffield successfully hijacks a DC-8 from San Francisco to Cuba; he says he is "tired of TV dinners and tired of seeing people starve in the world"; he is still a fugitive.

February 3. A 21-year-old student and his girlfriend attempt to hijack a plane from New York City to Cuba; when the pilot refuels in Miami, the hijackers allow the passengers to deplane; the police capture the hijackers.

Two Cubans successfully hijack a B-727 from Newark, N.J., to Cuba; they are still fugitives.

February 4. Berkeley, Calif.—There are clashes between police and students; 20 arrests are made; 300 demonstrators refuse police orders to clear main gates.

February 5. Queens College, N.Y.—Eight demonstrators ransack the office of the president's replacement (Dean of the Faculty Robert Hartle, a white); 50 protestors occupy the SEEK administration office.

February 7. Greensboro, N.C.—At the predominantly black North Carolina Agricultural and Technical College, 125 students end a brief occupation of the administration building.

February 8. University of Chicago—Ten young men with literature from rightwing Minutemen fight with students.

February 9. Itta Bena, Miss.—A demonstration at the Mississippi Valley State College is broken up by 150 highway patrolmen.

February 10. A Latin, born in Cuba, successfully hijacks a DC-8 from Atlanta to Cuba; he is still a fugitive.

February 11. Chicago, Ill.—The University of Chicago takeover continues.

February 12. Chicago, Ill.—At Roosevelt University, students continue their takeover of classes and conduct lessons in black studies; the incident is ended.

Madison, Wis.—Governor Knowles calls 900 National Guard troops to control 1,000 to 2,100 striking students.

February 13. Durham, N.C.—Black and white stu-

dents clash with police for 9 hours after 60 blacks seize the administration building; the police use tear gas and clubs after protestors begin pounding a police car; 20 are injured, including 5 police.

City College of New York—One hundred to two hundred black and Puerto Rican students occupy the administration building and claim President Gallagher has not met their demands for the creation of a separate school of black and Puerto Rican studies and a student voice in SEEK program policies.

Madison, Wis.—Troops with fixed bayonets prevent picketing of 5,000 to 10,000 students.

February 17. Berkeley, Calif.—One hundred and fifty police supervise a picket line; demonstrators throw rocks and stench bombs.

February 18. Marshall, Tex.—Students of black Wiley College barricade and padlock buildings and demand academic reform.

Washington, D.C.—Howard University law students seize the law school building to demand greater student participation; the disturbance is not related to the new dean, Mrs. Patricia Roberts Harris.

February 20. Stony Brook, N.Y.—Eight hundred seize library at State University of New York and demand Assistant Dean John DeFrancesco be retained.

Ypsilanti, Mich.—Two hundred black and white Eastern Michigan students are prevented from seizing the administration building.

Chicago, Ill.—At Roosevelt University, President Rolf Weil refuses to sign a declaration of amnesty for protestors; demonstrators rip out phones, set off fire alarms, and attack reporters.

February 24. Stony Brook, N.Y.—One hundred and fifty State University of New York students bar Army recruiters for 4 hours in a sit-in.

Newark, N.J.—At Rutgers University, black students seize Conklin Hall, housing the university switchboard and classrooms; they demand participation in the admissions policy.

University Park, Pa.—Pennsylvania State students occupy the administration building for several hours, but file out peacefully after a court injunction is read to them.

February 25. A black man successfully hijacks a DC-8 from Atlanta to Cuba; he surrenders to U.S. authorities in Prague, CSR, in September 1969; he is sentenced to life imprisonment on July 7, 1970.

March 5. A black successfully hijacks a B-727 from New York to Cuba; he is still a fugitive.

March 11. Washington, D.C.—Howard University students occupy a number of buildings on campus.

March 17. A white successfully hijacks an airliner from Atlanta to Cuba; he returns via Canada on

November 1, 1969; he is committed to a mental institution on February 1, 1972; he is released on second 18-month furlough on December 5, 1973.

March 19. A white tries to hijack a CV-880 from Dallas to Cuba; he ends up in New Orleans; charges are dismissed due to insanity.

March 25. Columbia University, N.Y.—SDS begins spring offensive with a peaceful strike; they picket eight buildings.

Latin successfully hijacks a DC-8.

March 29. Detroit, Mich.—A gun battle occurs in a church following a meeting of a black separatist group, the Republic of New Africa; one policeman is killed, one is wounded; four blacks are wounded.

Queens College, N.Y.—Sit-ins are held; 500 police clear demonstrators from social science building; 39 are arrested; this disturbance is unrelated to the January protests.

April 3. Chicago, Ill.—There is rock and bottle throwing near high schools; police control the disorders prior to the arrival of the National Guard; police only fire once, in the air.

April 9. Harvard University, Cambridge, Mass.—Three hundred students seize the administration building; the occupation is followed by an SDS rally; six demands are made, including the ouster of ROTC units; 200 remain in the building overnight.

April 10. Harvard University, Cambridge, Mass.—At dawn, 400 police clear the building in 20 minutes; Dean Glimp gives a final warning that is not heard in building; the police charge with nightsticks, clear the hall steps, and drag students out; a *Life* photographer is hit on the back of the head; 1,500 students join the SDS in calling for a strike; they condemn the calling in of the police.

April 13. Four Cubans successfully hijack a B-727 from San Juan, Puerto Rico, to Cuba; they are still fugitives.

April 14. Columbia University, N.Y.—Twenty black students who are members of Student Afro-American Society seize the Columbia College Admissions Office; they demand the admissions board be nominated by black students.

April 16. Queens College, N.Y.—A day-long occupation of 4 floors of a 13-floor administration building takes place.

April 17. Queensborough Community College, N.Y.—Fifty members of the Student-Faculty Coalition to End Political Suppression stage an 8-hour sit-in over the firing of an English professor, who is a member of Progressive Labor Party.

Columbia University, N.Y.—Two hundred SDS members occupy Philosophy Hall; there are fights be-

tween the SDS members and other students; they leave the building after a brief scuffle with officials attempting to serve a court order.

At Brooklyn College, a unit of Community University of New Ycrk, there are fires, acts of vandalism, and disrupted classes; black and Puerto Rican students demand open admission policies.

April 19. Columbia University, N.Y.—A building seizure is attempted by a radical faction of the SDS, the Expansion Committee; 32 members vacated building after 6 hours; they believe they lack campus community support.

Cornell University, Ithaca, N.Y.—One hundred black students seize the student union; they leave 36 hours later carrying 17 rifles and shotguns after the faculty dean agreed to recommend that charges against three blacks in December 1968 demonstrations be dropped; four students are injured in a white fraternity counterinvasion; the occupation was in response to a cross burning near a black dorm.

April 21. Queens College, N.Y.—A 4-day student strike begins.

Queensborough Community College, N.Y.—The sit-in is renewed; three faculty members are dismissed.

Washington, D.C.—There is a boycott of classes by students of the School of Social Work at Howard University.

April 22. City College of New York—President Gallagher orders the college closed; 150 black and Puerto Rican students lock themselves inside the gates of the campus.

Brooklyn College—There is a 6-hour sit-in, but no disruption of classes.

April 23. Cornell University, Ithaca, N.Y.—After 3,000 students stage a peaceful sit-in, faculty members rescind an April 21 decision not to drop disciplinary proceedings.

April 26. Cairo, Ill.—There is racial unrest, marked by firebombing and sniping; it lasts until the 28th.

April 27. Winston-Salem, N.C.—A black policeman is wounded by an escaped black convict; disorders begin.

April 28. Queens College, N.Y.—Members of the Ad Hoc Committee to End Political Suppression re-occupy the administration building.

Washington, D.C.—There is a boycott of classes and an occupation of the office of the head of the sociology and anthropology department, G. Franklin Edwards, by students.

Voorhees College, Denmark, S.C.—Thirty to seventy-five students armed with guns and knives, seize the library-administration building; they are arrested by State police after having been promised amnesty for surrendering peacefully; the State police

and National Guard are called against wishes of the president of the college.

Cairo, Ill.—Bombs are used to set fire to a building next to a housing project; firemen and police are met with sniper fire.

April 29. Winston-Salem, N.C.—The governor orders 150 to 200 National Guard troops to enforce a curfew imposed after 2 days of fires and rock throwing, which began on April 27.

April 30. Brooklyn College, N.Y.—One hundred and fifty to two hundred students vandalize President Peck's office; they set small fire in office and rip phone wires out of the walls.

Columbia University, N.Y.—One hundred and sixty SDS members seize the math and Fayerweather buildings; a professor is clubbed in the face by a student; eight other professors and one graduate student remain in Fayerweather Hall for a counter sit-in.

May 1. Queens College, N.Y.—A conservative group sits in at the college registrar's office and protests the failure to send for police; following a meeting of SEEK students, black students smashed windows in the faculty dining room and overturned card catalogs in the main library.

Columbia University, N.Y.—SDS members leave the building.

May 5. Jean Pierre Charrette and Alain Alard (one Canadian, one unknown) successfully hijack a B-727 from New York to Cuba; they are still fugitives; both are white.

May 7. City College of New York—Racial battles break out between black and white students when the college reopens for the first time in 2 weeks.

Queensborough Community College, N.Y.—The fourth floor of the administration building is held for 4 hours; demonstrators leave the building moments before the police arrive.

Washington, D.C.—Howard University is closed; there are incidents of vandalism; number of buildings seized rises to eight.

May 8. Washington, D.C.—On the Howard University campus fires break out and cars are stoned; Mayor Walter Washington mobilizes units of the National Guard; five police, three Federal marshals, and three passers-by are slightly injured.

May 9. Washington, D.C.—At Howard University, 100 Federal marshals and 23 campus security guards break into the occupied buildings and remove the students.

May 15. Berkeley, Calif.—Students attempt to regain People's Park; police use tear gas and bird-shot-loaded riot guns; James Rector, a nonstudent, is killed; 70 rioters are injured.

May 16. Burlington, N.C.—Seventeen blacks are arrested while marching to protest the failure to elect a black cheerleader; black youths throw firebombs and begin looting; police are met with sniper fire; one black is killed; 29 are arrested.

May 19. Newark, N.J.—Black youth fatally shot by black policeman; dozens of stores are looted; the city's entire police force is called out.

May 20. Berkeley, Calif.—Police use tear gas on 500 demonstrators advancing on Chancellor Heyn's home shouting "murderer" (after the shooting of James Rector).

May 21. Greensboro, N.C.—Dudley High School students throw rocks when militants are barred from a school election; Agricultural and Technical State University students take up the cause.

New Haven, Conn.—The body of Alex Rakely is found in a river; he was allegedly tried and tortured in a Black Panther kangaroo court; two Panthers are sentenced to life in the case; Bobby Seale and Erika Huggins are released when charges against them are dropped after jury is deadlocked.

May 22. Berkeley, Calif.—Five hundred demonstrators are arrested for marching in downtown Berkeley.

Greensboro, N.C.—A student is killed in a gun battle between students and police.

May 23. Greensboro, N.C.—National Guardsmen and police using tear gas move into the Agricultural and Technical State University campus.

San Diego, Calif.—John Savage, a Black Panther, is fatally shot; this provokes gunfights during the summer between Panthers and the US Cultural Organization in which four are wounded.

Three Latins born in Cuba successfully hijack a B-727 from Miami to Cuba; they are still fugitives.

May 30. A white unsuccessfully attempts to hijack a CV-600 from Alexandria, La., to Cuba; the charges are dismissed due to insanity; he is released on probation on October 10, 1973.

June 5. Hartford, Conn.—Twenty-two stores in the predominantly black and Puerto Rican North End are looted; two are injured.

Denver, Colo.—Police use tear gas in a raid on Black Panther offices.

June 8. New York City—A bomb explodes in Loew's Orpheum Theater, causing minor damage; press reports alleged that it was set by anti-Castro Cubans protesting a showing of the picture "Che."

June 16. Sacramento, Calif.—Panther leaders say that police charged their offices after tossing tear gas canisters; 6 hours of sniper fire follow; 13 police are wounded; 37 people are arrested.

June 17. A black successfully hijacks a B-707 from Oakland to Cuba; he is a fugitive.

June 18. Lansing, Kans.—At the Kansas State Penitentiary, 80 inmates cause \$250,000 damage; one inmate is killed.

June 19. Cairo, Ill.—Governor Ogilvie orders State police to quell disturbances after four fires erupt in the city; police replace an all-white vigilante group.

June 20. St. Cloud, Minn.—At Minnesota Reformatory for Men, a riot breaks out after a fight between black inmates and white officers; there is \$30,000 damage; 12 hostages are held.

June 22. A Latin, born in Cuba, successfully hijacks a DC-8 from Newark, N.J., to Cuba; he is still a fugitive.

June 23. Cleveland, Ohio—Three patrolmen are shot without warning while towing away a car.

June 24. Omaha, Nebr.—The slaying of a 14-year-old girl by a policeman precipitates firebombing and looting; it lasts 2 days.

June 25. A Latin successfully hijacks a DC-8 from Los Angeles to Cuba; he is still a fugitive.

June 27. Jefferson City, Mo.—At Missouri State Penitentiary, a riot results after several weeks of disturbance by inmates in maximum security.

June 28. A white successfully hijacks a B-727 from Baltimore to Cuba; he returns via Canada in November 1969; he is sentenced to 15 years for interference with a flight crew on October 6, 1970.

June 29. Tehachapi, Calif.—Inmates at the California Correctional Institution riot when officers try to apprehend an inmate suspected of being drunk; \$65,000 damage results.

July 15. New Jersey—A grenade arsenal is bombed by Sam Melville.

July 17. Youngstown, Ohio—After 2 nights of looting and firebombing, the National Guard is fired on by snipers; the violence follows a demonstration against a dairy store owner; 25 are arrested; 12 are injured.

York, Pa.—Violence and sniping are set off by a young black who accidentally sets himself on fire and blames it on a white gang; a black woman is killed in a black-white gang shootout; one National Guardsman is killed; black leaders are critical of police behavior.

July 20. Camp Lejeune, N.C.—At a U.S. Marine Corps base, racial fighting breaks out between 30 Puerto Rican and black marines, and 14 white marines; one white marine dies of skull fracture.

July 22. Columbus, Ohio—Firebombing, looting,

sniper fire erupt following a shooting of a black man by a white neighbor; a white man is killed by sniper fire after offering to direct traffic; the governor orders 1,350 National Guardsmen into the area during the next 3 days; there are four major fires; 434 are arrested; 36 are injured.

July 26. Black successfully hijacks a DC-8 from El Paso, Tex., to Cuba; he returns via Canada on November 1, 1969; he is sentenced to 50 years for aircraft piracy on September 14, 1970.

New York, N.Y.—United Fruit Company pier is bombed by Sam Melville.

July 31. Chicago, Ill.—There is a gun battle between Panthers and police; five police are wounded.

A white successfully hijacks a B-727 from Pittsburgh, Pa., to Cuba; he is still a fugitive; he was an accused bank robber being transported to Los Angeles.

August 3. Passaic, N.J.—More than 200 Puerto Ricans protesting poor housing conditions smash windows and set firebombs; the curfew is lifted August 10.

August 5. A man unsuccessfully tries to hijack a DC-9 from Philadelphia to Cuba; charges are dismissed on January 12, 1970; he is committed to a mental institution; he is discharged on September 15, 1971.

August 8. Michigan State policeman is shot by rifle in ambush.

August 9. Pittsburgh, Pa.—At Allegheny County Prison, there is a 20-minute riot due to a rumor that guards had abused an inmate; two guards are injured.

August 10. Near Honolulu, Hawaii—At the Kaneohe Marine Corps Air Station, fighting breaks out between black and white marines; 16 marines receive minor injuries.

August 12. Somerville, Tenn.—After a white father and his son allegedly bludgeon two black women, a boycott of merchants starts; there are several days of nonviolent picketing; police confiscate placards as illegal; 500 demonstrators march on courthouse the next day.

August 14. Two Cubans successfully hijack a B-727 from Boston to Cuba; they are still fugitives.

August 15. San Diego, Calif.—Sylvester Bell is shot to death as he is distributing a Black Panther newspaper.

August 17. Niagara, N.Y.—Widespread vandalism and looting occur after a fight between black and white gangs.

August 18. Tacoma, Wash.—Black and white gangs

roam streets at night after watching a fight between blacks and whites over parking spaces; there is sniper fire.

August 19. Lakewood, N.J.—A rigid curfew is imposed after a weekend confrontation between blacks and police.

August 20. New York, N.Y.—The bombing of Marine Midland Grace Trust Company building is attributed to Sam Melville.

August 22. McAlester, Okla.—At Oklahoma State Penitentiary, one hostage is held; inmates demand to see the warden and a reporter, better medical attention, and more recreation.

August 25. Pittsburgh, Pa.—Five construction sites are closed after more than 1,000 demonstrators surge into the downtown area demonstrating against refusal of trade unions to increase black employment.

August 26. Pittsburgh, Pa.—Police and demonstrators clash near Three Rivers Stadium; the stadium has been the focal point of demands by the Black Construction Coalition; 45 are injured.

August 27. Forrest City, Ark.—National Guardsmen and State police dispersed crowds of whites demanding the lynching of three blacks accused of raping a 15-year-old white girl; 1,000 whites swarm around county jail, disobeying a curfew ordered by the mayor.

Pittsburgh, Pa.—Seven hundred black and white demonstrators gather across the street from the U.S. Steel headquarters building; the workers on the structure drop objects, demonstrators throw bottles; 45 are arrested; 5 receive minor injuries.

August 29. Grand Rapids, Mich.—Youthful gangs roam the black section and throw rocks at police cars; six are injured, including four police.

New York, N.Y.—Files are stolen from the Palestine Liberation Organization; the Jewish Defense League is suspected.

A Cuban successfully hijacks a B-727 from Miami to Cuba; he is still a fugitive.

August 30. Fort Lauderdale, Fla.—The report that a black woman was shot inspires sniper fire and rock throwing as residents of the black section come out to jeer police.

San Diego, Calif.—US new headquarters is bombed.

September 1. Hartford, Conn.—Youths attack a fire station after an article is published quoting a fireman as saying, "Puerto Ricans are pigs"; the youths are driven off by tear gas; looting and firebombing continue through September 4.

September 2. La Grange, Ky.—At the Kentucky State Reformatory, 800 inmates are involved in a race riot; 2 inmates are injured; \$15,000 damage is done.

Fort Lauderdale, Fla.—Governor Kirk sends National Guard into the city after the city council votes a state of emergency.

Camden, N.J.—There are disorders in a black neighborhood through September 5; shotgun fire kills a white policeman and a black girl; police and snipers skirmish.

September 6. Somerville, Tenn.—There is a march through downtown despite a court order against it; marchers are repelled by water hoses and clubs; police stop further demonstrations.

September 7. A Latin hijacks a DC-8 from New York to Cuba; he is still a fugitive.

September 10. A Puerto Rican unsuccessfully tries to hijack a DC-8 (scheduled for San Juan) to Cuba; he is committed to mental institution on January 30, 1970; he is released in December 1971.

September 16. Santa Barbara, Calif.—At the Santa Barbara County Jail, internal inmates dissension and understaffing cause a riot; \$1,336 damage results.

Cairo, Ill.—Gunfire erupts in a black housing area between whites and blacks; one black woman is wounded.

September 19. New York, N.Y.—A Federal office building at the Federal Plaza is bombed; this is attributed to Sam Melville.

September 24. Madison, Wis.—At the University of Wisconsin, an ROTC office is bombed.

Milwaukee, Wis.—A Federal building is bombed.

Chicago, Ill.—At the Civic Center a bomb is discovered set to explode at 2:40 a.m.

A Cuban successfully hijacks a DC-8 from Charleston, S.C., to Cuba; he is still a fugitive.

September 26. Pendleton, Ind.—At the Indiana Reformatory, 200 inmates riot; they demanded that 4 leaders be released from disciplinary segregation; they complained about false information from outside sources; 2 inmates are killed; 45 inmates and 1 guard are injured. On November 26, 1974, a Federal court jury finds in favor of 11 inmates who alleged in a civil suit that nine guards and two officials used undue force; the guards had fired on prisoners who were staging sit-in.

Ann Arbor, Mich.—One hundred and five University of Michigan students are arrested for occupying a campus building for 12 hours in an attempt to force the regents to establish a student-run discount book store.

September 28. Oklahoma State Prison—Eighteen inmates cause \$3,500 damage.

October 1. Green Bay, Wis.—At the Wisconsin State Reformatory, there is a confrontation between an officer and inmates; 70 inmates riot; the riot ends when security captain responds to the inmate com-

plaints and persuades them to return to their quarters.

October 3. St. Louis, Mo.—At a medium security institution, 75 inmates riot for better food, the release of a guard, a new warden, better personnel relations, better work time; the riot ends after inmates talk to a reporter.

October 4. Chicago, Ill.—There is a gun battle on the roof of Panther headquarters; seven members are charged with attempted murder and resisting arrest; one policeman is wounded.

October 5. Las Vegas, Nev.—Black gangs roam the west side; they set cars on fire and loot; two are killed.

October 7. New York, N.Y.—U.S. Armed Forces Examining and Entrance Station at Whitehall Street is bombed; it is attributed to Sam Melville.

Chicago, Ill.—Weather Underground members bomb a police statue in Haymarket Square.

October 8. Chicago, Ill.—Members of Weather Underground clash with police after a rally in Lincoln Park; this is the beginning of the Days of Rage.

October 9. Chicago, Ill.—Twelve members of the Women's Militia are arrested when 60 of them charged police lines after announcing they would destroy a draft center.

A man successfully hijacks a DC-8 from Los Angeles to Cuba; he is still a fugitive.

October 11. Jefferson City, Mo.—At Missouri State Penitentiary, six inmates riot and take two hostages; three guards are injured.

Chicago, Ill.—Police raid a church and arrest demonstrators; 103 more demonstrators are arrested as they charge police lines in the business district.

October 12. Fort Dix Army Base, N.J.—Four thousand demonstrators demand release of the Fort Dix 38, who are charged with offenses in a June riot; they are dispersed by tear gas.

October 14. Jefferson City, Mo.—At the Missouri State Penitentiary, 750 inmates stop work for about a week; they are fed in their cells.

October 18. Los Angeles, Calif.—Police are involved in gunfight with two Black Panthers near a fast-food stand the police had staked out; evidence that police were shot in back suggests that Black Panthers fired first.

October 21. A white successfully hijacks a B-720 from Mexico City to Cuba; he committed suicide in Cuba on September 28, 1970.

October 30. Poughkeepsie, N.Y.—Thirty-five Vassar students occupy the administration building before dawn in demand for reform of the black studies program and for a black dorm.

October 31. Raphael Minichello, an Italian, successfully hijacks a B-707 from Los Angeles to Italy; he is sentenced to 7½ years in jail in Italy; the sentence is reduced to 3½ years with 2 years commuted; he is released on May 1, 1971; he is still a fugitive from U.S. charges.

November 3. New Haven, Conn.—Sixty Yale students, led by the SDS, occupy personnel offices, hold 4 officials captive for 4 hours; they are protesting firing of a black dining hall worker who was reinstated; 40 are arrested.

November 4. Two armed men seize a Nicaraguan airliner enroute from Miami to Mexico; they divert it to Cuba.

November 8. Cambridge, Mass.—There is sniper attack on police headquarters for which 23 Weathermen are later arrested. Five are fined, two receive jail sentences.

November 10. A white juvenile forces entry into an aircraft at Cincinnati, Ohio, in an unsuccessful hijack attempt; he wanted to go to Sweden or Mexico; he is placed in juvenile detention; he is released on April 6, 1971.

November 11. New York, N.Y.—RCA building at Rockefeller Plaza and the General Motors Corporation building are bombed; the bombings are attributed to Sam Melville.

There is an explosion at the Chase Manhattan Bank.

November 12. New York, N.Y.—The Criminal Courts Building and an Army truck are bombed; this is attributed to Sam Melville.

November 13. Chicago, Ill.—There is a gun battle between police and Black Panthers; one black is shot by police; two police are killed, one is wounded.

November 14. Washington, D.C.—The March Against Death continues (it started on November 13 and lasted 40 hours); 1,000 to 2,000 break off from the march and are tear gassed and throw rocks near the South Vietnamese Embassy.

November 19. Harvard University, Cambridge, Mass.—SDS members barricade Dean Ernest R. May in his office for over an hour; 16 students are expelled or ordered to withdraw.

November 20. Alcatraz Island, San Francisco, Calif.—Eighty-nine Indians occupy the island, claiming it theirs by right of discovery; they plan to establish a center for native American studies there; they claim a treaty with the Sioux gave them right to any unused Federal land.

December 2. Benny Ray Hamilton, a black, successfully hijacks a B-707 from San Francisco to Cuba; he is still a fugitive; he did not meet the profile.

December 4. Chicago, Ill.—Fred Hampton and Mark Clark are killed by police in predawn raid. (On May 15, 1970, a Federal grand jury reports that police shot 82 bullets into the apartment and only 1 shot was returned; surviving Black Panthers will testify only before a jury of their peers; three high-ranking police officers are demoted.)

December 5. Harvard University, Cambridge, Mass.—One hundred and fifty black students occupy University Hall for 6 hours in protest against the university's hiring policy; they leave when they are served a court order; they were members of the Organization for Black Unity.

December 8. Los Angeles, Calif.—Following a raid on Panther headquarters, police fight a 4-hour battle; three police and three Panthers are injured.

December 11. San Juan, P.R.—Five luxury hotels are bombed, allegedly by Revolutionary Armed Independence Movement; two armed men break into a radio station and force it to air the announcement that "the revolution against Yankee Imperialism begins tonight."

December 26. M. Martinez (alias) successfully hijacks a B-727 from New York to Cuba; he is still a fugitive; no positive identification was made.

December 29. New York City—Soviet Airlines (Aeroflot) office sabotaged—furniture, windows broken, paint sprayed; similar activity at Tass (Soviet press) Agency; Jewish Defense League suspected.

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January 2. Morgantown, W. Va.—County Prosecutor Joseph Laurita is injured when his car explodes; he had been waging a crusade against organized crime.

January 5. Baraboo, Wis.—There is an attempted bombing of the Badger Army Ammunition Plant, reportedly by SDS (Weathermen); the bomb is dropped from a plane.

January 6. Anton Funjck, a Yugoslavian, unsuccessfully tries to hijack a DC-9 from Orlando, Fla., to Switzerland; he is sentenced to 25 years for attempted air piracy on July 31, 1970.

New York City—More than 100 members and sympathizers of the Young Lords (a group of Puerto Rican militants) peacefully end an 11-day occupation of a church; the group demanded free church space to operate a free breakfast program for ghetto youths; police cordoned off building on December 28, although no move was made to evacuate it; church officers obtained a court injunction, which the Young Lords refused to obey; on February 24, New York Supreme Court Justice Saul S. Streit quashes contempt charges against them after the group and church agree to operate a day care center.

January 20. Jersey City, N.J.—Black Panther headquarters are set afire; according to a party spokesman, after the fire was extinguished, the building was raked by gunfire.

February 6. Denver, Colo.—One third of the city's school buses are destroyed when at least 12 dynamite bombs are exploded under the gas tanks.

February 13. Berkeley, Calif.—Two bombs explode in a police station parking lot; three cars are destroyed, seven police are injured.

Danbury, Conn.—Two men with a machine gun and a shotgun set off bombs in a police station, a bank, and a parking lot as diversionary tactic while a downtown bank is robbed of \$40,000; they drive getaway car two blocks, blow it up, and get away in another car; 26 people are slightly injured at the police station.

February 16. San Francisco, Calif.—A bomb goes off outside a police station; 2 days later, a police sergeant dies; other bombs go off that evening in two Berkeley department stores; no damage is done.

A man who was born in Cuba, with wife and two children, successfully hijacks a B-727 from Newark to Cuba; he is still a fugitive.

February 17. Oakland, Calif.—A bomb is found by police in a paint factory.

February 23. Stillwater, Minn.—At the Minnesota State Prison, six inmates riot for 8 hours; they demand more food, a better parole board, a custodial cell, and more fairness in isolation.

February 25. Isla Vista, Calif.—In a student community immediately off the University of California at Santa Barbara campus, a Bank of America branch is burned by UCSB students; two were arrested the night before for obscenity, arson, and resisting arrest; Governor Reagan blames the unrest on a speech by William Kunstler delivered that day; 36 are arrested; 25 sheriff's deputies are reported injured.

Buffalo, N.Y.—At the State University of New York, police disperse students throwing rocks and firebombs at buildings.

February 26. University of California at Santa Barbara—Governor Reagan comes to Santa Barbara and declares a state of extreme emergency; 16 more students are arrested that night.

February 27. Buffalo, N.Y.—At State University students seize four classrooms, and the administration building, and call a student strike.

University of California at Santa Barbara—Governor Reagan calls in the National Guard.

March 3. Lamar, S.C.—One hundred State police route a mob of angry whites with ax-handles and baseball bats who stoned a school bus transporting

black children; police lob tear gas so the black students can get inside the school; the mob rushes the empty buses, overturning two.

Seattle, Wash.—Jeffrey Paul Desmond, an FBI informer, makes a statement in July 1971 that he bombed Howard S. Wright Construction Company and a University of Seattle mail box on March 3, 1970, in an attempt to convict two students.

March 6. New York City—Four explosions completely destroy a townhouse by accidentally detonating; the house is used as a bomb factory by the Weather Underground; Diana Oughton, Theodore Gold, and Terry Robbins are killed; two women escape.

March 9. Berkeley, Calif.—The University of California Berkeley library suffers \$320,000 in arson damage.

March 10. San Francisco State College—Mounted police disperse 1,200 demonstrators and halt a "rampage" through a nearby shopping center.

Bel Air, Md.—Pretrial hearings for H. Rap Brown are adjourned for week after two blacks (one a close friend of Brown's) are killed when an explosive device shatters their car 2 miles from the courthouse.

March 11. Cambridge, Md.—An explosion destroys part of the courthouse which was the original site of Brown's trial.

A black successfully hijacks a B-727 from Cleveland to Cuba; he is imprisoned in Cuba for attempting to escape; he is fatally shot escaping from prison on March 26, 1973.

March 12. New York City—A series of explosions occurs at the home offices of Socony Mobil, General Telephone and Electronics, and IBM; Revolutionary Force 9 claims credit, stating the companies had been "enemies of all life."

March 17. A white kills a copilot and wounds a pilot on a flight from Newark to Boston; he had no objective other than suicide (he commits suicide in prison on October 31, 1970).

March 20. Detroit, Mich.—Burton Bordin, executive director of the Michigan Civil Rights Commission is shot to death in a downtown garage.

Oklahoma City, Okla.—At Northwest Classen High School, a white student is stabbed in the heart in a hallway brawl; a black youth is arrested; five others are injured.

March 21. New York City—Two small incendiary devices cause minor damage in two department stores.

March 22. New York City—A bomb explodes on a dance floor of the Electric Circus; 15 are injured.

March 24. College Park, Md.—Students occupy a building to protest denial of tenure to two assistant professors; 80 are arrested.

March 28. New York City—On the lower East Side, an apartment is bombed; police find several live bombs while shifting through debris; one person is killed, one is injured.

April 13. Berkeley, Calif.—A high voltage power line is bombed, causing a 1-hour blackout on campus.

April 15. Berkeley, Calif.—In a protest against ROTC, windows are broken and rocks are thrown; police use tear gas; disorders continue to April 17; most participants appear to be high school and junior high students.

April 16. Isla Vista, Calif.—Police use tear gas against demonstrators; four women students are wounded by birdshot.

April 18. Isla Vista, Calif.—Kevin Moran is slain accidentally by a policeman as he emerges from Bank of America branch after trying to put out fire.

April 20. University of Kansas at Lawrence—Fire causes \$2 million in damage; a dusk-to-dawn curfew is imposed.

Baton Rouge, La.—The State capitol is damaged by a dynamite explosion.

April 22. Ira Meeks and Dianne McKinney, black, successfully hijack a Cessna 172 from Gastonia, N.C., to Cuba; they remain fugitives.

April 23. A white man forces his way aboard an aircraft at Petoskey, Mich.; he is committed to a mental institution.

April 24. Palo Alto, Calif.—At Stanford University, fires cause \$50-100,000 damages to Center for Advanced Studies in the Behavioral Sciences after results of student referendum permit ROTC to remain on campus without academic credit.

Baltimore, Md.—A patrolman is shot answering a civil disturbance call.

April 26. Baton Rouge, La.—Twenty to 30 sticks of dynamite explode in the Louisiana State Capitol Building; there is much damage, but no injuries; a newspaper later receives a letter saying it was done in revenge for the killing of three blacks by policemen.

An explosion demolishes the air-conditioning facilities of the Baton Rouge Country Club.

April 27. River Rouge, Mich. (a suburb of Detroit)—A fight between blacks and whites at high school leads to two nights of violence, firebombing, and looting; 29 are arrested; 17 are injured.

April 29. Columbus, Ohio—Ohio State University

National Guard and police use tear and pepper gas to break up students protesting lack of response to their demand to get rid of ROTC and to admit more black students; police and Guard deny firing weapons; 20 students are wounded by shotgun fire.

April 30. President Nixon announces troop movements into Cambodia.

May 1. College Park, Md.—At University of Maryland, students ransack an ROTC office; police use tear gas to disperse students blocking a highway.

May 3. Kent State University, Ohio—An ROTC building is burned to the ground.

May 4. Kent State University, Ohio—Six hundred National Guard use all their tear gas to disperse students protesting the use of troops in Cambodia; 20 rocks are thrown at troops who turn suddenly 40 yards from the students and fire; four students are killed, one is wounded.

May 5. Madison, Wis.—Three thousand University of Wisconsin students try to raid the Selective Service office; local police use tear gas.

Columbus, Ohio—At Ohio State University, the National Guard breaks up a demonstration of students who are throwing bricks; the campus is closed on May 6; two guardsmen are injured.

University of Kentucky—The governor sends 250 National Guard members to campus; 1,000 demonstrators are dispersed; 6 are arrested.

Coral Gables, Fla.—The University of Miami Computer Center is firebombed.

May 6. Illinois Governor Richard Ogilvie orders 5,000 National Guardsmen on duty at various campuses throughout State.

University of New Mexico—Three students are reported stabbed in a flag-raising dispute.

May 8. Carbondale, Ill.—At Southern Illinois University, a state of emergency is declared. National Guardsmen teargas students and advance with fixed bayonets to disperse protesters.

University of New Mexico—There are reports that at least seven students have been wounded by bayonets of the National Guard.

New York City—On Wall Street, helmeted construction workers break up a student antiwar demonstration; they storm City Hall and force officials to raise to full staff the flag that had been lowered in mourning for Kent State students; 70 are injured, including 3 police.

May 9. Washington, D.C.—After a peaceful mass protest on May 8, early on the morning of the 9th protesters set fire to a truck and stone police and firemen on George Washington University campus; students cause disruptions at the Washington Monu-

ment; a bomb explodes at the U.S. National Guard headquarters.

Sacramento, Calif.—A patrolman is killed by snipers from a roof.

May 10. Washington, D.C.—The National Guard Association building is bombed; it is claimed by Weather Underground as a protest against incidents at Kent State.

May 11. New York City—On Wall Street, 2,000 construction workers march; several bystanders are punched and kicked.

May 12. Augusta, Ga.—A peaceful march is held to protest the death by beating of black boy in the county jail; it becomes a riot; there is looting and fires are set; 50 fires rage unchecked as sniper fire and blockades keep firemen away; 6 blacks are killed, 20 are wounded; 6 men are fatally shot in the back with buckshot; witnesses say at least 3 were innocent bystanders; 5 people are killed by the police.

May 13. Ypsilanti, Mich.—At Eastern Michigan University, Governor Milliken declares a state of emergency; police use tear gas to disperse demonstrators.

Athens, Ga.—Dissatisfaction among black and white leaders about a school board integration plan leads to demonstrations; police use tear gas to quell the demonstration; 200 armed National Guardsmen are sent to quell the disorders which erupted after the police used tear gas.

May 14. College Park, Md.—At the University of Maryland, National Guardsmen with unloaded weapons are brought back as antiwar students continue demonstrations to block the nearby highway.

Syracuse, N.Y.—There are scattered racial disorders in the high schools for 2 days; one person is shot, six are injured.

Illinois State University—Assistant Dean George Turner is hospitalized with a head injury he received during a battle between 50 students and 50 police.

Jackson State College, Miss.—Two black students are shot and killed by police outside a women's dormitory; patrolmen say they had heard sniper fire; student witnesses say there was none.

May 15. Carbondale, Ill.—At Southern Illinois University, three more students are injured when an explosion damages a house in a predominately black section.

Athens, Ohio—Ohio University is closed; 1,500 National Guardsmen patrol after the second night of disturbance.

Seattle, Wash.—FBI informer Jeffrey Paul Desmond's affidavit states that FBI had, through Desmond, paid a young black (Larry Ward) \$75 to place bomb at real estate office that was thought responsible for local housing segregation; Larry

Ward is killed by police staking out the real estate office.

May 17. Lake Providence, La.—One hundred fifty blacks hurl bricks in the downtown area after a black candidate's defeat in a local election; there is a two to one black majority, but the white mayor won by 600 votes; a white marshal was reelected by 300 votes.

Hot Springs, Ark.—One black man is shot as bands of blacks rampage through a black section looting stores.

May 20. Fresno State College, Calif.—A state of emergency is declared after firebomb destroys a \$1 million computer center, and 100 blacks and Mexican-Americans go on a window-smashing rampage following a recommendation that 8 of 12 ethnic faculty members not be rehired.

Rahway, N.J.—Fifty-one are arrested following a racial clash in Rahway High School; there is fighting in the streets.

May 22. St. Paul, Minn.—A patrolman is shot by a sniper while answering a call at 3:01 a.m.

May 23. D.C. Correctional Complex, Lorton, Va.—One hundred fifty inmates riot after a power failure and long blackout; three inmates and four guards are injured.

May 25. A Latin successfully hijacks a B-727 from Chicago to Cuba; he is still a fugitive.

Graciella Quecada, a woman with a child, born in Cuba, successfully hijacks a CV-880 from Atlanta to Cuba; she is still a fugitive.

May 26. Oxford, N.C.—Firebombings gut two tobacco warehouses; \$1 million in tobacco is destroyed. Oxford had been plagued by sporadic violence since May 3, after a black was shot to death; two whites were arrested, but the blacks protested police handling of the investigations.

May 27. Melbourne, Fla.—Cars are overturned and store windows smashed when black leaders fail to get a hearing before the city council.

May 28. Sacramento, Calif.—A policeman is assassinated in a police car; six Black Panthers are suspected.

May 29. Alexandria, Va.—A black youth is shot to death by a white grocery store employee; 200 blacks gather near a lot to assail the decision to free the alleged killer on \$10,000 bond; a car is overturned and set on fire, triggering other fires; older blacks intercede between young blacks and police; disorders last until June 5.

June 4. A white hijacks a plane from Phoenix, Ariz., to Washington, D.C. (the plane was bound for St. Louis); he makes an extortion demand of \$100

million; he is acquitted on grounds of temporary insanity; he is placed in custody for a mental examination.

June 8. Chicago, Ill.—The headquarters of National Socialist White People's Party is bombed; the SDS was reported to be on the premises shortly before the explosion.

June 9. Santa Rita Rehabilitation Center, Calif.—Two compounds are involved in a riot.

New York City—Police headquarters is bombed by Weathermen.

June 12. Brooklyn, N.Y.—Residents of Brownsville section, angry over accumulation of uncollected garbage, touch off wave of disorders, which include three fires set off by arsonists, and looting.

June 14. Puerto Rican East Harlem, N.Y.—A rally to protest the arrest of a Young Lord's leader leads to gangs roaming the streets, setting fires; four firemen and three police are injured.

June 16. Miami, Fla.—Looting, firebombing, rock-throwing occur after an angry crowd accuses a store owner of selling inferior goods. The curfew is lifted June 19 after 300 volunteer peacemakers walk through the streets.

June 19. Berkeley, Calif.—Bombs damage two Bank of America branches; there are no injuries.

Chicago, Ill.—A patrolman is killed while sitting in car making report on his previous assignment.

June 23. New York City—The Amtorg Trading offices are attacked, allegedly by members of Jewish Defense League, to protest Soviet policy toward Jews.

June 28. Detroit, Mich.—Police charge two members of the National Committee to Combat Fascism for attempted murder after they wound three officers in what police describe as an ambush; three others are charged with illegal possession of weapons.

June 29. Des Moines, Iowa—At Drake University, a bomb causes \$200,000 damage to a science building.

June 30. Plainfield, N.J.—A patrolman is killed by a sniper.

July 1. Berkeley, Calif.—At the University of California's Center for South and Southeast Asia Studies, a bomb destroys reference material.

Plainfield, N.J.—A policeman is fatally shot while aiding firemen fighting fire in black West End district; sniper fire also wounds his partner.

Walnut Creek, Colo.—The First Western Bank is firebombed.

Washington, D.C.—The headquarters of the Inter-American Defense Board are bombed by Revolutionary Force Seven.

George Lopez successfully hijacks a DC-8 from Las Vegas to Cuba; he is still a fugitive.

July 2. Compton, Calif.—An apparent bomber is killed when the bomb he is carrying explodes outside of police headquarters.

Washington, D.C.—The embassies of Argentina, Haiti, Uruguay, and the Dominican Republic are firebombed by Revolutionary Force Seven.

Omaha, Neb.—A building housing a black-owned business is bombed.

July 3. Leavenworth, Kans.—A woodwork company warehouse and drug store are bombed.

Seattle, Wash.—There are explosions outside of the University Federal Savings and Loan.

July 4. Long Beach, N.Y.—The Long Beach Democratic Committee headquarters is bombed.

New York City—There is a bombing outside a BOAC office, protesting British action in Northern Ireland.

Philadelphia, Pa.—At Holmesburg Prison, a 3-hour riot, marked with racial overtones, ends when the men are driven back into their cell blocks; 29 guards and 84 inmates are injured.

July 5. Philadelphia, Pa.—At Holmesburg Prison, an inmate attacks a guard; 6 hostages are held; 6 guards and 80 inmates are injured.

New York City—Police report uncovering 11 firebombs under five police cars in a fenced-in parking area; the bombs had defective timing devices.

July 6. Kansas City, Mo.—An explosion occurs in a drug store; it could have been accidental, but the drug store incident in nearby Leavenworth should be noted.

Boston, Mass.—The National Shawmut Bank is firebombed.

July 7. New York City—Three are injured when a pipe bomb explodes at the Haitian consulate.

The Portuguese Travel and Information Agency is bombed.

There is an attempted bombing of the South African Consulate.

An Atlas missile replica at the World's Fair Grounds is bombed; the device is tied to guy wires with a Viet Cong flag.

Chicago, Ill.—Southeastern Community Organizations (SECO) offices are firebombed; this is possibly linked to SECO's attempt to close a tavern.

July 11. Graham Correctional Facility, N.Y.—A Spanish inmate is punished for piercing his ears; other Spanish inmates protest; eight guards are injured.

Charleston, W.Va.—Twelve businesses are firebombed to protest demolition for an interstate highway.

July 12. Palo Alto, Calif.—There is a bombing attempt at a Bank of America branch.

July 14. New York City—A U.S. Marine Corps recruiting booth is firebombed.

Chicago, Ill.—The headquarters of Tri-City Human Relations Council is firebombed, possibly due to the council's involvement in a racial discrimination lawsuit.

July 15. New York City—There is an explosion outside Chase Manhattan Bank; the perpetrator remains unknown.

July 16. Lawrence, Kans.—Disorders begin after a black teenager is shot in an exchange of gunfire during a traffic chase.

South St. Paul, Minn.—The Dakota County Selective Service office is firebombed.

Chicago, Ill.—Southeast Community Organization offices are firebombed.

Brooklyn, N.Y.—A U.S. Marine Corps Recruiting office is firebombed.

July 17. Lawrence, Kans.—There are firebombings from July 17–20 and a sniping incident in which a patrolman is seriously wounded while cruising through black neighborhood.

Chicago, Ill.—Two patrolmen are killed by a sniper.

July 18. Des Plaines, Ill.—A draft board office is firebombed.

July 20. Lawrence, Kans.—A second youth is killed; according to police he was killed while participating in disturbance near the university; they don't know who was responsible.

July 21. New Brunswick, N.J.—Five nights of disorders begin when bands of youths roam through the business district, smashing windows; 18 are arrested for inciting to riot, possession of incendiary materials, and refusing to obey police orders.

San Diego, Calif.—Bank of America branch is bombed.

July 22. Camden, N.J.—An Army recruiting trailer is firebombed.

New York City—Two station wagons to be delivered to police department are bombed.

July 23. Wellesley, Mass.—The police station is firebombed.

Oakland, Calif.—There is a bombing outside highway patrol headquarters.

July 26. St. Louis, Mo.—Phillip Lucier, president of Continental Telephone Company, is killed when his car explodes.

Camp McCoy Army Base, Sparta, Wis.—Three bombs short-circuit the camp's electrical power.

July 27. New York City—The entrance to the Wall

Street office of Bank of America is bombed; two handmade Viet Cong flags are found at the scene; the Weather Underground claims this bombing.

Presidio, San Francisco, Calif.—The Weather Underground claims credit for bombing a display missile; damage is estimated at \$5.00.

Chicago, Ill.—Sly and the Family Stone refuse to play at a free concert while youths are on stage; several thousand angry people spill out of Grant Park into downtown Chicago and fight police for 6 hours; rain helps end the disorder; 25, including 10 police, are hospitalized for minor injuries.

Houston, Tex.—Carl Hampton is fatally shot in gun battle with police; police had been perched on church roof overlooking People's Party headquarters; four are injured. The arrests of two youths on July 26 reportedly triggered incident. Hours after the gun battle, a bank and a market are firebombed.

Sparta, Wis.—Three enlisted men bomb a telephone exchange and electric substation.

July 28. Houston, Tex.—Associated Testing Labs, Inc., is firebombed.

July 29. Hartford, Conn.—Angered at the acquittal of white policeman, Puerto Ricans in three sections of city erupt in looting and breaking windows.

July 30. Oakland, Calif.—The Alameda County Courthouse is bombed; a letter dated several months later by Purple Sunshine Clan (believed to be a faction of Weather Underground) claims the bombing.

Chicago, Ill.—An alleged member of the Black Panthers attempts to bomb the power lines of Illinois Central Railroad tracks.

July 31. Hartford, Conn.—A citywide curfew is set. New Bedford, Mass.—Seventy-five State police arrest 19 blacks following 3 nights of sporadic sniper fire.

August 1. Hartford, Conn.—There are conflicting reports concerning the killing of a 28-year-old Puerto Rican; police said he was killed by sniper; the brothers of the victim said he was killed by police; disorders last until August 3.

New York City—The Revolutionary Affinity Group 6 claims the bombing of the outside of the Bank of Brazil; "Weatherman" is written on bank; there is a Viet Cong flag nearby.

August 2. A Latin successfully hijacks a plane bound for San Juan from New York to Cuba; he is still a fugitive.

August 6. Lima, Ohio—The fatal shooting of black woman by police touches off three nights of disorders.

Placentia, Calif.—A Bank of America branch is firebombed.

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August 7. Marin County Courthouse, Calif.—Jonathan Jackson, et al., attempts to free three prisoners being tried for the murder of a prison guard; two people are seriously wounded, four are killed. The group attempted to use Superior Court Judge Harold Haley as hostage; a shotgun was taped to his neck; the shooting begins as hostages are taken to rented van; witnesses are divided as to whether shooting came first from the van or from a guard stopping the van; Angela Davis, purchaser of weapons used and whose body guard was Jonathan Jackson, is charged with kidnaping and murder; she is acquitted on June 4, 1972.

August 8. Dundalk, Md.—A Selective Service Board office is firebombed.

August 11. Manhattan House of Detention, N.Y.—Five hostages are held for 8 hours while inmates present their grievances of racial prejudice, overcrowding, injustice in court, indignities in cells, brutality, bad food, and long detention before trial; riot ends when inmates are allowed to present grievances before the mayor and the press.

Portland, Oreg.—A Selective Service office is firebombed for the fourth time in 6 months.

August 13. Chicago, Ill.—On the South Side, a police detective is fatally shot when a rifleman fires into his unmarked car.

August 17. Minneapolis, Minn.—A dynamite blast causes \$500,000 in damages to an old Federal office building being used as headquarters for military inductions.

Omaha, Neb.—A bomb blast kills one policeman and injures seven; police had been lured to vacant house by caller who said he heard a woman scream; the bomb exploded when patrolman touched booby-trapped satchel; Black Panthers are charged with murder.

August 18. New York City—Leon Zelwanski fires four shots at two attaches of the German consulate to obtain additional restitution for the death of 250 of his relatives in World War II.

August 19. Three men (two born in Cuba, one born in Spain) successfully hijack a DC-3 from Newark to Cuba (the plane's destination was San Juan); they are still fugitives.

August 20. A black successfully hijacks a DC-9 from Atlanta to Cuba; he is still a fugitive.

Berkeley, Calif.—A man comes up to an officer and starts talking; without any provocation, the man pulls a gun and fatally shoots the policeman.

August 21. Eugene, Oreg.—Emerald Hall of the University of Oregon is firebombed.

August 22. Baltimore, Md.—A National Guard truck is firebombed.

August 24. Madison, Wis.—The University of Wisconsin, Army Mathematics Research Center is bombed, killing a postdoctoral researcher and destroying the contents of the building, including a \$1.5 million computer; 2 minutes before the explosion, the police receive a warning call; four people are injured. The campus underground newspaper said they received a phone call claiming credit from the New Year's Gang.

A white successfully hijacks a B-727 from Chicago to Cuba; he is deported to the U.S. on September 24, 1970; he is found incompetent on December 28, 1970; he is committed; he is released on October 30, 1973.

August 25. California State Prison at San Quentin—There is a riot lasting 2 days.

Tulsa, Okla.—District Court Judge Fred Nelson suffers burns and lacerations when a bomb explodes as he starts his car.

Burlington, Mass.—Police headquarters are firebombed.

August 28. Cambridge, Mass.—There is a bombing attempt at the JFK School of Government.

Walnut Creek, Calif.—The National Guard Armory is firebombed.

August 29. Philadelphia, Pa.—A police sergeant is murdered in isolated outpost in public park after he had dispatched two officers to investigate a report that a patrolman had been shot.

Berkeley, Calif.—A Bank of America branch is firebombed.

Washington, D.C.—The Revolutionary Action Party claims a bombing of the Portuguese Embassy and the Rhodesian Information Office.

Walnut Creek, Calif.—A municipal court building is firebombed.

August 30. Philadelphia, Pa.—Two men fire on a police cruiser, two police are wounded, the gunman flee.

Washington, D.C.—There is a bombing attempt at the Portuguese Embassy.

August 31. Philadelphia, Pa.—Three police are wounded when police stage dawn raids on three Black Panthers in search of a suspect in earlier shootings.

September 1. Philadelphia, Pa.—There is an armed robbery of Bell Federal Savings and Loan Association; Susan Saxe is charged with the robbery.

September 3. Lincoln, Neb.—At the Nebraska Penal and Correctional Complex, 13 inmates hold 2 hostages for 20 hours; they list 7 demands.

September 4. St. Paul, Minn.—A bomb explodes at the Union Oil Company tank storage field; hours earlier Army experts, following a tip to police, disarm a bomb at St. Paul's Midway National Bank.

September 5. Dewitt, Iowa—A police department is bombed.

Los Angeles, Calif.—The Hall of Justice is bombed.

Santa Ana, Calif.—There is a bombing attempt at the Orange County Courthouse.

September 6. First National Bank branch is fire-bombed for the second time in 2 weeks.

Fitchburg, Mass.—There is a bombing attempt at a police station.

September 9. Madison, Wis.—There is a firebombing attempt near offices of the underground paper "Kaleidoscope." The editor refuses to reveal the source of information regarding the bombing of an Army Math Research Center.

September 10. Gainesville, Fla.—The University of Florida ROTC building is firebombed; \$2,000 in damage is done.

September 13. Timothy Leary is helped to escape from the San Luis Obispo Men's Colony by the Weather Underground; Leary had been placed in minimum security.

September 15. A white tries to hijack a B-707 from Los Angeles to North Korea; he is convicted in California State Court and is sentenced to 12½ years for attempted kidnaping on November 23, 1971.

September 18. Toledo, Ohio—A black walks up to a patrol car and starts shooting; one patrolman is fatally wounded.

September 19. A black successfully hijacks a B-727 from Pittsburgh to Cuba; he is a fugitive.

Toledo, Ohio—Police arrest a deputy defense minister of the Black Panther Party about 20 hours after a raid on party headquarters; the raid was prompted by the slaying of a policeman.

Newburyport, Mass.—There is an explosion and fire at the National Guard Armory following a ransacking.

September 20. Newburyport, Mass.—The National Guard Armory is robbed; Susan Saxe and Katherine Ann Power are charged.

September 22. A white attempts to hijack a DC-8 in Boston; his destination is not stated; Federal charges are dropped in favor of unrelated State robbery and murder charges.

September 23. Brighton, Mass.—A police officer answering a robbery alarm is killed; the holdup of the bank nets \$26,000; Susan Saxe and four others are charged.

September 24. New York City—There is a bombing

near the offices of the Japanese and Kuwait governments.

September 25. Bronx, N.Y.—A U.S. Army recruiting station is bombed; the bombing is claimed by Weather Underground members.

September 26. New York City—There is a bombing outside the Ivory Coast mission to U.N.

September 30. Atlantic City, N.J.—According to a witness, police stop two blacks; an officer leaves his car, the black shoots the officer in the throat.

October 1. Long Island Branch of Queens House of Detention for Men, N.Y.—One cook and six guards are held hostage; the inmates want a State Supreme Court judge to hold hearings to reduce bail for 47 inmates; the riot lasts 110 hours and spreads to four other institutions.

Kearney, N. J.—Police headquarters bombed.

October 2. New York City—There is a riot at the Manhattan House of Detention (Tombs), 235 inmates are involved; 18 hostages are held; the disturbance concerns bail hearings at the Long Island branch.

Queens House of Detention, Kew Gardens, N.Y.—There is a 4-hour disturbance.

Brooklyn House of Detention, N.Y.—There is a riot involving 450 inmates; three hostages are held; scores of inmates and 23 guards are injured.

Eugene, Oreg.—An explosion occurs at a University of Oregon building; it involves 20-25 sticks of dynamite and causes \$50,000 in damages.

October 3. Denver, Colo.—The U.S. Mint is fire-bombed.

October 4. Deuel Vocational Institution, Calif.—Twenty inmates riot over new transfers and racial tension; \$1,379 damage is done.

October 5. Chicago, Ill.—The Haymarket Square statue is bombed again, and claimed by the Weather Underground; the bomb causes \$1,000 in damages.

Pontiac, Mich.—Four whites are injured, one seriously, in fights with blacks.

Bluefield, W. Va.—A bomb explodes in a men's restroom at a Bluefield State College building.

October 6. New York City—A bomb explodes outside Palestine Liberation Organization office.

Annapolis, Md.—There is an explosion on the grounds of a state office building.

October 7. Pontiac, Mich.—One black youth is shot during a fight near a school; 500 people are dispersed with tear gas.

October 8. The anniversary of Che Guevara's death in Bolivia.

Marin County Courthouse, Calif.—The Weather Underground claims credit for a bomb in a women's

restroom which caused \$100,000 in damages; "Prairie Fire" maintains the bombing was in protest against the death of three prisoners.

Santa Barbara, Calif.—At the Santa Barbara National Guard facility, \$400 damage is done by a bomb; the bombing is claimed by the Perfect Park Home Garden Society.

Seattle, Wash.—The Navy ROTC facility is bombed by the Quarter Moon Society; the bomb does \$150,000 in damage and was planted in remembrance of Diana Oughton.

Berkeley, Calif.—At the University Study Center, a planted bomb does not detonate; it is claimed by Purple Sunshine.

October 10. Queens, N.Y.—The Long Island City Courthouse is bombed, resulting in \$50,000 damage.

October 12. Rochester, N.Y.—Five buildings are hit by dynamite blasts: two downtown public buildings, two black churches, and the home of a white union official; one man sustains minor injuries.

October 14. Cambridge, Mass.—The Harvard University Library of Center for International Studies is bombed; the bombing is claimed in letter from the Proud Eagle Tribe, the women's brigade of the Weather Underground.

October 15. Cambridge, Mass.—The Massachusetts Institute of Technology is also bombed and the bombing is claimed by the Proud Eagle Tribe.

Jersey City, N.J.—The First National City Bank is firebombed.

Kansas City, Mo.—The Police Storefront Center is bombed.

October 17. Worcester, Mass.—The county courthouse is bombed.

October 18. Irvine, Calif.—The Stanford Research Institute is destroyed by a bomb; a nearby greenhouse is destroyed as well.

October 19. Irvine, Calif.—The virus research center of Stanford Research Institute is bombed.

October 22. San Francisco, Calif.—An antipersonnel time bomb explodes outside a church, showering steel shrapnel on mourners of a patrolman slain in bank holdup; no one is injured. The BLA is suspected.

Racine, Wis.—The city hall is firebombed.

October 24. Norfolk, Va.—A post office building is firebombed.

Cairo, Ill.—A grocery store across the street from the Pyramid Courts housing project (scene of the 1969 disorders) is burned; snipers prevent firemen from fighting the fire; after the fire, 15–18 blacks in Army fatigues drive to police headquarters and open fire; 2 hours later they return again and spray the station with bullets; a third attack occurs early October 25.

Detroit, Mich.—One patrolman is killed and one is wounded by a shotgun blast near the headquarters of the National Committee to Combat Fascism; members say police fired into a crowd giving out literature.

October 25. Detroit, Mich.—Fifteen members of the National Committee to Combat Fascism are charged with murder and conspiracy; after a 9-hour confrontation, police wheel up an armored carrier, and 12 of 15 give up peacefully; 3 others come out after tear gas is used; the mayor, the police commissioner, 3 city councilmen, and black community leaders serve as mediators.

Washington, D.C.—The main post office building is bombed.

Berkeley, Calif.—A bombing attempt occurs at the University of California gymnasium.

October 26. University of California, Irvine Campus—Fire guts a Bank of America branch near the Irvine Campus.

October 27. Orlando, Fla.—A 14-year-old science student demands \$1 million and a safe escort or he will explode a hydrogen bomb; he sent in the diagram of a hoax device.

October 28. Stuart, Fla.—The county courthouse is bombed.

October 29. Trenton, N.J.—There is fighting between whites and blacks at a school in the Italian section; it spreads downtown; blacks hurl bottles at police and break windows; 25 are injured.

El Toro, Calif.—The Marine Air Station is firebombed.

October 30. L. Rosas (alias), a Latin man with a wife and five children, successfully hijacks a DC-8 from Miami to Cuba; he is still a fugitive; no positive identification was made.

Queens, N.Y.—Two National Guard armories are bombed.

October 31. Cummins Frison Farm, Ark.—Four hostages are held in an escape attempt; it lasts 13 hours.

November 1. Fresno, Calif.—Two dynamite explosions damage a military induction center and the office of the Fresno Guide.

Ann Arbor, Mich.—A U.S. Navy ROTC vehicle is firebombed.

A man born in Mexico successfully hijacks a B-727 from San Diego to Cuba; he has two children with him; he is still a fugitive.

November 2. Auburn Correctional Facility, N.Y.—Twenty-five hostages are held for 7 hours; the riot is a protest against locking up of 13 inmates who wanted to make speeches; \$100,000 in damage results.

November 5. Henderson, N.C.—Four days of sporadic sniper fire and burnings follow a dispute over the county's school desegregation policies.

November 6. Stillwater, Minn.—At the Minnesota State Prison, 25–30 inmates riot and demand to see the warden after the lock-up of black and Indian inmates; 10 inmates are injured.

November 7. Daytona Beach, Fla.—Two days of racial disorder leave a dozen stores damaged by fire-bombs.

November 8. Cairo, Ill.—A black soldier home on leave is critically wounded.

The city's largest lumberyard is burned; it is owned by Robert Cunningham, the leader of white vigilante group that was forced to disband in 1969.

November 12. Chicago, Ill.—Buildings housing several Selective Service boards are firebombed.

November 13. A black successfully hijacks an airliner from Raleigh, N.C., to Cuba; he is still a fugitive; no positive identification was made.

November 14. San Juan, P.R.—Armed Commandos of Liberation claim five bombings in hotel district.

November 15. San Quentin, Calif.—At California State Prison, 11 inmates riot for 3 hours over lack of administration attention to earlier grievances about clean clothes, bad food, and staff promises.

November 18. St. Petersburg, Fla.—A police cruiser is firebombed by white revolutionaries.

November 21. Portland, Oreg.—A bomb is placed under a replica of the Liberty Bell at city hall.

November 22. Whitefish Bay, Wis.—A National Guard truck is bombed at an armory; this is the third bombing in 6 months.

November 23. Cummins Prison Farm, Ark.—Five hundred inmates riot; they demand separate quarters for blacks and whites; the riot lasts 2 days.

San Juan, P.R.—The Dominican Republic consulate is bombed by Armed Commandos of Liberation.

November 25. New York City—Aeroflot and Intourist offices are bombed; the Jewish Defense League is suspected.

December 1. Eugene, Oreg.—A University of Oregon building is bombed, causing \$9,000 in damages.

December 3. Kentucky Reformatory, La Grange, Ky.—Two hundred inmates riot over the integration of dormitories; \$2,000 damage is done.

December 4. New York City—Six members of radical student groups are arrested for conspiracy to firebomb or dynamite a branch of the First National City Bank and five other buildings; they are arrested

outside the bank on information supplied by an undercover policeman who drove the group there; 16 others are arrested later and 16 persons plead guilty on March 18.

December 11. Lawrence, Kans.—There is an explosion at the University of Kansas Computer Center; three are injured.

December 14. Bridgeport, Conn.—An apparent firebomb damages the headquarters of an antipoverty agency.

New York City—General Electric corporate headquarters is bombed by MIRA, a group of Puerto Rican militants.

December 15. Storrs, Conn.—At the University of Connecticut, Army ROTC offices are firebombed.

Havana, Ill.—A State senator's office is firebombed; \$40,000 damage results.

Isla Vista, Calif.—A bomb blows a hole in the roof of a Bank of America branch temporary building at the site of an earlier bank destroyed by fire.

December 16. Hollywood, Fla.—The draft board building is bombed.

December 18. San Mateo, Calif.—The building housing the draft board is bombed.

December 19. San Francisco, Calif.—The housing authority and the police station are bombed.

A black attempts to hijack a DC-9 from Albuquerque to Cuba; he is taken into custody at Tulsa; he is sentenced to 5 years subject to a medical mental examination for conveying false information about an attempt to commit air piracy.

December 22. Whitefish, Wis.—A National Guard truck is bombed at an armory.

December 31. Locust Valley, N.Y.—Three gunmen rob the Nassau Trust Company and net \$18,752; they take three women tellers hostage; they are captured in Brooklyn after a 70-minute chase by two police cars and two helicopters; they had planned to hijack airplanes to Europe or Africa at Kennedy Airport.

El Monte, Calif.—There is an explosion outside the Municipal Court.

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January 3. Two black men with wives and four children successfully hijack a DC-8 from Los Angeles to Cuba; they are still fugitives.

January 4. Bordentown, N.J.—At the Youth Correctional Institution, 335 inmates riot, demanding more beef, less pork, more variety in vegetables and juices, liberal censoring of books, more movies concerned with social issues, and more black literature; the

riot ends when the superintendent meets with the inmates.

Oakland, Calif.—An induction center is bombed.

January 5. Claremont Men's College, Calif.—A bomb damages the ROTC offices.

Oxnard, Calif.—An induction center is bombed.

January 7. Pomona, Calif.—There is an explosion at the headquarters of the Campfire Girls; \$50,000 damage results.

January 8. Washington, D.C.—An explosion outside Soviet cultural building is attributed to the JDL as protest of Soviet policy toward Jews.

January 9. St. Paul, Minn.—A bank is robbed by four men; one is caught and one is wounded; two enter a private home; one surrenders; the other holds woman and her granddaughter hostage for 5 hours before surrendering.

January 12. Winston-Salem, N.C.—Looking for stolen meat, police throw tear gas into the open window of Black Panther headquarters; shots are fired; police return fire; two youths are arrested; meat, guns, and ammunition are found inside.

New Orleans, La.—Firemen summoned to fight two fires in Desire Housing Project are repulsed by rocks and bottles; two buildings used by the Black Panthers are burned.

Rolling Hills Estates, Calif.—The Chamber of Commerce is bombed.

January 13. Hunters Point, Calif.—A police officer is shot by BLA members.

January 15. New York City—Two military recruiting stations are bombed.

January 17. New York City—A UAR mission is fire-bombed.

January 19. San Francisco, Calif.—Two police officers are wounded by BLA members.

January 20. Sterling, Colo.—A former Army paratrooper, Richard LaPoint, is arrested after he parachutes with \$50,000 he had commandeered on a flight from Las Vegas to Reno; he said he had a bomb.

January 22. A black successfully hijacks a B-727 from Milwaukee, Wis., to Cuba; he would have gone to Algeria, if possible.

January 23. Tucson, Ariz.—The mayor sets a curfew and declares martial law after the third night of violence near the University of Arizona campus; six police are injured; four are arrested during a firebomb outbreak; the trouble is attributed to street people who want a people's campground and want the city to drop antihijacking and antiloitering ordinances.

January 29. Los Angeles, Calif.—A Federal building is bombed by the Chicano Liberation Front; a Chicano employee is killed; the criticism of group generated by killing is said to have led to a decline in group's activities.

January 31. East Los Angeles, Calif.—A Mexican-American rally turns into a fight with county sheriff's deputies; there is a rally against the police brutality in the August 1970 riot, when Ruben Salazar was killed by a tear gas projectile; one person is killed, 50 are injured, and 90 are arrested; \$194,000 damage is done by fires.

February—Sometime in February. High Point, N.C.—Four Black Panthers are charged with shooting of Lieutenant Cook; the shooting reportedly broke out when he tried to serve their headquarters with an eviction notice; three of the four men are found guilty.

February 4. Oakland, Calif.—An Armed Forces Induction Center is bombed, a message signed by Bay Bombers says the bombing is in retaliation for the invasion of Laos, Cambodia, and Vietnam.

Charlotte, N.C.—Arson destroys a two-story office building housing the law office of Julius L. Chambus, who represented black plaintiffs in a school desegregation case before Supreme Court.

A black successfully hijacks a DC-9 from Chicago to Cuba; he is still a fugitive.

February 5. Miami, Fla.—In the Dade County jail, 40 inmates hold two hostages; their reported grievances are that the inmates are treated like animals and the jail is a snakepit; 30 men are housed in a 16-man cell.

Santa Barbara, Calif.—At the University of Santa Barbara, the ROTC building is damaged by fire.

February 5-8. Wilmington, N.C.—There are 4 days of racial violence; the unrest is linked to a church being used by black students who are boycotting public high school; on February 6, a black youth is shot by police; they said he was pointing a gun; blacks said he was moving furniture; a 57-year-old white who is shot outside church was armed.

February 6. Oklahoma City, Okla.—At Crooked Oak High School, police arrest seven after fighting disrupts classes; another student is arrested for slugging an assistant principal in the mouth.

February 7. Palo Alto, Calif.—A Stanford University protest leads to window breaking; the disturbance causes \$13,500 damage.

February 10. Palo Alto, Calif.—At Stanford University, 70 demonstrators occupy a computer center; two persons are shot by unknown assailants near the office of the Free Campus Movement, a conservative group.

February 12. Salem, Oreg.—At Oregon State Penitentiary, 15–30 inmates riot; the reported cause is indictments against prisoners involved in earlier demonstration on March 10, 1968; one inmate and one guard are injured.

New York City—At the Columbia University School of International Affairs, three offices are wrecked; four are injured (one student and three police).

Santa Cruz, Calif.—A military recruiting office is firebombed, causing \$4,000 damage.

February 13. Raiford, Fla.—There is a riot at the Union Correctional Institution involving 600 inmates; 64 inmates are injured. Demands include conjugal visits, better food, lockers, tables in cells, better vocational training, improved parole procedures, and payment for prison work.

Atlanta, Ga.—An induction office is bombed; a U.S. Army facility building is also bombed.

February 14. Bristol, Pa.—The Bucks County draft files are burned.

Atlanta, Ga.—One hundred riot police end melee that began when Black Panthers and Black Muslims clashed over whose newspaper would be sold on a street corner; 21 are arrested.

February 17. Milwaukee, Wis.—The University of Wisconsin is bombed.

February 22. Los Angeles, Calif.—A realty office is bombed; apparently it was mistaken for another office owned by a critic of militant Chicanos; "Chicano Liberation Front" was written on the outside wall with shoe polish.

February 25. A white successfully hijacks a B-727 from San Francisco to Cuba or Canada; he ends up in Canada; he is deported on March 8, 1971; he is sentenced to 10 years for interference with a flight crew.

February 27. Berkeley, Calif.—A building housing a bank and two departments of the municipal court is bombed.

March 1. Washington, D.C.—The Weather Underground claims the bombing of Capitol building; it was done in protest over the invasion of Laos.

New York City—The New School for Social Research is bombed, allegedly by the Puerto Rican Resistance Movement.

Vernon, Calif.—There is a bombing attempt at a bank, reportedly by the Chicano Liberation Front.

March 2. New York City—The Iraqi mission to the U.N. is firebombed.

March 3. Santa Barbara, Calif.—An electrical transformer is bombed at the University of California.

Berkeley, Calif.—A Bank of America branch is bombed.

March 5. Honolulu, Hawaii—At University of Hawaii, a campus building is set afire; this followed fire a week before at the ROTC building.

March 8. St. Louis, Mo.—The U.S. Government Records Center is bombed; a building with ROTC offices for St. Louis and Washington Universities is also bombed; 10 are injured because, as police and firemen inspect the first bomb, a second explodes.

Media, Pa.—The Citizens' Commission to Investigate FBI breaks into an FBI office; nearly 800 documents are stolen; on March 22 these documents are sent to Senator George McGovern and Representative Parren Mitchell's offices; the Washington Post publishes the information with names and locations deleted.

A juvenile forces his way aboard a flight from Mobile, Ala., to New Orleans; he wants to go to Canada but ends up in Miami; he receives an indeterminate sentence on November 8, 1971.

March 9. New York City—R. Webb is killed while selling a BPP newspaper produced by Huey Newton's California faction; newspaper had been barred by Newton from distribution to Eldridge Cleaver's New York faction.

Fort Lupton, Calif.—Police headquarters in the Municipal Building is bombed.

Los Angeles, Calif.—Woodbury College is bombed; a custodian extinguishes the fire; \$1,000 in damages result.

March 11. Rio Pedras, P.R.—Two police and one student are shot to death at the University of Puerto Rico campus; rioting broke out following fights between student radical groups advocating independence and ROTC cadets.

March 12. Portland, Oreg.—A police community relations office is bombed, causing \$10,000 damage.

East Los Angeles, Calif.—There is a bombing attempt at East Los Angeles Junior College.

March 15. San Mateo, Calif.—A draft board office is firebombed.

March 16. San Francisco, Calif.—Hall of Justice is to be bombed but the bomb does not detonate; the attempt is attributed to the Weather Underground.

March 17. Ithaca, N.Y.—At Cornell University, a fire damages a classroom used by an ROTC unit.

March 18. Jacksonville, Fla.—A U.S. Army recruiting office is bombed.

March 19. Detroit, Mich.—An Oakland Community College biology lab is bombed.

March 21. Medford, Mass.—The Fletcher School of Law and Diplomacy at Tufts is burned, causing \$75,000 in damage.

March 23. Los Angeles, Calif.—A bank at California Lutheran College is bombed.

Detroit, Mich.—The Wayne State University Center building is bombed; \$3,000–5,000 damage.

Mill Valley, Calif.—A Bank of America branch is bombed; the bombing is claimed by the Weather Underground.

March 24. Uniondale, Long Island, N.Y.—The Nassau County police restore order after 6,000 youths storm the Veterans Memorial Coliseum after waiting all night for tickets.

March 26. New York City—The Brooklyn Community College is bombed.

March 27. Baltimore, Md.—A panel control box regulating high voltage transfer for the Baltimore Gas and Electric Company is set afire resulting in \$75,000 in damages.

Riverview, Mich.—A Firestone plant is bombed for the second time in a month.

March 28. Dundalk, Md.—There is a bombing attempt at a gas and electric facility.

March 30. New York City—The bombing of the Cuban Health Exchange is claimed by Secret Cuban Government (CGS); its existence as an actual organization is questionable.

Fort Benning, Ga.—There is a bombing attempt at the courtroom building where Lt. William Calley is on trial; a firebomb is thrown from a car during the night.

Bradford, Pa.—City hall and police headquarters are bombed.

San Francisco, Calif.—There is a BLA attempt to bomb a police station house.

March 31. A Latin born in Venezuela successfully hijacks a DC-8 from New York to Cuba; he returns to the United States via Bermuda on October 8, 1974.

A white attempts to hijack a DC-9 from Birmingham to Cuba; he is sentenced to 3 years probation for carrying weapons aboard an aircraft on June 7, 1971.

San Francisco, Calif.—There is a bombing attempt at a police station.

Denver, Colo.—A minority recruiting station is firebombed.

Boston, Mass.—There is a letter-bombing of a government center.

April 1. Los Angeles, Calif.—A city hall restroom is bombed, causing \$5,000 in damages.

April 2. New York City—At Federal Detention headquarters, 270 inmates riot; one guard, two engineers, and one commissary woman are taken hostage; the riot lasts 3 hours.

April 3. Los Angeles, Calif.—A Bank of America branch is firebombed.

Norman, Okla.—University police headquarters is firebombed.

April 5. A former Cuban hijacks a Cessna 402 from Key West to Cuba; he is still a fugitive.

April 6. Los Angeles, Calif.—A Bank of America branch is bombed for the second time in 4 days.

San Jose, Calif.—A Bank of America branch is firebombed.

April 8. University of California at Santa Cruz—Arsonists destroy the administration building.

Fresno, Calif.—The county courthouse is bombed.

April 10. Stanford, Calif.—A Pacific Gas and Electric power substation is firebombed.

April 11. Minneapolis, Minn.—\$50,000 in damages is done to the Cafe Extraordinaire after about 1,000 youths learn that performer B. Miles is being impersonated.

April 12. New York City—The consular office of the Republic of South Africa is bombed, allegedly by a Black Revolutionary assault team.

April 13. New York City—Two men kidnap the bank manager of the Community National Bank on the Fort Hamilton military base; they hold 13 of his relatives and friends hostage and force him to help them steal \$407,000 in cash, bonds, and traveler's checks; they flee after telephoning a third member of the gang who was holding the manager's relatives as hostages.

April 14. Stanford, Calif.—The Stanford University campus police headquarters is firebombed.

April 15. Gainesville, Fla.—At the University of Florida, 2,000 black and white students gather at the president's home after 67 members of Black Student Union are arrested at a sit-in; police disperse a rally held after the announcement of the arrests with tear gas and night sticks.

Los Angeles, Calif.—A Selective Service office is bombed.

April 17. Corona, Queens, N.Y.—Samuel Lee Napier, a West Coast Panther, who is in New York City to improve his paper's circulation, is found shot in the burned ruins of a BPP office.

April 18. New York City—Seven Black Panthers and one white woman are arrested for the gangland-style murder of West Coast Panther official, Samuel Lee Napier.

April 19. New York City—Offices of the South African Tourist Corporation are bombed as protest against apartheid.

New York City—A police sergeant and patrolman are shot after they stop three BLA members in a Harlem hallway; one BLA member is captured, one is killed, and one escapes.

April 20. Richfield, Minn.—A Selective Service office is firebombed.

April 21. A white attempts to hijack a DC-8 from Newark to Italy; he receives a 3-year suspended sentence for interference with a flight crew on February 15, 1972.

Fresno, Calif.—An induction center is bombed.

April 22. New York City—Amtorg, the Soviet trade agency, is bombed after a caller warns the Associated Press and the United Press International; seven members of the JDL are charged with conspiracy to violate the National Gun Control Act of 1968, the Federal Explosive Act of 1970, and with possessing two dynamite bombs.

April 23. Rikers Island Adolescent Remand Shelter, N.Y.—There is a riot; 75 inmates are involved; 16 inmates and 17 guards are injured.

Fresno, Calif.—The State parole office building is bombed by the Chicano Liberation Front to protest the number of Mexican-Americans killed in Vietnam.

Stanford, Calif.—The office of the president of Stanford University is bombed, causing \$25,000 in damage.

April 24. Youngstown, Ohio—The National Guard armory is bombed.

April 25. Claremont, Calif.—The ROTC building at Claremont Men's College and Pomona College's administration building are firebombed; there is only slight damage.

April 26. Claremont, Calif.—The office of the president of Harvey Mudd College is firebombed.

April 27. Essex County Jail, Newark, N.J.—Two hundred inmates riot; grievances concern overcrowding, high bail, lack of recreational facilities, and dietary practices; two inmates and four guards are injured.

April 30. Braintree, Mass.—There is a bombing attempt at the Selective Service office.

May 1. Santa Cruz, Calif.—A Bank of America branch is bombed by the People's Revolutionary Party in protest of the war; \$12,000 in damages result.

May 2. Washington, D.C.—In a predawn raid, 30,000 protestors are ordered out of West Potomac Park; their permit is canceled.

May 3. Washington, D.C.—At antiwar demonstrations, 7,000 are detained by police; police use tear gas to keep traffic moving and to prevent demon-

strators from reaching the Pentagon; 2,000 are arrested by 8 a.m.

May 4. Washington, D.C.—Demonstrators change tactics, do not try to block traffic; 2,000 more are arrested, most during a rally at the Justice Department.

Los Angeles, Calif.—There is a firebombing of a Postal Service office.

San Bruno, Calif.—There is a firebombing attempt at a Bank of America branch.

May 5. Washington, D.C.—One thousand more are arrested after they force the closing of the Capitol to visitors; there are nationwide demonstrations, all in protest against war:

- Police use tear gas at the University of Maryland, College Park, and at the University of Wisconsin, Madison;

- In San Francisco, 76 demonstrators are arrested;
- Firebombs explode at State University, Tempe, Ariz.;

- A bomb goes off at the Chico, Calif., branch of the Bank of America;

- In Boulder, Colo., there is a bombing attempt at a bank;

- In Kansas City, Kans., a Federal building housing the Selective Service office is firebombed.

May 6. Boston, Mass.—Two thousand to four thousand sit in at John F. Kennedy Federal Building; 130 are arrested.

Burlingame, Calif.—A recruiting center is firebombed.

Hawthorne, Nev.—Military trucks at the National Ammunition Depot are bombed; one person is killed and one is injured.

Cleveland, Ohio—There is a bombing attempt at Cuyahoga Community College.

Monte Vista, Calif.—A rural power substation is bombed.

May 7. College Park, Md.—At the University of Maryland, National Guard had left on May 5; they are recalled and use tear gas against 2,000 protestors; a general state of emergency is declared by Governor Mandel; curfew is imposed.

Iowa City, Iowa—The City Civic Center is bombed, allegedly by members of the SDS, after 2 days of antiwar demonstrations; the bombing causes \$5,500 in damages.

San Francisco, Calif.—South Vietnam government offices are stink-bombed; "VC will win" is painted on a wall.

May 8. Los Angeles, Calif.—A county social services agency is bombed.

May 9. Greensboro, N.C.—There is a bombing attempt at the home of the president of A & T State

University of North Carolina by a group called the Regulators; a bomb is found 300 feet from the home.

Berkeley, Calif.—A Bank of America branch is bombed.

May 11. Los Angeles, Calif.—The Los Angeles Savings and Loan Association is bombed. Two Bank of America branches are bombed.

Baltimore, Md.—Army Reserve Center jeeps are firebombed.

May 12. W. Palm Beach, Fla.—The county school superintendent's car is bombed.

May 13. Chicago, Ill.—On the South Side, three police are wounded by riflemen in a building used by Black Panthers; the four suspects are not known to be Panther members.

Harlem, N.Y.—Four young blacks are convicted of illegal possession of weapons and bombs, allegedly to be used during "kill a cop a week;" the fifth member of the Harlem Five is acquitted.

May 15. Berkeley, Calif.—University of California police and deputies clash with 500 demonstrators; this is the second anniversary of the People's Park battle; students are rededicating the park; police use tear gas and putty-like bullets.

May 19. New York City—Two black men lure patrolmen Curry and Binetti by driving the wrong way and ignoring a traffic light; when apprehended, the driver drops down and the passenger fires a machine gun at the doors and windows of the patrol car; the Black Liberation Army is suspected.

Syracuse, N.Y.—The Peace, Inc. building is smokebombed and firebombed.

May 20. San Jose, Calif.—The ASDD division of IBM is firebombed at night; the fire is extinguished by the sprinkler system.

Washington, D.C.—There is a bombing attempt at a police station.

May 21. Harlem, New York City—Patrolmen Pia-gentini and Waverly Jones are killed in an ambush by alleged members of the Black Liberation Army.

May 22. Kent, Ohio—Following 4 nights of disturbances, the National Guard armory is firebombed.

May 23. Oakland, Calif.—The Bank of America branch is bombed, causing \$15,000–20,000 damage.

May 25. Walnut Creek, Calif.—The Pacific Gas and Electric Company is bombed, doing \$5,000 damage.

May 27. Chatham Jail, Ga.—One hundred thirty inmates riot because of overcrowding.

May 28. Bedford Park, Ill.—Five sticks of dynamite wired to go off at 9:30 are found and disarmed at 9:00 in a parking lot of a sheriff's station.

A white attempts to hijack a B-727 from Miami to either New York, Nassau, or Ireland; he is seized

in Nassau and deported to the United States on May 29, 1971; he is acquitted of air piracy on December 9, 1971; he may be tried for kidnaping; he is in custody for a mental exam.

May 29. Tucson, Ariz.—Two branches of the Southern Arizona Bank and Trust Company are bombed.

June 3. El Sereno, Calif.—A United California Bank is bombed, doing \$10,000 damage.

June 4. A white attempts to hijack a B-737 bound for Newark, N.J., from Charleston, W.Va., to Israel; he is seized in Washington, D.C.; he is convicted on November 29, 1971, and is sentenced to three concurrent 20-year terms for air piracy and interference with a flight crew on January 7, 1972.

June 5. New York City—Four men associated with the Black Liberation Army attempt to hold up a night club called the Triple O. One cab driver is killed.

June 6. Menlo Park, Calif.—A Wells Fargo Bank is bombed.

June 10. Petaluma, Calif.—A Bank of America branch is bombed; there is only slight damage.

June 11. A man forces his way aboard an aircraft in Chicago; he demands \$75,000 and a flight to North Vietnam; he kills a passenger and is taken into custody in New York, a scheduled stop; he is committed to a mental institution on October 2, 1971.

Alcatraz Island, San Francisco, Calif.—Federal marshals remove remaining 15 American Indians; an almost 2-year occupation is ended because Indians refuse to cooperate with a probe of copper wire theft from the Island and because of their interference with the U.S. Coast Guard's attempt to regain navigational aids.

June 13. Los Angeles, Calif.—Mexican Government tourist office is bombed; this is the third bombing of a Mexican-oriented agency in 2 days; this bombing is in protest of the death of six students in Mexico City riots.

June 16. Santa Cruz, Calif.—A bombing attempt is made on a county government center.

June 17. Washington, D.C.—Five men are seized at gunpoint at 2 a.m. in the headquarters of the Democratic National Committee; the men apprehended have cameras and electronic surveillance equipment; file drawers have been opened and ceiling panels have been removed; of the five men arrested, Bernard Barker, James W. McCord, Frank Angelo Fiorini, Eugenio L. Martinez, Raul Goday, all but McCord, who was from Miami, have links with the CIA; McCord is employed as a security agent by both the Republican National Committee and the Committee to Reelect the President.

June 18. Winston-Salem, N.C.—There is a ground attempt to hijack plane to Cuba; the perpetrator is sentenced to 5 years on September 14, 1971, in regard to an attempt to commit air piracy.

New York City—BLA members rob a bank for funds.

June 21. San Jose, Calif.—A bombing attempt is made on city council chambers.

June 22. Glen Cove, N.Y.—A bombing attempt is made on a Russian-owned estate by the JDL.

June 24. Oakland, Calif.—A Bank of America is bombed, doing \$2,000 damage.

N. Caldwell, N.J.—The Essex County Corrections Center is bombed; the device is thrown from a car onto the grounds; one is injured.

June 25. Freeport, N.Y.—There is a firebomb attempt at a draft board.

June 26. Los Angeles, Calif.—The Security Pacific National Bank is bombed.

June 27. Detroit, Mich.—The National Bank of Detroit is bombed.

July—Sometime in July. A group called the Secret Cuban Government bombs a theater in New York City.

July 3. Beverley Hills, Calif.—An Army Reserve training center is bombed.

July 4. San Jose, Calif.—A Federal office building is bombed, causing \$500,000 damage.

July 8. East Los Angeles, Calif.—The Pan American National Bank is bombed by the Chicano Liberation Front.

July 9. Providence, R.I.—City hall is bombed.

San Diego, Calif.—Selective Service headquarters is bombed.

July 23. A white is killed during the hijacking of a New York flight; he wanted to go to Italy.

July 24. A Latin, born in Cuba, successfully hijacks a DC-8 from Miami to Cuba; he is still a fugitive; a stewardess and a passenger are wounded.

Santa Cruz, Calif.—Radio communications equipment at the National Guard armory is bombed.

July 25. New York City—A Soviet embassy official's car is firebombed, allegedly by the JDL.

July 26. New Orleans Parish Prison, La.—Nine Black Panthers, on trial for attempted murder of New Orleans policemen (they are acquitted), lead an uprising of 34 inmates against the prison's corrupt judicial system; they release two black guards they had been holding after 8 hours.

July 28. Torrance, Calif.—The Superior Court building is bombed.

Ben Lomond, Calif.—A Bank of America branch is bombed.

July 30. Beverley Hills, Calif.—A building housing a travel agency is bombed, reportedly by JDL; the bomb causes \$3,000 damages.

August—Sometime in August. Vernon, Vt.—An unknown person penetrates the fences, gets beyond the guard towers, and wounds a night watchman at the Vermont Yankee nuclear plant; the perpetrator escapes.

Twenty BLA members leave New York City and rent a farmhouse in Fayetteville, Ga., where they conduct a guerrilla warfare school for 1 month, during which they hold up a bank and kill an Atlanta policeman.

August 10. Berkeley, Calif.—A University of California building is firebombed.

August 11. Idaho State Penitentiary, Boise, Idaho—One hundred fifty inmates riot; their demands: more frequent changes of clothes, improved conditions; the riot lasts 24 hours; two inmates are injured; the riot ends when inmates are told they will not be punished and that their demands probably will be met.

New York City—A trucking firm is bombed; the JDL claims it by phone.

August 12. Pittsburg, Calif.—A Bank of America branch is bombed.

August 16-23. Camden, N.J.—There is sporadic looting and firebombing by Puerto Rican youths, based on rumor that two police have beaten a Puerto Rican man.

August 18. Jackson, Miss.—Fifteen local police and 14 FBI agents raid the residence of a leader of the Republic of New Africa, Imari; one policeman is killed, one FBI agent and one policeman are wounded in a gunfire exchange; after policeman dies on August 22, 11 blacks are charged with murder and treason under an old State law.

Cleveland, Ohio—Black Panther headquarters is bombed.

August 19. Corpus Christi, Tex.—A patrolman is shot by a sniper as he leaves the station for shift duty.

August 20. Camden, N.J.—Twenty are arrested for a raid on a draft office; an FBI informer says in an affidavit on March 15, 1972, that he had been used as provocateur without whom raid could not have taken place. The FBI paid for 90 percent of the tools (hammers, ropes, drills) and he taught the others how to use them; he also supplied diagrams of the office building.

August 21. San Quentin Prison, Calif.—George Jackson is shot in an alleged escape attempt; two other white convicts and three prison guards are killed; there is great controversy over whether Jackson was shot in back, outside his cell in the yard; the San Quentin Six are accused of killing the guards and the inmates.

August 22. New York City—There are nine firebombings of groceries and supermarkets in Greenwich Village and Harlem, credited to MIRA, a pro-Puerto Rican independence group.

Hoboken, N.J.—Seven stores are firebombed; the bombing is credited to MIRA.

August 23. Queens, N.Y.—The Bankers Trust Company is robbed; Black Liberation Army members Thomas, Chestmard, Holder, and Fields are identified as participating.

August 24. Hammond, Ind.—A Federal office building is firebombed.

August 26. San Francisco, Calif.—A hearing on pre-trial motions for Fleeta Drumgo and John Clutchette is disrupted when the spectators battle bailiffs; Clutchette's mother rises to protest the judge's order, the bailiff moves to seat her, and a black man intercedes; fighting breaks out.

August 27. Los Angeles, Calif.—A real estate office is firebombed, reportedly by the Chicano Liberation Front.

August 28. San Francisco, Calif.—The Department of Corrections and the Office of California Prisons (located in Sacramento) are bombed by the Weather Underground in response to the death of George Jackson.

San Francisco, Calif.—Two BLA members attempt to machine gun a San Francisco police department patrol car; after an exchange of gunfire, they are apprehended. The service revolver of slain New York City patrolman Waverly Jones is found in their possession.

August 29. San Francisco, Calif.—A police sergeant is killed at his desk when two black men fire repeated blasts into the Ingleside police station; the BLA is suspected.

San Francisco, Calif.—A bank is bombed, reportedly by Weather Underground, causing \$5,000 damage.

Vernon, Calif.—A Bank of America branch is bombed, reportedly by the Chicano Liberation Front.

August 30. Pontiac, Mich.—Ten school buses are destroyed by firebombs; six Klansmen are arrested on September 9; (an affidavit disclosed that an unpaid undercover agent had been involved with Pontiac group of the Klan and had reported to the FBI on its activities). On May 21, 1973, five men are convicted of conspiracy to bomb school buses.

September 1. Columbus, Ga.—A dynamite bomb damages two classrooms of a vacant, desegregated school.

September 2. Fort Bragg, N.C.—There is a bombing attempt at a barracks.

September 3. A Latin, born in Cuba, attempts to hijack a plane from Chicago to Cuba; he is sentenced to 20 years for interference with a flight crew on March 6, 1972.

Los Angeles, Calif.—The office of Dr. Lewis Fielding, Daniel Ellsberg's psychiatrist, is burgled by White House plumbers; Fielding says Ellsberg's file is stolen.

September 4. Kannapolis, N.C.—A desegregated elementary school is damaged by eight firebombs.

September 6. Hoboken, N.J.—City authorities and Puerto Rican youth leaders negotiate a truce after 2 days of disturbances involving looting, etc.; 42 are arrested; 8 police are injured; officials agree to release 35 Puerto Ricans.

September 7. San Francisco, Calif.—At a Bank of America branch a bomb explodes prematurely; the bombing is mentioned in letters demanding the release of radicals; Ronald Kaufman is indicted for the incident on January 13, 1972.

September 9. Attica Correctional Facility, N.Y.—One thousands inmates riot for 4 days; they take 50 guards hostage and release 11 seriously injured guards in first few hours; they demand observers; the number of the observers reaches 33; they present 28 demands, including a demand for amnesty.

Lubbock, Tex.—Black high school student is killed and three police are wounded during 2 nights of disorders, which started after a 16-year-old black student is shot in heart after an argument over cigarettes.

September 11. Butler, Ala.—This town had been the scene of 14 weeks of black protests and boycotting of white merchants; a young girl in a sit-in demonstration is run over and fatally injured by a car driven by a white man.

September 13. Smyrna, Del.—At the Delaware Correctional Center, 67 inmates hold three hostages for 2½ hours; their grievances concern poor food, inadequate recreation, and bad treatment by the guards.

Attica Correctional Facility, N.Y.—Commissioner Oswald and the observers committee asks Governor Rockefeller to visit the prison in last attempt at a nonviolent resolution of the disorder; Rockefeller refuses after inmates reject the administration's proposal because amnesty is not included; Oswald orders the assault; Rockefeller had ordered that correctional officers not be involved in the takeover, but they were; 32 inmates and 11 guards are killed; 200

inmates are injured; correctional officials are responsible for rumors that inmates had slashed the throats of hostages, but all hostages who died were killed by gunshot wounds; two inmates were killed by other inmates; two inmates are eventually convicted at trials for crimes arising out of the riot. In regard to the prosecution of inmates and officers, in 130-page report Bernard S. Meyer said that "clearly the state (Robert Fischer, and Anthony Simonetti) dealt unfairly with the inmates and affirmative action is necessary to correct the situation." On February 26, 1976, Alfred Scotti, the special Attica prosecutor named in December 1975 requested all but one of remaining indictments against correctional officers and State troopers be dismissed, stating "the appallingly deficient investigation by the State had virtually made impossible the development of a legally valid case against these officers."

September 15. Baltimore, Md.—At the city jail, 180 inmates are involved in a riot; 11 inmates are killed; one guard is injured.

September 17. Albany, N.Y.—The Department of Corrections is bombed by the Weather Underground in response to Attica, causing \$75,000 damage.

September 18. Plainfield, N.J.—Patrolman Frank Buczek is slain in an ambush while directing traffic and security at a church; the slaying is execution-style.

September 19. Washington, D.C.—There is a bombing attempt at a savings and loan association.

September 20. New York City—There is a fire-bombing attempt at Malawi's U.N. mission, reportedly by the Black Revolution Assault Team (BRAT).

A bombing by BRAT is successful at Zaire's U.N. mission.

September 24. New York City—The Chase Manhattan Bank has molotov cocktail thrown against the front door.

Chase Manhattan International Banking Corporation is bombed in Los Angeles; both bombings are Attica-related and are claimed by the Weather Underground.

Portland, Oreg.—An Army recruiting center is bombed, doing \$400 damage; the bombing is claimed by the Quarter Moon Tribe.

A White Panther man and woman attempt to hijack a B-727 from Detroit to Algeria; they want two Black Panthers released to them; they are sentenced to 2 years probation for assault on a Federal officer; an informant tipped off police.

October 3. Tampa, Fla.—The ROTC building at Tampa University is firebombed.

Pontiac Correctional Center, Mich.—Two hundred

inmates riot; it begins with a fight between two inmates; \$65,000 damage results; 11 inmates and 10 guards are injured; the riot lasts 4 hours. The riot is laid to a fight between two rival Chicago street gangs, the Blackstone Rangers and the Disciples.

October 4. Dallas, Tex.—Five hundred prisoners riot; one dies en route to hospital; two inmates and two jailers are injured; the rebellion is put down by police using water hoses.

Two white men hijack a Big Brother Aero Commander Hawk (General Aviation) at Nashville to Jacksonville; one man kills the pilot and his own wife; commits suicide during hijacking; they wanted to go to the Bahamas.

October 7. Atlanta, Ga.—The Peters Street branch of Fulton National Bank is robbed, reportedly by the Black Liberation Army.

October 9. A man forces his way aboard a B-727 in Detroit and hijacks it to Cuba; he is still a fugitive.

October 11. Santa Cruz, Calif.—The Wells Fargo Bank branch is bombed.

October 14. San Francisco, Calif.—The residence of the Iranian consul is bombed.

October 15. Boston, Mass.—The Massachusetts Institute of Technology Center for International Studies building is bombed; the bombing is claimed by the Proud Eagle Tribe, a faction of the Weather Underground.

October 16. New York City—H. Rap Brown is shot twice in the stomach as he and three other men try to make a getaway after robbing a bar.

October 18. A white, born in Canada, unsuccessfully attempts to hijack a B-737 from Anchorage to Cuba; the attempt ends in Vancouver; he is deported to the United States on October 19, 1971, and is sentenced to 20 years for air piracy on May 12, 1972.

Los Angeles, Calif.—A travel agency is bombed, reportedly by the JDL.

October 20. New York City—Four shots are fired into the bedroom window of the Russian mission, reportedly by a JDL member.

October 25. A Latin, born in Puerto Rico, successfully hijacks a B-747 from New York to Cuba; the plane was bound for San Juan; he is still a fugitive.

October 27. Fort Gordon, Ga.—One hundred enlisted men are involved in a stockade riot; one building is burned to the ground; six men are convicted of rioting in March 1972.

October 29. Houston Airport—A man, his two sons, and a third youth hijack an Eastern Airlines jet to Havana; they kill a ticket agent during seizure of

plane; members of the same group had been charged with murder for an attempted bank robbery in Arlington, Va., on October 24.

October 31. Nassau County, N.Y.—A college building is firebombed, reportedly by the SDS, causing \$1,000 damage.

Hoboken, N.J.—There are eight firebombings in seven supermarkets.

November 2. Los Angeles, Calif.—A Bank of America branch is firebombed, reportedly by the Weather Underground.

November 3. Atlanta, Ga.—Officer James Richard Greene is shot in a paddywagon; the scene of shooting is 3 miles from a residence used by the Black Liberation Army, the organization believed responsible for the shooting.

November 4. Buchanan, N.Y.—There is arson at the No. 2 reactor at the Indian Point plant prior to its completion; the \$5,000–10,000 damage reportedly was done by a maintenance employee who had worked there 7 years.

November 10. New York City—There is a bombing attempt at a National Guard armory.

November 12. Green Bay Reformatory, Wis.—Two hundred to four hundred inmates riot due to rumors of guards beating inmates; one inmate, five guards, and five others are injured; the riot lasts 30 minutes.

November 15. Cambridge, Mass.—A bombing attempt at a bank is claimed by the Sons of Liberty.

November 17. San Francisco, Calif.—A Bank of America is firebombed.

Boise, Idaho—An induction center is bombed.

November 18. Deer Park, N.Y.—A bank is bombed, doing \$2,500 damage.

Wellesley, Mass.—Honeywell Corporation office is bombed, causing \$15,000 damage.

Norman, Okla.—A college building is firebombed, causing \$25,000 damage.

November 22. Camden, N.J.—An office building and bank are firebombed, reportedly by two members of the Puerto Rican Liberation Front.

San Bernardino, Calif.—A waiting room to a district attorney's office is bombed.

November 24. A white with the alias D. B. Cooper successfully hijacks a B-727 at Portland, Oreg.; he extorts \$200,000 and four parachutes; he parachutes en route to Reno; no positive identification was made; he is still a fugitive.

Rahway State Prison, N.J.—There is a 24-hour rebellion; Warden Vukcevic and five guards are held hostage until Governor Cahill agrees to consider grievances and promises no reprisals; 17 are reported injured.

November 27. Newark, N.J.—At the Essex County jail, 90 inmates rip open a cell and release a prisoner placed in solitary confinement for stealing a spoon; two levels are flooded and windows are smashed; the riot lasts 2 hours.

Albuquerque, N. Mex.—Three males of the Republic of New Africa hijack a plane to Cuba after they are told it couldn't make it to Africa; they are wanted in the slaying of a New Mexico policeman; two are still fugitives, one drowned while swimming in Cuba in March 1973.

November 28. Raiford State Prison, Fla.—Six inmates armed with homemade knives hold four guards hostage for 3 hours before they are recaptured; they seized guards after they had failed to break out of the prison.

November 30. Nassau County, N.Y.—A classroom at Nassau Community College is bombed.

Akron, Ohio—An Army Reserve building is firebombed.

December 5. New York City—A Russian gift shop is bombed; a call to the Associated Press claims credit for the Jewish Armed Resistance.

December 6. Shakopee, Minn.—Another Russian gift shop is bombed, and claimed by the Jewish Armed Resistance.

December 7. Stanford, Calif.—Stanford Linear Accelerator is bombed, causing \$100,000 damage.

December 11. D.C. Corrections Complex, Lorton, Va.—There is a disorder; the reported cause is shots fired at attempted escapees.

December 12. Atlanta, Ga.—Three reported Black Liberation Army members and two other prisoners escape from the DeKalb County jail.

December 16. Yardville, N.J.—At the Youth Reception and Correction Center, 100 inmates riot over brutality and special preference; the riot lasts 21 hours and ends when officials agree to investigate grievance.

December 18. York, Pa.—Five antiwar activists, members of East Coast Conspiracy to Save Lives (according to J. E. Hoover, they were led by the Berrigans) are arrested after attempting to pour concrete on the Penn Central Railroad tracks near an American Machine and Foundry Corporation bomb-casing factory.

December 20. Cambridge, Mass.—Police headquarters is bombed.

December 21. New York City—Two police notice suspicious car near Bankers Trust Company in Queens; when they approach the car, it speeds away, after individuals in car roll grenade toward the police car; the grenade explodes, causing considerable dam-

age to the police car, and injuring the policemen; two suspects are identified as Black Liberation Army members.

December 22. Camden, N.J.—An office building and bank are firebombed, reportedly by two members of Puerto Rican Liberation Front; the suspects are arrested.

December 24. A white unsuccessfully attempts to hijack a B-707 from Minneapolis; he wants to extort \$300,000 and two parachutes; he is committed to mental institution on June 2, 1972.

December 26. A white unsuccessfully attempts to hijack B-707 in Chicago, extort \$200; sentenced to 10 years for air piracy and interference; released on 5 years probation on September 16, 1974.

December 31. Brooklyn, N.Y.—BLA members engage in a shoot-out with a rival group in the offices of Youth in Action.

Odessa, Fla.—BLA member Frankie Fields is killed in a shoot-out with the FBI.

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January 5. Buffalo, N.Y.—A bomb explodes in the washroom of the New York State Correctional Services Department regional office.

January 6. San Diego, Calif.—Paula Tharp, in the home of political activist Peter Bohmer, is hit in the elbow by a bullet fired through window of the Ocean Beach collective; Secret Army Organization (SAO) took credit for the sniping; the bullet is traced to an automatic pistol that was concealed in the home of Stephen Christiansen, the FBI control for SAO, for half a year while police searched for it.

January 7. San Francisco, Chicago, and New York City—Police defuse bombs with 9-month timing devices; Ronald Kaufman, a 33-year-old psychologist and AWOL Army private, is indicted January 13-19 for placing eight bombs in safe deposit boxes in eight bank branches in the three cities; letters to newspapers stated that he would reveal their location if imprisoned radicals were released.

A black man and woman successfully hijack a B-727 from San Francisco to Cuba; they are still fugitives.

January 9. Passaic County Jail, N.J.—Two guards are hurt when eight inmates try to escape from maximum security.

January 10. Baton Rouge, La.—Four die in a shooting confrontation between Black Muslims and police; nine Black Muslims are found guilty of inciting to riot on May 7, 1973; they receive maximum 21-year sentences. Two of those killed in the incident

were white deputy sheriffs; two others killed were blacks; 31 were injured.

January 12. A white successfully hijacks a B-727 at Houston; he extorts \$1 million and 10 parachutes; he is seized in Dallas and sentenced to 20 years for air piracy on February 2, 1973.

Houston, Tex.—Fred Hilton of the BLA is charged June 6 for shooting and wounding of two off-duty Housing Police detectives.

January 17. Palo Alto, Calif.—Stanford University, a bomb laid to arsonists damages the university offices; a bomb is discovered in a nearby power station.

January 19. Philadelphia, Pa.—Two BLA members are arrested with two suitcases containing guns.

January 20. A white seizes plane at Las Vegas and extorts \$50,000 and two parachutes; he is apprehended in the vicinity of Denver after the parachute jump; he is sentenced to 40 years for air piracy on May 12, 1972.

January 22. New York City—A Portuguese Airlines office is bombed to protest Portuguese rule of Portuguese Guinea.

January 26. Merlyn St. George, white, tries to hijack a plane at Albany and extort \$200,000 and four parachutes; he is killed during the hijacking by an FBI agent.

A white tries to hijack a helicopter in Berkeley; committed to a mental institution on September 15, 1972.

New York City—Sol Hurok's booking office is bombed; one woman is killed and 13 are injured; there is a bomb explosion at Columbia Artists Management also; one girl dies of smoke inhalation; calls beforehand say the bombings were to protest the deaths and imprisonment of Soviet Jews; communiques sent in mail were signed with JDL's "never again."

January 27. New York City—In the morning, two patrolmen notice car going through two red lights; when they approach to ask for a driver's license, the driver starts shooting; one patrolman is seriously wounded.

In the evening, two policemen, Gregory Foster and Rocco Laurie, shot in the back by at least three persons; four suspects in the case are members of the Black Liberation Army; one suspect is later killed in a street battle with St. Louis police; the recovered pistol matches Laurie's.

January 29. G. Trapnell, a former mental patient, successfully hijacks a B-707 at Los Angeles; he tries to extort \$306,800 and demands that a friend and Angela Davis be released; he wants to go to Dallas;

he is shot and captured; he is sentenced to concurrent terms of 20 years and 10 years for interference and air piracy on July 20, 1973; Trapnell says his evil alter-ego Gregg Ross did it; during the first trial one juror believed him to be insane; the case had to be retried.

February. Modesto, Calif.—During the month of February, officers are accosted by a crowd as they return to their car after handling a complaint about a prowler; during an attempt to arrest members of the crowd, objects are thrown at the officers; a molotov cocktail strikes a sheriff's car.

February 11. Trenton State Prison, N.J.—Seven inmates are stabbed in incidents reportedly related to drug trafficking and racial conflict.

February 16. St. Louis, Mo.—A Black Liberation Army member, tied to shooting of Foster and Laurie, is killed in a gun battle with police; two others are arrested.

Manchester, N.H.—Two bombs explode in the police department, three in the fire department in the same building; a fourth is recovered from the police chief's office prior to detonation; the bombs cause \$5,000 damage; a white couple is apprehended fleeing the building; letters are found on the female addressed to newspapers in New Hampshire, signed the People's Liberation Army, indicating bombings were in protest of Vietnam war and the recent arrest of demonstrators.

February 27. Wilmington, N.C.—Police are unable to explain violence in a 17-block section; incidents include snipers' bullets hitting passing cars and wounding two men, and a small fire in the headquarters of a white militant organization in same area.

Adolescent Remand Shelter, Rikers Island, N.Y.—Three hundred fifty inmates hold five guards hostage for 3 hours; Mayor Lindsay makes the decision to storm cellblock; there is hand-to-hand fighting and tear gas is used after inmates defy Commissioner Malcolm's surrender ultimatum; 20 corrections officers and 75 inmates are injured.

February 28. Trenton State Prison, N.J.—A corrections officer is stabbed to death in the mess hall.

March. Sometime in March, the Secret Cuban Government bombs a theater in New York and two drug stores in San Juan, P.R.

March 7. New York City—An anonymous caller directs authorities to a bomb in a TWA jet; a note in a TWA locker at Kennedy says four planes will be blown up at 6-hour intervals unless a \$2 million ransom is paid.

Two blacks force their way aboard a Chalk's Flying Service Grumman 73 (G/A) in Miami, Fla., wounding the pilot, a mechanic, and a bystander;

they hijack plane to Cuba; they are still fugitives.

A white forces his way aboard an airplane in Tampa, Fla (he wanted to go to Sweden); charges against him are dismissed on July 25, 1973.

March 8. Las Vegas, Nev.—A TWA jet is severely damaged by a bomb.

A caller warns United Airlines in San Francisco of bomb on a plane from Seattle; it is found to have an inoperable device.

Key West, Fla.—A general curfew is imposed in a black area after scattered incidents of rock and bottle throwing; two are wounded by gunfire; 10 are arrested.

March 17. Walpole, Massachusetts State Prison—Three hundred inmates break out of their cells following the stabbing of inmate R. Stokes; tear gas is used to quell the disturbance.

March 19. A white man and woman successfully hijack a Cessna 206 from Key West to Cuba; they are still fugitives.

Walpole, Mass.—Guards clash with inmates resisting a prison lock-up; five inmates and two guards are injured.

March 25. San Carlos, Calif.—An anonymous call from a female is received by police stating that police helicopters at San Carlos airport will be bombed by a militant group; two white males are seen leaving the premises.

March 27. San Francisco, Calif.—Soledad Brothers Fleeta Drumgo and John Clutchette are found innocent of the 1970 slaying of a guard at Soledad; pretrial disorders necessitate a bullet-proof barrier in the courtroom to separate spectators.

York, Pa.—The American Machine Foundry Corporation announces that 300 bomb casings have been found damaged and covered with red paint; the Washington Post on April 1 receives a statement claiming responsibility from the Commission to Demilitarize Industry and the Citizen's Commission to Investigate the FBI.

March 29. Biscayne, Fla.—A Soviet research ship is bombed by JCN, an anti-Castro Cuban group; it is suspected that JCN was used as a cover name.

April 7. A white seizes a plane at Denver and demands \$500,000 and six parachutes; he is seized in the vicinity of Provo, Utah, following the jump; he is sentenced to 45 years for air piracy on July 10, 1972; he escapes on August 10, 1974 and is killed resisting capture on November 10, 1974.

April 9. A white successfully hijacks a B-727 in Oakland; he tries to extort \$500 and four parachutes; he is captured in San Diego; he is placed in a mental institution for an indefinite period on December 19, 1972; he is discharged on June 14, 1973.

April 13. Los Angeles, Calif.—A Mexican man diverts a Frontier Airlines 727 and forces it to land in Los Angeles; after a 2-hour interview in which he decries the injustices to poor and minorities, he hands over his unloaded gun to FBI agents; he is sentenced to life imprisonment for air piracy; the sentence is reduced to 20 years.

April 14. New York City—A fight and shoot-out in Muhammad's Temple No. 7 leads to 3 hours of intermittent disorder; one policeman is fatally injured; five patrolmen and three civilians are injured.

April 17. Alameda Naval Air Station, Calif.—Demonstrators are arrested.

San Francisco, Calif.—Sixteen are arrested (including 12 United Veterans Against the War) while occupying an Air Force recruiting station.

Kenneth L. Smith forces his way aboard a plane from Seattle to Annette Island, Ark.; he wanted to go to Cairo; he is released from a mental hospital on July 10, 1973.

Stratford, Conn.—Sixty are arrested for standing in an entrance of a United Aircraft Plant protesting the production of assault helicopters used in Vietnam.

Florida-Chicago—William Herbert Green attempts to extort \$500,000 after hijacking a Delta Airlines jet with 91 persons aboard; he is overpowered when the plane lands in Chicago.

College Park, Md.—Demonstrations against war and ROTC lead to fighting with police; 2,000 students block traffic; a curfew is imposed and the National Guard is called in on April 20.

April 18. Cambridge, Mass.—Harvard University offices are ransacked.

Bellflower (suburb of Los Angeles), Calif.—A bomb destroys four offices.

April 20. New York City—Columbia University, 250 students break up a meeting of the University Senate discussing a 1-day strike; students are protesting the summoning of police to enforce a court injunction barring coercive picketing of the School of International Affairs.

Boston, Mass.—At Boston University, offices are ransacked.

Dayton, Ohio—One hundred sixty (mostly Anti-och students) are arrested while trying to block the gates of Wright-Patterson Air Force Base.

April 21. Chicopee, Mass.—Ninety-five protestors are arrested trying to block gates of Westover Air Force Base.

Ann Arbor, Mich.—At the University of Michigan, ROTC offices are ransacked and the recruitment office for armed services is vandalized; a subsequent march by 1,500 is dispersed by police using clubs.

El Paso, Tex.—Army Chief of Staff General

William Westmoreland is hit by a tomato during a demonstration by civilians and some servicemen.

April 22. Princeton, N.J.—Sister Elizabeth McAlister, associated with antiwar Berrigan brothers, persuades 350 students to end a 12-hour occupation of the Woodrow Wilson School of International Affairs.

April 23. Lake County, Fla.—Sheriff Willis McCall is indicted on June 12 for second degree murder in the death of a black prisoner who died after being kicked and beaten in the sheriff's jail; the victim, Tommy J. Vichers, was in jail for not being able to post \$26 bond for a traffic violation; McCall is also accused of aggravated assault and battery; he is later acquitted; his indictment leads to great tension in the community.

April 25. Portland, Oreg.—At Reed College, 200 sit in at the administration building.

April 26. Groton, Conn.—Forty-two are arrested for attempting to blockade a submarine base.

Cambridge, Mass.—At Harvard University, a group of black students peacefully leave a building they had occupied since April 20 demanding the university sell \$18 million in Gulf stock to protest operations in Angola.

Ithaca, N.Y.—At Cornell University, 100 occupy the library, demanding an end to ROTC, military research, and Gulf operations in Angola.

April 27. New York City—At Columbia University, counterdemonstrations end the blockade of two of several buildings occupied by protestors.

Philadelphia, Pa.—At the University of Pennsylvania, 400 occupy a building; the protest is to end ROTC and Gulf operations in Angola.

Essex County, N.J.—Essex County Jail, 200 of 514 inmates riot, assaulting guards, breaking furniture, setting small fires.

May 4-6. Michael Hansen, a white, successfully hijacks a B-737 flight from Salt Lake City to Los Angeles; he wants to go to Hanoi or Cuba; he goes to Cuba; he is still a fugitive.

May 5. Frederick Hahnemen, a white, successfully hijacks a plane from Allentown, Pa.; he demands the plane be flown to Dulles Airport in Washington, D.C.; he collects \$303,000 in ransom and six parachutes; he allows the passengers to deplane and circles the airport for an hour; he demands pilot land again and get larger bills; he orders the plane to New Orleans; there is a 5-hour wait when officials tell him the plane is inoperable; using the crew as hostages, he gets another plane, flies to Honduras and bails out; he surrenders in Honduras on June 3, 1972; he is sentenced to life imprisonment; the ransom is recovered in May 1973.

May 8. President Nixon announces his policy of bombing North Vietnamese supply lines and mining ports.

May 9. San Jose, Calif.—The Naval Reserve armory and Army Veterinary Center are damaged by fire; arson is suspected; \$200,000 in damages result.

Gainesville, Fla.—At the University of Florida, 1,000 students are driven from the highway by tear gas and clubs; the disorder continues into the next day; 395 are arrested.

Boulder, Colo.—One thousand protestors block intersections with burning cars and logs.

University of Illinois—Champaign-Urbana, 2,000 riot, breaking windows and looting.

Binghamton, N.Y.—Protestors block Federal buildings.

May 10. Minneapolis, Minn.—At the University of Minnesota, 2,000–5,000 students battle police for control of the campus street with rocks, bottles, and tear gas; 25 students and three police are injured.

Burlington, Vt.—Protestors block Federal buildings.

Washington, D.C.—The Speaker of the House closes the public galleries after 40 protestors are ejected from the House of Representatives.

Columbia, S.C.—Four BLA members arrested with guns.

May 10–11. Albuquerque, N. Mex.—Nine are injured by police fire during disorders at the University of New Mexico.

May 11. Madison, Wis.—At the University of Wisconsin, three police are shot while pursuing bomb suspects after three days of demonstrations.

Berkeley, Calif.—Police use wooden and putty bullets and tear gas to disperse 1,000 rioters after 3 days of disorders; there are 52 injuries and 32 arrests.

Washington, D.C.—Police arrest 72 demonstrators who refuse to leave the Capitol after closing time.

May 12. San Francisco, Calif.—Police use clubs to disperse a crowd of 3,000 protesting outside the hotel where Reagan and Rockefeller are opening Nixon's reelection campaign.

New York City—U.N. headquarters is closed to the public after a group of construction workers battles demonstrators.

May 14. McDonald Army Reserve Center, Jamaica, N.Y.—A bomb destroys a military transport and damages another.

May 15. Laurel, Md.—George Wallace is shot by Arthur Bremer as Wallace gives a campaign speech in a shopping center.

May 16. Washington, D.C.—One hundred and twenty are arrested at a sit-in at the Capitol Rotunda

in a protest by clergy and laymen concerned about the war.

May 18. Blythe, Calif.—A large crowd gathers outside the police department protesting the shooting of a suspect; someone throws a molotov cocktail under a police car parked nearby; there is no damage to vehicle.

May 19. Arlington, Va.—A Pentagon bombing is claimed by the Weather Underground; it causes \$800,000 damage; the Vietnam bombings and the harbor minings are cited as reasons.

May 20. Dorado, P.R.—A motel where Tanya Wilson is being crowned Miss U.S.A. suffers a series of bombings, reportedly by a Puerto Rican independence group.

May 22. Washington, D.C.—Near the Capitol and Pentagon antiwar demonstrators throw rocks, bricks, and bottles at police, who throw tear gas; minor injuries are reported, including injuries to District of Columbia Police Chief Jerry Wilson.

Somers, Conn.—At a correctional institution, prisoners use baseball bats to injure seven guards.

Patuxent, Md.—At the Maryland State Prison, three guards are stabbed and four others are injured during two separate incidents.

May 24. Walpole, Mass.—At the State prison, Stanley R. Bond, a revolutionary accused of Boston bank robbery in September 1970, is killed by an explosion; prison sources say he was in an unauthorized section of the prison foundry and may have been making a bomb.

Long Island, N.Y.—The residence of the Soviet Mission to the U.N. is bombed, reportedly by the JDL.

May 27. Jersey City, N.J.—Isaiah Rowley, a one-time BPP defense minister for New Jersey, is killed by a shotgun blast on a street corner.

New York City—At Columbia University, explosions followed by small fires damage two buildings.

Concord, N.C.—There is racial violence after the shooting of a black by a white store owner.

May 28. Concord, N.C.—Blacks violate curfew and burn white businesses.

May 29. Concord, N.C.—Three hundred National Guardsmen patrol the city.

May 30. Passaic County Jail, Paterson, N.J.—Six inmates in a maximum security block seize Warden Young, a nurse, and five other hostages for 3 hours; they free them at the request of inmate C. Thomas after Rev. W. Mason joins mediation talks.

May 31. Denver, Colo.—A molotov cocktail is thrown through a front glass door of a police community relations office.

June. In the month of June, the West Valley Station of the Los Angeles County Police Department receives a live bomb through the mail; the parcel contains a note signed "Chris, the pig killer."

June 2. William Holder, black, and Katherine Kerhow, white, successfully hijack a B-727 from Los Angeles to Algeria, demanding \$500,000 and five parachutes; they are fugitives in Algeria; the ransom is returned on June 28, 1972; they are arrested in Paris on January 24, 1975; extradition is requested.

Robb Heady forces his way aboard an aircraft in Reno, Nev., demanding \$200,000; he is captured after a parachute jump; he is sentenced to 30 years for air piracy on August 25, 1972.

June 14. San Juan, P.R.—A liquor store is bombed by Anti-Communist Commandos (possibly an alias used by FLNC, Cuban National Liberation Front).

June 19. San Diego, Calif.—Yakopec, a member of the Secret Army Organization, blows up the Guild Theatre, which shows pornographic films; no one is hurt, but two police inside conducting a search were enraged; the trial reveals that the second in command, Howard Godfrey, was an FBI informer; in 1976 the FBI is sued by victims of the SAO and the Minutemen, charging that the FBI was instrumental in their attacks.

June 23. Martin J. McNally successfully hijacks a B-727 from St. Louis to Peru, Ind., where he parachutes after receiving \$502,000 and five parachutes; he is arrested on June 28, 1972, and sentenced to life for air piracy on December 14, 1972; Pettikowsky is sentenced to 10 years for aiding and assisting him on May 18, 1973.

June 25. Kentucky State Reformatory (La Grange)—About 200 prisoners participate in a brief disturbance.

June 30. David B. Carre, white, attempts to hijack a DC-9 from Seattle; no destination is intended; he wanted \$50,000 and one parachute; he is taken into custody and committed to a mental hospital on July 5, 1972.

July 2. Nguyen Thai Binh attempts to hijack a B-747 from Honolulu to Hanoi; he is killed during a stop in Saigon.

July 4. New York City—In a predawn street disturbance, nine police are injured; 14 stores and 2 police cars are damaged as neighborhood residents try to prevent the arrest of two men.

July 5. Charles E. Smith attempts to hijack a B-707 on the ground at Buffalo, N.Y.; he wanted to get "out of the United States;" he surrenders and is convicted in a State court of custodial interference on

June 6, 1973; he is sentenced to 5 years probation on July 18, 1973.

Three men, born in Bulgaria, one who is not aboard the aircraft, attempt to hijack a B-737 from Sacramento to Russia; they demand two parachutes and \$800,000; the hijackers and one passenger are killed during the hijacking; one passenger is wounded; the hijacker who was not on board is sentenced to life for aiding and abetting the hijacking and to 20 years for conspiracy to interfere with commerce by extortion on December 21, 1973.

July 6. Francis M. Goodell, white, tries to hijack a B-727 from Oakland; extorts \$455,000 and one parachute; he surrenders in Oakland; he is sentenced to 25 years and 5 years consecutively for air piracy and using firearms to commit a felony on February 12, 1973; he said the money was for "two organizations involved in the Mid-East crisis."

Connellsville, Pa.—The police department is the target of a firebomb; the attack is possibly the result of a recently imposed curfew in the downtown area.

July 10. Long Branch, N.J.—More than 200 white and Puerto Rican youths engage in a rock and bottle-throwing melee on the boardwalk.

July 11. Long Branch, N.J.—The mayor orders a curfew following the second night of disturbances.

July 12. M. Fisher, white, successfully hijacks a B-727 at Oklahoma City, demanding \$550,000 and a parachute; he surrenders at Norman, Okla.; he is sentenced to life for air piracy on September 28, 1972.

Two blacks attempt to hijack a B-727 at Philadelphia; they extort \$600,000 and three parachutes; the plane was bound for New York; they surrender in Lake Jackson, Tex.; one is sentenced to 50 years for air piracy, the other to 60 years for air piracy.

July 16. Maryland House of Corrections, Jessup—About 200 inmates storm the recreation yard shouting demands to newsmen outside that they want to talk to Governor Mandel and black U.S. Representative Mitchell; four inmates and two guards are injured during 10 hours of rioting; the riot is finally dispersed when Mandell meets with 16 inmates and prison officials.

July 17. Baltimore, Md.—At the Maryland State Penitentiary, 75 inmates seize four hostages and hold them until Governor Mandel and Representative Mitchell talk inmates into releasing them; four employees are injured.

Attica, N.Y.—At the correctional facility, a 3-day work and hunger strike begins when inmates protest the dismissal of nurse Mary Kingsley; on July 18 it is announced she will be retained. Inmates also wanted compensation for extra work, an end to the

fixing of commissary prices, and an investigation of parole board procedures.

July 18. Prince Georges County Jail, Upper Marlboro, Md.—Inmates hold three guards hostage to force a grievance meeting with county officials; the hostages are released after 3 hours.

July 20. Baltimore, Md.—At the State penitentiary, one half of the guards stage a third walk-out since the rebellions, demanding stricter control over prisoners.

July 21. Washington, D.C.—A squad car on patrol is attacked by a group of blacks with a hail of objects including a molotov cocktail; the attack causes no damage.

July 30. St. Louis, Ill.—An abandoned vehicle is discovered within 6 feet of the police department; inside are 73 shotgun shells attached to two pipe bombs with a timing device set for just minutes later.

July 31. Dayton, Ohio—Five pedestrians at different locations in the black community are wounded by shotgun fire from a moving car; 3 weeks later, two others are wounded in similar circumstances; during the 3 years from the summer of 1972 to September 1975, 30 shootings occur. In all cases: the assailant is white, driving a blue car; the victim is black; all shootings occur in the black community in the early morning hours; there is nothing to link the victims other than race; the first break in the case comes in September 1974 when a white service station attendant is arrested.

Four blacks (two women and a husband and wife), stating they are BPP sympathizers, successfully hijack a DC-8 from Detroit to Algeria with \$1 million; they are fugitives in Algeria; the ransom is returned on August 23, 1972; three children who accompanied hijackers return to United States in December 1972.

Norfolk, Mass.—At the Massachusetts Correctional Institute, two prison employees are killed and one is wounded by convicted murderer W. Elliott who holes up for 5 hours in the prison before killing himself and attempting to kill his wife (who had smuggled him the gun); officials knew of a probable escape attempt by Elliott.

August 6. Kentucky State Reformatory (La Grange)—More than 300 black and white inmates fight for 15 minutes before guards end the disturbance; 24 white inmates are injured.

August 8. Newark, N.J.—Robert Vickers, BLA member who escaped after shooting a sergeant and partolman on April 19, 1971, is captured.

August 18. Frank Sibley forces his way aboard an aircraft at Reno, demanding \$2 million; he is shot

and captured at Seattle; he is sentenced to 30 years for air piracy on February 28, 1973.

August 20. New York City—A rock picnic ends in disorder when all but one of the scheduled acts fails to appear; six persons are hospitalized, most with stab wounds; all those stabbed are members of a motorcycle gang called the Breed.

August 22. Brooklyn, N.Y.—Incident on which the movie "Dog Day Afternoon" is based occurs. At the Chase Manhattan Bank, two gunmen hold the bank manager and several employees hostage; they release the security guard after 3 hours; Wojtowicz demands the release of his lover, E. Aaron, from hospital and that FBI drive the two men and their hostages to Kennedy Airport, and have plane available; the 14-hour incident ends at 5:24 a.m. on August 23 when Naturale is shot by a Federal agent and Wojtowicz is overpowered.

August 24. Kentucky State Penitentiary—Five inmates armed with homemade knives release three employees after holding them hostage for 12 hours behind a barricaded steel door of the prison pharmacy.

August 25. Trenton State Prison, N.J.—Eight guards are injured while breaking up an inmate brawl in the recreation area.

August 28. Columbus, Ohio—In apparent ambush, a black police officer responding to a legitimate unintended death call is shot with a .12 gage shotgun.

September 5. Trenton, N.J.—At the State prison, 16 inmates seize control of the first floor; they return to their cells the next day.

September 8. Gainesville, Ga.—Fighting breaks out at a high school football game.

September 9. Gainesville, Ga.—The fight continues with the outbreak of sniper fire and rocks and bottle throwing; 66 are arrested.

Brooklyn, N.Y.—Three BLA members, including one who escaped from DeKalb County, Ga., jail, are arrested.

September 14. Hollywood, Calif.—An apartment house where a Palestinian Arab lives is bombed in retaliation for the massacre of the Israeli athletes at the Olympic games.

September 15. Green Haven Correctional Facility, N.Y.—A shoving match over handball game touches off fights involving nearly 150 inmates; seven inmates are injured; the disorder is quelled by tear gas.

September 21. New York City—Three patrolmen were later convicted for shooting at a black man who happened to be walking near Mosque No. 7 where patrolmen were shot (one fatally) in shootout with Black Muslims in April.

October 1. Los Angeles, Calif.—Police car awaiting repair at shop is bombed, causing extensive damage to car, buildings. Later, UPI received call from Afro-American Liberation Army claiming responsibility.

October 4. Newburgh, N.Y.—Arrest of 1 youth on disorderly conduct charge sparks riot involving 75 persons who roam through a 4-block area throwing rocks and bottles and breaking windows.

October 6. Chino State Prison, Calif.—Ronald Wayne Beaty, member of Venceremos, is aided by other members in escaping from prison in car in which he is being transported. A correctional officer is killed; four Venceremos members are convicted for their role in the escape; Beaty is recaptured on December 11, 1972.

October 7. Los Angeles, Calif.—Police car bombing claimed by Afro-American Liberation Army (synonymous with Black Liberation Army, name given by followers of Eldridge Cleaver).

October 9. Adolescent Remand Center, Rikers Island, N.Y.—Eighteen inmates, one guard, injured when two Black Muslim factions fight over Biblical interpretation.

October 11. Washington, D.C., Jail—Thirty to forty inmates (out of 180 men in cellblock 1) overpower guards, seize cellblock; Kenneth L. Hardy, director of Department of Corrections, is taken hostage. William Clayborne, *Washington Post* reporter, released to act as go-between; hostages set free when District Court Judge Albert C. Bryant offers to provide an attorney for every dissenting inmate. A psychiatrist is made available and judge orders that there be no reprisals.

Kitty Hawk Aircraft Carrier, off North Vietnam—One hundred men involved in racial fight; 46 persons injured.

October 14. Burlington County Jail, N.J.—One hundred inmates take one guard hostage; most awaiting court appearances; protest food, overcrowding, high bail, trial delays. Eighty police and sheriff's deputies, armed with clubs and dogs, force inmates back into cells. Inmates do not fight; grievance meeting is called off and assault ordered when inmates demand police leave.

October 15. Chicago, Ill.—Eight members of black terrorist gang De Mau Mau charged with murder of nine whites in Illinois from May to September; gang consists primarily of black Vietnam veterans; police say not all eight participated; they apparently were roaming the countryside looking for someone to kill.

October 16. U.S. Navy oiler, *Hassayampa*, in the Philippines—Four men are injured in racial fighting.

October 25. Police intercept letter-bombs mailed in Israel, addressed to President Nixon, Secretary of

Defense Melvin Laird, and Secretary of State William Rogers.

October 26. Essex County Correction Center, N.J.—About 60 inmates refuse to return to their cells in protest of an alleged beating of an inmate by a guard.

Houston, Tex.—A policeman in full uniform leaves a restaurant for his vehicle; he is followed by two blacks who shoot him from behind, fatally.

October 29. Houston, Tex.—Four whites force their way aboard an aircraft; they kill a ticket agent, wound a ramp serviceman, and hijack a plane to Cuba; three of the men are named Tuller.

November 2. Washington, D.C.—About 500 American Indians led by AIM seize control of the Bureau of Indian Affairs building; they hold it until November 8; they receive \$60,000 in Government funds to assist them in returning to their homes; the Indians had come in caravans, mainly from the West Coast and North Carolina; they picked up adherents along way; the caravan is named "The Trail of Broken Treaties."

November 10. Three blacks successfully hijack a DC-9 from Birmingham to Cuba with \$10 million and 10 parachutes; they are still fugitives; the copilot is wounded; two are sentenced in Cuba to 20 years, one to 15 years; they threaten to crash the plane into the Oak Ridge nuclear installation; at McCoy Air Force Base, Orlando, the FBI shoots out the tires; the plane finally lands on a foam-covered runway in Havana.

November 15. Kennett Square, Pa.—Two white police are shot, apparently by a sniper.

November 16. Baton Rouge, La.—At Southern University, two black students are shot and killed in a confrontation between students and police.

November 22. Concord, Mass.—A prison disorder follows the escape of 14 inmates.

November 27. Pontiac, Mich.—Five students are shot and wounded (four of the five are white); three black defendants are arrested in the case; one is accused of assault to commit murder, two of conspiring to incite a riot.

December. Sometime in December—A travel agency in Queens, N.Y., is bombed; the incident is attributed to FIN, an anti-Castro group.

A man in possession of revolutionary literature places a bomb on the driver's side of a police car.

December 10. New Jersey Youth Correctional Institute, Bordentown, N.J.—One hundred inmates barricade themselves inside two dormitories; no hostages are taken or injuries reported; the disturbance ends December 11, following a threatened tear gas attack.

December 11. New York City—The VA-Cuba Forwarding Company is bombed by FIN, an anti-Castro group.

December 14. Pontiac, Illinois State Prison—One inmate is killed and six are injured in a fight between two Chicago street gangs.

December 20. Phoenix, Ariz.—Apparently in a fit of rage over a fight with his wife, Gregory Thorpe kills her and another couple (the Alan Bremers), who were moving in to share the apartment, and himself; Thorpe and Bremer are card-carrying members of the Secret Army Organization.

December 27. Detroit, Mich.—Two plainclothesmen are shot by three blacks as they are approached; the three are wanted in connection with the shooting of four Detroit police; the blacks reportedly stood over the wounded officers and continued to shoot at them; one officer is killed; two of the blacks are later killed in gun battles with Atlanta police.

December 28. Brooklyn, N.Y.—An owner of a bar is kidnaped by the BLA and held for \$20,000 ransom.

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January 2. Baltimore, Md.—There is an attempted hijacking; on February 16 the hijacker is given a 20-year prison term after pleading guilty.

Brooklyn, N.Y.—During the robbery of a social club, BLA members shoot and kill a victim.

January 3. Georgia State Prison, Reidsville, Ga.—Inmates hold four guards hostage for more than 6 hours; the hostages are released after the authorities agree to meet three demands; Governor Carter called in the Community Relations Service (CRS) to mediate between officials and inmates.

January 5. Port Clinton, Ohio—Two lighted Molotov cocktails are thrown at the police department.

January 7. New Orleans, La.—Six are killed in a sniper attack in a downtown Howard Johnson's Motor Lodge; evidence suggests two snipers; one is killed by police marksman on the roof; no other sniper is located; two of the men killed are police, one is a Deputy Superintendent.

January 10. Brooklyn, N.Y.—After being confronted on a subway station by patrolman, a BLA member fires shot and escapes into the tunnel.

January 12. Brooklyn, N.Y.—Two Housing Detectives are shot in front of a bar after stopping two BLA members.

January 18. Washington, D.C.—Seven Hanafi Muslims are murdered in their home; five Philadelphia

Muslims are convicted for the crime.

Pueblo, Colo.—At a police community relations center, two Molotov cocktails are thrown through the front windows.

January 19. Louisville, Ky.—At the airport, a 17-year-old AWOL soldier barricades himself inside an Ozark Airlines jet with an airline mechanic as hostage; he demands a plane to fly him to an asylum country; early the next day, a policewoman grabs him in a ruse, jerks him to the ground, and disarms him.

New York City—Patrolman Stephen Gilroy is slain after responding to a sporting goods store robbery alarm; two other officers are wounded; police surround the area and four black men hold 12 hostages; the men are heavily stocked with firearms and ammunition from the store; three hostages are released in exchange for medical care for one wounded robber; the remaining nine hostages escaped through a hidden stairway; all four men surrender on January 21; this is the first major test of New York City's hostage-negotiating team.

January 20. Detroit, Mich.—Donald Lobsinger, leader of the rightwing group, Breakthrough, is later convicted for assaulting a priest during an antiwar rally at the Cathedral of the Blessed Sacrament.

January 21. Buffalo Gap, S. Dak.—Darld Schmitz stabs Wesley Bad Heart Bull to death in a street fight outside a bar; Schmitz is charged with manslaughter, arousing protest among members of the American Indian Movement.

January 22. Alton, Ill.—A Molotov cocktail is thrown at the outer wall of the police department.

January 23. Brooklyn, N.Y.—Two wanted BLA members are shot and killed by members of New York City Police Department after they are trapped in a bar. Two detectives are wounded.

January 25. Kentucky State Penitentiary—Three inmates hold four hostages for 17 hours, demanding that they be transferred permanently to another State.

Brooklyn, N.Y.—Two policemen, brothers assigned to same car, are machine-gunned by the BLA.

January 27. Los Angeles, Calif.—A man of Armenian origin murders the Turkish Consul General and the Vice Consul in revenge for Turkish attacks on Armenians in 1915.

January 28. Queens, N.Y.—Two policemen on patrol are machine-gunned by BLA members, who escape.

February 1. Oklahoma City, Okla.—During February, fights and bomb threats suspend activities at Grant, Capitol Hill, and other city schools; police stand guard in the hallways.

February 2. Camden County Jail, N.J.—Twenty-three inmates barricade themselves on the sixth floor

of Camden City Hall; they surrender 3 hours later when the police threaten to use tear gas and dogs; there were no hostages and no firearms; they set fire to some mattresses.

February 6. Custer, S. Dak.—The courthouse and Chamber of Commerce building are damaged by fire during a club-swinging, fire-bombing scuffle between police and Indians demanding that murder charges be brought against a white man (instead of a manslaughter charge); 37 Indians are arrested and charged with rioting and arson; among those arrested were Russell Means, Dennis Banks, and Sarah Bad Heart Bull, the mother of the slain man.

February 9. Rapid City, S. Dak.—Forty Indians are arrested in tavern clashes with whites.

Bronx, N.Y.—Members of the BLA rob a bank.

February 23. Brooklyn, N.Y.—Two BLA members are arrested with a carload of explosives.

February 27. Wounded Knee, S. Dak.—Two hundred armed supporters of AIM seize a strategic hamlet and demand a Senate investigation of Indian problems; 11 local residents who were held hostage are released on March 1; Indians raid the trading post for supplies, and barricade themselves in the Roman Catholic church; the occupation does not end until May 9, 1973.

March 1. Wounded Knee, S. Dak.—The house of Aaron Desersa (an AIM member) is damaged by fire; AIM accuses tribal chairman Wilson of ordering the firebombing; a State fire marshal says it was due to faulty wiring.

Sometime in March. Ossining, N.Y.—Three youths are arrested after a clash of 150 black and white students; the CRS mediates.

March 2. Brooklyn, N.Y.—A group of BLA members, stopped by officers looking for a robbery suspect, engages the officers in a gun battle.

March 3. New York City—A time bomb is found in an abandoned rental car parked outside the El Al Israel Airlines air terminal at Kennedy Airport; the bomb is believed to have been planted by the Black September Organization.

March 4. New York City—Two more bombs are found in abandoned rental cars outside Israeli banks; one explodes; a search reveals a paper with the letterhead of the Black September Organization.

San Diego, Calif.—A police department storefront community relations building is bombed; this is possibly related to earlier confrontation between police and Mexican-American youths.

March 6. Bronx, N.Y.—Three BLA members are recognized by two detectives, and engage them in a gun battle. BLA members are joined by two more

and escape by stealing a car and machine-gunning a radio car.

March 7. Annandale Youth Correction Center, N.J.—Three officers and three inmates are injured in a disturbance involving 50 inmates; it is linked to a protest over the detention of two inmates.

March 8. Wounded Knee, S. Dak.—Two Indians receive minor wounds in gunfire; two armored personnel carriers are brought closer to the village; later a new ceasefire agreement is reached; negotiations resume.

Annandale, N.J.—Twenty-nine prisoners and 18 guards are injured in a second outbreak; the superintendent confers with the inmate committee; 20 leaders are transferred to the Yardville State Prison.

March 11. Wounded Knee, S. Dak.—An FBI agent and an Indian are wounded during shooting.

March 15. Walpole, Mass.—Massachusetts Correctional Institute, 120 guards go on strike; they are suspended for 5 days without pay; State police patrol the outside perimeter and man watch towers; civilian observers are inside for 24 hours a day.

March 17. North Denver, Colo.—Two firebombings at Storefront Police Community Relations Bureau may be related to a disturbance in the Mexican-American area of the city at same time.

Denver, Colo.—Eight police are injured in a gun battle between police and a militant Mexican-American organization.

March 20. Walpole, Mass.—Prison guards return to work.

West Virginia Penitentiary—Five guards are held hostage; one inmate is fatally stabbed and two are injured when 200 inmates lock themselves in a wing of the prison; main demand is abolishment of solitary confinement.

March 21. W. Va. Penitentiary—Five hostages are released, as Governor Moore promises that most inmate demands will be considered.

March 26. Wounded Knee, S. Dak.—A U.S. Marshal is seriously wounded in a gunfire exchange.

March 27. Brooklyn, N.Y.—BLA members rob a supermarket.

March 28. New York City—The Center for Cuban Studies is bombed; it is claimed by Secret Cuban Government.

March 29. Union, N.J.—There is an attempt (possibly by FIN, Cuban National Front) to bomb a bookstore.

March 30. Baltimore, Maryland Penitentiary—Seven guards are held hostage, two are injured; the riot is brought to a speedy end by guards and Baltimore

police using tear gas, riot sticks, dogs, and plastic bullets; officials credit the new riot plan.

April. During April at Kansas State Penitentiary at Lansing, a major disturbance in the prison resulted in the segregation of the majority of inmates; on June 6, 1974, prison officials and members of the Inmate Advisory Council sign an agreement attesting to peaceful desegregation of the prison.

April 2. Rhode Island Adult Correctional Institute—Four guards are injured and facility is heavily damaged by fire; this followed a fight between two groups of inmates on April 1 in which two inmates are stabbed; state police quelled the disturbance.

April 5. Wounded Knee, S. Dak.—Four Indian leaders sign an agreement supposedly ending the 37-day armed confrontation; leaders plan to meet in Washington on April 7 to set up a Presidential commission on Sioux treaty rights; at the start of the talks, Russell Means is supposed to telephone occupiers, and they will lay down arms.

April 8. Wounded Knee, S. Dak.—The agreement breaks down when Russell Means and Dennis Banks refuse to call for a surrender until the successful completion of the talks.

April 10. Queens, N.Y.—BLA members rob a bank.

April 12. Brooklyn, N.Y.—Two telephone company men are held at gunpoint by the BLA when they are suspected of being police. They are told that they would be killed if they had guns, radios, or shields.

April 16. Washington, D.C.—Shots are fired through the window at home of New Zealand's charge d'affaires because it is mistaken for the home of a Jordanian diplomat (who formerly had lived there); a slogan painted in red reads: "There will be a homeland for all or a homeland for none. Death to the Zionists and their functionaries." It is signed with a star and the words "Black September."

April 17. Wounded Knee, S. Dak.—An Indian suffers a serious head injury during a 2½-hour shoot-out (he later dies); fighting breaks out about 2 hours after three unidentified aircraft drop supplies to the Indians.

April 22. Walpole, Mass.—At the state prison, an explosion occurs in a cell block, but there is no damage or injury.

April 24. San Juan, P.R.—The Dominican Republic Consulate is bombed; the caller says Dominican Republic exiles are responsible.

April 25. Wounded Knee, S. Dak.—Sixty-eight are arrested for attempting to march on the reservation.

April 26. Wounded Knee, S. Dak.—The Oglala tribal chairman, Richard Wilson, agrees to remove a

roadblock set up by his supporters in exchange for greater consultation with tribal leaders (who demand Federal action to clear village).

April 27. Wounded Knee, S. Dak.—Lawrence Lamont, Oglala Sioux, killed in gunfight with U.S. marshals; other Indian wounded in fighting that had begun the night before; marshals used tear gas.

April 29. Wounded Knee, S. Dak.—Fire destroys the trading post at the center of Wounded Knee.

April 30. Menard State Prison, Ill.—Forty-six inmates barricade themselves in the commissary with a guard as hostage; it is ended May 1 as State police use stinging gas.

May 1. New York City—H. A. Jamal, a black author and leader of the Malcolm X Foundation, is shot to death by a black gunman; a rival Muslim group suspected.

May 2. New Jersey Turnpike—Joanne Chesimard of the BLA is arrested after a shoot-out; one State patrolman is killed, one is wounded; one BLA member dies, one is wounded; the driver, Clark Squire, escapes but is subsequently captured in East Brunswick, N.J.

May 8. New York City—Police cars and a large corporation are bombed by the Weather Underground.

May 9. Wounded Knee, S. Dak.—The occupation by members of American Indian Movement is ended.

May 12. Sumter Correctional Institute, Fla.—Riot control guards halt a clash between 150 black and white inmates, freeing five white hostages; 38 inmates and one guard are injured. Fighting may have been touched off by the stabbing of a black by a white.

May 15. Denver, Colo.—A Molotov cocktail is thrown at a police department storefront, but there is no damage.

May 17. Camden County Jail Annex, N.J.—Inmates riot for 18 hours because a guard had canceled telephone privileges, then fired tear gas canisters when inmates grew angry; no one is punished by the warden.

May 18. Walpole State Prison, Mass.—Five inmates are injured by plastic bullets fired by State police attempting to quell a night of rioting; the prison is heavily damaged by inmates.

New York City—Two patrol cars are bombed while they are parked opposite 103d precinct; incident may be related to call to a New York Times article stating that the WU would be marching on 103d precinct in Queens for the killing of a boy by police.

May 19. Mount Vernon, N.Y.—Two policemen are

shot when they stop three BLA members pulling a stick-up.

May 31. Holmesburg Prison, Philadelphia, Pa.—A warden and deputy warden are stabbed to death by prisoners in a meeting with Black Muslims to discuss religious freedom.

Rancho Cordova, Calif.—At the Crocker National Bank, two youths hold 24 patrons and employees hostage when a robbery attempt is thwarted; they release eight hostages when a deputy sheriff offers himself as a substitute; they demanded and got \$1 million; the two surrendered after a TV reporter talked them into giving up.

June 2. Rhode Island Adult Correctional Institute—Inmates hold three guards hostage for ½ hour while protesting prison conditions; guards are released and treated for bruises.

June 5. New York City—A transit detective is killed when he stops two BLA members from entering without paying. Before he died, he shot both of them; one is captured, and the other escapes.

June 7. Brooklyn—A BLA member, Fred Hilton, is captured by the New York City Police Department and the FBI.

June 8. BLA members Andrew Jackson and D. Oliver are captured.

June 13. Sharif Bishara Sirhan, 32, brother of Sirhan Sirhan, convicted of sending a threatening letter to Secretary of State Rogers warning that Golda Meir would be shot.

June 14. Coachella Valley, Calif.—A Teamster area supervisor is arrested for assault on a Veterans of Foreign Wars (VFW) picket.

June 19. Atlanta, Ga.—Patrolman Larry Barkwell is slain with his own weapon while responding to a complaint that subjects selling literature on the street are bothering citizens.

June 20. Coachella Valley, Calif.—Five VFW workers are arrested after a picket line brawl with sheriff's deputies.

New York City—Fire destroys a car owned by a member of the Soviet Mission to U.N.; an anonymous caller believed to be a member of the JDL states the bombing was in protest of the treatment of Jews in the Soviet Union and Leonid Brezhnev's visit to the United States.

June 21. Coachella Valley, Calif.—A citrus ranch foreman suffered stab wounds in a kidnap attempt by two reported Teamsters who mistook him for a Chavez sympathizer.

June 22. Arizona State Prison, Florence, Ariz.—Two guards are stabbed to death; an inmate set a fire—

when guards release him to put it out, he attacks a guard, takes his keys, and releases other prisoners (prison has been scene of uprisings in recent months).

June 29. San Joaquin Valley, Calif.—Thirty Teamsters are arrested after attacking a VFW picket; several hours before, a packing shed operated by the Arvin Grape Growers Association is destroyed by arson.

June 30. Rochester, N.Y.—Two police leaving a residence after a raid encounter 40 people throwing stones at a police car; two Molotov cocktails are also thrown.

July 1. Montgomery County, Md.—Israeli Armed Forces attache, Colonel Yosef Alon, is shot and killed outside his home; a Voice of Palestine radio broadcast says the execution was in retaliation for the murder of Mohammed Boudin in Paris on June 28.

July 11. Daniel Clark successfully hijacks a helicopter from Gainesville, Tex., forcing the pilot to fly to Wichita Falls, Tex.; he is captured in Dallas on July 13, 1973; he is sentenced to 20 years for air piracy, or until discharged by Federal Youth Correction Division Board on February 11, 1974.

July 18. Bronx, N.Y.—BLA members rob a bank.

July 24. New York City—The Martin Luther King, Jr., Labor Center is bombed; it is claimed by Secret Cuban Government; a pro-Castro Cuban exhibition is being held in the building.

Kentucky State Penitentiary—Five inmates hold three employees hostage in a canteen before authorities use tear gas.

July 27. McAlester, Oklahoma State Prison—Inmates seize 21 hostages and set the prison on fire; rebellious inmates number 800; 3 inmates are killed, 19 are injured; 6 guards are injured.

July 28. Dallas, Tex.—A riot erupts during a march of Mexican-Americans protesting the killing of a 12-year-old boy by police.

McAlester, Okla.—Ten hours after 11 hostages are released, gangs of inmates start roaming facility hurling firebombs.

July 29. McAlester, Okla.—Upon the order of Governor Hall, the inmates release the remaining hostages; 600 prisoners refuse to reenter the cell-blocks for fear of reprisal from other inmates; they remain massed in the open yard; while officials are trying to determine where to house them, violence breaks out; officials are unable to intervene and watch helplessly as one man is stabbed to death; four inmates die; \$20 million damage results.

July 31. Leavenworth Federal Penitentiary—Two inmates take four hostages and barricade themselves in the prison library; they release the hostages after

11 hours of bargaining; one guard is killed, 15 are injured.

August 1. McAlester, Okla.—Gang fights break out; one inmate is rescued by lowering a rope to him.

August 3. McAlester, Okla.—The Oklahoma National Guard and State police sweep into prison yard with dogs; they meet little resistance.

August 7. Kern County, Calif.—A Molotov cocktail is thrown at a sheriff's office but fails to ignite; a bomb is also thrown at the residence of a deputy sheriff; the motive is believed to have been retaliation from labor organization for arrests made during a dispute between two unions.

August 8. Vacaville Prison, Calif.—Thero Wheeler of Venceremos escapes after not being visited by members for 6 months.

August 27. Washington, D.C.—Mrs. Nora Murray, a secretary at British Embassy, is maimed when a letter-bomb explodes in her hands; (more than 30 had been sent to British officials in the previous 2 weeks); the IRA is suspected, though their spokesmen deny knowledge of the incident.

September. Oklahoma City, Okla.—In the month of September, school opens with outbursts at Grant and other southside schools; a black teacher is arrested for assaulting policewoman.

September 1. Walla Walla, Wash.—At Washington State Penitentiary, a bomb explodes in an auditorium; prior to the bombing incident, prison officials had tightened security; a group identified as "Convicts Retaliatory Action Movement" claims responsibility.

September 2. New Orleans, La.—Members of New York City Police Department, New Orleans Police Department, and FBI capture Herman Beel, of the BLA.

September 3. Indiana State Prison—Three cellblocks are seized and three guards are taken hostage; the 10 demands include changes in mail privileges and disciplinary procedures; disturbance is thought to be in sympathy with three inmates who are in solitary confinement for an August 31 stabbing.

Apache County, Ariz.—Deputy Debbert T. Berry is fatally shot while responding to a robbery call at a trading post on an Indian reservation.

Indiana State Prison—Hostages are released unharmed after inmates promise amnesty for the takeover; Governor Bowen promises improvements will be implemented soon.

September 4. Newark, N.J.—The Reverend James Shabazz, head of the Nation of Islam sect, is murdered; a rival Black Muslim sect is suspected.

September 6. Joliet, Ill.—At Stateville Penitentiary, inmates hold 10 guards hostage for 9 hours, releasing

them when State police threaten to enter the cellblock with tear gas; one hostage and one inmate are injured; Illinois Correction Department Director meets with 15 inmates after they have returned to their cells; their demands: amnesty for prisoners involved, an end to isolation units, and the release of prisoners in special isolation units.

September 26. Boston, Mass.—At Dorchester High School there is an interracial fight; a number of people are injured; the school is closed, but several hundred blacks, whites, and many nonstudents continue fighting in the streets.

September 27. New York City—BLA member Henry Brown is charged with the murders of Patrolmen Foster and Laurie; he escapes from King's County hospital, but is recaptured on October 3.

September 28. New York City—The Latin American headquarters of ITT are bombed by Weather Underground to protest role of ITT in Chile; the bomb causes \$80,000 damage.

October. San Francisco, Calif.—In the month of October, the first of 14 Zebra murders takes place; they end in April 1974; the murders, always of whites, are linked to a fanatic religious cult known as the Death Angels; the cult is believed to have been an offshoot of Nation of Islam and believes that "white devils" should be killed; four black men are convicted for the murders in 1976.

Oklahoma City, Okla.—A black student fires a shotgun at white youths near John Marshall High School during a racial gang fight; later, a school talent assembly erupts into racial fighting.

Dearborn Heights, Mich.—Angry black parents disrupt a school board meeting; police are called to restore order; CRS mediates.

October 2. Oakland, Calif.—Two police responding to robbery alarm in a helicopter are shot down by snipers.

October 6. Boston, Mass.—A white cab driver is murdered in a black section a few days after black youths ordered a white woman to pour gasoline over herself and set her on fire.

October 18. W. A. Marcello and M. A. Huff, both Black Muslims, are murdered; rival sects are suspected.

October 20. New York City—A business establishment is damaged by an explosion of a quantity of firecracker powder placed behind a metal handle on the front door.

October 25. Denver, Colo.—An antipersonnel bomb is found in the restroom of police department headquarters; it does not detonate.

October 26. New York City—An improvised pipe bomb explodes at a foreign tourism and information center.

November. Mahwah, N.J.—In the month of November at Ramapo College, black and Spanish-speaking students take over the student activities' center, vowing they will stay there until administrators deal with minority problems, mainly financial aid problems; the Community Relations Service mediates, and persuades them to relent after 28 hours; negotiations between students and college officials begin in December.

November 1. Hato Ray, P.R.—A molotov cocktail is thrown at the second floor of the Pan American building; the floor is occupied by the San Juan office of the Federal Bureau of Investigation; there are no damages or injuries.

November 4. Madison, Wis.—A police car is fire-bombed near the entrance to police department headquarters.

November 6. Oakland, Calif.—Marcus Foster, a black superintendent of schools, is shot and killed by gunmen who ambushed him; a deputy is wounded; the bullets used were filled with cyanide; the Symbionese Liberation Army claims credit.

Wadena, Minn.—Two escaped convicts hold the Wegscheid family hostage in a farmhouse.

November 7. Wadena, Minn.—Three children are released; the convicts agree to surrender if charges against them are reduced and if they can get hold of an airplane; the plan is thwarted by a snowstorm.

New York City—BLA member, Joe Lee Jones, is arrested as he attempts to turn himself in for being absent without leave from the Army.

November 8. Wadena, Minn.—The Wegscheid family escapes after convicts fall asleep; the convicts surrender 2 hours later.

November 13. Hawaii State Prison—One hundred and eighty inmates riot spontaneously as they demand more medication and recreation periods; the announcement that two inmates were turning state's evidence in regard to the killing of an inmate contributed to the riot.

November 14. Bronx, N.Y.—Twymon Myers of the Black Liberation Army is slain after 3 years of pursuit by the police; Myers is the seventh BLA member to die in police shoot-out; 18 other members have been arrested.

November 24. San Quentin, Calif.—The seventh fatal knifing this year occurs at the prison; Thomas Gregory, an inmate, is stabbed to death in the mess hall.

November 27. Deuel Vocational Institute, Calif.—A guard is killed.

San Francisco, Calif.—Bay Area, Americans for Justice claim credit for a bombing.

December. Month of December—A business office in the New York City area is bombed by the Secret Cuban Government.

Miami, Fla.—A Bahaman cargo ship is bombed by the FLNC (using the Cuban Anti-Communist League as an alias).

December 2. Vacaville, Calif.—At the California Medical Facility, mass murderer J. V. Corona is stabbed 32 times in his cell; in 1972 there were 168 stabbings and 36 deaths; in 1973 there were 150 stabbings and 20 deaths; prison spokesman P. Guthrie attributes two-thirds of the deaths to Chicano organizational strife and gang warfare.

December 4. Truckers who own their own trucks begin a 4-day protest, blocking key U.S. highways—principally in Delaware, Pennsylvania, and Ohio—protesting the speed limit.

December 7. Memphis, Tenn.—An all-white jury finds eight police innocent of beating three black youths accused of stealing a truck, one of whom died; a week of racial disturbance follows.

December 13. Independent truckers launch a 2-day strike.

December 27. New York City—Three BLA sympathizers are caught attempting to free BLA members from the Tombs when police see H. Simmons emerging from a sewer manhole two blocks away, outside the corrections department design and engineering unit that houses blueprints.

December 30. Miami, Fla.—A British freighter is bombed; it is attributed to the Cuban Action or FIN (National Integration Front).

1974

January 1. Hawaii State Prison, Honolulu—Five inmates hold three guards hostage for 90 minutes before releasing them unharmed; the disturbance resulted from a misunderstanding over holiday visiting privileges.

San Jose, Calif.—A bomb explodes on the ledge of schoolroom window.

January 2. Hawaii State Prison—Five inmates remain barricaded.

San Jose, Calif.—A school is the target of a firebomb.

January 9. Honolulu, Hawaii—Raymond Parton, who escaped from Hawaii State Prison on December

15, holds one policeman and six others hostage for more than 5 hours before surrendering.

January 12. San Jose, Calif.—A school is damaged by a bomb thrown through a window.

Matheny, W. Va.—A U.S. Post Office is bombed.

January 18. Holman State Prison, Ala.—There is a riot in which the leader George Dobyns and one guard are killed; there is a question whether Dobyns was shot, or stabbed after the riot was quelled.

January 19. Houston, Tex.—Wesley Earl Evans is captured in a getaway attempt after holding 13 hostages for 10 hours in supermarket that he attempted to rob.

January 23. Lancaster, Calif.—A pipe bomb explodes in a high school annex.

January 29. Lawrence, Kans.—A bomb explodes in the dormitory of the University of Kansas.

February. Oklahoma City, Okla.—In the month of February, racial fighting breaks out when white students mock black cultural efforts during observance of Black Heritage Week at U.S. Grant High School.

February 3. Laurel, Md.—An explosive device is discovered beneath a police vehicle and is subsequently dismantled by a bomb technician with the Maryland State fire marshal's office.

February 4. Berkeley, Calif.—Patricia Hearst, daughter of newspaper publisher William Randolph Hearst, is kidnapped by members of the SLA.

Brooklyn, N.Y.—Four men, including Minister Abdullah Rahman, are killed, a fifth is wounded while reportedly praying on the second floor of Ya Sin Mosque when two men burst in shooting; the Mosque used by the more orthodox Sunni Muslims; rival Black Muslims are suspected.

February 11. The truckers' strike ends, negotiated by Milton Schapp and William J. Usery; during the strike there were incidents of stoning, gunfire, bomb threats, and burned rigs reported in 20 States; two deaths were associated with the strike—one person is shot to death, another is crushed when a boulder is dropped on the cab of his truck.

February 12. Middletown, Ohio—The Middletown school system administration office building is fire-bombed; 10 to 15 teenagers are observed running from building moments before the fire is discovered; the motive is suspected to be racial conflict.

February 14. Nevada State Prison—A disturbance by 15 to 20 inmates results in \$3,000 damage before it is quelled by 70 guards, sheriff's deputies, and the highway patrol; the warden says it could have been over gambling debts.

February 16. San Francisco, Calif.—The second tape

is received from the SLA saying "whatever you come up with is okay" (referring to the food giveaway the SLA demanded in return for freeing Patricia Hearst).

February 17. Washington, D.C.—An Army private steals a helicopter and hovers over the Washington Monument; he eventually lands 100 yards from the White House after being struck by shotgun blasts from security forces.

February 19. San Francisco, Calif.—Randolph Hearst announces the details of a \$2 million food giveaway plan.

February 20. Atlanta, Ga.—J. Reginald Murphy, editor of the Atlanta Constitution, is kidnapped by four members of the American Revolutionary Army; they demand \$700,000 ransom; the group thinks the media is too leftist; Murphy is released after 49 hours, when the newspaper pays his ransom.

February 22. San Francisco, Calif.—The first Hearst food giveaway begins at 10 centers; trucks arrive late; the food has not been sorted into grocery bags.

Baltimore, Md.—Samuel J. Byck shoots and kills a policeman in an air terminal; he forces his way aboard an aircraft, shoots and kills the copilot, and wounds the pilot; while the plane is still on the ground, he is shot in the chest twice, then he shoots himself and dies; a booby-trapped incendiary device is deactivated.

February 24. Boulder, Colo.—An elementary school is bombed.

February 28. San Francisco, Calif.—The second Hearst food giveaway takes place; distribution is rapid and orderly.

March. Cleveland, Ohio—In the month of March at Maple Heights High School, a fight between black and white students results in several arrests, property damages, and the temporary closing of the school; Community Relations Service helps mediate.

Monte Vista, Colo.—Fighting between Chicano and white students temporarily closes Monte Vista High School; the Community Relations Service (CRS) is called in to mediate.

March 1. Kingsport, Tenn.—A device intended to blow up police headquarters fails to function.

March 3. San Francisco, Calif.—Americans for Justice claim credit for a bombing.

March 6. Johanna, Ohio—Twenty-four pipe bombs made by a high school student are recovered by police.

March 7. San Francisco, Calif.—A building housing the Department of Health, Education, and Welfare (HEW) is bombed by the Weather Underground; a communique issued the day before was directed to-

ward the alleged injustices HEW commits against women.

Portland, Oreg.—A State office building is bombed.

March 8. Lorton, Va.—A pipe bomb explodes near the gymnasium at Lorton Reformatory.

March 9. Beverly Hills, Calif.—An attempt to cause a gas explosion in a commercial building fails.

March 15. Beaverton, Oreg.—A hoax device is placed in a retail store to divert police from an armed robbery in a neighboring shopping plaza.

Pasadena, Calif.—The police department is bombed; a caller says: "This is the Phantom. I've put a bomb in the police station."

March 16. Pasadena, Calif.—A booby-trapped blast and fragmentation device explodes at police headquarters.

Boulder, Colo.—The University of Colorado police department is bombed, causing an estimated \$500 damage; the incident is believed to be related to a similar blast at Boulder Courthouse approximately 8 minutes later.

March 18. Ft. Rucker, Ala.—A bomb is discovered in the administrative offices of a military detachment and dismantled.

March 21. New York City—At Federal Detention Headquarters, three armed inmates take four hostages in an escape attempt.

Stockton, Calif.—Two supermarkets of the same chain are simultaneously firebombed.

Folcroft, Pa.—A bomb explodes in an unoccupied police department causing \$5,000 damage.

March 22. New York City—At Federal Detention Headquarters, the inmates surrender after being promised no prosecution for the escape attempt.

March 25. Houston, Tex.—A hoax device used to extort money from a bank is dismantled.

March 26. Arlington Heights, Ill.—A bomb goes off accidentally, seriously injuring one person; a subsequent investigation leads to the discovery of a bomb factory with 12 complete bombs.

March 30. Sarasota, Fla.—Ernest J. Smyth with two hostages and carrying a shotgun, forces his way aboard an out-of-service aircraft; he is disarmed by a maintenance man and flees; he is arrested 4 hours later; he is sentenced on September 16, 1974 on State charges of kidnapping to 15 years, and on two counts of aggravated assault to 5 years for each count; the sentences are to be served concurrently.

March 31. San Quentin, Calif.—There is an escape by two brothers, reportedly members of US, convicted of second degree murder and conspiracy to

commit murder for the slaying of Black Panthers Bunchy Carter and John Huggins; they are still at large. (US is the U.S. Cultural Organization. See p. 518.)

April. Osawatomie, Kans.—In the month of April, school tensions lead to a street confrontation between black and white youths; the disorder results in 10 arrests.

April 2. St. Cloud Reformatory, Minn.—A private fight between a black inmate and a white inmate erupts into a melee involving 130 inmates; two inmates are injured; Minnesota Corrections Department invites the CRS to mediate.

April 4-10. Eight bombings in San Juan are attributed to Abdala, an anti-Castro group.

April 8. Washington, D.C.—A bomb placed in the breezeway of a diplomatic residence fails to detonate.

Bradentown, Fla.—A molotov cocktail thrown from a moving vehicle shatters a sidewalk in front of the main entrance of a sheriff's office.

April 13. Miami, Fla.—Jose de la Torriente, former Cuban minister of agriculture, is killed by a sniper; Zero, a pro-Castro group of Cuban exiles, takes responsibility.

April 15. San Francisco, Calif.—The SLA and Patty Hearst rob a Hibernia branch bank; Patricia Hearst is found guilty of the robbery in March 1976.

April 17. New York City—The Tombs, four BLA sympathizers, armed with two handguns and an acetylene torch, attempt to free three BLA members; they flee when the torch runs out of fuel.

April 18. Burlingame, Calif.—Headquarters of an international trade union and an adjacent building are damaged extensively by a bomb.

Prosser, Wash.—A county-owned patrol car is demolished by a bomb.

April 19. Ocala, Fla.—A military-type tear gas grenade is thrown into a high school restroom, forcing the evacuation of several classrooms nearby.

Union City, Calif.—A policeman shoots suspected shoplifter, Alberto Torrones; a fire and riot in the shopping center follow the incident; a message is issued that a revolutionary tribunal has sentenced police chief William Cann and other officers to death.

April 24. Cecil County, Md.—The detonation of a military firecracker causes minor damage to a police vehicle.

April 25. Trenton State Prison, N.J.—Three inmates and five guards are injured when 260 inmates seize control of a wing of the prison following a fight between two allegedly drunk inmates.

Salinas, Calif.—Racial tensions rise to the surface in a series of fights across the Alisal High School

campus; the police are called, but no arrests are made; CRS is called to mediate.

University Park, Tex.—A hoax device placed in the university president's office is dismantled.

April 28. St. Louis, Mo.—At the municipal jail, 13 white prisoners slash their arms and wrists with razor blades in a protest over the integration of cell blocks.

Camden, N.J.—At Camden County Jail, 29 inmates begin smashing windows and furniture after a visitor is ordered by guards to open her handbag.

Dallas, Tex.—A hoax device planted in a newspaper office is discovered and dismantled by a security guard.

April 29. Washington, D.C.—A hoax device discovered outside the court building is dismantled.

April 30. Cleveland, Ohio—A dynamite bomb explodes in a manufacturing plant; it causes extensive damage.

Sioux Falls, S. Dak.—There is a riot in a courtroom for which Russell Means of American Indian Movement is later sentenced to 4 years; spectators refuse to stand for Judge Bottoms; a police tactical squad is ordered to clear the courtroom by force.

May 1. New York City—Two people are injured when a bomb explodes in a locker at the airport.

May 3. Lexington, Ky.—The police department reports an explosion inside a rifle carrying case.

New York City—After failing to release prisoners at the Tombs, BLA members flee to New Haven, Connecticut where they rob a bank and shoot a policeman. Three are captured, others escape.

May 4. New York City—An explosion destroys the door of a military simulator in a public park.

May 13. Eagle Bay, N.Y.—Fifty Mohawk Indians claim 612 acres of State-owned land in the Adirondack Mountains; the Indians allegedly fired on a passing car, wounding two whites, one seriously.

May 16. Los Angeles, Calif.—It is reported that Emily and Bill Harris struggled with a clerk in a sporting goods store; Patty Hearst allegedly fired at the clerk with a machine gun from across the street. The trio kidnaps a high school student and forces him to drive them around in his van for 12 hours.

May 17. Los Angeles, Calif.—Six SLA members die in a gun battle with police and the ensuing fire; Donald Defreeze, Nancy Ling Perry, Angela Atwood, and Camilla Hall apparently die from gunshot wounds, William Wolfe and Patricia Soltysik from smoke inhalation; gunfire comes from the house after a tear gas canister is thrown in; gunfire is exchanged for about 1 hour; the home is set on fire by either a tear gas canister or an ignited SLA bomb.

Menard, Ill.—State Penitentiary—Sixty inmates

release three unharmed guards and return to their cells.

May 20. Yuba City, Calif.—A bomb is thrown under an unoccupied police vehicle; there is extensive damage.

A firebomb thrown at police headquarters strikes the outside of the building, doing minor damage.

May 21. Yuba City, Calif.—A molotov cocktail thrown through window of a State motor vehicle office causes extensive damage.

May 22. Kansas City, Mo.—At the Jackson County Jail, inmates hold three guards hostage for 2 hours, releasing them when County Executive George Lehr accedes to their demands for a news conference.

May 23. David F. Kamaiko takes a helicopter refueler hostage in New York; he forces the pilot to land on a helipad on the Pan American Building; the pilot runs from the aircraft and is shot by the hijacker; police rush the helicopter and capture the hijacker; the prosecution decision is to be made after 1 year of psychiatric treatment; the hijacker had wanted \$2 million.

May 31. Los Angeles, Calif.—The sixth floor of the office of the California State Attorney General is bombed by the Weather Underground; a communique expresses grief at the death of SLA members.

Chicago, Ill.—A pipe bomb explodes in the second floor washroom of the Chicago police department.

June. New York City—In the month of June, 16 improvised bombs are planted in nine different midtown department stores; in each instance, the gift-wrapped bomb is dismantled in place.

June 2. New York City—BLA members attempt to shoot two policemen on the Delaware Memorial Bridge, and are arrested; they have a large supply of guns.

June 6. Detroit, Mich.—A rocket-like explosive is thrown beneath a large oil storage tank, but fails to detonate.

June 7. Los Angeles, Calif.—KPFK radio station receives a tape in which Patty Hearst identifies herself as Tania.

June 11. San Pedro, Calif.—A bomb causes extensive damage to a municipal court facility.

New York City—A foreign embassy is the target of a pipe bomb and incendiary device, neither of which detonate.

St. Louis, Mo.—A dynamite bomb explodes under the hood of a policeman's private auto; the second bomb doesn't work.

Union City, Calif.—William Cann, the police chief,

is fatally wounded by a sniper as he speaks, unarmed and unescorted, in a Catholic church in an effort to ease tensions within the Latin-American community.

June 13. Pittsburgh, Pa.—The Gulf Oil offices are bombed, causing \$450,000 damage; WU communique claims it was to protest Gulf's fomenting a Portuguese war in Angola.

June 14. Chicago, Ill.—Two dynamite bombs are set off, allegedly by a Puerto Rican Nationalist Group, the FALN.

June 26. Edwin Claude Rowell, a prisoner under escort, produces a gun during a flight of a Piper Comanche from Alexandria, La. to Angola, La.; he forces the pilot to land at Hammond, La. and flees; he is captured an hour later about 1½ miles from the aircraft.

Las Vegas, Nev.—A city-owned vehicle is damaged by a bomb placed under the rear bumper.

June 27. Ashland, Mont.—Three men rob a bank and use a chartered aircraft as an escape vehicle; the pilot agrees to change course at Yellowtail Dam, Mont.; the plane lands there and the pilot is bound; two of the perpetrators are captured hours later 45 miles away, the third is captured on July 6, 1974; two are sentenced to 20 years (reduced to 8 years under the youth correction act), the other is sentenced to 20 years.

June 28. Hazard, Ky.—A burned stick of explosives fused with cigarettes is found on the roof of a community college building.

July 5. Trenton, N.J.—In the Vroom Building maximum security wing of the psychiatric hospital, 11 guards and five inmates are injured when inmates refuse to leave the recreation yard.

July 6. Compton, Calif.—A police sergeant reports the theft of 96 M16 rifles with 3,360 rounds of ammunition, machine guns, grenades, launchers, smoke and riot grenades, and gas masks from the National Guard Armory.

July 11. Washington, D.C.—Two convicts seize control of a basement cellblock of the U.S. Courthouse; they give up 4 days later, having failed to get a promise from police of safe passage outside the United States in exchange for the release of seven hostages; 36 hours before the end of the siege, the hostages escape by an elevator.

July 12. San Francisco, Calif.—Two police are fired on when they attempt to make an arrest for burglary; the police are forced to withdraw but eventually secure the area around the building; a man tries to drop a molotov cocktail on police, is shot at, and drops the cocktail, burning the front portion of the building; a second suspect escapes; a search of building locates rifles and extremist literature linked

to the White Panthers, a group with a program similar to Black Panthers, but whose membership is white.

July 13. Baltimore, Md.—At the city jail, inmates seize three hostages while striking guards picket outside the prison; police storm the building and return the inmates to their cells without firing a shot.

Washington, D.C.—Fourteen other hostages at the U.S. Courthouse are released.

July 14. Strongsville, Ohio—Three model houses are extensively damaged by consecutive bombings.

South Greensburg, Pa.—A city official's auto is damaged slightly by a bomb.

Baltimore, Md.—At the city jail, juvenile inmates seize four hostages and rampage through the prison; the 300-member guard force on strike since July 8 has been replaced by supervisory personnel; police with dogs restore order.

New York City, Queen's House of Detention—Prison guard captain is thrown from a fourth floor tier; two guards are beaten; the riot began with a fight between two inmates in a barber shop (but officials believe they heard news reports about the riots in Baltimore and Washington); no grievances are voiced in telephone negotiations with Deputy Warden Leonard Wolfson, who successfully appeals to them to return to their cells.

July 15. Washington, D.C.—The two armed convicts surrender quietly.

July 23. Washington, D.C.—A foreign mission building is damaged extensively by a pipe bomb.

July 25. Huntsville, Tex.—At the State prison, three inmates take four other inmates and 10 library employees hostage.

Washington, D.C.—An incendiary device is planted at a foreign embassy; the burning fuse is extinguished by a guard.

Bay Area, Calif.—Copies of "Prairie Fire" are distributed, in which the Weather Underground claims 19 bombings since 1969.

July 29. Bordentown, N.J.—At the Bordentown Youth Correctional Institute, 370 inmates are involved in an uprising that began with a work stoppage to demand higher wages and lower commissary prices; prisoners refuse to return to the building and other inmates begin to burn mattresses and barricade the hallways.

Huntsville, Tex.—At the State prison, one inmate hostage escapes; negotiations are at a standstill.

August. Savannah, Ga.—During the month of August police responding to a family dispute shoot and kill a black youth; CRS enters the dispute after the black community reaction leads to confrontations between blacks and whites; there are some minor injuries and property damage; there are three arrests.

August 1. Huntsville, Tex.—At the State prison, Fred Gomez Carrasco demands an armored truck, saying he will release all but four of the hostages after boarding the truck.

August 2. Huntsville, Tex.—At the State prison, one hostage is released to convey a personal message to prison officials about the release plans.

August 3. Huntsville, Tex.—At the State prison, two of the three inmates who had held 12 employees and fellow prisoners hostage are killed as they try to move to armored cars; two women hostages handcuffed to them are also killed; the assault is made with water hoses and guns; two others are wounded.

August 5. Burlingame, Calif.—The New World Liberation Front unsuccessfully attempts to bomb an insurance agency.

Brooklyn, N.Y.—A female is arrested after attempting to smuggle hacksaw blades to BLA prisoners.

August 6. Los Angeles, Calif.—L.A. Airport is bombed by alphabet bomber. August 16, in a tape recording sent to a newspaper, a man calling himself Isaac Rasim said he was the military officer for the Aliens of America, claimed bombing, and told police where to find another in the bus terminal; he said the group wanted immigration laws repealed or he would "write our name in blood"; he also claimed a blast on August 17, but police doubt his claim. Muharem Kurbegovic (his real name) was arrested August 30 as he tried to place a tape recording in a restaurant; the case is cited by California Attorney General Evelle Younger as an imitation of terroristic activities.

August 7. New York City—A dynamite bomb planted at the U.N. General Assembly Building, is dismantled by police.

August 8. San Francisco, Calif.—There is an attempted bombing by NWLF of an automobile agency.

August 15. Brooklyn, N.Y.—One BLA member escapes, one is shot, and a third gives up after an escape attempt. The escapee is captured a few blocks away.

August 22. Potter County Jail, Tex.—Five inmates hold a sheriff's dispatcher hostage for 3 days until armed deputies free him; the revolt leader is killed; a jail trustee, a patrolman, and a deputy sheriff are wounded.

August 23. Herndon, Va.—A policeman shoots and kills a black man during an altercation in a food store while trying to arrest him for driving without a valid license; a crowd of young blacks gathers and begins breaking windows, and throwing Molotov cocktails.

St. Paul, Minn.—U.S. Marshals use chemical mace to clear a row of spectators at the trial of Wounded Knee participants Russell Means and Dennis Banks; the judge orders the spectators removed when they laugh at a question posed by defense attorney William Kunstler; Kunstler and fellow attorney Mark Lane are also removed.

August 27. Stephenville, Tex.—Three convicts escape from Colorado State Prison and head south; they kill a man and a woman, wound five persons, abduct and rape two women, fire on a cafe, and kill dogs; they are captured after days of terrorizing countryside, and one convict is killed.

August 29. Bedford Hills Correctional Facility, N.Y.—Forty-five women hold seven employees for 2½ hours against their will; the disturbance stems from the detention of a female inmate who allegedly assaulted another female inmate.

September. Oklahoma City, Okla.—In the month of September, school opens again with a race riot at U.S. Grant High School where 400 black and white students fight; a Capitol Hill School student is beaten with a board during the first of the school's racial fights.

West Pittsburg, Calif.—At Pacifica High School, white students walk through a campus area where black students are filming a scene for a film-making course and a fight breaks out, followed by 4 days of sporadic fighting; on the fifth day, a melee erupts involving more than 200 of the school's 650 students.

September 1. Newark, N.J.—At a Puerto Rican Day Festival police try to break up a dice game; havoc breaks loose, and dozens are injured, three from gunshot wounds.

September 2. Newark, N.J.—A crowd of 2,000 gathers outside a meeting between the mayor and Puerto Rican leaders; when the meeting drags on, the young crowd begins throwing rocks; police move in; two Puerto Ricans die, many are injured.

September 3. San Francisco, Calif.—The bombing of Dean Witter and Company offices, a stock brokerage firm, is claimed by the New World Liberation Front.

September 4. Marshall Collins, a black, initiates a hijacking after landing in Boston on a flight from New York; he demands \$10,000; he surrenders after more than 3 hours of negotiations.

September 6. Newark, N.J.—In a civil disturbance that lasts from September 2 to September 6, 18 firebombings occur; a majority of targets are commercial establishments; damage from incendiary bombings is estimated at \$325,000.

September 10. San Leandro, Calif.—Anaconda-America Brass Company, which has mineral interests in Chile, is bombed by the Weather Underground.

September 12. Boston, Mass.—Buses carrying black students are stoned.

Bronx, N.Y.—Four armed men seize two hostages after attempting to rob a house; two of them surrender after 2½ hours; a hostage negotiation team is called in; the third finally surrenders, the fourth falls asleep, enabling hostages to overpower him; the siege lasts 5 hours.

September 13. Boston, Mass.—Buses carrying black students are stoned.

September 16. Brooklyn, N.Y.—In the Brownsville section, 200 gather in front of the 73rd precinct to protest the shooting of a black youth by a white patrolman the day before; youths rampage through streets; three are arrested with 10 Molotov cocktails, four for looting; 10 (including eight police) are injured.

September 19. Brooklyn, N.Y.—In the Brownsville section, disorders continue; a patrolman is relieved of police duties to end the nightly disorders.

September 23. Brooklyn, N.Y.—In the Brownsville section, the community school board urges calm and instructs principals to stagger dismissal times to reduce street crowding.

September 28. Newark, N.J.—An explosion occurs in the alley between Newark city hall and the Newark police department; a device was placed in the hedge alongside police headquarters; another device is found in the hedge near city hall.

October 2. San Francisco, Calif.—There is a bombing of a hotel by the NWLF; there is a warning call beforehand; the hotel is associated with ITT.

October 5. Los Angeles, Calif.—There is another bombing of a hotel by the NWLF; this hotel is also associated with ITT; again there is a warning call beforehand.

October 8. Boston, Mass.—Twenty-four whites and 14 blacks are injured in various incidents; in Roxbury, black high-school students pull fire alarms and stone passing cars; in South Boston a white mob attacks a black man caught in traffic.

October 9. Puerto Rico—A theater is bombed by the FLNC.

October 18. Reidsville, Ga.—At the State prison, one inmate is killed and 12 are injured when fighting erupts in a cellblock.

October 20. Connecticut State Prison—A white female is arrested for trying to smuggle a gun to BLA prisoners.

October 26. New York City—Five bombs are placed by FALN near entrances to five banks (one is placed under a car); all devices explode in the early morning; there are no injuries.

October 28. El Paso, Tex.—A police community relations service center is firebombed.

October 30. Los Altos Hills, Calif.—The private residence of a recent retiree from ITT is bombed; the bombing is claimed by NWLF.

November 2. El Paso, Tex.—A molotov cocktail is thrown through the window of the El Paso police department community relations storefront facility; damages are estimated at \$1,200.

November 9. Washington, D.C.—A bombing of the Organization of American States building is claimed by FLNC (using Cuban Movement C-4 as an alias), an anti-Castro group.

November 10. Los Angeles, Calif.—A bomb explodes in the doorway of the U.N. Information Center; a member of the JDL is suspected, but the judge drops charges because there is insufficient evidence.

December. Kentucky—In the months of November and December, 20 natural gas transmission lines and two natural gas cooling towers belonging to a Kentucky-West Virginia gas company are targets of bombing incidents that cause an estimated \$93,650 in damage; the motive is believed to be related to a labor dispute.

December 2. San Francisco, Calif.—Two gunmen attempt to rob a supermarket; they seize seven employees as hostages; a suspect escapes by posing as a hostage (but is later captured); two hostages are released after 2 hours; five are held for 5 more hours while the suspect bargains with police; he finally surrenders to a negotiating team.

December 9. Boston, Mass.—Four white girls are injured in racial fighting.

December 11. Walpole, Mass.—At the State prison, two guards and a prison medical corpsman are released unharmed after being held for 20 hours by eight inmates; the two guards were seized while making a weapons search; the prisoners make 18 demands in regard to prison conditions to Governor Jack Beckman in an hour-long meeting; D. A. George Burke denies demands for amnesty.

New York City—A policeman is lured to a tenement building by a report of a dead body; he is injured when he opens a booby-trapped door that is attached to a bomb; the FALN says the bombing was in retaliation for the death of a prisoner in a New York jail.

Boston, Mass.—Schools are closed when a crowd of whites, angry at the stabbing of a white student by a black student, traps 135 black students in the South Boston High School for 4 hours.

December 14. Robin Harrison (alias), chartered a plane by phone; on arrival at the airport office in

Tampa, he points gun at the pilot of a Piper Seneca and demands a flight to Cuba; he is still a fugitive.

December 19. San Francisco, Calif.—A female caller announces a NWLF bombing in an office building that houses General Motors.

December 20. Richfield, Minn.—An armed holdup of a supermarket leads to the taking of 40 hostages; it is ended when four gunmen surrender after 6 hours; all the gunmen were Indians; a telephone call said the holdup was in retaliation for the treatment of Indians, another telephone call said it was for money.

December 25. Lorton Reformatory, Va.—Nine guards are taken hostage in a mess hall; three inmates take another guard hostage and escape; an escaping inmate is killed by guards.

December 26. Lorton Reformatory, Va.—Inmates free seven hostages in return for amnesty for riot leaders.

December 28. Charles Stewart, a 26-year-old from Stockton, Calif., hijacks a Northwest Orient jet to Grand Forks, N. Dak.; he is seriously injured after attempting to escape from a building in Grand Forks.

December 29. Port Arthur, Tex.—A black youth is fatally shot while running from police headquarters; he had been arrested for using abusive language; demonstrations occur for the next 2 days; black leaders call for the removal of the police chief.

December 30. Bland Correctional Farm, Va.—Inmates riot for 2 hours, doing \$30,000 damage.

Walla Walla, Wash.—At the State penitentiary, inmates seize 13 hostages in an uprising at the hospital and cellblock; riot-trained guards free the hostages.

1975

January 1. Gresham, Wis.—Forty-five dissident Menominee Indians, called the Menominee Warrior Society, seize the Alexian Brothers' (a Roman Catholic) Abbey, demanding that the order give it to them for a hospital.

January 3. Paul Landers boards an out-of-service aircraft and announces a hijacking in Pensacola, Fla.; he is immediately disarmed and overpowered by maintenance men; he just wanted to attract attention to himself; he is convicted of air piracy on February 20, 1975; he commits suicide in prison on February 23, 1975.

January 4. Oklahoma Reformatory, Granite, Okla.—Twenty inmates seize 11 hostages; they are armed with knives and clubs; they free the hostages 7 hours

later; the inmates are protesting a lack of action on their grievances (in regard to visitation, vocational rehabilitation, and training).

Robert Valeri, a key witness for the prosecution in the bank robbery trial of Susan Saxe, escapes.

Columbus, Ohio—The second floor of a police department is bombed, causing \$2,500 damage.

January 6. Gresham, Wis.—The Governor calls out 250 National Guard and tells Commander Simpson to arrange a peaceful settlement with the Menominee Indians; a verbal offer to sell the abbey for \$750,000 is initially accepted but then later rejected.

South Michigan State Prison, Jackson, Mich.—A man escapes from prison via helicopter but is captured the next day in a bar 13 miles away; he claims he thought of the plan months before the movie "Breakout" was released.

January 13. Boston, Mass.—At Hyde Park High School, racial clashes result in three injuries.

Laughlin Wright boards a plane without a ticket in Atlanta, Ga. and pounds on the cockpit door demanding a flight to San Juan; the plane lands at Dulles to refuel; Wright locks himself in a restroom; police board the plane and apprehend him; he was not armed.

January 22. South Bend, Ind.—Two gunmen are trapped by police while robbing a clothing store; they take six hostages; three are released after Patrolmen Larry Hostetler and Paul Harvey volunteer to become hostages; after freeing five hostages, the gunmen flee with a 17-year-old hostage after making a deal with police in which they get two getaway vehicles and are promised they will not be pursued; on Jan. 23, the girl escapes unhurt; the kidnapers are still at large.

January 24. New York City—A bombing of the Frances Tavern kills 4 people and injures 53; the FALN claims it.

January 29. Washington, D.C.—The State Department is bombed by the Weather Underground.

Oakland, Calif.—A bomb located in a Federal building does not detonate; it was planted by the Weather Underground.

February 1. New York City—The Venezuelan Consulate is bombed by Abdala, an anti-Castro student group.

February 2. Santa Monica, Calif.—At the civic auditorium, a rally organized by the Committee to Reopen the Rosenberg case is tear gassed; the National Socialist Liberation Army, a more violent splinter group of the U.S. Nazi group, is suspected, though no calls claiming credit were made.

February 3. San Jose, Calif.—An office building housing General Motors and Pacific Telephone Company is bombed; the NWLF claims credit.

Denver, Colo.—A bombing occurs in a sixth floor men's restroom of the office of a regional Securities and Exchange Commission; four people are injured; the next evening a note attached to a rock is thrown on the porch of a local television station, by the Continental Revolutionary Army claiming credit for the bombing; the cited reason is U.S. involvement in Chile, Puerto Rico, Vietnam, and Cuba.

February 4. El Granada, Calif.—At an Air Force Station, the NWLF put a bomb near a fuel tank; the Oakland Asphalt Company is also bombed; the bombing is claimed by NWLF.

Gresham, Wis.—The Menominee Indians voluntarily leave in the custody of the National Guard; the Alexian Brothers agree to deed the complex to a Menominee tribal government (to be elected in February or March) without compensation if the Indians can make it economically feasible; the tribal leaders decide they aren't interested in the property; during the 35-day occupation, one Menominee was shot in the leg by sniper who penetrated the National Guard cordon.

Los Angeles, Calif.—A fragmentation bomb explodes in the headquarters of the Socialist Workers Party; members inside come very close to being killed; the National Socialist Liberation Front (a Nazi group) is suspected.

February 5. Oakland, Calif.—The Vulcan Foundry is bombed; a previously received communication from the NWLF notes that the Chevron Asphalt Company sales office next door was the intended target.

February 6. San Francisco, Calif.—The fire exit of a television station bombed; a NWLF member calls in a telephone warning.

Los Angeles, Calif.—Unidos, a socialist bookstore run by the October League, is bombed; the Cuban Action Commandos are suspected.

February 11. Elizabeth, N.J.—One attempted and one actual bombing are attributed to JCN and Abdala, two anti-Castro groups.

February 14. Shawano, Wis.—At the courthouse, violence breaks out on the second day of a preliminary hearing for five Menominees charged with felonies in connection with the occupation of the novitiate; the defendants barricade themselves in a jury room; 60 supporters are driven out of building, and two receive head wounds.

February 17. Rikers Island, N.Y.—Herman Bell of the BLA is subdued by guards after getting the keys (with a wooden knife as a weapon) from a guard; police receive a telephone call soon after the incident saying that five men armed with shotguns, one in a wetsuit, are setting off in three rafts; one raft is

found with a map, a set of oars, swim fins, 3.38 caliber bullets, and 9 mm bullets.

February 26. Los Angeles, Calif.—KCET, a radio station, is bombed; the Cuban Action Commandos are suspected because the station had just announced the showing of a Cuban film, "Lucia."

March 1. Oakland, Calif.—At the courthouse, Little and Remiro, the SLA members accused of killing Marcus Foster, attempt an escape but are stopped just short of a gun cabinet; in the attempt a guard is stabbed in the throat with pencil.

Shelton, Conn.—The Sponge Rubber Products Company factory, owned by the Grand Sheet Metal Company, is destroyed by bombs and subsequent fires; three men had seized employees and taped them to trees; they return to set off three plastic bombs; a watchman says they mentioned the Weather Underground but the FBI discounts the theory; the motive is believed to be either revenge for disgruntled workers or the desire for an insurance claim.

March 2. Alexandria Grosser, born in Germany, boards a Twin Otter in Hyannis, Mass.; he claims to have a knife; they demand a flight to New Haven, Conn.; the pilot refuses and radios for help; the police board the plane and overpower the hijacker.

March 3. Shiprock, N. Mex.—Armed members of the American Indian Movement end an 8-day occupation, protesting the layoff of 140 Navajo workers by the Fairchild Camera and Instrument Corporation; on March 13, the company announces that it will permanently close its electronics plant located on the reservation, which had 600 Navajos, mostly women, as employees.

March 6. Ralph Gonzales and Edward Rodriguez charter a Cessna 310 from Phoenix to Tucson; during the flight they point a gun at the pilot and force him to fly to Nogales, Mexico; the hijackers turn over the plane and pilot to a group of confederates that met the plane; the pilot escapes the next day; Rodriguez is captured at Las Vegas on March 2, 1975.

March 8. New York City—On the Lower East Side, police find 75 pounds of explosives, left by the Hells Angels, who claim they had taken them from the FALN, in order to get a prisoner released.

March 10. Staten Island, N.Y.—Two hand grenades explode in front of the home of private investigator Robert Quigley, injuring his daughter.

San Jose and San Francisco, Calif.—Three pipe bombs explode in a 79-minute period at a Safeway store, a Wells Fargo Bank office, and Del Monte's San Francisco headquarters; a message claiming credit is signed by the Chicano Liberation Front.

March 12. San Bruno Hills, Calif.—A bomb knocks

down a transmission line belonging to the Pacific Gas and Electric Company.

March 14. Miami, Fla.—A suspect who threatened to blow up two Federal buildings is apprehended with four molotov cocktails in his possession.

March 16. Chester, Ill.—At Menard State Prison, two fights involving at least seven inmates interrupt breakfast; more than 560 inmates cause heavy damage in an effort to leave the building; the disorder is quelled by tear gas; seven inmates and five guards are injured slightly.

March 19. Wagner, S. Dak.—Forty members of the Eagle Warrior Society of Yankton, a Sioux tribe, end a 3-day occupation of a pork plant (the tribe owns 51%); the Indians are protesting poor working conditions and the lack of communication between the manager and Indians.

March 20. San Bruno, Calif.—In an unincorporated area near the town in Alameda County, six electrical transmission towers are bombed by the NWLF.

March 26. New York City—Upon exiting from the 83rd precinct station house, two police observed two men running near a building; entering an alley, the police note a glowing object that turns out to be a pipe bomb; one officer pulls the fuse.

March 27. San Jose, Calif.—Five bombs explode at the Pacific Gas and Electric utility station; a letter from the NWLF claims responsibility and demands that utilities be free to the unemployed.

Berkeley, Calif.—The office of the FBI is bombed by the Red Guerrilla Family; the bomb is very powerful.

Los Angeles, Calif.—Two buildings, one housing the Panama Government Tourist Bureau and the other housing the Costa Rican Consulate, are damaged slightly by separate bomb blasts; the Cuban Action Commandos (an anti-Castro group) are suspected; Panama and Costa Rica had supported Cuba's readmission to the Organization of American States.

March 29. Sacramento, Calif.—A Pacific Gas and Electric transformer bank, located on the property of the McDonnell-Douglas Company, is bombed; the next day, an individual calls a radio station saying "we are in sympathy with the World Liberation Front."

March 30. Daytona Beach, Fla.—Vacationing youths clash with police during a rock and bottle throwing disturbance; 270 are held.

April 2. New York City—There are four bombings by the FALN at an arcade structure housing a trust company, two insurance companies, and a hallway between two restaurants; an anonymous call warned the police.

April 3. Los Angeles, Calif.—An attempted bombing of the Communist Party office misfires; the Cuban Action Commandos are suspected.

April 4. San Francisco, Calif.—A bomb explodes in the Standard Oil Company of California building as President Ford is speaking five blocks away.

April 5. Los Angeles, Calif.—An unexploded dynamite bomb is found in a window air-conditioner unit at the Heron Travel and Tourist office; Philip John Goodman, suspected of belonging to the JDL, is convicted of two felony charges relating to the bombing.

Los Angeles, Calif.—An Iraqi Airways office is bombed.

April 7. Nashville, Tenn.—At the State prison, 11 maximum security prisoners seize four counselors and eight prisoners and hold them at knifepoint for 8 hours until authorities agree to study their grievances; the hostages are released unharmed.

April 8. San Jose, Calif.—A Pacific Gas and Electric substation that was bombed in March, is bombed again by the NWLF; demands are free utilities for retired people.

April 9. Horton, Kans.—An undisclosed number of Kickapoo and Pottowatami Indians occupy a local office of the Bureau of Indian Affairs for 12 hours; they secure the removal of Jack Carson as superintendent; he is to be replaced by an Indian.

April 13. Los Angeles, Calif.—A bomb is dropped through the roof of the Unidos book store; the store has a leftwing orientation; the Cuban Action Commandos claim credit through a caller.

April 19. Washington, D.C.—At the D.C. jail, maximum security inmates release 12 hostages after holding out for 18 hours for a promise by corrections department head Delbert Jackson that their demands will be considered.

April 21. Near Sacramento, Calif.—Carmichael Crocker Bank is robbed; James Kilgore's fingerprints are found (he is linked with the SLA); a bank customer is killed.

April 22. Joliet State Penitentiary, Ill.—More than 200 inmates seize a cellblock, holding 12 hostages for 5 hours before police used tear gas; inmate Herbert Catlett is slain during the uprising; the riot stems from Warden Fred Finkbeiner's decision to break up gang activity and send three gang leaders to Menard Penitentiary.

April 25. Frank Page Covey is arrested after an unsuccessful attempt to hijack a Newark-bound United Air Lines B-727 carrying 68 passengers.

April 28. Denver, Colo.—The American National Bank is bombed; a pipe bomb explodes outside the

home of a CIA official; a revolutionary group claims credit for both bombings.

Rapid City, S. Dak.—Richard Wilson, President of the Oglala Sioux, his son, and five other Indians are indicted for beating up four non-Indians associated with AIM; Wilson is acquitted on December 19, 1975. The New York Times reported on April 22 that since January 1, six people had been killed and 67 assaulted on the reservation that was the location of the Wounded Knee massacre.

May 1. Sacramento, Calif.—A California Department of Corrections office is bombed by the Nat Turner-John Brown unit of the NWLF.

May 2. Santa Monica, Calif.—A Socialist Workers Party bookstore is bombed by the CAC (Cuban Action Commandos).

Wagner, S. Dak.—A highway patrolman uses tear gas to dislodge eight armed Indians from the Yankton Sioux Industries pork plant.

May 7. Los Angeles, Calif.—The leftist-oriented Midnight Special Bookstore is bombed; the Cuban Action Commandos are suspected.

May 9. Berkeley, Calif.—A Pacific Gas and Electric office is bombed by the NWLF; a female caller calls a second time to press for free utilities for retired people and lower rates for the poor.

May 15. On United Airlines flight from Eugene, Oreg., to San Francisco, Calif., a woman tells a stewardess she does not want to go to San Francisco and that she has a knife; the woman is put under control by one of crew as plane lands and is returned to a State hospital in California.

May 19. Tamal, Calif.—A firearms range house, outside gates of San Quentin, is bombed, causing \$4,500 damage; the bombing is claimed by the NWLF.

May 25. Brooklyn House of Detention, N.Y.—A Black Liberation Army member, Melvin Kearney, falls to his death in an escape attempt; a second member is recaptured near the prison; two other BLA members return to their cells after Kearney's death.

May 31. Olympia, Wash.—A State adult corrections office is bombed; communiques to the news media claim the bombing was done by the George Jackson Brigade in support of inmate demands at Walla Walla prison; the bomb causes \$100,000 damage.

June 6. Hamlet, N.C.—There is a racial disorder; four buildings are set afire as the result of an allegation by a black woman that she was beaten by a white policeman; the policeman is suspended and charged with assault with a deadly weapon because he shot at her; the riot causes \$24,000 damage.

A man charts a helicopter from Plymouth, Mich. and allegedly puts a knife to the throat of the pilot

and demands to be flown to a point inside the walls of Southern Michigan Prison; the waiting prisoner is picked up and flown to a field north of the prison; the hijackers apparently mace the pilot in face and escape with the convict in a waiting vehicle; the convict is captured the same day; the hijacker is captured on June 17 and sentenced to 20 years for aircraft piracy.

June 7. Standing Rock Reservation, N. Dak.—In an altercation between Russell Means, the American Indian Movement leader, and Richard Poor Bear and Lt. Patrick Kelly of the Bureau of Indian Affairs, Means is wounded.

June 8. San Francisco, Calif.—Wilbert "Popeye" Jackson, head of the United Prisoners' Union, and Sally Voyer, a Benicia school teacher interested in prison reform, are shot to death while sitting in a car outside Albion's home; the caller claiming responsibility says he is from the NWLF, but the NWLF later denies responsibility; on April 7, 1976 an ex-convict named Richard London is booked for investigation of murder; police think the shooting resulted from friction between Popeye Jackson's United Prisoners' Union and the Tribal Thumb, a rival prison group of which London was a member.

June 14. Chicago, Ill.—A bomb explodes in the plaza at 12:45 a.m.; the bomb had been picked up by passers-by and explodes when it is thrown out of their car window; at 12:52 a.m., another bomb explodes at a bank; a letter from the FALN claims the bombings, stating the two banks and the Federal building were the targets; the bombings coincided with Chicago's annual Puerto Rican day parade.

June 16. New York City—A bomb explodes outside the Rockefeller Center branch of Banco de Ponce; the Weather Underground claims responsibility; a message said the bomb was an "act of solidarity" with a strike by cement workers in Puerto Rico.

June 17. Elizabeth, N.J.—More than 100 Cuban-Americans are arrested after resentment against police culminates in a traffic-blocking protest and stone throwing near police headquarters.

June 19. Raleigh, N.C.—At the Women's State Prison, helmeted guards and highway police charge the prison when women refuse to return to their cells; this climaxes 5 days of protest and disturbance; 14 inmates are injured.

June 24. Chicago, Ill.—FBI agents attempting to serve a search warrant are fired upon; during the gun battle, a pipe bomb is thrown at agents; several weapons and an unexploded pipe bomb are recovered.

June 26. Pine Ridge Indian Reservation, S. Dak.—Two FBI agents shot and killed in disputed circum-

stances; FBI men approaching AIM house are hit by rifle fire, but they radio for help; in the gunfight between Indians and the FBI men who responded, one Indian is killed.

June 27. Alameda, Calif.—Alameda Federal Center, which houses Bureau of Indian Affairs, is bombed causing \$74,000 damage; the NWLF claims responsibility.

Mount Rushmore, S. Dak.—A bomb, preceded by a warning message, detonates at the Mt. Rushmore National Memorial Information Office and blows out 11 windows.

July 2. Chattanooga, Tenn.—Four Black Muslims (including two children) are wounded by a shotgun blast from a passing car.

July 14. Cleveland, Ohio—Revolutionary Black Guard headquarters is bombed; \$5,000 damage is reported.

July 15. Los Angeles, Calif.—The Mexican consulate is bombed; four people are injured; \$35,000 damage is done; it is suspected that the bombing was a joint action of the Hungarian Peace and Freedom Fighters, the Cuban Action Commandos, and the Nazi Group.

July 18. Washington, D.C.—A bomb placed outside the Costa Rican embassy does not completely detonate; although Cuban Scorpion claims credit, statements from an FLNC leader implicate Abdala and the Cuban Action Commandos.

July 21. San Francisco, Calif.—A bomb explodes in the women's restroom of the Tishman building housing the Alcohol, Tobacco, and Firearms Division of the Treasury Department; the Red Guerrilla Family claims credit and gives warning; another phone call to the press service notes that the RGF had bombed the building in retaliation for the killing of Popeye Jackson.

July 27. Boston, Mass.—About 100 whites attack six black traveling salesmen on Carson Beach, injuring one.

July 28. Detroit, Mich.—A white tavern owner fatally shoots a black youth; roving crowds of blacks set fire to two police cars, they loot, and they severely beat a passing motorist who later dies; Detroit's black mayor, Coleman Young, is out on the streets from 11 p.m. until dawn trying to cool tempers.

July 29. Detroit, Mich.—Disorders continue.

August 2. Cleveland, Ohio—Five hundred youths fight with police, smash windows, and loot stores early on August 2 after refusing to leave the All Nations' Festival.

August 5. Tacoma, Wash.—A bomb explodes in the Federal courthouse, the scene of the trial of Harry

Clardy and Philip Tucker, charged with assault in the stabbing of another prisoner; 8 hours later (on August 6) another bomb explodes in Bureau of Indian Affairs office; an anonymous caller states that the explosions were in retaliation for FBI activities at Indian reservations; the bombings are later claimed by a member of the George Jackson Brigade.

August 6. Boston, Mass.—One hundred and fifty police put down racial fighting among 75–100 inmates of the Charles Street Jail.

August 8. Denver, Colo.—A U.S. courthouse is bombed following a bomb threat; there are no injuries, but there is extensive damage.

California—Bombs are set off on the residential estate of a member of Safeway's board of directors; the letters NWLF are found spraypainted on gateposts at the entrance to the property.

August 10. Boston, Mass.—Blacks throw rocks and bottles as they try to use a beach in a white neighborhood that was the scene of attacks on salesmen; three nights of racial violence followed.

August 12. Boston, Mass.—Nine are injured, one seriously, as several hundred youths attack motorists passing through Boston's Mission Hill and the Orchard Park housing projects; there is rock throwing at the police; the police say the incident is nonracial.

Elyria, Ohio—Three days of racial violence follow the police shooting of a black youth.

August 16. El Monte, Calif.—Joseph Tommassi, former head of the local American Nazi Party (who had formed a more violent splinter group, the National Student Liberation Front) is killed by regular Nazis.

A man commandeers an aircraft as it taxis for departure in Woodbridge, Va.; the plane heads south but runs out of fuel and lands on the highway near Fayetteville, N.C.; the hijacker takes the one remaining hostage to the Fayetteville airport where he unsuccessfully attempts to obtain another aircraft.

August 17. Wilmington, Del.—John Bailey, a white man, shoots Sheila Farrell, a black, in his back yard; the blacks protest Bailey's release on bail; the police use tear gas.

August 20. San Rafael, Calif.—Two Marin County sheriff's patrol cars are bombed; James Kilgore is seen running from the scene of the incident (SLA-connected); NWLF said bombs were to protest trial of San Quentin Six. On April 14, 1976, Patricia Hearst admits she was present with three other SLA members at the incident scene.

September. Oklahoma City, Okla.—In the month of September, two are shot and others are beaten in a

riot at the U.S. Grant High School; it is the worst riot in the city's history.

September 1. Mt. Meigs Prison, Ala.—Seventeen inmates at medical and diagnostic center are injured in a disturbance that is quelled by State troopers; the warden says the disorder was apparently racially motivated.

September 2. Lake Tahoe, Calif.—James H. Lockea attempts to rob a south Lake Tahoe motel; five persons are taken hostage; during an 18-hour shoot-out with police, one hostage is killed by a shotgun blast from an officer's weapon; one officer is seriously wounded.

San Joaquin County, Calif.—Teamsters hire members of Posse Comitatus, a rightwing vigilante group, to block UFWA organizers from recruiting workers; four are arrested, one for accidentally discharging a gun near the head of a local sheriff.

September 4. Albany, N.Y.—The City and County Savings Bank of Albany is held up by a lone gunman who takes 10 hostages in a sandwich shop following the bank robbery, shooting a policeman; he surrenders after a 17-hour siege.

September 5. Sacramento, Calif.—There is an assassination attempt on President Ford by Lynette "Squeaky" Fromme.

Louisville, Ky.—Eight to ten thousand whites, mostly teenagers, converge on the Valley High School, where busing began on September 4, and begin throwing rocks and bottles at police who use tear gas to disperse the mob; crowds formed at other high schools; at Southern High School, 1,000 vandalize 39 buses and a police car; 35 are injured and 200 are arrested.

Salt Lake City, Utah—The Kennecott Building is bombed by the Weather Underground for "participation in overthrow of Allende."

Raleigh, N.C.—Several whites are beaten by 30-40 blacks at a high school football game.

September 6. Louisville, Ky.—An anti-busing parade is cancelled but demonstrators show up anyway; 75 are arrested; the Governor orders in 800 National Guard troops.

September 9. Near Asheville, N.C.—At Craggy Prison, inmates burn a portion of the prison; no assaults are directed at the guards; the fire occurs 90 minutes after one inmate is stabbed by another.

Carteret, N.J.—A bomb explodes at an oil company facility; threatening letters, demanding a total of \$45.5 million, are sent to Gulf, Texaco, Exxon, Union, Phillips, Standard, and Amoco oil companies.

September 11. Nashville, Tenn.—At the State prison, according to a guard, "five or six inmates got into it with a guard in the dining room"; baloney had been

substituted for pork chops; one inmate is shot, 26 others (including two guards) are wounded.

Chamblee, Ga.—A service station, and a small oil company are bombed; the bombing is linked to an extortion attempt (mentioned in the September 9 entry) in New Jersey.

September 12. Seattle, Wash.—The People's Forces Unit IX of the NWLF attempts to bomb a Federal building that houses the Veterans Administration.

Boston, Mass.—In the South Boston and Charlestown neighborhoods, bands of youths come out to harass police with rocks, bottles, and molotov cocktails; crowds of adults are also abusive.

Winchester, Va.—There is racial fighting at Handley High School.

Baltimore, Md.—At the Training School for Boys, 17 teenage inmates barricade themselves in a maximum security cottage; they try to cut through wire screens over windows and escape.

Phoenix, Ariz.—A bomb placed in a Federal building by the People's Forces Unit IX of NWLF fails to explode.

September 15. San Jose, Calif.—An armed hijacker boards an aircraft with two hostages and takes two others once he is on board; two of the four escape, one is released, and one is seriously wounded by the hijacker; when the hijacker points a gun at a policeman, he is fatally shot by a police marksman.

Nashville, Tenn.—At the State prison, the National Guard is called in after the second uprising in 4 days; a large number of inmates refuse to return to their cells; instead, they ransack the laundry and clothing issue office.

Seattle, Wash.—A bombing takes the life of a man outside the Capitol Hill supermarket; a man killed is apparently one of the bombers, Ralph Patrick Ford, who had a long history of arrests for radical activities in the San Francisco area.

September 16. Denver, Colo.—Militants attempt to bomb stolen cars placed next to a building housing a convention of the International Association of Chiefs of Police; police disarm the device 2 minutes before detonation.

Winchester, Va.—Handley High School is closed after more racial fighting.

Boston, Mass.—South Boston High School has sporadic violence; one black student is hospitalized after a fight inside the school.

Pasadena, Calif.—A black minister is the victim of an attempted lynching; in recent weeks Reverend Bailey and 10 other Pasadena and Altadena residents had been threatened by mail and telephone by alleged representatives of the Progressive Labor Party and Socialist White People's Party (a Nazi group).

September 18. Tipton, Mo.—At the State Correctional Center for Women, Mrs. Carolyn Atkins, the

superintendent of the institution, is stabbed; there had reportedly been hard feelings against Mrs. Atkins, who had prohibited the dispensing of all medication except that necessary to sustain life; the stabbing triggers more violence; an attacker is beaten by other inmates before she is locked up.

Philadelphia, Pa.—Ex-policeman Carl W. Gudknecht threatens to take U.S. Representative William J. Green hostage so he can talk to President Ford; he is seized outside the building by security guards who were alerted by telephone threats; he had a loaded pistol with him.

San Francisco, Calif.—Bill and Emily Harris, Wendy Yoshimura, and Patty Hearst are captured peacefully by the FBI; the apartment in which Yoshimura and Hearst are arrested was rented to Hearst by Stephen Soliah, who is captured later.

September 18. Seattle, Wash.—A bomb explodes in a grocery store; a warning call from the George Jackson Brigade says the bomb was in retaliation for the Hearst arrest; nine are injured.

Oklahoma City, Okla.—There is a full-scale riot at U.S. Grant High School; two students are shot, one subsequently dies.

September 20. Suitland, Md.—Thirty Suitland High School students, taking sides on racial lines, fight in a chain-swinging, rock- and bottle-throwing brawl.

September 21. Boston, Mass.—Pooh's Pub is robbed by a man with a shotgun who holds employees hostage for 90 minutes; he flees after locking them in the manager's office.

September 22. San Francisco, Calif.—Sara Jane Moore attempts to assassinate President Ford.

September 24. Michigan City, Ind.—Two knife-armed convicts take eight hostages and hold them for 5 hours in the hospital.

Seattle, Wash.—Evidence found in apartments rented by Patty Hearst and the Harrises leads to the arrest of Larry Handelsman, founder of the Weather Underground.

September 26. Louisville, Ky.—Police use tear gas to disperse 400 rock, bottle, and egg-throwing demonstrators at Southern High School.

September 27. Louisville, Ky.—Eight thousand people, led by an elderly woman in a wheelchair, march through downtown Louisville to protest busing.

September 28. Alfred, Maine—At the county jail, a riot is started by 4 or 5 of seventeen inmates; during the hour-long rampage inmates tear out plumbing fixtures and rip out bunks; the inmates are brought under control by 40 police.

October 1. Danbury, Conn.—A fight between black

and white students breaks out at 7:15 a.m., following 2 days of minor incidents, despite the presence on the high school campus of almost all of the city's police; 12 are injured and 12 are arrested; the school is closed at 8 a.m.

Denver, Colo.—At the Federal Youth Center, two inmates hold four hostages for more than 10 hours before surrendering; a woman is arrested for giving them weapons for their escape; Warden Keohane wants to let the inmates go free after 30 minutes but is overruled by FBI agents at scene and a Bureau of Prison official; newsmen are brought to prison to mediate but the surrender is credited to the center chaplain and a center counselor.

October 5. Kalamazoo, Mich.—A Keencost Manufacturing truck is firebombed; five strikers are arrested.

October 6. Miami, Fla.—The Dominican Republic consulate is bombed; the bombing is attributed to FINC-Youth of the Stars.

New York City—Gunman Raymond Olson is seized after holding 10 hostages for 8 hours in a Bankers Trust Company branch in Greenwich Village; he demands \$10 million and the release of Patty Hearst and three other SLA members; according to police, the incident was not a bank holdup that went awry but a deliberate effort to take hostages and enforce demands; the gunman had recently seen the movie "Dog Day Afternoon."

October 7. Greensboro, N.C.—Three hijackers point a gun at a pilot and demand to go to Florida; two of the hijackers deplane and escape but are subsequently apprehended; the one remaining hijacker surrenders to authorities.

October 8. New York City—In the northeast Bronx, black students leaving Herbert H. Lehman High School are menaced by a crowd of 200 whites; there are no injuries, but bus windows are smashed; 23 are arrested for unlawful assembly or disorderly conduct; earlier, a white student was assaulted by several blacks in a corridor; this was the most serious assault in a 2-week series.

October 10. Ft. Lauderdale, Fla.—The Broward County courthouse is bombed; the bombing is attributed to FLNC, an anti-Castro group.

Boston, Mass.—At Charlestown High School, a major disturbance is broken up by police.

October 12. Michigan City, Ind.—At the State penitentiary, six inmates are recaptured after taking Warden Leo Jenkins, his wife, daughter, and two guards hostage in an escape attempt.

October 13. Baltimore, Md.—Racial fighting breaks out along the bus routes of Roland Park Junior High School; two are injured, four are arrested; 800 of

908 students are new to the school because of a desegregation zone plan.

Pine Ridge Reservation, S. Dak.—Bureau of Indian Affairs buildings are bombed.

Redwood City area, Calif. (near San Francisco)—An undetonated bomb is found tied to a 6,000-volt transmission line tower belonging to the Pacific Gas and Electric Company.

Belmont, Calif.—A fizzled molotov cocktail is thrown at a Pacific Gas and Electric Company tower by the Emiliano Zapata Unit.

October 16. Trenton, N.J.—At the State prison, 1 inmate is killed and 10 are injured in a fight between inmates; 4 of the injured were convicted in the 1973 slaying of Reverend James Shabazz, head of the Nation of Islam sect in Newark and Jersey City; 4 were members of an opposing sect, the New World of Islam.

October 17. Miami, Fla.—A bomb explodes in a luggage locker at Miami International Airport; it might have been aimed at a Dominican Airlines ticket counter.

Boston, Mass.—Four students (two blacks and two whites) are arrested for fighting in the corridors of South Boston High School; 11 students are suspended.

October 19. Las Vegas, Nev.—At the Clark County Jail, a fight breaks out between two inmates as all inmates are returning to their cells; the inmates refuse to give any information concerning the fight and are told to return to their cells; about 37 prisoners jam the electronic cell doors and refuse to move; after negotiations fail, police use tear gas and police dogs; order is restored 45 minutes later.

October 20. Wilmington, Del.—The arrest of two Puerto Rican men for loitering touches off a period of violence in which three fires are set and rocks and bottles are thrown at passing cars; brick throwing, etc. continues the next day when police are not suspended for allegedly beating the two men.

October 21. Oakland, Calif.—A Safeway store is bombed; the bombing is unclaimed.

October 22. Phoenix, Ariz.—Two members of a rightwing guerrilla group are arrested and accused of plotting to assassinate agents of the FBI and the Bureau of Alcohol, Tobacco, and Firearms.

October 24. Oakland, Calif.—A Safeway store is bombed.

Boston, Mass.—Racial fighting erupts at South Boston High School before classes begin and flares through the corridors during the morning; 11 black and four white students are arrested; fighting had erupted the night before at a high school football game.

October 27. Ten bombings are attributed to FALN (a Puerto Rican independence group)—There are three in Chicago (one bank and two office buildings); two in Washington, D.C. (at the Bureau of Indian Affairs and the State Department); five in New York City (four banks and the U.S. Mission to the U.N.); a communique demands immediate Puerto Rican independence, the release of Puerto Rican political prisoners, and refers to exploitation of the working class.

Granite, Okla.—At the Oklahoma Reformatory, seven inmates take three guards hostage and demand the return of their Christmas package privileges; the hostages are released unharmed after the inmates are promised a reduction of their kidnapping charge.

October 29. Cleveland, Ohio—A bank is held up by Edward Owen Watkins, once one of the FBI's 10 Most Wanted Criminals, who had been paroled; he knows the alarm was triggered so he herds nine hostages into an employee lounge and demands a van to take him to the airport; a girlfriend and U.S. District Judge William K. Thomas talk him into surrendering.

October 31. Miami, Fla.—There is a bombing-assassination of Rolando Masferrer; the bomb is triggered by the car ignition; Masferrer, known as "El Tigre," was a leader of vigilantes, and was a strong man in pre-Castro Cuba; the bombing is claimed by Zero, an exile group.

Fort Ord, Calif.—There is a bombing of a storage building; NWLF says the bombing was in support of freedom for Puerto Rico (from a communique found in a phone booth).

Oakland, Calif.—A Safeway store is bombed by the Emiliano Zapata Unit because Safeway "provides low-quality food, low-paying jobs, and stocks scab products"; 10 employees are inside but no one is injured.

November 5. Louisville, Ky.—Five to six hundred demonstrators break away from a march and begin building bonfires on the property of Southern High School, saying, "we're going to get the buses"; a few arrests are made that inflame the crowd; bricks are thrown and police use 25 canisters of tear gas to disperse the crowd; eight are arrested.

Chicago, Ill.—Police receive 14 bomb threats; no bombs are found.

November 8. Evansville, Ind.—A young man charters a fight for a ride around Evansville; he points a gun at the pilot and tells him to dive the aircraft into the ground; the pilot puts the plane into a high-speed dive, grapples with the hijacker, and manages to push him out of aircraft to his death.

November 11. White Earth Indian Reservation near

Mahnomen, Minn.—Five men are shot and at least two are seriously wounded in an exchange of gunfire; four brothers threaten to burn the records of the American Indian Movement, according to a witness.

Annapolis, Md.—A fight between a white and black student at Southern High School the day before leads to fighting despite police assistance.

November 19. Milwaukee, Wis.—Twenty (of 70 present) Indian demonstrators are arrested for trying to gain entrance to a John Birch Society meeting without paying the \$3 fee; Doug Durham, an FBI infiltrator of AIM, was the speaker.

November 24. Palomar, Calif.—A man charts a plane, allegedly to fly musical instruments to Dallas; he pulls a gun on the pilot and tells him to fly to Mazatlan, Mexico; the plane is met by several people and the contents are unloaded into waiting vehicles; the pilot is released unharmed.

November 25. Rikers Island, N.Y.—At the House of Detention for Men, a 17-hour inmate revolt ends with the release of five corrections officers held as hostages; the revolt, involving nearly all of 1,816 inmates in eight cellblocks, is settled with promises of amnesty for rioting inmates; there is no prosecution for the damages; a review board is formed to monitor amnesty; Corrections Commissioner Benjamin Malcolm takes part in negotiations; observers include Correction Board Chairman Peter Tufo, New York State Correction Board Chairman Herman Schwartz, and Federal Judge Morris Lasker.

November 27. Miami, Fla.—A time bomb in the restroom of a Bahamas Airlines jet is set to go off as passengers are loading for Nassau; a call indicates the bombing is anti-Castro and that a group called Cuban Power '76 is responsible.

San Francisco, Calif.—A Safeway is bombed by the Emiliano Zapata Unit.

November 30. San Francisco, Calif.—A Volkswagen car owned by John Mosman, owner of a hospital equipment firm, is bombed; the bombing is claimed by the NWLF as part of its campaign to get two free medical centers.

December 2. San Francisco, Calif.—A bomb damages a white Mercedes Benz parked in a residential driveway; the NWLF sends a message stating "we will continue with this action and the plugging and spraying of thousands of city parking meters"; the NWLF had been demanding two free medical clinics; the car and the house belonged to a dentist; the house had been sold to the dentist by Jerry Crowley, president of the San Francisco Police Officers' Association.

December 3. Miami, Fla.—Identical bombs explode on the eve of a visit by William D. Rogers, U.S. Secretary of State for Inter-American Affairs, at the

Social Security building, the Florida State Employment Service office, two Post Office buildings, and the FBI headquarters building.

December 4. Miami, Fla.—The Miami police department and Metropolitan Justice building are bombed; an anti-Castro group, JIN, claims responsibility; this is unique because the attack is against government buildings; usually these attacks are against businesses dealing with Cuba; an extortion note in Spanish demands \$50 million to be given to poor or the bombings would continue; the note is signed "El Condor."

December 9. Boston, Mass.—A bomb is hurled through the window of a study in the home of Reverend James Coleman; it seems to be in response to Judge Garrity's placing South Boston High School under the control of his court.

December 10. Boston, Mass.—The NAACP office is bombed; it seems to be connected to U.S. District Court Judge W. Arthur Garrity, Jr.'s decision.

December 11. San Francisco, Calif.—An open letter from the People's Forces, the Central Command of the NWLF, demands that \$100,000 go to improving medical care at the San Bruno County Jail.

December 16. Frontera, Calif.—At the Institute for Women, inmates smash windows, start fires, and pelt firemen with debris during a riot that lasts nearly 3 hours before it is quelled by prison guards; it was in protest of the cancellation of a planned family picnic due to lack of guards; there were no injuries.

December 23. Denver, Colo.—The New Custom House, a Federal building, is bombed; the Continental Revolutionary Army is suspected.

December 28. Belmont, Calif.—A Safeway store is bombed by the Emiliano Zapata Unit.

December 29. Chicago, Ill.—The home of a Yugoslav consular official is bombed; embassy officials blame fascist terrorists (ex-Nazis who had fought in Yugoslavia).

New York City—Eleven are killed in a LaGuardia Airport bombing; the bomb had been placed in a locker; the perpetrator and motive are unclear.

Philadelphia, Pa.—Four members of JDL are arrested after they spray-paint a Star of David and "Viva Israel" inside the Mexican consulate.

December 30. Berkeley, Calif.—A Bank of America is bombed by the Emiliano Zapata Unit; there are no injuries; a message states the reason as the parent bank's role in "the stifling fields and canneries which you help Safeway and other food barons to finance."

December 31. Seattle area, Wash.—At Laurelhurst, a city light substation is destroyed by bomb.

Bellevue, Wash.—A Safeway store is bombed; the

George Jackson Brigade claims responsibility for both explosions.

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January. Shreveport, La.—In the month of January there is a fight between nonunion workers and AFL-CIO members affiliated with the Southwest Building and Construction Trades Council; one person is killed and several are injured; the site of violence is the Jupiter Chemical Company.

January 1. Parker, Ariz.—A telephone threat in the name of the Native Underground Red Cloud Group leads to the recovery of six sticks of dynamite near a Bureau of Indian Affairs building; three arrests are made.

January 4. Florence, Ariz.—At the State prison, two-thirds of 1,950 inmates refuse to work, protesting conditions; the inmates burn mattresses; they had submitted a list of demands, including more pay for working inmates; according to guards, buckets of water and excrement are poured on guards; there are no injuries; tear gas is not used so as not to upset the uninvolved inmates; the strike lasts 4 days.

January 5. Chicago, Ill.—Twenty Steinmetz High School students wielding clubs and pipes fight outside the school; 3 are injured and 10 arrested; the fight stemmed from a fight between blacks and whites that took place on December 19, the last day of classes.

January 7. Richmond, Calif.—Byron G. Birch, a Portland attorney, explodes two sticks of dynamite near the Standard Oil tanks; he demands \$250,000.

January 8. Livermore, Calif. (the San Francisco area)—Byron G. Birch, in connection with an extortion plot, dynamites a Chevron service station; a caller (probably Birch) says he is from the "Society for International Involvement."

January 9. Belle Vernon, Pa.—A man enters the home of a department store manager, and demands \$3,465; when the man can't get the money by phoning the store, he ties up two children and some guests and takes the couple with him in a car; he leaves the manager at a tavern and releases the wife after obtaining money.

January 10. San Francisco, Calif.—Potentially lethal bombs are sent in candy boxes to the homes of two members of the Board of Supervisors; the NWLF claims credit.

January 11. San Francisco, Calif.—The NWLF dispatches open letters demanding better health care at the San Bruno County Jail.

Anaheim, Calif.—A community development center is firebombed.

January 12. New York City—Three pipe bombs are found located in the walkway of United Nations headquarters; the Jewish Armed Resistance Strike Movement and the Young Croation Republican Army claim responsibility.

Later, two delay pipe bombs are discovered in a basement exit in front of the Iraqi Mission to the U.N.; the Jewish Underground Army telephoned a warning.

January 13. Novato, Calif.—A Safeway store is bombed; a message from the Emiliano Zapata Unit is mailed from St. Louis; five demands in the letter included: 25% off on all food prices, no layoffs, no scab products, reimburse Oakland neighbors for damage from Halloween bombing, and remove all guards from the stores.

January 14. San Francisco, Calif.—A building housing the Iranian consulate is bombed; a warning caller identified herself as a member of the Red Guerrilla Family; two office workers are slightly injured.

Deer Park, Tex.—A labor dispute results in the placing of a molotov cocktail by a water heater in a private residence; the occupant discovers the device and removes it.

Hartford, Conn.—Following several written and verbal threats to close a diner, a firebombing is attempted; racial unrest appears to be the cause.

January 16. Union City, Calif.—A bomb is discovered underneath a police car in the police station parking lot; the city has been the site of sporadic violence for more than 2 years; Latin Americans had protested police conduct.

New York City—The Polish consulate is bombed by the Jewish Armed Resistance; the caller ends with the slogan "never again"; the caller also warns that India also will suffer consequences for its vote equating Zionism with racism.

January 18. San Francisco, Calif.—The Emiliano Zapata Unit sends money orders to two households near the Berkeley branch of Bank of America that was bombed the previous month; the messages said "we apologize for the inconvenience this has caused, but we are certain you would willingly sacrifice a few windows to get these parasites out of our community"; one recipient who could be reached was unimpressed with the money, saying, "People could have been killed."

January 19. Trenton, N.J.—At Trenton State Prison, there is an 11-hour shooting rampage; John L. Clark, an inmate killed in the opening exchange of gunfire, was one inmate who began the incident by shooting a guard in an escape attempt; another inmate who instigated the incident, Clark E. Squire, was convicted of murdering a State trooper in a shoot-out between Black Liberation Army members and police on the New Jersey Turnpike; inmates throw a homemade

grenade at police and guards as they rescue a wounded guard.

January 20. Hendersonville, Tenn.—A barbershop is bombed, adding one more incident to a pattern of violence affecting nonunion barbershops in the area for the last 20 years.

January 21. Sacramento, Calif.—A bomb is discovered at Temple B'nai Israel; no warning is given.

January 22. San Jose, Calif.—A 4-month search for weapons cache belonging to a prison-based gang, Nuestra Familia, ends when police uncover 10 shot-guns, rifles, 100 rounds of assorted shells, and bullets in the backyard of a home.

Danville, Ill.—Patrolman stops a youth for speeding in a housing area; the youth's brother obtains the patrolman's flashlight and strikes him in the face several times; the patrolman dies 5 days later; 30 to 40 witnesses offer no assistance and none comes forward to provide information.

January 23. Tukwila, Wash., a suburb of Seattle—An aborted bank robbery at the Pacific National Bank ends in a shoot-out between local police and members of the George Jackson Brigade; Bruce Sidell is killed; a communique from the George Jackson Brigade claims the robbery was an effort to expropriate \$43,000; the group claims that two of the captured men, Edward Meed and John William Sherman (who later escapes) are Brigade members; a third man, Mark Cook, is not identified as a member.

January 24. St. Paul, Minn.—At Stillwater State Prison, four inmates go after an inmate using the phone; 6 to 20 are involved in the violence that follows; they appear to be under the influence of homemade "hooch"; black inmates protect one guard and carry another to safety; five inmates and three guards are injured; a brick wall is partially destroyed.

January 27. San Francisco, Calif.—The trial of Patricia Hearst for bank robbery begins.

January 28. Phoenix, Ariz.—A complex dynamite bomb is placed in a U.S. Public Health Service building is discovered and rendered safe.

January 30. Santa Clara, Calif.—A Safeway store is pipe bombed by the Emiliano Zapata Unit; the message said "this action is taken in a special spirit of solidarity with the Chicano community, which last week lost another brother to terrorist San Jose pigs."

Media, Pa.—A labor dispute results in the placing of six incendiary devices, containing seven sticks of dynamite each, at a construction site; the bombs are dismantled.

February 1. San Francisco, Calif.—A powerful bomb, which had been lit but did not explode, is discovered outside the home of the owner of the Gait-

land Apartments, the scene of a December 12 fire that killed 12 persons.

The car of another property owner is damaged; his name appeared on a slumlord list the NWLF sent to the San Francisco Chronicle on February 2.

San Geronimo, Marin County, Calif.—A Pacific Gas and Electric installation discovers a bomb that had not detonated.

Pebble Beach, Calif.—Charles de Bretteville, Chairman of Board of the Bank of California, is the victim of an incident involving arson at his residence.

February 2. San Francisco, Calif.—The NWLF issues a list of demands to deal with slumlords to the San Francisco Chronicle; the statement says that the group's action was in response to a fire that had killed 12 on December 12; the demands: all rental dwellings in San Francisco that do not meet fire and safety standards must immediately be brought up to the code and costs for such work should be borne equally by landlords and the Pacific Gas and Electric Company. District Attorney Joseph Freitas must turn the \$72,000 he has pledged to use against radical bombers over to tenant organizations.

February 3. Anadarko, Okla.—Rock-throwing students injure one policeman, destroy two cars, damage another, and break windows at Riverside Indian School; no demands are made; no dissatisfaction is expressed.

February 4. Keyes, Calif.—The former residence of a black contractor is destroyed by fire; several previous attempts had not succeeded in persuading the family to move; (they are one of two black families in a town of 1,500).

Keshena, Wis.—Two Menominee Warrior Society members are killed in a shoot-out with a county sheriff outside the home of one member.

February 12. San Simeon, Calif.—A bomb explodes in the guest house of the mansion; two San Francisco radio stations and one TV station receive calls claiming the NWLF planted it; the initials NWLF are found carved into a redwood information sign at the gate of the Hearst castle; NWLF says more acts will occur unless Hearst gives \$250,000 to a defense fund for William and Emily Harris; 12 persons have identified James Kilgore, a fugitive SLA member, as being on the tour of San Simeon.

February 13. San Mateo, Calif.—A county deputy sheriff is fired on as he approaches two men who may have been planting a bomb at a Pacific Gas and Electric utility tower.

February 15. Concord Reformatory, Mass.—Between 60 and 80 inmates rampage, doing at least \$1 million damage; no serious injuries are reported; inmates give themselves up about 4 hours later, after the superintendent warns them that they will be forcibly re-

moved; rioters struck first in a gym where 200 inmates watched "Dog Day Afternoon."

February 16. South Boston, Mass.—Anti-busing demonstrators confront police for 2 hours in front of the South Boston High School; 9 police try to detour one group of marchers and are bowled over; 13 are arrested; 40 civilians and 70 police are reported injured.

February 17. Marin County, Calif.—A van with four persons in it approaches a house, the former occupant of which had reportedly been a dope dealer; one pounds on door, yells that they are from the FBI and fires a round of shots through the door (they are armed with two semi-automatic military carbines); they flee when a man inside returns their fire; a short time later, police find the van with Diane Lee Harmon and Larry Kissinger still inside; Kissinger is connected with the New Dawn Collective, an organization claiming it is an overground outlet for revolutionary groups; Zapata Unit had claimed (in one of its communiques) a "hit" on a dope pad.

February 19. Trenton, N.J.—Five thousand students and faculty members from public colleges demonstrate at the State House against proposed cuts in aid; two dozen members of the Revolutionary Student Brigade try to force their way past troopers guarding the entrance; four are arrested and seven injured; the group is driven back by police dogs; most students voluntarily return to their buses; only about 50 remain on the steps.

February 21. San Francisco, Calif., Tiburon area—Eleven power poles of the Pacific Gas and Electric Company are discovered sawed part-way through; a message from NWLF dated February 17 reminds PG & E of past demands.

Richmond, Calif.—FBI agents and police SWAT teams stage a pre-dawn raid on a home, arrest six persons, and confiscate 130 pounds of explosives; among thousands of documents found is a plan for blowing up a larger city's water system; documents link the group to the Emiliano Zapata Unit.

February 22. Oakland, Calif.—The seventh suspected member of the Zapata Unit, David Miller, is arrested; he is wanted in Madison, Wis., on charges of assaulting a policeman.

March 5. Palo Alto, Calif.—The Hewlett-Packard Laboratory is bombed; the bomb is preceded by phone warnings from a member of the Red Guerrilla Family.

A bomb also destroys a San Francisco Housing Authority maintenance building at Hunter's Point; no call precedes the bombing; a block from the scene, police find papers signed by the Johnathan Jackson-Sam Melville Unit, People's Forces, NWLF.

Philadelphia, Pa.—A black family is driven from

their home at Liddonfield Projects by a brick-throwing mob of 30 whites; the police had come to the scene but had left.

March 8. Louisville, Ky.—Sometime during this week, a stick of dynamite explodes in front of the home of Alfis Coleman, a lone black in a white neighborhood; he has suffered a number of incidents since the schools in Louisville and Jefferson County were desegregated last September.

Vista, Calif. (near San Diego)—A 16-year-old youth holds a clerk and a vice-president hostage for almost 3 hours in a bank before releasing them unharmed; he seemed more interested in a shoot-out with police than in robbing the bank.

March 9. Redding, Calif.—William Randolph Hearst's mountain retreat, Wyntoon, is bombed; it is claimed by NWLF; there is minor damage.

March 10. Seattle, Wash.—En route to the county hospital from the county jail, John William Sherman, an alleged member of George Jackson Brigade, shoots a police officer and escapes.

March 14. New York City—Windows at 10 bank branches in Brooklyn and Queens are smashed; shortly before attacks begin at 6:30 a.m., a caller to Reuter News Agency says windows will be smashed at 10 banks which were "collaborating with the Arabs"; the caller says he is from SOIL (Save Our Israel); the Antidefamation League of B'nai B'rith had cited these banks as demanding proof of boycott compliance from American exporters; 20 SOIL members hold a rally, denying responsibility but applauding the action.

March 17. New York City—Gosundi Wasuya, who says he is affiliated with group known as Vanguard, holds a New York State Labor Department official hostage for 2 hours, demanding 100,000 jobs for minority group members; he is talked into surrendering to police and releasing the hostages unharmed.

March 20. San Francisco, Calif.—A jury finds Patricia Hearst guilty of armed robbery.

March 23. Jefferson City, Mo.—A woman employee at the Charles E. Still Hospital holds as many as eight hostages in the basement of the hospital; no demands are made; she releases the hostages after 3½ hours.

March 25. New York City—A time bomb is discovered on a fire escape of an office of Amtorg Trading Corporation, the Soviet trade agency; responsibility is claimed by the Jewish Armed Resistance in a message sent to the JDL; the JDL disclaims any connection with the group or the bombing.

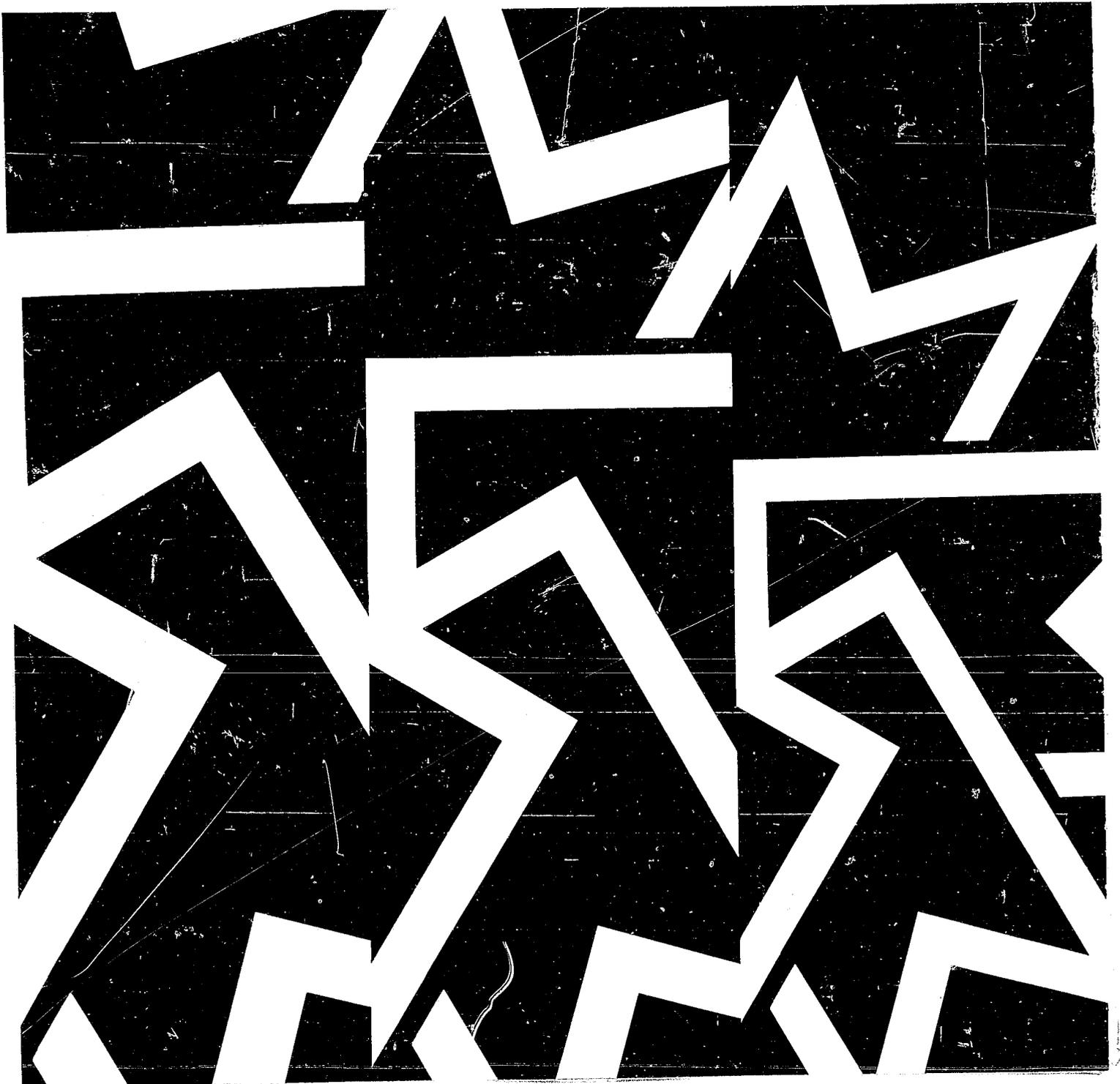
March 27. Seattle, Wash.—A communique is received from the George Jackson Brigade identifying John William Sherman as "our escaped comrade"

and Edward Meed as a comrade who had tried to expropriate \$43,000 from the bank.

March 31. Silver Spring, Md.—Twelve young whites are arrested for numerous acts of vandalism against black homes.

April 5. Boston, Mass.—Black passersby are knocked down, kicked, and beaten by several members of a group of 250 high school students demonstrating against court-ordered busing; the staff of an American flag is used as a weapon.

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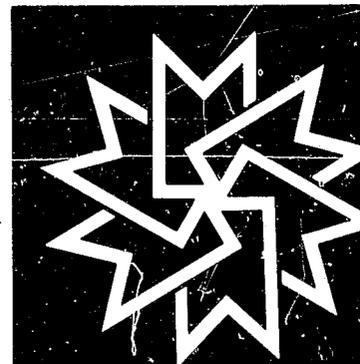
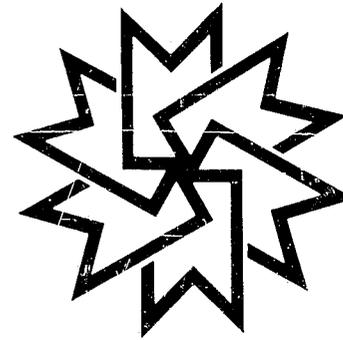
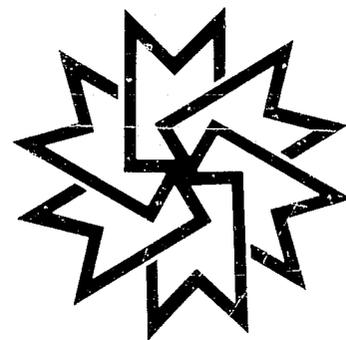
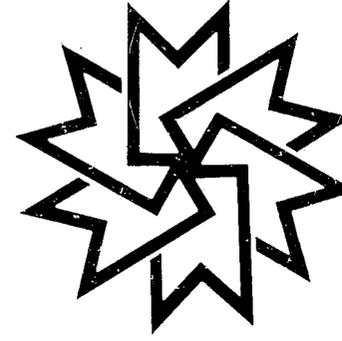
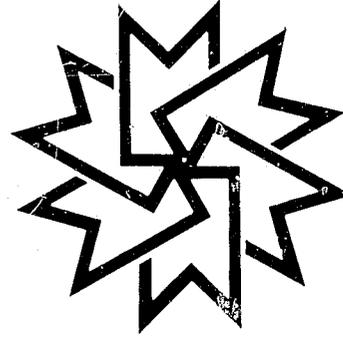
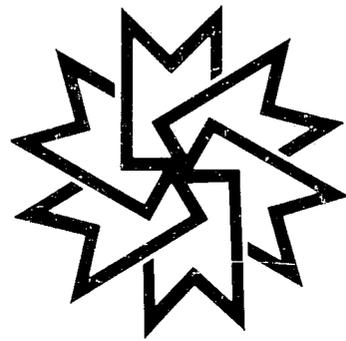
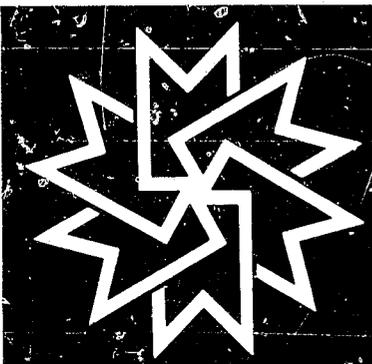
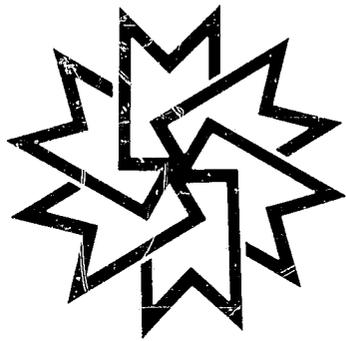
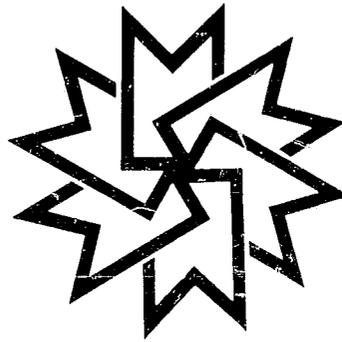
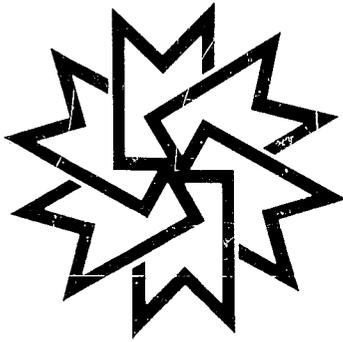
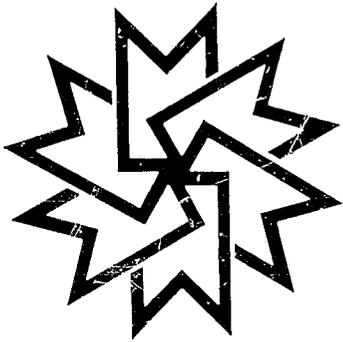
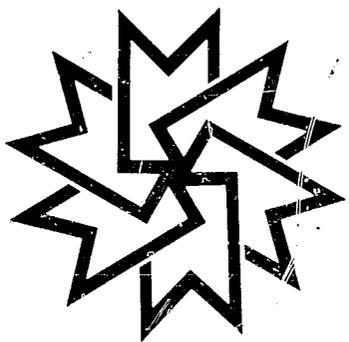
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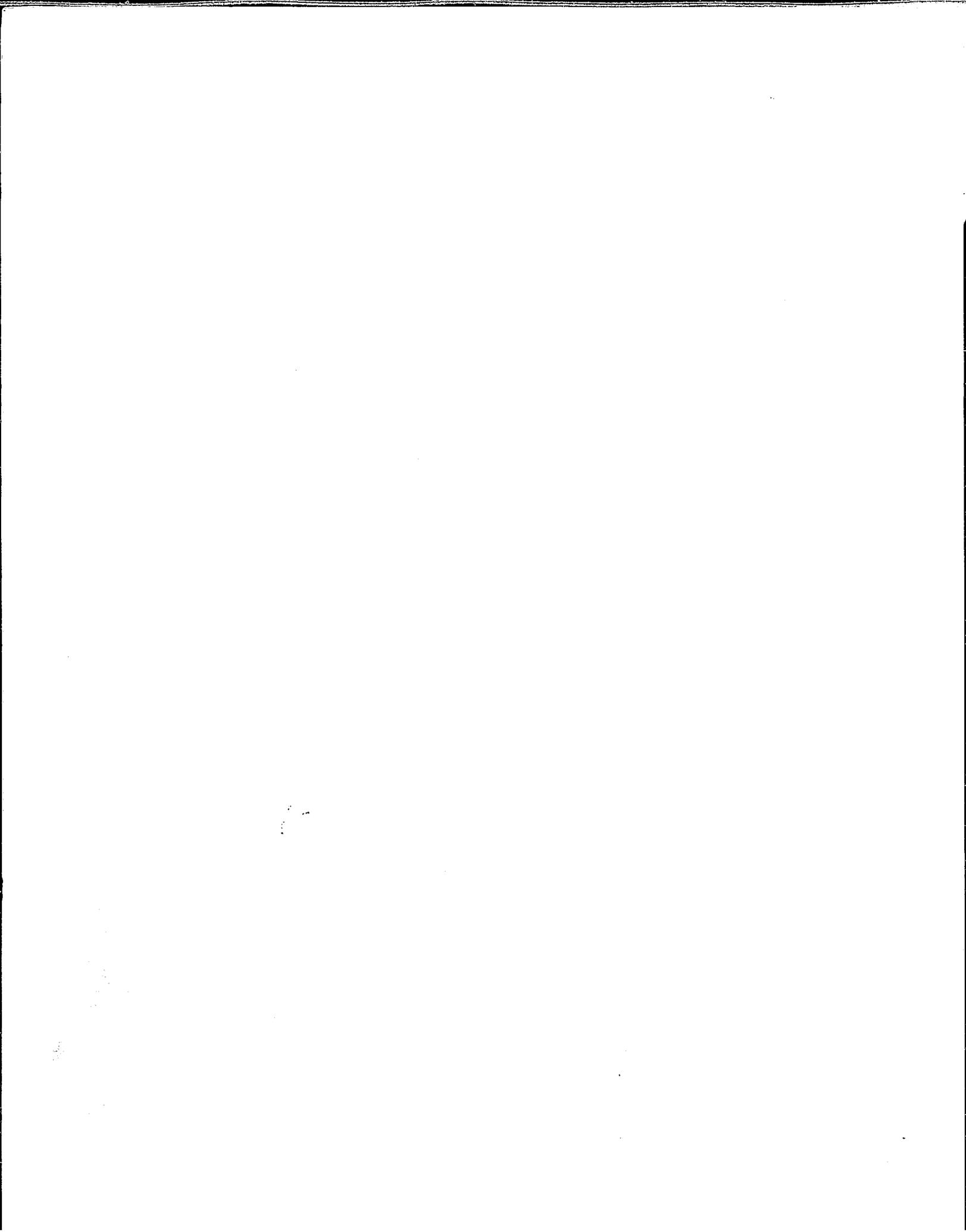
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Biographies





National Advisory Committee on Criminal Justice Standards and Goals

Brendan T. Byrne

Brendan T. Byrne was elected as the 54th Governor of New Jersey on Nov. 6, 1973, by the largest plurality ever awarded to a gubernatorial candidate in State history.

Governor Byrne was born on April 1, 1924, in West Orange, N.J. He was educated in West Orange public schools.

Governor Byrne was commissioned a lieutenant in the Army Air Corps in March 1943, and served as a squadron navigator in the European Theater. He was honorably discharged in September 1945, having been awarded the Distinguished Flying Cross and four Air Medals.

He was graduated from the Princeton University School of Public and International Affairs in 1949. He received his law degree from Harvard University, served his legal clerkship with Judge Joseph Weintraub (who later became Chief Justice of the New Jersey Supreme Court) and, upon admission to the bar, practiced law in Newark and East Orange.

Governor Byrne was appointed an Assistant Counsel to Governor Robert B. Meyner in October 1955, Governor Meyner's Executive Secretary in 1956, and Deputy Attorney General in charge of the Essex County Prosecutor's Office in 1958. Governor

Meyner named him to a full 5-year term as Essex County Prosecutor in July 1959, and he was reappointed by Governor Richard J. Hughes in 1964.

While a prosecutor, Governor Byrne served as president of the County Prosecutors' Association of New Jersey and as vice president of the National District Attorneys' Association.

In 1968, Governor Hughes appointed him to be president of the New Jersey State Board of Public Utility Commissioners.

In 1970, he was appointed to the Superior Court by Governor William T. Cahill and served as Assignment Judge for Morris, Sussex, and Warren Counties until he became a candidate for Governor in April 1973.

Governor and Mrs. Byrne, the former Jean Featherly, reside with their seven children at Morven, the Governor's official residence in Princeton, N.J.

Charles S. House

Charles S. House has served as Chief Justice of the Connecticut Supreme Court and as chairman of the Connecticut Adult Probation Commission since 1971.

From 1933 to 1953, Chief Justice House conducted a general law practice. He served in the Connecticut General Assembly as a member of the House

of Representatives from 1941 to 1943, and as a member of the State Senate from 1947 to 1951. He was Assistant State's Attorney for Hartford County, Conn., from 1942 to 1946; chairman of the Connecticut Legislative Council from 1949 to 1951; and legal adviser to Governor John Lodge from 1951 to 1953. Chief Justice House served as a judge in the Connecticut Superior Court from 1953 to 1965, when he was named Chief Judge. He became an Associate Justice of the Connecticut Supreme Court in 1965. He was chairman of the Conference of Chief Justices in 1975-1976.

Chief Justice House received the bachelor of arts degree from Harvard College and the bachelor of laws degree from Harvard Law School.

Arthur J. Bilek

Arthur J. Bilek has been a vice president of Pinkerton's, Inc., since 1974.

Mr. Bilek served in the Chicago Police Department from 1953 to 1962, rising through the ranks to lieutenant and acting director of the training division. He was appointed chief of the Cook County Sheriff's Police Department in 1962 and was instrumental in professionalizing and reforming that agency while replacing patronage practices with the merit system. Mr. Bilek was cofounder of the Illinois State Police Emergency Radio Network (ISPERN), an all-department, statewide emergency police system. He founded the first degree program in administration of criminal justice in the United States at the University of Illinois, where he was professor of criminal justice from 1967 to 1969. He served as chairman of the Illinois Law Enforcement Commission from 1969 to 1972 and later, as corporate security director, developed the security program of the Hilton Hotels Corporation.

Mr. Bilek is chairman of the Private Security Advisory Council of the Law Enforcement Assistance Administration. He is a member of the board of the Law in American Society Foundation. He received bachelor of science and master of social work degrees from Loyola University in Chicago.

Allen F. Breed

Allen F. Breed has been director of the Department of Youth Authority, State of California, since 1967.

Mr. Breed began work in the field of juvenile justice in 1945, as group supervisor at the Stockton Arsenal Camp. Subsequently, he served in nearly every capacity in juvenile corrections including superintendent of three youth facilities and as administrative superintendent of the Northern Cali-

fornia Youth Center. Mr. Breed is chairman of the Center for Correctional Justice, chairman of the American Correctional Association's Council on Youth Correctional Services, a board member of the American Justice Institute and the American Correctional Association, and a member of the Council on Corrections of the National Council on Crime and Delinquency.

Mr. Breed also serves on numerous advisory groups, including the National Advisory Committee on Juvenile Justice and Delinquency Prevention, the National Assessment Study of Correctional Programs for Juvenile and Youthful Offenders, and the American Bar Association's Juvenile Justice Standards Project Joint Commission. He holds the bachelor of arts degree from the University of the Pacific.

Doris A. Davis

Doris A. Davis was elected Mayor of Compton, Calif., in 1973, thus becoming the first black woman to hold the office of chief executive of a large metropolitan city.

Prior to her election as mayor, she served as Compton City Clerk for 8 years. Mayor Davis is a member of the State of California Joint Committee for the Revision of Election Laws and of the State of California Joint Committee on the Revision of the Election Code. She is a member of the board of directors of the National Association for the Advancement of Colored People. She also is director of Daisy Child Development Centers, a nonprofit organization that provides services to unwed teenage mothers.

Mayor Davis holds a bachelor of arts degree from the University of Illinois, a master of arts degree from Northeastern University, and a doctor of philosophy degree in public administration from Laurence University, Santa Barbara, Calif.

Lee Johnson

Elected Attorney General of Oregon in 1968, Lee Johnson is currently completing his second 4-year term. He was elected Judge of the Oregon Court of Appeals in 1976 for a 6-year term beginning January 1977.

Mr. Johnson was selected under the Attorney General's Honor Recruitment Program, in 1959, to serve as an antitrust attorney for the U.S. Department of Justice in Washington, D.C. In 1961, he returned to Oregon and began private law practice in Portland. He was elected to the Oregon House of Representatives in 1964 and reelected in 1966. Mr. Johnson has served as a member of the Oregon Criminal Law Revision Commission and the Governor's Commission on Judicial Reform, and as chairman of the

Oregon Law Enforcement Council and the Governor's Commission on Organized Crime.

Mr. Johnson received the bachelor of arts degree from Princeton University and the bachelor of laws degree from Stanford Law School. He is admitted to practice before the U.S. Supreme Court.

John F. Kehoe, Jr.

John F. Kehoe, Jr., is commissioner of public safety for the Commonwealth of Massachusetts. He was appointed to this position in 1971 and was re-appointed in 1975.

Mr. Kehoe joined the Federal Bureau of Investigation (FBI) in 1941. During his 28-year career with the FBI, he served as special agent coordinator and supervisor and, for his last 8 years, as supervisor in charge of the organized crime section of the Boston field office.

From October 1970 through August 1971, Mr. Kehoe served as executive director of the New England Organized Crime Intelligence System in Wellesley, Mass. He holds the bachelor of science degree in education from Boston College.

Cal Ledbetter, Jr.

Cal Ledbetter, Jr., is serving his fifth term in the Arkansas House of Representatives. He also is chairman of the department of political science and criminal justice at the University of Arkansas at Little Rock.

From 1955 to 1957, Professor Ledbetter served in Germany with the U.S. Army Judge Advocate General Corps. He was chairman of the Law Enforcement and Criminal Justice Task Force of the National Conference of State Legislatures for 3 years and was a member of the Arkansas Legislative Council. He is co-author of *Politics in Arkansas: The Constitutional Experience*.

Professor Ledbetter received the bachelor of arts degree from Princeton University and was graduated from the Woodrow Wilson School of Public and International Affairs at Princeton. He received the bachelor of law degree from the University of Arkansas and the doctor of philosophy degree in political science from Northwestern University.

Peter P. Lejins

Peter P. Lejins is director of the Institute of Criminal Justice and Criminology and a professor of sociology at the University of Maryland.

Dr. Lejins has held many appointments to major international conferences on crime prevention and treatment of offenders. He has served as a member

of the U.S. Government Delegation to the six United Nations Congresses on the Prevention of Crime and Treatment of Offenders since 1950. In 1965 and 1972 he received Presidential appointments for 6-year terms as a U.S. Correspondent to the United Nations in the area of crime prevention and treatment of offenders. Dr. Lejins is chairman of the board of directors of the National Criminal Justice Education Consortium and is one of the two official United States representatives to the International Penal and Penitentiary Foundation. He is president of the Scientific Commission of the International Society for Criminology. Dr. Lejins is a past president of the American Correctional Association and long-time chairman of that association's research council. He is president of the board of directors of the International Center of Biological and Medico-Forensic Criminology in Sao Paulo, Brazil, a position he has held since 1974.

Dr. Lejins studied philosophy and law at the University of Latvia. He received his doctorate from the University of Chicago.

Richard C. Wertz

For the past 6 years, Richard C. Wertz has served as executive director of the Maryland Governor's Commission on Law Enforcement and the Administration of Justice. In September 1976, Mr. Wertz was also appointed to serve as special assistant to the Governor of Maryland for criminal justice and assigned the task of resolving the State's serious prison overcrowding problem. Mr. Wertz has been an adjunct professor at the Georgetown University Law Center in Washington, D.C., since 1975.

From 1966 to 1970, Mr. Wertz was director of public safety for the Metropolitan Washington Council of Governments. He is immediate past chairman of the National Conference of State Criminal Justice Planning Administrators and a current member of the Advisory and Evaluation Committee of the Council of State Governments' Criminal Justice Research Project. Mr. Wertz is a member of the Advisory Committee on Corrections Reform of the Southern Governor's Conference and the Criminal Justice Advisory Committee of the Council of State Governments' Southern Legislative Conference.

Mr. Wertz holds the bachelor of arts degree in political science from Knox College and the master of business administration degree in public administration from the Wharton Graduate School, University of Pennsylvania.

Jerry V. Wilson

The biography of Mr. Wilson appears below with

those of other members of the Task Force on Disorders and Terrorism.

Pete Wilson

Pete Wilson was elected the nonpartisan mayor of San Diego in 1971 and was reelected in 1975.

Mayor Wilson began his political career in 1966 when he was elected to the California Assembly. A Republican, he won reelection twice. He served on various committees in the legislature, including the Committee on Drug Abuse of the (International)

Commission of the Californias. As mayor of San Diego, he has gained recognition as the architect of the city's efforts to control its urban growth through planning. He is a member of many committees and organizations, including the Mayor's Task Force on Drug Abuse Treatment and Prevention, jointly sponsored by the National League of Cities and the U.S. Conference of Mayors.

Mayor Wilson was graduated from Yale University in 1955 and received his law degree from the University of California School of Law at Boalt Hall in 1962.

Task Force on Disorders and Terrorism

Jerry V. Wilson

For the past 2 years, Jerry V. Wilson has been project director of a study conducted by The American University Institute for Advanced Studies in Justice, of the efforts to control crime in the District of Columbia for the period 1955 through 1975.

From 1969 to 1974, Mr. Wilson served as chief of police of the Metropolitan Police Department of Washington, D.C. He joined the force in 1949 and was promoted through the ranks during his 25-year career with the department. He served as budget officer of the department from 1960 to 1965, when he was appointed to head the planning and development unit and the data processing division. He was named assistant chief of police for field operations in 1968.

He is the author of two books, *Police Report* and *Police and the Media*. Mr. Wilson was graduated magna cum laude from The American University in 1975, with a bachelor of science degree in administration of justice.

Susan Truitt

Susan Truitt is special assistant to the director of the District of Columbia Department of Human Re-

sources. She acts as a troubleshooter for the department, which delivers health, welfare, and vocational rehabilitation services. She also responds to media inquiries and is a liaison between department officials and the community.

Prior to her current position, Ms. Truitt was a television producer and reporter for Metromedia News in Washington, D.C., for 10 years. Her primary interest was in police reporting. She covered the daily activities of the police department; the March on Washington in 1963 and the urban disorder in 1968, were among her reporting highlights.

Ms. Truitt wrote a profile of District of Columbia Mayor Walter E. Washington entitled, "The Man Who Wants to be Wanted," which appeared in the June 1974 issue of the *Washingtonian* magazine.

Jesse A. Brewer

Jesse A. Brewer is commanding officer of the Los Angeles Police Department's Metropolitan Division, the reserve force that also includes the Special Weapons and Tactics (SWAT) unit.

A decorated war veteran, Captain Brewer has been in the law enforcement field since 1947, when he joined the Chicago Police Department. He has been with the Los Angeles Police Department since 1952,

servicing in a number of capacities ranging from burglary investigator during the Watts riots to director of community relations. He is an advisor to the Young People of Watts and a former member of the California Attorney General's Advisory Commission on Police-Community Relations. He is a member of the Los Angeles Police Department's Committee on Terrorist Activity, the County and State Peace Officers Associations, Senior Reserve Commanders Association, Southern California Police-Community Relations Association, National Association for the Advancement of Colored People, and the Urban League.

Captain Brewer earned his bachelor of science degree from Shaw University and is a candidate for a master's degree in public administration from the University of Southern California.

Michael J. Codd

Michael J. Codd is the police commissioner of New York City and has been a member of the New York City Police Department since 1941.

Prior to his appointment as commissioner, he served for 2½ years as chief inspector, the department's highest rank. Before joining the department, he was a member of the New York State Police for 2 years. He also served in the U.S. Army during World War II. Commissioner Codd is chairman of the Firearms Control Board, City of New York, and a member of the New York State Crime Control Planning Board. He also is a member of several professional associations and committees, including the Executive Committee of the International Association of Chiefs of Police and the Committee on Public Safety of the National League of Cities.

Commissioner Codd is a graduate of the FBI National Academy and has been an FBI instructor at the New York State Police In-Service Training Program and at the New York City Police Department Police Academy.

Benjamin O. Davis, Jr.

Benjamin O. Davis, Jr., is a retired lieutenant general, U.S. Air Force.

During his 35-year career with the armed forces, General Davis was promoted through the ranks from second lieutenant to lieutenant general in the Army, the Army Air Corps, and the Air Force. He has held numerous command and staff positions, both in the United States and abroad. He served in World War II, the Korean War, and the Vietnam War. From 1971 to 1975, General Davis was Assistant Secretary of Transportation. During his tenure in that position, he developed the antihijacking procedures currently

in use in domestic and international commercial aviation. He has been awarded the Distinguished Service Medal of the U.S. Army and Air Force, the Legion of Merit, the Silver Star, the Air Medal, and the Distinguished Flying Cross.

General Davis is a graduate of the United States Military Academy at West Point and of the Air War College.

A. Reginald Eaves

A. Reginald Eaves is commissioner of public safety in Atlanta, Ga., a position he has held since 1974.

Mr. Eaves has been executive director of the Roxbury (Boston) Youth Training and Employment Center and for Boston's South End Neighborhood Action Program, a poverty program. He was administrator in the Mayor's Office of Human Rights in Boston from 1969 to 1972. During his tenure in that position, he served as a member of the Mayor's cabinet. From 1972 to 1974, he was commissioner of penal institutions for Boston and Suffolk County, Mass. During that time, he lectured in psychiatry at the Boston University School of Medicine.

Mr. Eaves holds a bachelor of arts degree from Morehouse College and a juris doctor degree from the New England School of Law.

Seymour Gelber

Seymour Gelber is a judge in the Circuit Court of Dade County, Fla.

Judge Gelber was the administrative assistant State attorney in Dade County from 1957 to 1973, and assistant attorney general for the State of Florida from 1967 to 1970. He was the security adviser to police for the 1968 and 1972 Republican National Conventions and for the 1972 Democratic National Convention, all of which were held in Miami. From 1973 to 1974, he was the director of the criminal justice program at the University of Miami. His book, *The Role of Campus Security in the College Setting*, was published in 1972 by the National Institute of Law Enforcement and Criminal Justice.

Judge Gelber holds the master's degree in criminology from Florida State University, the juris doctor degree from the University of Miami, and the doctor of philosophy in higher education from Florida State University.

Conrad V. Hassel

Conrad V. Hassel is the special agent supervisor of the Terrorist Research and Management Staff (TRAMS) at the FBI Academy at Quantico, Va.

He has been with the Bureau since he assumed duty as a special agent in 1961.

Mr. Hassel is admitted to the practice of law in the District of Columbia Superior Court, the District of Columbia Court of Appeals, the U.S. Court of Military Appeals, the U.S. District Court, and the U.S. Court of Appeals. He is a member of the Criminal Justice Committee of the American Bar Association. He lectures at the FBI Academy and at numerous universities on the subjects of criminology, deviant criminal behavior, terrorism, and hostage negotiations. He has written several articles on these subjects.

Mr. Hassel holds the bachelor of arts degree from the University of Portland, the master of science degree in criminology from California State University, and the juris doctor degree from Duquesne University School of Law.

C. Wayne Keith

C. Wayne Keith has been chief of the Colorado State Patrol since May 1972. He has been a member of the State Patrol for the past 30 years.

In 1975-76, Colonel Keith served as chairman of Colorado's Executive Committee on Hazardous Materials. He was general chairman of the Division of State and Provincial Police, International Association of Chiefs of Police, from 1973 to 1975. He is chairman of the Colorado Peace Officers Foundation Board of Trustees, past president of the Western Colorado Peace Officers Association, and chairman of the Law Enforcement Explorer Scouts in the Denver metropolitan area. He has published *The History and Organization of the Colorado State Patrol*.

Colonel Keith attended Northwestern University's Traffic Institute under a fellowship from the Kemper Foundation.

Richard W. Kobetz

Richard W. Kobetz has been an assistant director and a consultant with the International Association of Chiefs of Police since 1968. He also has been an adjunct assistant professor at the University of Maryland since 1973. He is an instructor and speaker on juvenile justice topics, crisis intervention, and tactics and negotiation techniques in cases involving hostages.

Mr. Kobetz began his career in criminal justice in 1954 as a member of the Winnetka, Ill., Police Department. In 1955, he joined the Chicago Police Department, where he rose to the rank of lieutenant. In 1963, he was Chief of Police of the Franklin Manor, Ill., Police Department. His publications in-

clude *Juvenile Justice Administration*, *The Police Role and Juvenile Delinquency*, *Crisis Intervention and the Police*, *Guidelines for Civil Disorders and Mobilization Planning*, *Law Enforcement and Criminal Justice Education Directory*, *Campus Unrest: Dialogue or Destruction*, and *Hostages: Tactics and Negotiation Techniques*.

Mr. Kobetz has a master's degree in public administration from the Illinois Institute of Technology.

William Lucas

William Lucas has been the sheriff of Wayne County, Mich., since 1969.

Sheriff Lucas was a special agent with the FBI (1963-1968), an assistant U.S. attorney, and an investigator for the Civil Rights Commission. He also was a detective and a patrolman with the New York City Police Department. Sheriff Lucas is a member of the American Bar Association; co-chairman of the Wayne County Organized Crime Task Force; vice chairman of the Wayne County Coordinating Council for Criminal Justice; and chairman of the National Committee on Standards, Ethics, Education, and Development of the National Sheriffs Association. He is a member of various boards, including those of the Detroit Council of the Boy Scouts of America, the Detroit Urban League, the National Advisory Council for Law Enforcement, National Council on Crime and Delinquency, and the National Sheriffs Association.

Sheriff Lucas did undergraduate work at Manhattan College and received the juris doctor degree from Fordham University Law School.

Frank M. Ochberg

Frank M. Ochberg is director of the Services Division, National Institute of Mental Health (NIMH) in Washington, D.C. He also is clinical associate professor of psychiatry at the George Washington University Medical School. Dr. Ochberg served as executive assistant to the director of NIMH for a year, leaving that position to become associate regional health director for the U.S. Public Health Service. He has served on a number of committees and task forces of the American Psychiatric Association, including the Task Force on Community Crisis, the Task Force on Aggression and Violence, and the Council on National Affairs. He also has served on the American Psychological Association Committee on Criminal Justice. He was a consultant to the Governor of Arkansas on school desegregation. In August 1976, he was the U.S. Public Health Service visiting scholar to Maudsley Hospital and Scotland Yard for the study of terrorism. He is co-

editor of a book, *Violence and the Struggle for Existence*, and has written numerous articles and scientific papers.

Dr. Ochberg received a bachelor of arts degree from Harvard College and the doctor of medicine degree from Johns Hopkins University.

Harold Schryver

Harold Schryver is an assistant chief of police in the New York City Police Department. Currently he is commanding officer of the Manhattan North Area, which consists of all territory in the Borough of Manhattan north of 59th Street.

Mr. Schryver joined the department in 1945 after

having served in the U.S. Air Force since 1942. He has held a number of important positions with the department, including: commanding officer of the Arson and Explosion Squad; second in command of the Organized Crime Control Bureau; commanding officer of the Special Operations Division (Emergency Service, Street Crime Unit, Auto Crime Unit, Auxiliary Police Unit, Aviation Unit, Harbor Unit, and Mounted Unit); commanding officer of the Major Crime Unit; commanding officer of the Brooklyn Detective Area; and commanding officer of the Special Events Squad, which policed all daytime demonstrations and disorders in the late 1960's.

Mr. Schryver holds the associate degree in science and earned the bachelor's degree in criminology at John Jay College.

Task Force Staff Director

H. H. A. Cooper

H. H. A. Cooper of the Institute for Advanced Studies in Justice of The American University is adjunct professor of the Center for Administration of Justice of that University, on the faculty of the National College of State Judiciary, and is deputy director of the Center of Forensic Psychiatry at New York University.

From 1971 to 1973, Professor Cooper was deputy director of the CLEAR Center at New York University and adjunct professor of law. He was director of the CLEAR Center from 1974 to 1975. Prior to that, he was professor of law at the Universidad Nacional Mayor de San Marcos, in Lima, Peru, and lecturer in law at the School of Law of the City of Liverpool College of Commerce in Liverpool, England. Professor Cooper was chairman of the United

Nations N.G.O. Alliance from 1973 to 1975. He is a member of the Executive Board of the International Society of Social Defense and has represented that Society before the United Nations since 1972. He is a member of the American Society of Criminology having served as Executive Councillor to that organization, Vice-President of the American Society of Penal Law, and a member of the Asociación Interamericana de Criminología, and the International Society of Criminology. He has written numerous books and articles on crime prevention and control in both English and Spanish.

Professor Cooper holds the bachelor of law degree from the University of London, a master of arts in legal history from the University of Liverpool, and a master of laws in criminal justice from New York University.

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Footnotes have not been indexed. This Index is divided into two parts. The first part contains the Index for the body of this report and all Appendixes except Appendix 7, "Chronology of Incidents of Terroristic, Quasi-Terroristic, and Political Violence in the United States: January 1965 to March 1976." A second part the Index of Chronology, follows this main Index directly.

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