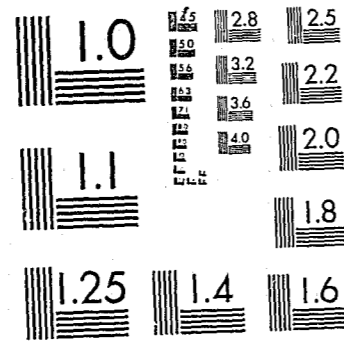


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97th Congress }
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COMMITTEE PRINT

No. 6

REPORT
ON
DOMESTIC AND INTERNATIONAL
TERRORISM

SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL
RIGHTS
OF THE
COMMITTEE ON THE JUDICIARY
NINETY-SEVENTH CONGRESS
FIRST SESSION



APRIL 1981

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(1)

LETTER OF SUBMITTAL

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., January 21, 1981.

HON. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
U.S. House of Representatives, Rayburn House Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: This formal report is submitted to the Committee on the Judiciary on behalf of a study mission to the Federal Republic of Germany and Italy from December 13-18.

The purpose of the trip was to obtain facts and information which would assist the members in considering legislation and exercising oversight of the problem of terrorism, a subject within the jurisdiction of the Committee.

I believe this report will be of assistance to the members in the exercise of their legislative and oversight duties both as Members of the Committee on the Judiciary and as Members of Congress.

Sincerely,

DON EDWARDS,
Chairman, Subcommittee on
Civil and Constitutional Rights.

(11)

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INTRODUCTION

On December 12, 1980, a delegation of Judiciary Committee members departed from Washington, D.C. on a study mission to the Federal Republic of Germany and Italy.

The bipartisan delegation consisted of the following members of the Committee on the Judiciary: Don Edwards (Chairman, Subcommittee on Civil and Constitutional Rights and chairman of the delegation), James F. Sensenbrenner, and Romano L. Mazzoli.¹

The purpose of the trip was to obtain facts and information which will assist the members in considering legislation and exercising oversight of the subject of domestic and international terrorism. Pursuant to Rule X, clause 1(m)(19) of the Rules of the House of Representatives, the House Committee on the Judiciary has jurisdiction over matters concerning "subversive activities affecting the internal security of the United States." In addition, Rule X, clause 2(b)(1) states that each committee shall exercise its general oversight responsibility by reviewing and studying "any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that committee . . . and shall on a continuing basis undertake futures research and forecasting on matters within the jurisdiction of the committee."

In exercising these responsibilities the Chairman of the Committee, Honorable Peter W. Rodino, Jr. wrote to Don Edwards, Chairman of the Subcommittee on Civil and Constitutional Rights on May 11, 1978, requesting that the Subcommittee undertake a study of the "twin problems of terrorism in our society and the proper governmental response to the threat of that terrorism."² The mission is part of that continuing study. By studying the root causes of indigenous terrorism in Germany and Italy, and the means adopted in those nations to control terrorism, it is hoped that the United States might avoid the problems faced in those countries and, if ever confronted with a similar terrorist threat, might learn from their experiences.

The meetings were held in Berlin (December 13, 14, and 15); Bonn, Federal Republic of Germany (December 16); and Rome, Italy (December 17 and 18). The substance of most of these meetings are summarized in the report that follows. Relatively brief meetings (briefings from American Embassy and Mission personnel in East and West Berlin, Bonn and Rome, and discussions with several members of the West German Bundestag) have not been summarized. Those meetings reflected the same basic themes and concerns that were expressed in the discussions that are summarized below.

¹ Congressman Mazzoli joined the delegation in Italy.
² See Appendix I for the complete text of the letter.

The members of the study mission wish to express their deep appreciation to the members of the academic, legal, journalistic, governmental, and diplomatic communities who met with them. The hospitality extended to them was most gracious, and the information provided most useful. In addition, the invaluable assistance provided by the Department of State and by the various U.S. Ambassadors and their staff is gratefully acknowledged. Without their cooperation, the success of the mission would not have been possible.

I

OVERVIEW

While the causes and cures for terrorism in both Italy and the Federal Republic of Germany are firmly rooted in each country's unique social and legal development, nevertheless, both the tragic experiences and encouraging progress of those countries in dealing with the problem can provide useful instruction to the United States in its effort to prevent a comparable terrorist problem within its borders.

It is commonly believed that the terrorist situation in both nations is nearly under control. Statistics on the declining number of terrorist incidents and the increasing number of imprisoned terrorists support this view. However, officials in those countries are not entirely sanguine, and events in both countries occurring during and just after the visit of the Congressional delegation indicate that the problem persists, albeit in a changing form.

The kidnapping on December 12, 1980 of the Italian magistrate in charge of a maximum security prison containing many terrorists, the murder on December 31, 1980 of General Enrico Galvaligi, deputy to the chief of Italy's special anti-terrorist squad by members of Red Brigades, and the possible involvement of German terrorists in the bombing of the Norfolk hotel in Nairobi, Kenya on the same day, are evidence that these terrorists can continue to wreak havoc despite the best efforts of Italian and German officials.

Ironically, however, the nature of these incidents also demonstrates the success of anti-terrorist programs. In Germany, for the most part, terrorists have been driven from their home soil, and are reduced to planning and executing terrorist acts that are unrelated to German internal political affairs or which are aimed solely at freeing or improving the lot of already imprisoned German terrorists. In Italy, recent sporadic terrorist acts of violence of the left also have been aimed primarily at the effort of the state to suppress terrorism. Thus, the ideological commitment of these terrorists to create the conditions necessary for a revolution has apparently been abandoned in favor of short-term, purely self-interested goals. With this narrowing of goals, and the continuing effectiveness of special police programs, it can be expected that the internal terrorist threat in those nations will continue to diminish.

On the other hand, there is evidence that the social conditions that spurred the birth and growth of terrorism continue in both nations, and that some of the legal changes enacted in response to the problem may have in themselves created a climate of resentment conducive to further acts of violence directed at the state.

In the opinion of the Congressional delegation, it would be instructive for the United States to study both the successes and failures of these nations in dealing with terrorism. Both features can be found in the law enforcement responses of Italy and the Federal Republic of Germany. Likewise, we would be wise to nurture those aspects of American political and social life which distinguish this nation from those beleaguered by substantial problems of indigenous terrorism.

For example, the following observations can be made from the Italian and West German experience:

(3)

(1) There is an almost irresistible tendency to react to terrorism by enacting laws and practices that diminish the rights of the accused or increase the authority of the state. The adverse consequences of that reaction are magnified by the equally predictable tendency to apply these specialized laws and mechanisms to an ever-expanding class of investigations. While the facts may justify certain changes, we must guard against overbroad, unjustified, non-productive or counter-productive changes. Although Italian and West German officials have shown admirable restraint in this respect, experience has convinced many that some of those changes were both unnecessary and counter-productive, or are being used inappropriately.³ Hopefully, our long traditions protective of due process will support an attitude of caution if the U.S. is ever forced to consider comparable changes.

(2) A similar danger arises from the question of whether the media ought to be restricted in its coverage of terrorists activity. Despite the severity of the crises in Italy and West Germany, self-restraint on the part of the media has been sufficient, and no legal restrictions have been called for.

However, the decision of several Italian newspapers to accede to terrorists' demands to reprint the political statement (in the recent case involving the kidnapped magistrate) may encourage a rethinking of this approach in Italy.

(3) The effectiveness of certain police and investigative techniques and strategies adopted in these countries should be emulated. For example, the West Germans based their pursuit of terrorists upon a detailed analysis of patterns of terrorist behavior. Small squads assigned to only two or three targets at a time have been responsible for a highly successful search campaign.

The West Germans also have been diligent in their efforts to coordinate state, federal, and international functions during a terrorist attack. While the U.S. has created a comparable system, it remains largely untested, thereby justifying taking a closer look at the successful German model.

(4) All terrorism has its root causes, and the obligation of the state to discern these causes and, when appropriate, rectify the situation, is obvious. The causes of terrorism in Germany and Italy are as dissimilar as their histories and culture, but a common thread seems to be the perception that the state and the established political parties are unresponsive to new political forces. The social and economic strains in Italy probably have exacerbated this sense of frustration. The lesson is clear: the commitment of our nation to social and economic justice and to the inclusion of marginal groups within the political system should be reinforced by the threat of terrorism, not diminished.

(5) Public and official attention has focused primarily on left-wing terrorism. However, in both Italy and West Germany, terrorism from the right has been equally destructive of life and property. The tendency to direct greater resources against the terrorists with the less threatening ideology (to the State) should be resisted.

(6) Although the evidence indicates that the terrorists in Italy and West Germany are indigeneous, there is also evidence that important tactical and financial support has been provided by like-minded terrorists groups in other countries, as well as from governments hostile to Western democracies.

³ Indeed, there is a movement in Germany, at least, to repeal or relax some of the anti-terrorist laws enacted at the height of terrorist activities in the last decade. Recently, the Bundestag repealed two of its major anti-terrorist laws and is considering repealing others.

II

VIEWS OF WEST GERMAN OFFICIALS

The Delegation met at the Ministry of the Interior with Dr. Siegfried Froehlich, State Secretary; Gerhard Siegele, Administrative Director (Head of the Terrorism Office); Dieter Osterle, Deputy Head of the Director Office of the Police Superior Commission; and Captain Ulrich Greiwe, Representative of GSG9.

The State Secretary emphasized that the cooperation between corresponding agencies of the Federal Republic of Germany and the U.S. has been very good and fruitful, especially with respect to drug enforcement and exchange of information regarding techniques in dealing with terrorism. He noted the recent joint combat troop maneuvers with the United States Army and expressed the desire that such exercises continue.

The Administrative Director of the Terrorism Office presented the following report on (1) the development of German terrorism, (2) the present situation, (3) the instruments for fighting terrorism, (4) a description of the roles of the states and Federal Bureau of Criminal Police (BKA), (5) the mechanisms for facilitating cooperation between federal and state police, (6) the organization of crisis management by both the police and the political arms of the government; and (7) the means of international cooperation.

1. THE DEVELOPMENT OF GERMAN TERRORISM

Three phases in the phenomenon of German terrorism can be differentiated. They differ in their forms of action, in the persons involved and in the objectives pursued.

The first phase, starting about 1972, was characterized by serious bomb attacks against facilities serving internal and external security; allegedly, the purpose of these attacks was to rouse the world public to an attitude of protest against the war in Vietnam. The main feature of the second phase, in 1975, were kidnappings and hostage-takings with the aim of forcing the release from prison of "first generation" terrorists. In a third phase, during 1977, cold-blooded murders were committed in the open street. During those years, German terrorism underwent an evolutionary change away from political objectives and towards increasingly brutal individuals actions.

First phase

In the Federal Republic, the first wave of terrorism reached its peak in May 1972. A series of bomb attacks was initiated on May 11, 1972, by an attack against the Headquarters of the Fifth U.S. Army

Corps in Frankfurt. Two bombs detonated in the hall of the main entrance, and another near the entrance of the officers' club. As a result, one U.S. officer was killed, and thirteen U.S. and German nationals were injured. On the following day, explosive devices detonated in the hallways of the Augsburg police headquarters and in the parking lot of the Bavarian Landeskriminalamt (Land Bureau of Criminal Police) in Munich. These attacks caused considerable damage to property. A week later, two explosive devices detonated in the Hamburg building of the publishing company Axel Springer; several persons were injured—some of them severely. When the building was searched, three more unexploded bombs were found.

A further explosion occurred in the car of a Federal High Court judge in Karlsruhe, who was involved in investigations of terrorist cases; one woman was injured. Bomb explosions on May 24, 1972, in the Headquarters of the U.S. Army in Heidelberg were, for a time, the last incidents of this series of attacks. Three U.S. servicemen were killed.

In letters sent to press agencies and to newspaper editorial offices immediately after a bomb explosion had occurred, the so-called Rote Armee Fraktion (Red Army Fraction—RAF) admitted responsibility for these attacks. Repeatedly, the authors of these letters demanded cessation of U.S. bomb attacks on Vietnam. Several years before, an end to the war in Vietnam had already been called for by the Auserparlamentarische Opposition (Extra-Parliamentary Opposition—APO). This group involved students and young people who, in view of the large majority held by the Great Coalition of the two major parties did not consider the existing parliamentary opposition to be adequate.

Extremist groupings within this anti-authoritarian movement aimed at abolishing the existing governmental and social system. In addition to demonstrations against the war in Vietnam, this radical opposition merged with those opposing the German university system as well as emergency legislation, and publishing companies (particularly the publishing house Axel Springer). While orthodox communists disapproved of general acts of violence even when politically motivated, break-away groups of the so-called "Neue Linke" (New Leftist Movement) held the view that, although the conditions for armed fighting had not yet fully developed, use of violence short of "armed fighting" was increasingly called for.

Under the theory of the "conception town guerilla," adopted by the South American Carlos Marighella, pertaining to the tactics of individual terrorism, any further discussion of the situation of society is considered to be senseless. It is declared: "Whether it is right to organize armed resistance now is dependent on the question as to whether it is feasible; and whether it is feasible can only be found out in practice". The aim of ideological terrorism is revolution. This form of terrorism does not intend to wait for the revolutionary situation; rather, it wants to bring about the revolutionary situation by throwing bombs and by attacks, thereby forcing the state to its knees. It is intended to offend and to humiliate, to challenge and to defame the free constitutional state so as to make it behave—in a kind of overreaction—like a police state.

These ideological foundations of terrorism were laid in the late sixties by extreme radical groups of the students' protest movement and the Extraparliamentary Opposition. Violence was consciously included in their tactical considerations. Proceeding from the basic ideas developed by Herbert Marcuse, an attempt was made early on to differentiate between violence against property and violence against human beings, with violence against property initially being considered as the only justified form. However, the change to planned use of violence against human lives took place soon after.

The beginning of a series of terrorist attacks was signalled by the setting on fire of department stores in the inner city of Frankfurt on April 2, 1968. For the first time, the journalist Andreas Baader and the student Gudrun Ensslin entered the picture as arsonists. The department store arson was the first major politically motivated act of violence committed by terrorists in the Federal Republic of Germany. In the same way as the series of attacks in May 1972, its aim was to focus the attention of the German public on the war in Vietnam.

Baader and Ensslin were defended by the Berlin lawyer Horst Mahler. The arsonists' act was justified by the Hamburg journalist Ulrike Meinhof in the political magazine "Konkret". It was by this act of violence that the main actors of the gang, later on called the Baader-Meinhof gang, met.

In this phase of terrorism there was an ideological influence on the terrorists' activities. An example of this is a text written by Ulrike Meinhof entitled "To serve the people—RAF—town guerilla and class war." The ideological motivation also included the criticism of industry and the economic sector, and in particular the multinational companies, to the effect that they enslaved people by deluging them with goods and diverting their attention from vital political questions by creating artificial needs. The attacks were committed under the motto: "Destroy what destroys you".

A short time after the series of incidents in May 1972, the first phase of terrorism came to a temporary end. One month later, Baader, Ensslin, Meinhof and their accomplices Holger Meins and Jan-Carl Raspe were apprehended.

Second phase

The murder of Gunter von Drenkmann, the president of the Superior Court of Justice for Berlin, marked the beginning of the second phase of terrorism in the Federal Republic of Germany. During this phase, another nucleus of terrorists activities developed in Berlin. The "Second of June Movement" was responsible for this murder—which was the result of an unsuccessful taking of a hostage. This movement was a Berlin-based terror organization analogous to Baader-Meinhof's Red Army Faction. Its name was derived from the date (June 2, 1967) the student Benno Ohnesorg had been shot by the police during an anti-Shah demonstration. The activities of this movement characterized the second phase of terrorism. The predominant tactic was the taking of hostages for the purpose of forcing the release of prisoners. Moreover, the phase was marked by an internationalization of terrorist attacks.

On March 27, 1975, four days before the elections to the Berlin Chamber of Deputies, the Christian-Democrat candidate Peter Lorenz was kidnapped. The attack was carried out through tactics similar to those applied later when Hanns-Martin Schleyer was kidnapped: in open street Lorenz' car was forced to stop, the driver was stunned, Lorenz dragged out of his car and taken to an unknown place. After negotiations with his kidnapers, five imprisoned terrorists were flown to South Yemen in exchange for Lorenz' safe release.

Instead of the former politico-ideological motivation, it was the principal aim of the terrorists during this phase to liberate imprisoned gang members. The liberation actions also were aimed at having exemplary significance for an alleged liberation of the masses of the people. Rather than ideology, in the foreground of the movement stood practical combat guidance, bomb-making, the building up of logistics, the procurement of weapons, identity documents, money and motor vehicles, as well as the renting of safe apartments.

The struggle was supported in particular by the so-called "anti-torture campaign". In this campaign, terrorism in the Federal Republic had found a new breeding ground for recruitment; perhaps otherwise-like in the U.S.A.—it would have dried up with the end of the Vietnam war. However, these accusations were unfounded, according to the Ministry. For example, Horst Mahler later referred to the accusation of "solitary confinement" or "torture by solitary confinement" as being a propaganda lie devised to exert moral blackmail on leftist elements in the Federal Republic of Germany and to feign fascism in order to legitimate the brutalized fighting methods of the Red Army Faction. Mahler was one of the RAF lawyers who had himself given publicity to this campaign, and had been sentenced to imprisonment as a member of the RAF. For some time now, however, he has been dissociating himself from the aims of the RAF.

The accusation of torture was disseminated by so-called "torture committees" and international committees and international committees of defense counsels and was linked with slogans such as "destruction confinement" or "execution of prisoners".

This campaign was supported by a hunger strike of the imprisoned terrorists. After her arrest in 1972, Gudrun Ensslin announced: "The battle goes on. Even though they have taken the guns from our hands, our bodies have remained to us. We will now use them as our last weapon." The resultant sufferings or suicides such as the death of the RAF founder member Holger Meins from self-starvation on November 9, 1974 were falsely represented as consequences of a so-called "torture by solitary confinement" and exploited for the solidarization of sympathizers and as an instrument of combat against the State.

It was the torture committees from which the younger generation of terrorists were recruited. From the Hamburg torture committee, for example, came the members of the commando team who raided the German Embassy in Stockholm on April 24, 1975. In memory of the terrorist who died from the consequences of the hunger strike, they had named their commando group "Holger Meins". During the raid two hostages and two of the six terrorists were killed. An evidently self-triggered explosion in the embassy premises put an end to the hostage taking, while the perpetrators were apprehended in their attempt to escape.

This operation and further activities marked the beginning of an international expansion of terrorist incidents. Gabriele Krocher-Tiedemann (who was released in exchange for the politician Lorenz) played the principal part in the raid on the OPEC Conference in Vienna on December 21, 1975, shooting a security officer. Among others, the international terrorist Illich Ramirez-Sanches, known by the name of "Carlos", and the German Hans-Joachim Klein took part in the raid.

In June 1976, a commando recruited from Palestinian and German terrorists hijacked an Air France airbus with 257 passengers on board and forced it to fly to Entebbe in Uganda. When the hostages were freed by an Israeli unit on June 4, 1976, all seven Palestinian guerrillas as well as the German terrorists Winfried Boese and Brigitte Kuhlmann, who had most probably been participating, were killed.

Third Phase

The third phase of terrorism in the Federal Republic of Germany was characterized by a further increase of brutality in the terrorists' actions.

On April 7, 1977, in the open street, an attempt was made on the life of the supreme German prosecuting attorney, Chief Public Prosecutor Seigfried Buback. From a motorcycle driving close up to his car, Buback and his bodyguards were killed by machine gun fire. As one of the presumed perpetrators, Guenter Sonnenberg was arrested four weeks later, together with Verena Becker, who had been flown to Yemen in exchange for the politician Peter Lorenz; Knut Folkerts, who also had taken part in the crime, was arrested in Utrecht on September 22, 1977, by Dutch police officers after an exchange of gunfire during which one police officer was killed and another seriously injured. Christian Klar, one of the central figures of the terrorist scene, is still being sought.

The perpetrators considered this murder to be an execution, but it was, rather, a pure act of revenge. Ideological motivation no longer is in the forefront of the terrorists, activities. Their main aim remains the liberation of apprehended gang members by direct actions such as the liberation of Till Meyer from a prison in Berlin on May 27, 1978, by two female members of the Second of June Movement or by kidnapping high-ranking personalities. The spokesman of the board of directors of the Dresdner Bank, Juergen Ponto, fell victim of a kidnapping attempt on July 30, 1977.

Five weeks later, in the Schleyer case, the terrorists succeeded in taking a hostage. On September 5, 1977, when they were driving down a street, the cars of Dr. Hanns Martin Schleyer, the head of the German Employers Association and the German Industries Federation, and his escorts were forced to stop by a baby carriage suddenly pushed into the road. Schleyer's driver and three police officers escorting him died in a hail of machine-gun bullets; Schleyer himself was kidnapped in a car waiting nearby. The RAF commando group "Siegfried Hausner"—deriving its name from a terrorist who had been killed in the Stockholm raid—demanded the release of eleven apprehended terrorists. By means of long and difficult negotiations, during which the Geneva lawyer Payot was called in as a mediator, the Federal Government succeeded in delaying the kidnapers' ultimatums without officially refusing to fulfill their demands.

The kidnapping of a Lufthansa plane to Mogadishu by Palestinian terrorists on October 13, 1977, meant an expansion of the terrorist activities and an increasing gravity of the situation. The kidnappings of Schleyer and the Lufthansa plane were harmonized actions; in addition to the payment of 15 million dollars and the release of two Turkish terrorists, the hijackers demanded the release of the same eleven German terrorists. Upon prior agreement with the Somali Government, the German anti-terror group GSG 9 raided the plane in the night from October 17 to 18, 1977, and freed all 86 hostages unharmed. Three of the hijackers were killed, one female kidnapper who had been seriously injured was arrested.

A short time later, the events in the Federal Republic, too, came to a sudden end. Immediately after the news of the successful rescue in Mogadishu had spread, the RAF founder members Baader, Raspe and Ensslin whose release was to be forced by the kidnappings and who had obviously recognized that their situation was hopeless, committed suicide in the Stammheim prison of Stuttgart. On October 19, Schleyer was found dead in France near the German border.

2. THE PRESENT

The present situation with respect to terrorism in the Federal Republic of Germany is characterized by ostensible calm. Aside from the murder of Hanns Martin Schleyer, there have been no spectacular incidents on Federal territory. The intensive searches undertaken by the security authorities have obviously caused the terrorists to seek refuge in neighboring countries. The aforementioned arrest of Gabriele Kroecher-Tiedemann in Switzerland and of Knut Folkerts in Utrecht in 1978, as well as the apprehension of four violent German terrorist criminals, illustrate this. The supposed increase in the activities of the Red Army Faction did not take place, and the Second of June Movement has, to a certain extent, lost its importance.

However, in the past few years, a third terrorist group has appeared in addition to the above-mentioned organizations: the Revolutionary Cells. In the last few years this group has carried out over fifty bomb attacks, particularly in Frankfurt, Wiesbaden, Hamburg and Berlin. The attacks were directed against public facilities and not against human lives. By being in principle restricted to violence against property, they essentially differ from the much more brutal actions of the RAF and the Second of June Movement.

The recent successful searching measures have impaired the terrorists' capability to act, but have not completely destroyed it. This is indicated by an analysis of the items found in the safe apartments, in particular papers and brochures, weapons and utensils, false identity documents, fingerprints, and even a mortar (a device similar to the so-called "Stalin-Orgel"). By means of these arrests and findings, it was possible to thwart plans that could have meant liberation actions or kidnappings.

For the time being, 33 violent terrorist criminals are being searched for by warrant, 15 of whom comprise a hard core of people being searched for with priority. They have no support among the population. Political aims are no longer visible. However, even if the number of offenders and the terrorists' logistics can be further weakened by successful searching measures, the terrorist threat in the Federal

Republic of Germany will continue to exist, for irrational, impulsive acts cannot be eliminated.

Nevertheless, there is a certain easing of tension in the terrorist field, and a shift of the emphasis of internal security measures to the field of demonstrations. The beginning of exploratory drillings for a national nuclear waste repository in Gorleben on March 14, 1979, triggered a series of protests and demonstrations. Questions raised in connection with the installation of nuclear power plants and the storing of nuclear fuels will, within the next few months, raise considerable problems of security policy and will also require strong police support.

3. INSTRUMENTS FOR FIGHTING TERRORISM

Legal basis

The legal authority for the action taken by the police in searching for violent offenders and in preventing acts of violence is based upon the legislation dealing with penal procedure and with the police. Police alone are responsible for warding off danger, while the responsibility for prosecution is shared between the public prosecutors' offices, and the police. Investigations into the background of terrorist activities are the responsibility of the Office for the Protection of the Constitution (Verfassungsschutz).

Target search

For the apprehension of the terrorists wanted under an arrest warrant—at present 33—a special commission with the designation "target search" was established with the Bundeskriminalamt (Federal Bureau of Criminal Police or BKA). Target search detachments are assigned individual violent terrorist offenders; they evaluate every item of information received as to the whereabouts of the terrorists and follow up each lead. Tracking of leads in other countries is pursued in close cooperation with foreign police authorities. Several arrests made abroad and in the Federal Republic in 1978 were made possible by this systematic work.

Priority in searching is given to the hard core of about 15 violent offenders. Every policeman in the Federal Republic carries with him at all times a set of cards bearing the photographs and identification data of these persons. The BKA has new search posters with the pictures of the "most wanted" for display in banking establishments, supermarkets, municipal administration buildings, railroad stations and frontier crossing points including airports.

Frontier crossing points are connected to the police information system INPOL. By means of computer controlled inquiry, the identity of persons is checked within a matter of a few seconds. The so-called "green border" between the approximately 620 guarded frontier crossing points is kept under selective observation by mobile searching groups of the Bundesgrenzschutz (Federal Border Guard) in order to restrain the terrorists' mobility. Within the country this purpose is served by the establishment of checkpoints on highways and in city areas, which is prescribed for a limited period by decisions of the Federal Court of Justice.

Logistic interference

Apart from searching for terrorists, fighting terrorism must be aimed at interfering with the terrorists' logistics. In addition to disrupting

their mobility, communication, the procurement of weapons, money and identity documents as well as the renting of safe apartments must also be interrupted.

It has clearly come to light during the past that activities of gangs and terrorist acts were prepared and steered by detained terrorists from their prison cells. There were allegations that messages were communicated partly by sympathizers and partly by a number of lawyers whose oral and written contacts with the prisoners are not subject to any control. The need to cut off this apparent communication system for a brief and limited period arose in particular in connection with hostage takings. For this purpose, the so-called Contact Prohibition Act was passed immediately after the Schleyer kidnapping in a legislation procedure which took only a few days. After carefully weighing the fundamental legal rights affected—the life of the kidnapped person on the one hand, and the basic right of prisoners to maintain contact with their defense counsels on the other hand—the Act was applied for the duration of the kidnapping.

To make access by terrorists to weapons, identity documents and money more difficult, the regulations on the sale and keeping of arms were tightened. A special bank protection program provides for the reduction of the amounts of ready-to-hand cash and for the installation of optical monitoring systems. The installation of about 15,000 cameras has been established as a short-term objective. In order to prevent access to identity card blanks, security regulations have been issued for the safe keeping of blank forms by local administrations. A reward of 50,000 DM is offered to persons informing the authorities about a safe apartment.

Interference with contacts and recruitment

Particularly important is disruption of contacts and recruitment within the terrorist scene. Major objectives are to cut the links between the terrorist groups operating underground and committed to acts of violence, and the sympathizing marginal groups, and to encourage those now involved to return to the mainstream. Those who are only slightly involved as yet can be encouraged to break with the terrorists and the attempt should be made to dissuade those who are on the verge of going underground. Although there cannot be any amnesty for terrorists, the situation is facilitated for those who are willing to return and to provide information, by disclosing their knowledge anonymously. In such cases all legal possibilities for mitigating punishment or granting exemption from punishment are used. This kind of undermining of the terrorist scene will spread distrust within its circles, thus preventing a further increase in the numbers of persons belonging to the "hard core". Such disclosures will also help the security authorities to gain further knowledge, resulting in new approaches to search.

However, in this respect our legal possibilities do not allow that exemption from punishment may be granted in every such case as, for example, in the case of a person providing "State's evidence." The use of this device (such as in the Anglosaxon countries) is prevented by the principle in our penal law which implies that action must be taken in the case of an offense.

4. ROLES OF THE LAENDER (STATES) AND THE BKA

In the Federal Republic of Germany, our constitutional system requires that responsibility for public security and order and for the police system lie basically with the Laender. Although the Federation is responsible for legislation, i.e. as regards prosecution, implementation is incumbent upon the Laender; in the case of police law the Laender are also responsible for legislation. Correspondingly, police tasks are predominantly fulfilled by the Laender.

The Bundeskriminalamt (Federal Bureau of Criminal Police) has no independent jurisdiction, nor does it have independent authority to investigate at the scene of a crime. The Bundeskriminalamt rather is an instrument of cooperation and coordination of crime prevention between the Federation and the Laender, a center for forensic science and data collection and the contact point for international cooperation, although it is responsible for investigations of internationally organized trafficking in drugs and arms.

A certain steady increase in the jurisdiction of the BKA is due to the introduction of a legal provision—Article 129 a of the Penal Code—making membership in a terrorist association a punishable offense. Because of this provision, the jurisdiction of the Federal Prosecutor can be established over such offenses, and he then may instruct the BKA to carry out investigations. This possibility is of particular practical importance in the fight against terrorism.

For the constitutional reasons mentioned above, an organizational model for the Federal Bureau of Criminal Police (along the lines of a "German FBI," with branches all over the Federal territory) is out of the question. The aim should rather consist in providing for the best possible coordination of centralized and decentralized organizational forms.

5. COOPERATION BETWEEN FEDERAL AND STATE POLICE

Based upon the experience gathered from crisis management (particularly in the Schleyer case), the Ministers of the Interior of the Federal Government and the Laender have agreed upon new arrangements for the cooperation of the Federal Bureau of Criminal Police and the police forces of the Laender in cases of violent terrorist crimes which are of importance for the whole Federal territory.

These arrangements take account of the principle underlying the division of tasks between the Federal Bureau of Criminal Police and the police forces of the Laender. Functions are assigned according to which entity is appropriate and qualified according to existing factual, organizational and technical conditions. This means: strengthening of the role of the Federal Bureau of Criminal Police in the field of information, technology and control measures covering several Laender; arrangements for the intervention of certain Laender where their assistance is required with regard to police investigations on the spot.

In cases of violent terrorist crimes, the police tasks of penal prosecution lies with the Laender. The police authority responsible for the

location of the crime also controls the investigations outside the area of its competence by making requests and suggestions for the handling of each case. It conveys to the Federal Bureau of Criminal Police all clues and evidence for simultaneous review. Upon request of the Laender, the Federal Bureau of Criminal Police can put special forces under the command of the local police authority.

If in exceptional cases, the Federal Bureau of Criminal Police itself is active, a special commission is set up and immediately sent to the location of the crime. The special commission consists of an investigation group, a location group (used for detecting, securing and processing of evidence and for the identification of persons) and a group for information and communication (responsible for the operation of telecommunication facilities and data terminals and for the establishment of conference circuits).

By means of the simultaneous evaluation of the evidence by the authorities on the scene as well as by the Federal Bureau of Criminal Police, an efficient, comprehensive and rapid realization is ensured. These arrangements provide for clearly defined responsibilities, achieved particularly by the pattern of hierarchical subordination. By the system of the division of labor for the preliminary consideration of clues and evidence, overburdening of the authority carrying out the investigations is avoided. These new arrangements have been in force since the middle of last year.

6. CRISIS MANAGEMENT

Experience gained in handling terrorist incidents during the past few years has shown that in such situations it is necessary to achieve cooperation between various levels of state authority and, in particular, to convene political decision-making and consulting bodies.

Political crisis management staff and ministerial committee

When the attack on the German Embassy in Stockholm was committed in April 1975, a political crisis management staff, a committee of Ministers to deal with special situations and a crisis management staff of ministerial officials were convened. Under the direction of the Federal Chancellor, the political crisis management staff established the political guidelines for the committee of Ministers to deal with special situations. Represented on this ministerial committee under the chairmanship of the Federal Minister of the Interior were the Federal Minister of Justice as well as the Ministers of the Interior and the Ministers of Justice of the federal states (Laender). The President of the Bundeskriminalamt (Federal Bureau of Criminal Police) and the President of the Bundesamt fuer Verfassungsschutz (Federal Office for the Protection of the Constitution) were also called upon to attend.

A crisis management staff of ministerial officials worked out proposals for decision of a technical nature for consideration by the committee of Ministers. This crisis management staff, established with the Federal Minister of the Interior, included representatives of the ministries concerned and of the Laender as well as representatives of the security authorities. A crisis management staff of the police met at the Federal Bureau of Criminal Police

and submitted expert proposals from a police point of view to the committee of Ministers.

Further development of network of decisionmaking bodies

In the cases of the kidnapping of Herr Schleyer and of the hijacking of the Lufthansa aircraft to Mogadishu in Somalia in September and October 1977, the network of consulting and decision-making bodies was developed further. At the political level there was cooperation between the Cabinet of Federal Ministers, the so-called "Kleine Lage" and the Great Political Consultation Panel.

Cabinet

The Cabinet, headed by the Federal Chancellor, was the forum where all policy decisions were made. For the periods between meetings, the Cabinet charged the Federal Chancellor and the Federal Ministers for Foreign Affairs, the Interior and Justice with responsibility for the immediately necessary decisions.

"Kleine Lage"

For preparing and coordinating the decisions between all those responsible at the highest political level, two deliberating bodies were established. The so-called "Kleine Lage" (a high-level crisis management staff with limited membership and with the Federal Chancellor as chairman) met twice a day as a rule, but at least once a day; during critical phases it was in permanent session. Basically, the members of this staff included the Federal Ministers of the Interior, Foreign Affairs, and Justice, their responsible State Secretaries, the President of the Bundeskriminalamt, the Federal Prosecutor, and the chairman of the Conference of Ministers of the Interior.

Consultation panel

In addition to the "Kleine Lage" there existed the "Grosse Politische Beratungskreis" (Great Political Consultation Panel). It corresponded to the political crisis management staff used in the Stockholm case two years earlier, except that it contained more participants. Under the chairmanship of the Federal Chancellor, it included the chairmen of the political parties represented in the Federal Parliament (Bundestag) as well as the chairmen of the parliamentary groups of the Bundestag. Further participants were the heads of government of the four Laender that held in custody the prisoners whose release was to be forced. The meetings of the Consultation Panel were finally attended by the members of the "Kleine Lage". The Consultation Panel met once or twice a week.

Function of consultation committees

The establishment of these two consultation committees did not imply the creation of new decision-making bodies. The consultation panels rather had the task of ensuring the exchange of information and assessments in order to harmonize the decisions of those responsible in each case and also to consider the opinion of persons whose advice was important for decision-making. These panels also served as a platform for coordinating decisions in the field of information policy. Decisions of this kind were frequently required since the kidnapers or hijackers were intent on making use of the press, radio

and television for their own information and for enforcing their demands.

Development of opinion and decision-making were promoted by firmly defined proceedings during the meetings of these bodies, a procedure which on principle was adhered to in the course of all discussions:

At the beginning of each meeting, situation reports were given which covered the results of searches and investigations, an account of the posture of the security forces, the situation in the judicial field and with regard to foreign relations, the press situation and the current state of information exchange with kidnapers or hijackers.

This was followed by an assessment of the situation and by the decisions that had to be taken in the given circumstances.

Finally, agreement was reached on informing those persons who had not taken part in the respective situation briefings.

Police control staff meetings

In addition to these political consultation committees, police control staffs meet at the Federal Ministry of the Interior and at the Ministries of the Interior of the Laender whenever acts of violence affecting the whole Federal Republic have been committed. In order to make coordination between operations control staffs as effective as possible, the Federal Government and the Laender have adopted joint principles governing the responsibilities and organizational structures of these control staffs.

An essential requirement is that a police control staff should be able to operate within the shortest possible time. For this reason, the control staff must be integrated into the existing organizational structure of the Police Division of the Ministry in such a manner that, in the event of a crisis, it will be operational at a moment's notice. Communication difficulties will be avoided by essentially new reporting channels and working processes. In the police control staffs, all service branches of the police are combined, so that, depending on where the focal point of operation lies, it will be possible to reinforce the police personnel on the job by specialized officials from the service branch concerned.

Sections of police control staff

The police control staffs are subdivided into different units known as staff sections. Staff section "Operations" (to which the so-called Situation Center is affiliated) is comprised of the specialized branches "Security and public order" and "Crime suppression and traffic control"; staff section "Command and operational equipment" consists of telecommunications, motor vehicles, arms and equipment, data processing and the forensic science service. In addition there are staff sections dealing, for example, with logistics and public relations. In order to ensure the smooth functioning of contacts with other control staffs and institutions, liaison officers are detached to these staffs. Where necessary, special advisers such as scientists, psychologists and interpreters have to be called in to render assistance.

Operations room

On the basis of decisions by police command and control staffs, the Situation Center in the Federal Ministry of the Interior was developed

into a Command and Situation Center (or Operations Room) manned round the clock. In special situations of crisis and danger such as terrorist incidents, but also in the event of disasters or environmental threats, this Center immediately takes those measures that are required as a matter of priority.

Joint exercises

The forms and possibilities of coordinated action as well as the onward development of this police information and communication system are submitted to practical testing in joint exercises organized by the Federal Government and the Laender. In January 1979, for example, the Exercise "Loreley" was held which was designed to test the handling of a terrorist incident. The scenario which consisted of the kidnapping of a VIP, the forced release of imprisoned terrorists, and a number of attacks with explosives. The objective of the exercise (involving assumed scenes of crime in several Laender) was the practical testing of cooperation between police, political and field agencies.

It must be emphasized that although in principle it is uncontested that the tasks of police command and control agencies and those of political consultation panels should be separated from each other, in crisis situations, it is necessary to precisely coordinate political fundamental decisions and tactical considerations of the police. Smooth cooperation between these different sectors is an essential precondition for the successful management of a crisis.

7. INTERNATIONAL COOPERATION

In the event of terrorist activities occurring in a State and threatening or endangering facilities or persons of another member State, trusting and efficient international cooperation is indispensable for the management of the crisis. This has been demonstrated with exemplary clearness by the events in Stockholm and Mogadishu. It is of particular importance in such cases that immediate and direct contact be established between the security authorities of the States concerned. In the framework of cooperation between the member States of the European Community, intensive collaboration of security authorities has developed during the past few years. In the event of terrorist acts, and depending on the situation prevailing in each case, government representatives of States affected are given an opportunity on the spot to gather information and establish contacts. Where officials of the police forces or of the security services are delegated to another country for the improvement of the current exchange of information, they are, if necessary, given an opportunity to take part in the work at the scene of the terrorist act, in the securing and evaluation of evidence as well as in the hearing of witnesses. Where necessary, they may also participate in the work of the operations staff at expert level.

The cases of Stockholm and Mogadishu, the raid on the OPEC Conference in Vienna or the hijacking of an Air France plane to Entebbe reflect the international entwining of terrorism. Crisis management for the fighting of terrorism must take this into account. It will therefore have to be our aim to reach agreement on anticipatory measures designed to ensure the necessary successful cooperation in

the fight against terrorism. Our experience has given us occasion to make continued efforts in order to improve the system of police instruments and resources and of political crisis management. This has been supplemented by substantial improvements of international cooperation through pragmatic arrangements, especially with our neighbor countries.

All these measures have contributed essentially to making it much more difficult for the terrorists to play their game. Nevertheless they have not yet freed us from the scourge of terrorism. We must remain vigilant and must never cease to look for improvements of our means and resources.

* * * * *

8. ADDITIONAL OBSERVATIONS

In discussions following Herr Siegele's presentation, the following additional observations were made:

Reasons for containment

The containment of terrorism since 1977 has been due primarily to the arrest of the hard core of terrorists and conspirators. Furthermore, the fact that one third of these were found abroad is evidence that the German Police have been successful in driving the terrorists from the Federal Republic.

This success in apprehending and neutralizing terrorists was attributed to

(1) the systematized search programs based on an analysis of typical behavior patterns of terrorists. Among other things, the analysis of typical terrorist behavior indicates that they usually transact business with cash; are always armed; use arms without hesitation; use public transportation except when committing robberies; use conspiracy rules, e.g., carry no documents of labels during operations; maintain close contacts in neighboring countries (especially France) and with other terrorists in nearby countries (e.g. Ireland, Italy) whereby they obtain logistic help and exchange views.⁴

(2) international cooperation.

(3) the assistance in the search provided by the general population. For example, citizens responded to films on television which alerted landlords to the typical terrorist manner of renting apartments, i.e. cash only basis. Once these "safe" apartments are discovered, searches have revealed information of further use to the police, including information as to future terrorist plans.⁵

Statistics

The most current statistics on terrorists and their supporters are as follows:

30 terrorists are being searched for pursuant to arrest warrants;
40 are imprisoned; 50 are in preventive (investigative) custody

⁴ There is, however, no information about common operations with indigenous terrorists of other nations except Palestinians. Furthermore, there is no verified information about Soviet or other East bloc support of the German terrorists, except to the extent the Soviets have provided material to the Palestinians, who in turn passed this along to Libyan and German terrorists. There are unverified reports of Czech training of German terrorists, but the East German and Soviet governments have taken public positions against the terrorists, and in general, the Eastern Bloc has been supportive of FRG efforts to extradite German terrorists.

⁵ The fact that many (15 to 20 rented at a time) flats have been discovered is also revealing as to the substantial financial resources available to the terrorists. These resources are thought to come from Arab support, and the proceeds from bank robberies and kidnapping ransoms.

(pretrial); 600 are subject to "investigative action" (no indictments or warrants).

Forecast

According to the Ministry of Interior officials, the forecast for future acts of terrorism is unclear, for the problem is not over. There are no signs that the hard core is giving up. In fact, searches of safe flats indicate future plans have been made for not only familiar targets but also some new ones, such as NATO and the German Army. The loss of popular support has forced the terrorists to seek recruits by trying to link themselves to the movement against nuclear energy. Although the vast majority of people affiliated with the anti-nuclear movement are "democrats," some appear to have anarchistic violent intentions. However, there is no evidence that nuclear facilities themselves have been targeted for terrorists attacks.

Causes—A Study

A concerted effort is now being made to discern the causes of terrorism. A research project has been established to study the individual biographies and group dynamics of terrorists, the societal conditions which have contributed to the development and spread of terrorism in Germany, and the influence of ideology. A summary of the objectives and structure of this project is contained in the appendix to this report.

Although no final results are available yet, some preliminary findings are of interest: the analysis of the curricula vitae of 40 terrorists shows that they are mostly young and disproportionately female. The sample was 23 to 30 years old when they became involved; 24 were female, 16 were male, whereas in the general criminal population only 20% are female. Compared to the statistics on perpetrators of crimes of violence and robbery (20% and 7% of whom are female in each respective category), the disproportionate share of women is even more striking.

Two-thirds of the sample came from large cities; the same percentage grew up in dysfunctional families; there is no apparent pattern of the father's career; the families were relatively large (3, 4, or more children), and 27 of the 40 had a high school education or better. However, most had not completed their education and in that sense were professional failures.

The involvement of the terrorists always developed in gradual stages:

- Conflict at home,
- Separation from home
- Contacts with leftist group
- Commune living or red assistance groups (caring for political prisoners)
- Assistance for terrorists
- Going underground (terrorists sometimes came home, but then relapsed).

GSG-9

A description of GSG-9 was provided by one of its captains. Set up in 1972 after the Munich Olympics, GSG-9 is the operational tactics part of the Border guard. It is organized into several combat units each of which have several specialized units, including those dealing with: reconnaissance (used during special operations), radio work, doc-

umentation, weapons, explosives, and maintenance of weapons training, and supply unit.

GSG-9 is similar to a national police, but it is used only for special operations, such as with respect to hijacking and terrorist attacks. In order to be activated, GSG-9 must be asked to help by the Laender police. It can operate as assault, combat or sniper teams. Comparable special units are also maintained by the Laender (state) police, and it is they who have made most arrests. The only time GSG-9 has been called into action was in Mogadischu. Once GSG-9 has been called in, it is in command, although its decisions are always subject to political control. The unit developed its training based on its study of terrorists, and consultation with other Western nations; it provides no intelligence gathering function.

Legal Problems

Among the problems created by the program against terrorism has been the fact that searches and data collection invasive of the privacy of innocent persons. However, under German law, irrelevant information gathered by security system must be destroyed; an automatic destruction period is set by Administrative orders and a debate now is developing on adjusting those time periods.

The group also recognized the possibility that the severe state reaction to initial protests might have caused greater solidarity amongst the terrorists-to-be. In support of this thesis, it was pointed out that the right wing had been thought to have been deterred by the imposition of severe penalties, but recent acts (the Oktoberfest terrorist bombing) suggest otherwise.

Media coverage was not viewed as a problem. Although public interest is high, the Chancellor has been able to influence the press to exert self-control. In the Schleyer case, for example, legal restraints were not necessary—the promise of complete documentation after the danger was over proved sufficient to limit media coverage during the crisis.

In general, the government has had a policy of going on the offensive with the press—i.e., it will provide information early in order to prevent speculation.

NATO-United States cooperation

It was suggested that a liaison providing for exchange of information (such as exists within the Common Market) be set up with the United States or within NATO.

Comparison with Italian terrorists

The most salient differences appear to be that in Italy, there is a much larger potential for present and future acts of terrorism. Over 100 groupings exist there, many more than in the Federal Republic. In Italy, much closer (work sharing) links exist between politically-motivated terrorists and common criminals. Thus, the pool of recruits is larger.

The targets are also distinguishable. In Italy, for the last 2 to 3 years, judges and police have been targeted, in order to discourage prosecutions. The social backgrounds of the terrorists also are different—a greater percentage of Italian terrorists come from working class backgrounds. Since more Italians appear to be dissatisfied with their living conditions, more motivations for violence are present.

III

VIEWS OF SELECTED ACADEMICS

The Delegation met in Berlin with the following academics:

Professor Uwe Wessel: Professor of Law and the History of Law; Member of the 3rd International Russell Tribunal (concerned with civil rights in Germany); Vice President of University in 1969, during birth of terrorism.

Dr. Albrecht Funk: Sociologist working on research project dealing with changes in police development and structure during the last 10 years.

Dr. Falco Werkentin. Criminologist, also on aforementioned project; associated with civil liberties groups on issues of communications, criminal records.

Professor Rolf-Dieter Narr: Professor of law; member of Russell Tribunal; civil rights expert.

The development of West German terrorism during the period 1969-77 evolved in response to traditional German institutional structures and attitudes toward political problems:

(1) The post-war German prevailing ideology has been rigidly anti-communist which in turn created a political atmosphere intolerant of leftist opinion critical of official institutions. Communism perceived as monolithic, invariably linked to Soviet control. This attitude sharpened the antagonism to any leftist criticism, and thereby forced these critics out of the mainstream of German political action. For example, in the early years of the student movement, 1965-1967, the press generally was supportive. When the state responded by branding the students as Communist or Communist-inspired, however, public opinion changed.

(2) Authoritarian attitudes found in German society, and particularly pronounced with respect to the German university system, molded the creation of the terrorists. Students (some of whom later became terrorists) began by revolting against the "deification" of German professors and the rigid, highly stratified university system. This attitude may explain why German terrorism was born in Berlin rather than some other German location. Created after World War II as an anti-Communist university, the school was more politically concerned than others. Although professors ascribed to the usual authoritarian style, it was not justified by ability; in fact, the quality of professors was considerably less than at other universities. This led to a heightened sense of hypocrisy and contempt by students.

(3) The security of the state has been an important factor in German political history. Unlike the U.S., the constitutional tradition and constitutionally based individual rights are of relatively recent vintage, dating back only to the 1949 constitution. That constitution was modeled largely on an English system alien to German history and tradition. As a result, the courts and other instruments of the state still tend to defer to the security needs of the state at the expense of the civil liberties of its citizens. This may explain the severity with which the state responded to students who began by protesting university

conditions, and who later moved on to anti-Vietnam and anti-Shah demonstrations. For example, one person was sentenced to 18 months imprisonment for blocking the road in the anti-Springer demonstration; he subsequently became a terrorist. Another person was given 6 months pre-trial detention for stone throwing; he later was acquitted and became a terrorist. This is in marked contrast to the less severe response of the legal system to the student movement in the U.S.

During this period of student unrest, the state began building up its security apparatus. Part of this apparatus is a computer system utilized by both the police and secret service, which was expanded to include increasing amounts of data about citizens. The system (actually two systems) contains not only data in the nature of political intelligence, but also personal data that is subject to privacy interests (e.g., employment and school records). While the Berlin group recognized the effectiveness of this apparatus in the search for terrorists, they also expressed concern that the computer systems (like all the apparatus and legal changes instituted to deal with the specific threat of indigenous terrorism) was being used generally, i.e., to investigate all crimes, and to monitor the activities of non-terrorist, leftist activists.

This expanded computer system, they felt, reflects a fundamental shift in the philosophy about the appropriate role for the police play in the society: its function is now seen as pro-active, rather than merely reactive. That is, it is believed that the government should help develop the society by shaping its internal policies.

The imposition of this apparatus and the aforementioned severe penalties against student demonstrators resulted in the feeling that radical change was being closed off. In a sense, then, according to the Berlin group, some people in the first generation of terrorists were motivated to terrorism by the over reaction of the State. They also were radicalized by their profound disappointment at not realizing their aims, which were grandiose and wholly unrealistic, for these German students wanted nothing short of the creation of a socialist society (although not of the East German or Soviet variety). This attitude stands in sharp contrast to the more limited and moralistic goals of American student demonstrators of the same era, who were concerned primarily about Vietnam and civil rights, and held no illusion about the overthrow of the state. This may help explain why American protestors moved back into the mainstream of American political life without the creation of a significant terrorist fringe.

The response of the state to terrorism has paralleled the distinct stages that characterize the development of German terrorism. By 1972, most of the first generation of ideologically motivated terrorists (the Bader-Meinhoff gang) had been caught, but by 1975, a second generation of terrorists had begun activities, motivated primarily by the conditions of imprisonment of the first generation. By 1977, a third generation was active.

In each period, changes were made in the system to deal with the changing problems. In 1972, investigation of terrorist acts was made more centralized, with more authority given to the BKA. The computer system was advanced. The Border police were given authority to

intervene in daily acts. To further facilitate search and prosecution, changes in the criminal law and the law of criminal procedure were made, starting in about 1974. On such law, for example, contained a broadly drawn criminalization of "the propagation of violence."

Because the original core of terrorists was known, they were relatively easy to catch. But their trials created new problems for the judicial systems, which lead, in 1975, to changes in the court system (such as limiting lawyer-client contacts, and in some instances, barring it altogether.) The Berlin group believes the latter changes in particular were not warranted, either factually or legally. A fundamental principle of due process was sacrificed without any appreciable benefit. The change was urged because of the belief that lawyers for the terrorists were operating as couriers of information between imprisoned terrorists and those on the outside. However, it appears that these beliefs were unfounded at the time the legal charge was instituted. (In 1972, a lawyer in the Steinheim trial was suspected of having transported a letter; however, despite 7 years of investigation and suspicion, no charges were ever brought.) Moreover, the one time the contact ban law was applied, information continued to flow back and forth between the prison and the outside world. The laws were ineffective as well as overreaching. Again, the Berlin group hypothesizes that this over-reaction of the state helped radicalize the lawyers for the terrorists, a few of whom then went underground with the terrorists.

In the opinion of the Berlin group these laws had no effect on diminishing terrorism, but they did poison the political atmosphere. Terrorism has been reduced not because of these laws, but because the terrorists lost support even among leftists, particularly after the terrorists directed their violence against persons. The effectiveness of the BKA also can be credited, especially with respect to apprehending the second and third generation of terrorists. On the other hand, the build-up of the police intelligence apparatus may have inspired more violence.

There appears to be some evidence that the state recognizes that some of these changes have been overreactions and ineffective. There is movement in the Bundestag to abolish two of the more controversial changes in the criminal law, the aforementioned propagation of violence law and the contact ban act.

The action of the state has had a preventive effect on terrorism, by restricting terrorists' movements and forcing them to dissipate their energies in trying to keep from being caught.

However there is a limit to the usefulness of such tactics. First, this preventive effect also affects the lawful activities of citizens who are made to feel intimidated and paranoid. Second, these feelings appear to have no such effect on groups that are now perpetrating some of the acts of violence in Germany, i.e. the "marginal" groups, such as the Turkish immigrants.⁶

According to the Berlin group, this is the form the third generation of terrorism is in fact taking. The first and second generations were, to varying degrees, ideologically inspired, while the most recent generation is involved in more ordinary criminal activity and is motivated primarily by desperation.

⁶ As noted in Section II above, even the German officials indicated that such deterrents would not prevent sporadic, impulsive and international acts of violence.

IV
VIEWS OF SELECTED MEMBERS OF THE ITALIAN
PARLIAMENT

The Delegation met in Rome with the following members of the Italian Parliament:

Honorable Luigi Covatta (Socialist Party),
Honorable Aldo Ajello (Radical Party),
Senator Francesco Paolo Bonifacio (Christian Democrat),
Senator Gaetano Scamarco (Socialist Party).

Senator Bonifacio spoke about a recent meeting in Strasburg of all member countries of the Council of Europe to discuss terrorism. Senator Bonifacio was in charge of giving a general report on the legislative approach in the various countries for preventive and repressive purposes. The basic point on which everyone agreed is that terrorism aims at destroying the democratic system. The answer then is to use lawful means of prevention and repression consistent with democratic principles, because any deviation from such a line of action would serve the purposes of terrorism. The common attitude of the democratic countries of Europe can be defined with the expression: democracy must be faithful to itself even in the face of terrorism. Italy has been following this principles. It has used all the space allowed by its Constitution to take measures against terrorism, but without ever infringing upon the basic principles of democracy. Even so it has been possible to obtain positive results. The idea of international cooperation is extremely important, considering that the destabilization of one democratic system cannot help affecting others.

One obstacle presented by several constitutions (including that of Italy) can be found in the rules preventing extradition for political crimes. This principle finds its origin in the liberal legislation of the last century, and is intended to protect the individual from political persecution in his country. This idea, however, should no longer be entertained in democratic countries which share a respect for human rights and the basic principles of democracy—particularly in countries of the Council of Europe. Senator Bonifacio concluded by noting the unanimous consensus of all political forces in the fight against terrorism in Italy.

Representative Covatta expressed his agreement, particularly on two points: the fact that in Italy the measure against terrorism have been kept within the limits of democracy, and have at the same time obtained some positive results; and the fact that a complete solidarity exists on the basic principles of the fight against terrorism. This is very important, he added, because it would have been very dangerous if terrorism had caused divisions among political forces, or had become an element of the political and institutional struggle. As regards international cooperation, aside from measures concerning extradition, a common preventive action should

be carried out at international policy level within NATO and between NATO and its neighboring countries.

In an analysis of terrorism in Italy, the international component, linked to Italy's peculiar geographic and political situation, cannot be forgotten. Italy is at the center of the Mediterranean, on whose edges there are conflicts between different States and within the States themselves. On Italy are reflected the consequences of the Middle East struggles, and the recent fascist regimes of Greece, Portugal, and Spain, which have entailed consequent extra-parliamentary political struggles. In Italy there is a Communist Party which has taken positions of criticism against the USSR and Eastern countries, and it may (a personal suspicion) be in the interest of USSR State Services to destabilize the Italian political system. Even Italy, although we speak 40 years later, comes out of a fascist dictatorship, and in the initial period after the liberation war the coincidence between some sectors of the State organization and the principles of democracy was far from perfect. This does not mean that terrorism is imported into Italy: we are convinced—he said—that it has its roots in the historical and political conditions prevailing in Italy—it is an indigenous phenomenon. However, like perhaps all forms of terrorism, it finds cooperation and complicity in various foreign centers, in foreign political forces, in centers of power which use the so-called "armed party."

If we try to classify the various forms of terrorism which have appeared in the last 10-12 years, we can divide it into 4 categories:

(1) Fascist terrorism, of which the first instance was the mass murder in Milan in 1969, when a bomb was placed in a bank causing the death of 16 people. It was followed by other mass murders, the latest instance of which was a high-potential bomb placed in the waiting room of the Bologna railroad station on August 2, 1980, which killed 90 people. The characteristic of this type of terrorism is that it strikes indiscriminately into a crowd, without identifying a personal or political target, in order to create terror and insecurity. As regards the initial period of this kind of action, 1969-1974, with several mass-murders with some 100 victims, the Judiciary had identified those who were responsible and their links with centers abroad in fascist and formerly fascist countries, particularly Portugal, where there was a center equipped for the destabilization of Europe.

The second type is diffused terrorism, with an extreme leftist origin, which operates through minor acts of violence against individuals and crowds, preaching mass violence, demonstrations in the streets, beating of individuals, etc. This form of terrorism was extremely widespread in Italy from 1972/73 to 1978, and it was a degeneration of the student movements of 1968. It also involved some sabotage actions in factories, but not many because it was unable to penetrate the working class.

The third category is direct action of the Red Brigades and similar extreme leftist military organizations, which operate through murder and wounding of professionals selected for their social role or their ability to represent a social class. The targets, in other words, are selected in accordance with a symbolic logic. The murder of judges, lawyers, journalists, industrialists, etc. aims at destabilizing the State and often also at creating a movement of solidarity around the terrorist action. It is strange, however, that the victims are almost

never hateful figures (there was only one case of a psychiatrist in Turin who was wounded by the Red Brigades and who had already been sentenced in court for tortures to his patients). In other words, the focus is more on the effect of a terrorist action than on the establishment of a movement of opinion. In fact, the victims of the Red Brigades are generally true democrats, catholic democrats, socialists and communists, who have tried to preserve the democratic principles in the fight against terrorism, as though the Red Brigades wished to push the Republic of Italy towards a fascist attitude, in order to build, then, a revolutionary mood against an authoritative State.

Finally, the fourth category is a form of terrorism completely different from all others: the sort of political murder which found its most prominent and tragic example in the Moro assassination. Its different features give the impression that other forces may have used the Red Brigade action while indicating the targets, managing the strategy and monitoring the action. This, of course, is only an assumption; the methods used, and the very ability evidenced in the action, show a completely different approach.

One last remark: the State does not know of any link between terrorism and mafia, while it is well known that there are links between terrorism and common organized crime. The recruiting of terrorists takes place mostly in jails, among common criminals. It is suspected that links exist between terrorism and other centers of power both in Italy and abroad.

As regards the causes, two remarks can be made, aside from long philosophical considerations: (1) the generational crisis that has affected in particular the generation born after World War II, the Liberation War and the Resistance War. Many young people who now participate in the armed struggle come from good, democratic, middle class families, which sometimes have produced top-level intellectuals and businessmen. (2) the Italian Communist Party in the last 10-15 years has moved to democratic positions, rejecting violent actions which had been supported in the past. This has determined a reaction in the extremist sector which no longer feels represented by the traditional political forces, and organizes itself in a violent way.

This is the very complex picture of terrorism in Italy, which however, particularly in the last 2-3 years since the Moro murder, has been strongly affected by the police action. Hundreds of terrorists have been arrested; some terrorist leaders have given very useful confessions; hundreds of logistic and operational bases have been discovered. Yet, terrorism is far from having been won on the military plane, although it is beaten on the political plane.

Senator Scamarcio added a comment. He and Rep. Cavatta are members of the Moro Committee, composed of 40 Parliament members, and tasked with investigating not only on the Moro case, but also terrorism in Italy. This latter study will be conducted in 1981. He advocated firmer action against terrorism, mentioned the statement of the Minister of the Interior that it is known that the Czech State car industry Skoda spent 870 million lira to finance terrorism in Italy, and complained that it has not been possible yet to discover where Moro was held during his kidnap.

Rep. Covatta then observed that there has never been a direct confrontation between red terrorism and black terrorism, that there is a sort of black season, which then subsides, while the red season begins. This is strange, he observed, but it is also a positive fact, because at least Italy doesn't have the South American chain of action and reaction (the death squadrons).

Senator Ajello then mentioned that the Italian Parliament is now considering for ratification two agreements, one signed by all members of the Council of Europe in Strasbourg, and the other signed in Dublin by EEC members, both setting out the basic rules to make extradition possible for terrorists. The process will be long, however, because there are obstacles in the various Constitutions, in the formulation of the principles of protection against political persecution. Among other things, some countries have death penalty and some do not.

To a question on international police cooperation, Honorable Covatta replied that the official police services do cooperate, in the framework of the Bern agreement, signed by all NATO and EEC countries plus Switzerland, for exchange of information and technical cooperation. The same cannot be said of intelligence services, where other forces operate which are linked to friendly, non-NATO, States and Forces, such as Israel and the PLO.

Congressman Edwards then asked if there was any advice or warning that he could take back for the prevention of such a plague. Honorable Covatta observed that the very nature of the American society protects it. The Italian system is blocked, with the same party—the same people—in power for 30 years, while the U.S., with its political and cultural mobility gives the possibility, or at least the illusion, to each sector of society of being represented in the Government. He observed that the special police laws passed with the support of the Italian Communist Party and the opposition of the Radical Party were not responsible for the success obtained in Italy in the fight against terrorism, and therefore recommended a democratic loyalty in those who operate to prevent and repress terrorism. He also said that Italy needs cooperation and assistance at all levels, including common crime, drugs, arms trade, exchange of military information and above all peace and détente.

Senator Ajello concurred with Honorable Covatta's evaluation. The immobility of the Italian political system, the existence of one-party rule, have inevitably created a mechanism for corruption, and the consequent loss of confidence by citizens towards traditional democratic mechanisms. The opposition in 1968 appeared in the streets rather than in Parliament because in the former, a more tolerant attitude towards change was found. Likewise, terrorism was born in Germany during a period of coalition government, when political alternatives to the ruling party seemed to be closed off.

Hence, he stressed the need for change in power, for which the Communist Party in Italy must inevitably be taken into consideration. The solution to the problem, he concluded, is not in the introduction of restrictive legislation, which have only worsened the civil liberties situation without contributing to success in controlling terrorism. Rather, the solution lies in a better and more efficient application of existing legislation and in the creation of true democratic conditions of an alternative in power.

VIEWS OF SELECTED JOURNALISTS IN ITALY

The delegation met in Rome with Claire Sterling, author of an upcoming book on international network of terrorism, Sandra Bonzanti, journalist with *La Stampa*, and Domenico Bartoli, journalist with *Giornale Nuovo*.

Role of the Communist Party

According to the three journalists, the Communist Party in Italy (CPI) has played an important, albeit indirect, role in the development of Italian terrorism. Since World War II, the CPI has endeavored to win popular support and a role in a coalition government by becoming increasingly nationalist and democratic. Because left-wing terrorists derived their ideology from Marxist-Leninist theory, the terrorist movement is seen as a threat to popular acceptance of the CPI, and the party therefore has struggled to disassociate itself from that movement. In the beginning, the CPI even denied the existence of left-wing terrorists, blaming all terrorist acts in Italy on the right ("black" terrorists, as opposed to left, or "red" terrorists). Likewise, the left-wing terrorists themselves have expressed disgust with the CPI, perceiving it as irredeemably bourgeois. It is theorized by many in Italy that the movement of the CPI to a centrist, accommodating position in itself was a cause of the growth of terrorism in Italy, in that there was no longer a viable, left-wing organized party committed to the violent overthrow of the government to which the inchoate terrorists could be drawn. In a sense, the Italian left-wing terrorists is a real party, relatively large, violent and akin to the "old style" Italian communist party. The journalists suggested that one motivation of these terrorists may be simply to force the CPI itself back into this role.

Causes of terrorism

Right-wing terrorists want a return to a fascistic state. Like the left-wing, they seek to de-stabilize the state in order to provoke a revolution. Both wings are motivated by a profound dissatisfaction "with things as they are." The journalists pointed in particular to corruption in the government and the parties in power, and the constantly changing lines in those parties as sources of this discontent.

The fact that for the past 32 years, the same party (and the same personalities) have been in power has created the sense that no reasonable alternatives are possible. Hence, frustrations with the state cannot flow in the usual, constructive ways. The political instability of the state (despite its virtual one party-rule) also creates the impression that the regime is fragile and that violent opposition may be productive.

The unemployment of Italian university graduates is a further source of discontent. The "open-university" policy of Italian universi-

ties in recent years has produced an abundance of unemployable and often underqualified terrorists. These universities continue to provide a source of recruits and support for the terrorists.

Response of the state

The journalists were particularly critical of the fact that Italian police are fractionalized, with insufficient coordination on the terrorist problem. They also blamed the overly liberal criminal law and law of procedure instituted after the war, which put unprecedented restraints on the police (e.g. until recently, police could not interrogate suspects after their arrest.) Furthermore, the "reform" of the secret service in 1977 in effect destroyed their anti-terrorist intelligence capability, with virtually no informants left operational.

On the other hand, significant advances have been made by virtue of a new law that permits halving or otherwise reducing the sentences of imprisoned terrorists, in return for collaboration. Police have also been helped by the terrorist tendency to write things down ("for history") hence, searches of safe houses have been particularly fruitful.

The police in Italy (in contrast to Germany) are hampered by the reluctance of the population to assist them, which flows from the weak tradition of civic duty within the society.

A continuing problem is the fact that the first generation of terrorists (now almost all imprisoned) continue to play an instrumental role in planning current terrorist acts. How the information is relayed to the outside is unknown but the recent kidnapping of D'Urso (the magistrate of the prison housing many of these terrorists) underscores the importance the terrorists attach to this communication. The major demand of the terrorists in this incident has been that the isolated prison (on an island in the Mediterranean) be closed.

Terrorist "network"

According to one of the journalists, the advanced technology of terrorist crimes can be attributed to the support system that links terrorists in an international network. Support from Palestinian and South American terrorist groups, as well as from Libya and (indirectly, through support to Libya) from the Soviet government, has come primarily in the form of training, weapons, and exchange of information.

VI

VIEWS OF ITALIAN OFFICIALS

On the afternoon of December 18, 1980, the delegation met with the following representatives of the Italian Ministry of Interior:

Prefect Giovanni Coronas (Chief of Police);
Prefect Raffaele Santoro (Chief, Office of Coordination and Planning);
Chief Inspector General Federico D'Amato (Director of Police of the Frontier);
Chief Inspector General Gaspara De Francisci (Director of U.C.I.G.O.S.);
Vice Questore Sandro Milioni (U.C.I.G.O.S.);
Vice Questore Umberto Pierantoni (Chief, 1st Division S.I.S.D.E.);
Vice Questore Gaetano Piccolella (Chief of the Secretariat of the Police);
Vice Questore Antonio Ruggiero (Frontier Service).

Response and success

In their effort to show progress in restraining terrorism, the Ministry officials cited significant decreases in average monthly incidents of terrorism between 1979 and 1980. Similarly, they noted that explosions set off for the purpose of furthering extremist goals had fallen from 60 in 1970 to 30 in 1980 (excluding the bombing of the train station in Bologna). Cited as well were arrest figures dividing left-wing terrorists into four principal groups: the Red Brigades (with a total of 366 members now incarcerated and 47 wanted), those who oppose the use of nuclear facilities, better known as NAP (154 arrested and 3 wanted), the Primaligna, also known as the First Line (102 arrested and 41 wanted), Revolutionary Action (27 arrested and 3 wanted).

Collectively, right-wing terrorists have seen 249 of their comrades arrested during the past year while 38 continue at large. Ministry officials credited this recent success to the consequences following the Aldo Moro affair. In that case, former Premier Aldo Moro was kidnapped by the Red Brigades, generally considered the most violent of Italian left-wing terrorists, and his bullet-ridden body was ultimately found in the trunk of a car in downtown Rome. Throughout the negotiations between the terrorists and the Italian government, officials refused to accede to their demands, despite pleas from both Moro and his family. The incident so shocked Italian society that considerable support for left-wing terrorist causes, which had at times been both fashionable and widespread, was visibly reduced.

In addition, ministry officials cite two more reasons for their success: their recent willingness to plea bargain with convicted terrorists and the imposition of harsher bail policies. In the past, Italian law has been generally lenient with regard to bail requirements

for alleged offenders. However, when it became known that many terrorists were committing crimes while on pre-trial release, the Italian government sought to tighten and/or eliminate release for individuals charged with terrorist activities. Under current law, incarceration prior to trial can be achieved after a strong showing by the government and can be extended over a period of many months.

A prosecutorial practice which the American system takes for granted, plea bargaining, has also been recently adopted by Italy. Law enforcement officials have learned that many young terrorists, faced with years of incarceration as a result of their activities, have begun to cooperate with government authorities with the result that their sentences have been reduced. To date, authorities said, none of those who have cooperated have been killed or otherwise harmed. Authorities generally attribute most of their success to this new practice.

It should be noted that a possible ancillary cause for a reduction in terrorist activity may well be the policy of isolating criminals convicted of terrorism from other criminals and from their communication network. This is most frequently done by locating them in remote areas far from family and friends. The recent kidnapping in Rome of a magistrate underscored this concern when, as a principal demand, the Red Brigades wanted their colleagues who were incarcerated in a distant prison reassigned to newer facilities near major population centers and indeed demanded the closing of a number of remote maximum security prisons.

Another aspect of the law enforcement response which the ministry officials cited with approval was the extensive cooperation and exchange of information between the European Economic Community (EEC) countries. Computerized information systems in each country are all accessible to other member countries. Law enforcement officials often meet together and work together. This coordination is increasingly important as terrorists become more mobile and move across international bounds. (For example, while the study mission was in Rome, a major Italian terrorist was apprehended in France).

Origins

In discussing the origins of terrorism in Italy, the ministry officials indicated that right wing terrorism derives from traditional fascist ideology and remains true to that ideology. Left wing terrorism is felt to be harder to explain. The ministry officials pointed to the problems of marginal members of an underdeveloped society, noted that few known terrorists derive from the ranks of the unemployed or the lower echelons of society. Most are educated, middle class, their focus, at least initially was ideological, not economic.

In recent years, as in Germany this focus has changed somewhat as the terrorists have used the prisons as new sources of recruits and have used common criminals to help them get weapons and money. Thus the lives between terrorism and common crime become blurred.

The ministry officials indicated there was no proof of outside influence or direction in the Italian terrorist movement. There are indications of links and contacts with other terrorist groups: Italian terrorists have gone abroad for training, have hidden in foreign countries, presumably with the assistance of foreign terrorists or their sympathizers, have obtained weapons and explosives abroad, etc.

But the idea that there are foreign countries "pulling the strings" has no basis in fact.

One source of concern to the Italian government, however, was that there seems to be a substantial outer circle of sympathizers and support groups, both in Italy and abroad. These groups, often apparently made up of wealthy people, and members of the intelligentsia enable the terrorists to continue operating while not necessarily violating the law themselves. This broader support is not the case in Germany and may be one reason that the Federal Republic has been more successful in eliminating the terrorist problem.

APPENDIXES

APPENDIX 1

MAY 11, 1978.

Hon. DON EDWARDS,
Chairman, Subcommittee on Civil and Constitutional Rights,
Rayburn Building,
Washington, D C

DEAR DON: I am writing out of a growing concern for the twin problems of terrorism in our society and the proper governmental response to the threat of that terrorism.

I am concerned that we recognize the danger of terrorism and be prepared to deal with it. I am no less concerned that we deal with this growing epidemic of violence within the framework of our cherished Constitutional protections.

Former isolated instances of terrorism are now reaching serious proportions internationally. Our outrage and reaction must not strain our patience or strangle our reason. We must find ways to protect society but with the restraint characteristic of our principles of law.

There is a tendency on the part of some to overreact, to even suggest the possibility of relaxing Constitutional guarantees temporarily to meet the current exigencies. History, and recent history at that, has clearly demonstrated the error of that way.

There are presently pending before the Subcommittee on Criminal Justice and the Subcommittee on Administrative Law and Governmental Relations several different legislative proposals with regard to terrorism. However, because of the jurisdiction of your Subcommittee in connection with the F.B.I., it appears to me that, consonant with your oversight responsibilities, you might initiate some studies in this area. Not enough facts are readily available to us as yet to truly understand a proper response; whether or not sufficient resources are being utilized; whether adequate planning has taken place.

I would think that with the assistance of the G.A.O., your staff, or a combination of both, a great deal could be accomplished in this area in the months ahead.

It would be useful, before we begin our next authorization cycle, to have a written staff or Subcommittee report from you in this area.

While our resources are somewhat limited, I will instruct Alan Parker to try to provide you with additional assistance for this project if we possibly can.

Sincerely yours,

PETER W. RODINO, Jr.,
Chairman.

APPENDIX 2

SUMMARY DESCRIPTION OF THE RESEARCH PROJECT; "CAUSES OF TERRORISM"

1. OBJECTIVE

For the purpose of studying the causes of terrorism, the Government of the Federal Republic of Germany has established a scientific project group. Taking into account data and information available, the group will study the individual, group-dynamic, social and ideological conditions which have contributed to the development and spreading of terrorist violence in the Federal Republic of Germany, favoured terrorist careers, and have led to the development of terrorist groups.

So far, scientific discussion has clearly shown that the phenomenon of terrorism cannot be explained monocausally, that is, by one single reason. One should rather proceed from the fact that terrorism arises from a complex network of causes. Interdisciplinary cooperation is therefore a characteristic feature of the project "Research into the causes of terrorism". Recognized members of different disciplines are participating in the project: criminology, psychology, sociology, and political science, law and philosophy.

The aim of research work into the causes of terrorism is to fill gaps of knowledge, and also to overcome preconceived ideas and make public discussion more objective. Research into the causes is to contribute to an objective assessment of terrorism. It is intended to develop realistic approaches for the prevention of terrorism, by means of research. For the time being this research project which is subsidized by the Federal Government is the only major project in the Federal Republic dealing with the systematic investigation and evaluation of the causes of terrorism. In view of the partly contradictory hypotheses regarding the cause of terrorism, the attempt of interdisciplinary, empirically oriented research appears to be of particular importance.

2. STRUCTURING OF THE PROJECT

The research project is divided into four sub-projects:

- Project 1: Analysis of *curricula vitae*,
- Project 2: Group formation and group dynamics,
- Project 3: Social preconditions for terrorism,
- Project 4: Ideological influence on terrorism.

The methodical approaches within the individual sub-projects differ. They range from analyses, study of sources and examination of files, comparative investigations, qualitative opinion polls to comprehensive surveys. As far as possible, it is intended to investigate the development of terrorism from 1968 to 1978 in respect of all these areas of interest.

2.1 Project 1: Analysis of *curricula vitae*

The sub-project "Analysis of *curricula vitae*" will investigate and analyze biographical facts and social data of about 250 persons who have committed or supported violent terrorist acts, including both "right-wing" and terrorists. These data, and left-wing" *inter alia*, are to furnish information on origin and family, on the role of important background individuals and examples, on key experience and thus also on the individual response to actions taken by the State. Personal failure in social and political activities is a further aspect under which the data will be explored. Other factors are techniques of self justification and objection on the part of the persons studied as well as symptoms suggesting the reduction of inhibitions. The systematic evaluation of biographical material is to help recognize the turning points which lead over to a terrorist career when additional for example, organizational and ideological—preconditions exist.

(34)

Already in December 1977, useful preparatory work for this sub-project was accomplished by way of evaluating the *curricula vitae* of about 4 presumed terrorists wanted under warrants of arrest. The study shows, for example, a high participation of women in terrorist groups, markedly higher than the percentage of women involved in general crime. Further striking data were: the number of presumed terrorists, included in the study, who had grown up in large cities was above average; in most cases they come from families where many indications suggest that their family life was in some way disturbed. A high percentage of the persons studied come from large families of the so-called upper class and upper middle class; their level of education is distinctly above that of the average population. However, the relatively limited volume of data available for this study restricts the interpretative value of the results to a considerable extent. Nevertheless, the preliminary study has given rise to a number of hypotheses, and in the framework of the more comprehensive sub-project "Analysis of *curricula vitae*" it will be enlarged under both qualitative and quantitative aspects.

2.2 Project 2: Group formation and group dynamics

The second sub-project will analyze the formation of groups and group dynamics. Points of interest are the development, recruitment and structures of terrorist organizations, the role of coercion exercised by the group, detachment from social reality, processes of isolation and escalation. The scientists will analyze and compare group phenomena of different terrorist organizations (e.g. SPK Heidelberg, 2. Juni, RAF). Empirical studies already available will be taken into account. Sub-project 2 focuses on the specific processes and structures of terrorist groups the members of which are in most cases cut off from social alternatives outside their groups. Irrespective of ideological and strategic conditions, it seems that the causes for terrorist activities are also rooted in the "internal" demand for action in terrorist groups. Therefore the question is raised why these terrorist groups need actions: are these actions used, for instance, for testing individual members, as opportunities of experimenting and training or even as an outlet of internal tensions and for remobilizing slackening motivation? In order to judge the group's capability to act, the question must be clarified as to whether and how problems of leadership have been solved, work sharing and specialization have been enforced, how mutual confidence has been ensured and failures in the past have been assimilated within the group. Extraordinary efforts within a group seem to be necessary to increase the belief in the "legality and success" of terrorist action to the point of covering up and suppressing doubts held by individual members.

The subject of a further study within the framework of sub-project 2 "Group formation and group dynamics" will be the social relations among terrorists, as well as between terrorists and sympathizers and contacts. By means of clique and cluster analyses it is intended to examine whether an assignment of functions has developed within and among the different groups, how to describe the structure with regard to the solidarity and accessibility of group members at what time certain groups have come into existence and/or when they have dissolved. Finally, it would have to be studied whether the contact basis and the sympathizer scene are homogeneous or incoherent, or whether there are certain nuclei of crystallization.

2.3 Project 3: Social Preconditions for terrorism

The purpose of the third sub-project is to study the social preconditions of terrorism, i.e. questions relating to the loss of legitimation and authority, the lack of social integration and the correlations between terrorism and reactions by State and society.

Like in Italy and Japan, the aim of terrorism in Germany does not primarily consist in putting through manifest social, economic and political interests which are said to be subdued in the social system of the Federal Republic, but in answering the fundamental question as to the legitimacy of the political and social order. This form of terrorism prevails in countries having experienced major historical interruptions in their national development and having a relatively young democratic tradition. The years 1918, 1933 and 1945, for instance, mark such interruptions in the German national development; in addition to this, the existence of a strong tradition of unpolitical thinking can be proved from experience. This is why there seems to be a connection between the legitimacy, respectively the alleged weakness of legitimacy, of the democratic system, on the one hand, and terrorism, on the other hand. Within the framework of a methodologically comprehensive study (representative survey, and analysis of institutions), it is to be clarified what types of events, experience, information and political action produce legitimacy, and on the other hand, by what kind of events legitimacy can be shattered.

If terrorism in the Federal Republic of Germany is considered as one of the products of the disintegration of the youth and students' movement of the late sixties, the question necessarily arises why the youth movement in other countries—where it had also been rather vehement—has "collapsed" into other forms. Response by State and society to the protest movements was different in the various countries and may possibly have had a decisive influence on the ensuing development and the consequential effects. This sub-project is therefore intended to investigate whether certain social and political features are of importance with regard to the development of terrorism, such as social and political control procedures of a suppressive and integrating nature, the possibilities of implementing (partial) aims of the movement through institutional political channels as well as on the social level; and the frankness with which these aims can at least be discussed.

2.4 Project 4: Ideological influences on terrorism

In the fourth sub-project "Ideological influences on terrorism" it will be examined with what kind of arguments terrorists try to legitimate their activities, which theories, respectively fragments of theories, they take account of in their ideological "contraptions". In this context, ideological differences between terrorist groups will be set forth in an international comparison (Germany/Italy). Moreover, it is intended to clarify the role of ideologies and theories with regard to the actions of terrorist groups, that is to say, whether ideologies constitute an incentive to act, or whether they are a subsequent justification of already existing objectives of aggression.

3. The submission of the research reports of the sub-groups is scheduled for the end of 1980, the presentation of the integrated report on the whole project is expected early in 1981.

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