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INTELS, CIVIL AND CRIMINAL DISORDERS

HEARINGS
PERMANENT
SUBCOMMITTEE OF INVESTIGATIONS
OF THE
COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE

62879

RIOTS, CIVIL AND CRIMINAL DISORDERS

HEARINGS
BEFORE THE
PERMANENT
SUBCOMMITTEE ON INVESTIGATIONS
OF THE
COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
NINETY-FIRST CONGRESS
SECOND SESSION

PURSUANT TO SENATE RESOLUTION 308, 91ST CONGRESS

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RIOTS, CIVIL AND CRIMINAL DISORDERS

WEDNESDAY, JULY 15, 1970

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met at 10:05 a.m., in room 3302, New Senate Office Building, pursuant to Senate Resolution 308, agreed to February 16, 1970, Senator John L. McClellan (chairman of the subcommittee) presiding.

Members of the subcommittee present: Senator John L. McClellan, Democrat, Arkansas; Senator Abraham A. Ribicoff, Democrat, Connecticut; Senator Lee Metcalf, Democrat, Montana; Senator Jacob K. Javits, Republican, New York; Senator Charles H. Percy, Republican, Illinois, and Senator Edward J. Gurney, Republican, Florida.

Members of the professional staff present: Jerome S. Adlerman, general counsel; Philip W. Morgan, chief counsel to the minority; Philip R. Manuel, investigator; Daniel Harris, General Accounting Office, and Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

(Members of the subcommittee present at time of convening: Senators McClellan, Ribicoff, Metcalf, and Gurney.)

The CHAIRMAN. The Chair will make a brief opening statement.

Today, we begin a series of hearings into the outbreak and proliferation of terroristic and criminal bombings which have occurred in the United States.

This investigation is a part of and continues the subcommittee's inquiry into riots and civil and criminal disorders.

The Committee on Government Operations was authorized and directed by the Senate to make a full and complete study and investigation of riots, and that authority was delegated to this subcommittee.

Our jurisdiction in this field includes investigation of riots themselves, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, and the commission of crime in connection therewith.

We also have the duty of seeking to determine the immediate and longstanding causes, the extent and effect of such occurrences and crimes, and measures necessary for their immediate and long-range prevention, for the preservation of law and order, and for the maintenance of domestic tranquility within the United States.

The increased incidence of bombings and arson which have plagued the Nation during the last year and a half clearly indicates that the United States is experiencing a phenomenon unparalleled in our history.

(5313)

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Bombings, terrorism, and sabotage are not subjects which have been historically and traditionally familiar to the American people.

In the recent past, however, public consciousness of the serious threat created by these crimes has been aroused to some extent by headlines telling us almost daily about terrible explosions which have caused deaths, injuries, and extensive property damage.

Certain examples come to mind—the explosion which severely damaged the headquarters of the Nation's largest police department in New York City; the blasts in numerous skyscrapers in that city; the firebombing of Latin American embassies in Washington, D.C., and the detonation of a "bomb factory" occupied by known revolutionaries dedicated to violence.

These and a great number of similar incidents, when viewed collectively, portend a very grave danger to our internal security and our peaceful way of life.

The bombings and the attempted bombings must be stopped if we are to enjoy a tranquil society and insure the safety of our citizens.

In order to provide the Congress with essential facts upon which to base its consideration of necessary legislation in this field, the subcommittee will examine in depth three separate aspects of the bombings and terrorism that have plagued our Nation in recent months.

We will hear testimony about the patterns and incidence of bombings, both explosive and incendiary, which have occurred in the United States since January 1, 1969, and develop the facts associated with certain major examples, including attacks against Federal and local government property, police departments, and large industrial concerns.

Second, we will hear testimony about the sources and types of printed material which instructs individuals in the manufacture of explosive and incendiary devices and the manner of distribution of such material.

This printed matter includes reproductions of U.S. Army manuals which are available from certain mail order houses, articles printed in so-called underground newspapers, and documents which are secretly circulated among extremist organizations.

Approximately 1 year ago this subcommittee held hearings on the activities of four major extremist organizations—the Students for a Democratic Society, the Black Panther Party, the Student Non-Violent Coordinating Committee, and the Republic of New Africa.

More than 20 exhibits in those hearings showed clearly that members of these groups distributed newspapers, books, and pamphlets containing details on making incendiary and explosive bombs, ranging from simple Molotov cocktails to highly sophisticated devices made of dynamite or nitroglycerine.

We have developed evidence in this current inquiry which will show that other extremist groups such as the American Nazi Party and the Minutemen are also distributors and disseminators of such material.

In my view, the circulation of printed instructions on bombmaking and tactics on guerrilla warfare constitute a serious and challenging threat to our society.

The third aspect of the problem to be examined in these hearings relates to the substantial clandestine traffic in explosives.

Testimony will disclose how dynamite and other explosives get into the hands of the bombers. Witnesses will testify about sales, thefts, transportation, and control of such materials.

I am deeply concerned about reports of substantial increases in thefts of dynamite and other explosive products. Our preliminary inquiry indicates that both State and Federal regulations relating to the manufacture, transportation, storage, and sale of explosive materials may be inadequate in a number of respects. Certainly they should be subject to searching examination in order to determine whether more stringent and exacting security measures should be imposed.

New or revised Federal statutes may be considered necessary to keep such deadly weapons from criminals and malcontents.

As an example of the need for further public protection, it should be noted that in some States it is illegal to buy firecrackers and fireworks while sticks of dynamite may be purchased without difficulty.

In order to develop fully the facts on these three aspects of the bombing problem, the subcommittee will hear testimony from officials of the Departments of the Treasury, Justice, Defense, the Post Office, and the General Services Administration.

We also will have as witnesses local officials whose jurisdictions have been most seriously affected by waves of bombings and arson. These include New York City and Seattle, and the States of California, Illinois, and Iowa. Representatives of the explosives industry and other concerned groups also will testify.

The large chart in the hearing room shows the startling and disturbing statistics relating to a nationwide survey of bombings which was undertaken by the Department of the Treasury at the subcommittee's request.

This chart, I understand, will be verified and attested to by a proper official of the Treasury Department.

The first witness, Assistant Secretary of the Treasury Eugene Rossides, will explain the statistics shown on the chart.

(At this point Senator Percy entered the hearing room.)

The CHAIRMAN. Before we call Mr. Rossides to testify, I wish to emphasize that the act of setting off a bomb is one of the most cowardly and heinous crimes committed. In no sense of the word can such an act be viewed as legitimate dissent or protest.

The bombers have as their objectives the breakdown of the democratic process and the destruction of our society. They seek to prevent due process of law, and if they continue their nefarious deeds with any degree of success, they can hinder and do great damage to our opportunities to improve race relations. They can cause tremendous overreaction and repression. These criminals must not be permitted to succeed in their efforts to achieve these goals by these means.

I hope that the factual information and revelations made during this investigation will make the Congress and the public keenly aware of the gravity of the threat, and also provide information that will serve as the base or bases for needed legislation, if any, to effectively and adequately deal with the problem.

Senators, have you any comments?

Senator PERCY. Mr. Chairman, I would simply like to say that I think these hearings are extremely important. We have a great danger in our country. If the extremism of the left is permitted to continue as it has, there will be extremism of the right.

"(7) The 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"(8) The term 'short-barreled rifle' means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

"(9) The term 'importer' means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term 'licensed importer' means any such person licensed under the provisions of this chapter.

"(10) The term 'manufacturer' means any person engaged in the manufacture of firearms or ammunition for purposes of sale or distribution; and the term 'licensed manufacturer' means any such person licensed under the provisions of this chapter.

"(11) The term 'dealer' means (A) any person engaged in the business of selling firearms or ammunition at wholesale or retail, (B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter.

"(12) The term 'pawnbroker' means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money.

"(13) The term 'collector' means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics, as the Secretary shall by regulation define, and the term 'licensed collector' means any such person licensed under the provisions of this chapter.

"(14) The term 'indictment' includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

"(15) The term 'fugitive from justice' means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

"(16) The term 'antique firearm' means—

"(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

"(B) any replica, or any firearm described in subparagraph (A) if such replica—

"(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

"(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

"(17) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

"(18) The term 'Secretary' or 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.

"(19) The term 'published ordinance' means a published law of any political subdivision of a State, which the Secretary determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Secretary, which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter.

"(20) The term 'crime punishable by imprisonment for a term exceeding one year' shall not include (A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate, or (B) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

"(b) For the purposes of this chapter, a member of the Armed Forces on active duty is a resident of the State in which his permanent duty station is located.

"§ 922. Unlawful acts

"(a) It shall be unlawful—

"(1) for any person, except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms or ammunition, or in the course of such business to ship, transport, or receive any firearm or ammunition in interstate or foreign commerce;

"(2) for any importer, manufacturer, dealer, or collector licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce any firearm or ammunition to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, except that—

"(A) this paragraph and subsection (b) (3) shall not be held to preclude a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received; and this paragraph shall not be held to preclude an individual from mailing a firearm owned in compliance with Federal, State, and local law to a licensed importer, licensed manufacturer, or licensed dealer for the sole purpose of repair or customizing;

"(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of this title, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty; and

"(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States;

"(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, the State where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that State, except that this paragraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (B) shall not apply to the transportation or receipt of a rifle or shotgun obtained in conformity with the provisions of subsection (b) (3) of this section, and (C) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of this chapter;

"(4) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5345 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity;

"(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe resides in any State other than that in which the transferor resides (or other than that in which its place of business is located if the transferor is a corporation or other business entity); except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by interstate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes; and

"(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed

manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.

"(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—

"(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age.

"(2) any firearm or ammunition to any person in any State where the purchase or possession by such person of such firearm or ammunition would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance;

"(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located, except that this paragraph (A) shall not apply to the sale or delivery of a rifle or shotgun to a resident of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of sale in both such contiguous States, and the purchaser and the licensee have, prior to the sale, or delivery for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) applicable to intrastate transactions other than at the licensee's business premises, (B) shall not apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes, and (C) shall not preclude any person who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in a State other than his State of residence and whose rifle or shotgun has been lost or stolen or has become inoperative in such other State, from purchasing a rifle or shotgun in such other State from a licensed dealer if such person presents to such dealer a sworn statement (i) that his rifle or shotgun was lost or stolen or became inoperative while participating in such a match or contest, or while engaged in hunting, in such other State, and (ii) identifying the chief law enforcement officer of the locality in which such person resides, to whom such licensed dealer shall forward such statement by registered mail;

"(4) to any person any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity; and

"(5) any firearm or ammunition to any person unless the licensee notes in his records, required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3), and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors. Paragraph (4) of this subsection shall not apply to a sale or delivery to any research organization designated by the Secretary.

"(c) In any case not otherwise prohibited by this chapter, a licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a person who does not appear in person at the licensee's business premises (other than another licensed importer, manufacturer, or dealer) only if—

"(1) the transferee submits to the transferor a sworn statement in the following form:

"Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle, I am eighteen years or more of age; that I am not prohibited by the provisions of chapter 44 of title 18, United States Code, from receiving a firearm in

interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are _____

Signature _____ Date _____

and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance;

"(2) the transferor has, prior to the shipment or delivery of the firearm, forwarded by registered or certified mail (return receipt requested) a copy of the sworn statement, together with a description of the firearm, in a form prescribed by the Secretary, to the chief law enforcement officer of the transferee's place of residence, and has received a return receipt evidencing delivery of the statement or has had the statement returned due to the refusal of the named addressee to accept such letter in accordance with United States Post Office Department regulations; and

"(3) the transferor has delayed shipment or delivery for a period of at least seven days following receipt of the notification of the acceptance or refusal of delivery of the statement.

A copy of the sworn statement and a copy of the notification to the local law enforcement officer, together with evidence of receipt or rejection of that notification shall be retained by the licensee as a part of the records required to be kept under section 923(g).

"(d) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—

"(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) is a fugitive from justice;

"(3) is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

"(4) has been adjudicated as a mental defective or has been committed to any mental institution.

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

"(e) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped; except that any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of the trip without violating any of the provisions of this chapter.

"(f) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of the provisions of this chapter.

"(g) It shall be unlawful for any person—

"(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) who is a fugitive from justice;

"(3) who is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food,

Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

"(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
to ship or transport any firearm or ammunition in interstate or foreign commerce.

"(h) It shall be unlawful for any person—

"(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) who is a fugitive from justice;

"(3) who is unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

"(4) who has been adjudicated as a mental defective or who has been committed to any mental institution;

to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

"(i) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

"(j) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, or which constitutes, interstate or foreign commerce, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

"(k) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered.

"(l) Except as provided in section 925(d) of this chapter, it shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition; and it shall be unlawful for any person knowingly to receive any firearms or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

"(m) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, or to fail to make appropriate entry in, or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

"§ 923. Licensing

"(a) No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received license to do so from, the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. Each applicant shall pay a fee for obtaining such a license, separate fee being required for each place in which the applicant is to do business as follows:

"(1) If the applicant is a manufacturer—

"(A) of destructive devices, a fee of \$1,000 per year;

"(B) of firearms other than destructive devices, a fee of \$50 per year;

or

"(C) of ammunition for firearms other than destructive devices, a fee of \$10 per year.

"(2) If the applicant is an importer—

"(A) of destructive devices or ammunition for destructive devices, a fee of \$1,000 per year; or

"(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, a fee of \$50 per year.

"(3) If the applicant is a dealer—

"(A) in destructive devices or ammunition for destructive devices, a fee of \$1,000 per year;

"(B) who is a pawnbroker dealing in firearms other than destructive devices or ammunition for firearms other than destructive devices, a fee of \$25 per year; or

"(C) who is not a dealer in destructive devices or a pawnbroker, a fee of \$10 per year.

"(b) Any person desiring to be licensed as a collector shall file an application for such license with the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. The fee for such license shall be \$10 per year. Any license granted under this subsection shall only apply to transactions in curios and relics.

"(c) Upon the filing of a proper application and payment of the prescribed fee, the Secretary shall issue to a qualified applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license.

"(d) (1) Any application submitted under subsection (a) or (b) of this section shall be approved if—

"(A) the applicant is twenty-one years of age or over;

"(B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922 (g) and (h) of this chapter;

"(C) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

"(D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application; and

"(E) the applicant has in a State (i) premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time, or (ii) in the case of a collector, premises from which he conducts his collecting subject to license under this chapter or from which he intends to conduct such collecting within a reasonable period of time.

"(2) The Secretary must approve or deny an application for a license within the forty-five-day period beginning on the date it is received. If the Secretary fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Secretary to act. If the Secretary approves an applicant's application, such applicant shall be issued a license upon the payment of the prescribed fee.

"(e) The Secretary may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this subsection may be reviewed only as provided in subsection (f) of this section.

"(f) (1) Any person whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of a revocation of a license shall be given to the holder of such license before the effective date of the revocation.

"(2) If the Secretary denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation of a license, the Secretary shall upon the request of the holder of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

"(3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or revoke a license, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding. If the court decides that the Secretary was not authorized to deny the application or to revoke the license, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court.

"(g) Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms and ammunition at such

place, for such period, and in such form as the Secretary may by regulations prescribe. Such importers, manufacturers, dealers, and collectors shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, dealer, or collector for the purpose of inspecting or examining (1) any records or documents required to be kept by such importer, manufacturer, dealer, or collector under the provisions of this chapter or regulations issued under this chapter, and (2) any firearms or ammunition kept or stored by such importer, manufacturer, dealer, or collector at such premises. Upon the request of any State or any political subdivision thereof, the Secretary may make available to such State or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.

"(h) Licenses issued under the provisions of subsection (c) of this section shall be kept posted and kept available for inspection on the premises covered by the license.

"(i) Licensed importers and licensed manufacturers shall identify, by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

"(j) This section shall not apply to anyone who engages only in hand loading, reloading, or custom loading ammunition for his own firearm, and who does not hand load, reload, or custom load ammunition for others.

"§ 924. Penalties

"(a) Whoever violates any provision of this chapter or knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or in applying for any license or exemption or relief from disability under the provisions of this chapter, shall be fined not more than \$5,000, or imprisoned not more than five years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"(b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

"(c) Whoever—

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commitment of any felony which may be prosecuted in a court of the United States.

shall be sentenced to a term of imprisonment for not less than one year nor more than 10 years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than five years nor more than 25 years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence.

"(d) Any firearm or ammunition involved in or used or intended to be used in, any violation of the provisions of this chapter or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

"§ 925. Exceptions: Relief from disabilities

"(a) (1) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

"(2) The provisions of this chapter shall not apply with respect to (A) the shipment or receipt of firearms or ammunition when sold or issued by the Secretary of the Army pursuant to section 4308 of title 10, and (B) the transportation of any such firearm or ammunition carried out to enable a person, who lawfully received such firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.

"(3) Unless otherwise prohibited by this chapter or any other Federal law, a licensed importer, licensed manufacturer, or licensed dealer may ship to a member of the United States Armed Forces on active duty outside the United States or to clubs, recognized by the Department of Defense, whose entire membership is composed of such members, and such members or clubs may receive a firearm or ammunition determined by the Secretary of the Treasury to be generally recognized as particularly suitable for sporting purposes and intended for the personal use of such member or club.

"(4) When established to the satisfaction of the Secretary to be consistent with the provisions of this chapter and other applicable Federal and State laws and published ordinances, the Secretary may authorize the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the United States Armed Forces who is on active duty outside the United States (or who has been on active duty outside the United States within the sixty day period immediately preceding the transportation, shipment, receipt, or importation), of any firearm or ammunition which is (A) determined by the Secretary to be generally recognized as particularly suitable for sporting purposes, or determined by the Department of Defense to be a type of firearm normally classified as a war souvenir, and (B) intended for the personal use of such member.

"(5) For the purpose of paragraphs (3) and (4) of this subsection, the term 'United States' means each of the several States and the District of Columbia.

"(b) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provision of this chapter, continue operation pursuant to his existing license (if prior to the expiration of the term of the existing license timely application is made for a new license) during the term of such indictment and until any conviction pursuant to the indictment becomes final.

"(c) A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act) may make application to the Secretary for relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector conducting operations under this chapter, who makes application for relief from the disabilities incurred under this chapter by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Secretary grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

"(d) The Secretary may authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the person importing or bringing in the firearm or ammunition establishes to the satisfaction of the Secretary that the firearm or ammunition—

"(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10;

"(2) is an unserviceable firearm, other than a machinegun as defined in section 5845(b) of the Internal Revenue Code of 1954 (not readily restorable to firing condition), imported or brought in as a curio or museum piece;

"(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954 and is gen-

erally recognized as particularly suitable for or readily adaptable to sporting purposes, excluding surplus military firearms; or

(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition.

The Secretary may permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this subsection.

§ 926. Rules and regulations

"The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter, including—

"(1) regulations providing that a person licensed under this chapter, when dealing with another person so licensed, shall provide such other licensed person a certified copy of this license; and

"(2) regulations providing for the issuance, at a reasonable cost, to a person licensed under this chapter, of certified copies of his license for use as provided under regulations issued under paragraph (1) of this subsection.

The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

§ 927. Effect on State law

"No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

§ 928. Separability

"If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

SEC. 103. The administration and enforcement of the amendment made by this title shall be vested in the Secretary of the Treasury.

SEC. 104. Nothing in this title or the amendment made thereby shall be construed as modifying or affecting any provision of—

(a) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954);

(b) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control; or

(c) section 1715 of title 18, United States Code, relating to nonmailable firearms.

SEC. 105. (a) Except as provided in subsection (b), the provisions of chapter 44 of title 18, United States Code, as amended by section 102 of this title, shall take effect on December 16, 1968.

(b) The following sections of chapter 44 of title 18, United States Code, as amended by section 102 of this title shall take effect on the date of the enactment of this title: Sections 921, 922(1), 925(a)(1), and 925(d).

TITLE II—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

SEC. 201. Chapter 53 of the Internal Revenue Code of 1954 is amended to read as follows:

"Chapter 53. MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

"Subchapter A. Taxes.
"Subchapter B. General provisions and exemptions.
"Subchapter C. Prohibited acts.
"Subchapter D. Penalties and forfeitures.

"Subchapter A. Taxes

"Part I. Special (occupational) taxes.
"Part II. Tax on transferring firearms.
"Part III. Tax on making firearms.

"PART I. SPECIAL (OCCUPATIONAL) TAXES

"Sec. 5801. Tax.

"Sec. 5802. Transfer tax.

"Sec. 5801. Tax

"On first engaging in business and thereafter on or before the first day of July of each year, every importer, manufacturer, and dealer in firearms shall pay a special (occupational) tax for each place of business at the following rates:

"(1) IMPORTERS.—\$500 a year or fraction thereof;

"(2) MANUFACTURERS.—\$500 a year or fraction thereof;

"(3) DEALERS.—\$200 a year or fraction thereof.

Except an importer, manufacturer, or dealer who imports, manufactures, or deals in only weapons classified as 'any other weapon' under section 5845(e), shall pay a special (occupational) tax for each place of business at the following rates: Importers, \$25 a year or fraction thereof; manufacturers, \$25 a year or fraction thereof; dealers, \$10 a year or fraction thereof.

"Sec. 5802. Registration of importers, manufacturers, and dealers

"On first engaging in business and thereafter on or before the first day of July of each year, each importer, manufacturer, and dealer in firearms shall register with the Secretary or his delegate in each internal revenue district in which such business is to be carried on, his name, including any trade name, and the address of each location in the district where he will conduct such business. Where there is a change during the taxable year in the location of, or the trade name used in such business, the importer, manufacturer, or dealer shall file an application with the Secretary or his delegate to amend his registration. Firearms operations of an importer, manufacturer, or dealer may not be commenced at the new location or under a new trade name prior to approval by the Secretary or his delegate of the application.

"PART II. TAX ON TRANSFERRING FIREARMS

"Sec. 5811. Transfer tax.

"Sec. 5812. Transfers.

"Sec. 5811. Transfer tax

"(a) RATE.—There shall be levied, collected, and paid on firearms transferred a tax at the rate of \$200 for each firearm transferred, except, the transfer tax on any firearm classified as any other weapon under section 5845(e) shall be at the rate of \$5 for each such firearm transferred.

"(b) BY WHOM PAID.—The tax imposed by subsection (a) of this section shall be paid by the transferor.

"(c) PAYMENT.—The tax imposed by subsection (a) of this section shall be payable by the appropriate stamps prescribed for payment by the Secretary or his delegate.

"Sec. 5812. Transfers

"(a) APPLICATION.—A firearm shall not be transferred unless (1) the transferor of the firearm has filed with the Secretary or his delegate a written application, in duplicate, for the transfer and registration of the firearm to the transferee on the application form prescribed by the Secretary or his delegate; (2) any tax payable on the transfer is paid as evidenced by the proper stamp affixed to the original application form; (3) the transferee is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe, except that, if such person is an individual, the identification must include his fingerprints and his photograph; (4) the transferor of the firearm is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; (5) the firearm is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; and (6) the application form shows that the Secretary or his delegate has approved the transfer and the registration of the firearm to the transferee. Applications shall be denied if the transfer, receipt, or possession of the firearm would lace the transferee in violation of law.

"(b) TRANSFER OF POSSESSION.—The transferee of a firearm shall not take possession of the firearm unless the Secretary or his delegate has approved the transfer and registration of the firearm to the transferee as required by subsection (a) of this section.

PART III. TAX ON MAKING FIREARMS

"Sec. 5821. Making tax.

"Sec. 5822. Making.

"Sec. 5821. Making Tax

"(a) RATE.—There shall be levied, collected, and paid upon the making of a firearm a tax at the rate of \$200 for each firearm made.

"(b) BY WHOM PAID.—The tax imposed by subsection (a) of this section shall be paid by the person making the firearm.

"(c) PAYMENT.—The tax imposed by subsection (a) of this section shall be payable by the stamp prescribed for payment by the Secretary or his delegate.

"Sec. 5822. Making

"No person shall make a firearm unless he has (a) filed with the Secretary or his delegate a written application, in duplicate, to make and register the firearm on the form prescribed by the Secretary or his delegate; (b) paid any tax payable on the making and such payment is evidenced by the proper stamp affixed to the original application form; (c) identified the firearm to be made in the application form in such manner as the Secretary or his delegate may by regulations prescribe; (d) identified himself in the application form in such manner as the Secretary or his delegate may by regulations prescribe, except that, if such person is an individual, the identification must include his fingerprints and his photograph; and (e) obtained the approval of the Secretary or his delegate to make and register the firearm and the application form shows such approval. Applications shall be denied if the making or possession of the firearm would place the person making the firearm in violation of law.

"Subchapter B. General Provisions and Exemptions

"Part I. General provisions.

"Part II. Exemptions.

PART I. GENERAL PROVISIONS

"Sec. 5841. Registration of firearms.

"Sec. 5842. Identification of firearms.

"Sec. 5843. Records and returns.

"Sec. 5844. Importation.

"Sec. 5845. Definitions.

"Sec. 5846. Other laws applicable.

"Sec. 5847. Effect on other law.

"Sec. 5848. Restrictive use of information.

"Sec. 5849. Citation of chapter.

"Sec. 5841. Registration of Firearms

"(a) CENTRAL REGISTRY.—The Secretary or his delegate shall maintain a central registry of all firearms in the United States which are not in the possession or under the control of the United States. This registry shall be known as the National Firearms Registration and Transfer Record. The registry shall include—

"(1) identification of the firearm;

"(2) date of registration; and

"(3) identification and address of person entitled to possession of the firearm.

"(b) BY WHOM REGISTERED.—Each manufacturer, importer, and maker shall register each firearm he manufactures, imports, or makes. Each firearm transferred shall be registered to the transferee by the transferor.

"(c) HOW REGISTERED.—Each manufacturer shall notify the Secretary or his delegate of the manufacture of a firearm in such manner as may by regulations be prescribed and such notification shall effect the registration of the firearm required by this section. Each importer, maker, and transferor of a firearm shall, prior to importing, making, or transferring a firearm, obtain authorization in such manner as required by this chapter or regulations issued thereunder to import, make, or transfer the firearm, and such authorization shall effect the registration of the firearm required by this section.

"(d) FIREARMS REGISTERED ON EFFECTIVE DATE OF THIS ACT.—A person shown as possessing a firearm by the records maintained by the Secretary or his delegate pursuant to the National Firearms Act in force on the day immediately prior to the effective date of the National Firearms Act of 1968 shall be considered to have registered under this section the firearms in his possession which are disclosed by that record as being in his possession.

"(e) PROOF OF REGISTRATION.—A person possessing a firearm registered as required by this section shall retain proof of registration which shall be made available to the Secretary or his delegate upon request.

"Sec. 5842. Identification of Firearms

"(a) IDENTIFICATION OF FIREARMS OTHER THAN DESTRUCTIVE DEVICES.—Each manufacturer and importer and anyone making a firearm shall identify each firearm, other than a destructive device, manufactured, imported, or made by a serial number which may not be readily removed, obliterated, or altered, the name of the manufacturer, importer, or maker, and such other identification as the Secretary or his delegate may by regulations prescribe.

"(b) FIREARMS WITHOUT SERIAL NUMBER.—Any person who possesses a firearm, other than a destructive device, which does not bear the serial number and other information required by subsection (a) of this section shall identify the firearm with a serial number assigned by the Secretary or his delegate and any other information the Secretary or his delegate may by regulations prescribe.

"(c) IDENTIFICATION OF DESTRUCTIVE DEVICE.—Any firearm classified as a destructive device shall be identified in such manner as the Secretary or his delegate may by regulations prescribe.

"Sec. 5843. Records and Returns

"Importers, manufacturers, and dealers shall keep such records of, and render such returns in relation to, the importation, manufacture, making, receipt, and sale, or other disposition, of firearms as the Secretary or his delegate may by regulations prescribe.

"Sec. 5844. Importation

"No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction unless the importer establishes, under regulations as may be prescribed by the Secretary or his delegate, that the firearm to be imported or brought in is—

"(1) being imported or brought in for the use of the United States or any department, independent establishment, or agency thereof or any State or possession or any political subdivision thereof; or

"(2) being imported or brought in for scientific or research purposes;

or

"(3) being imported or brought in solely for testing or use as a model by a registered manufacturer or solely for use as a sample by a registered importer or registered dealer;

except that, the Secretary or his delegate may permit the conditional importation or bringing in of a firearm for examination and testing in connection with classifying the firearm.

"Sec. 5845. Definitions

"For the purpose of this chapter—

"(a) FIREARM.—The term 'firearm' means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device. The term 'firearm' shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Secretary or his delegate finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"(b) MACHINEGUN.—The term 'machinegun' means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

"(c) RIFLE.—The term 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

"(d) SHOTGUN.—The term 'shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

"(e) ANY OTHER WEAPON.—The term 'any other weapon' means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

"(f) DESTRUCTIVE DEVICE.—The term 'destructive device' means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary or his delegate finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term 'destructive device' shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary of the Treasury or his delegate finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

"(g) ANTIQUE FIREARM.—The term 'antique firearm' means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

"(h) UNSERVICEABLE FIREARM.—The term 'unserviceable firearm' means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

"(i) MAKE.—The term 'make', and the various derivatives of such word, shall include manufacturing (other than by one qualified to engage in such business under this chapter), putting together, altering, any combination of these, or otherwise producing a firearm.

"(j) TRANSFER.—The term 'transfer' and the various derivatives of such words, shall include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.

"(k) DEALER.—The term 'dealer' means any person, not a manufacturer or importer, engaged in the business of selling, renting, leasing, or loaning firearms and shall include pawnbrokers who accept firearms as collateral for loans.

"(l) IMPORTER.—The term 'importer' means any person who is engaged in the business of importing or bringing firearms into the United States.

"(m) MANUFACTURER.—The term 'manufacturer' means any person who is engaged in the business of manufacturing firearms.

"Sec. 5846. Other Laws Applicable

"All provisions of law relating to special taxes imposed by chapter 51 and to engraving, issuance, sale, accountability, cancellation, and distribution of stamps for tax payment shall insofar as not inconsistent with the provisions of this chapter, be applicable with respect to the taxes imposed by sections 5801, 5811, and 5821.

"Sec. 5847. Effect on Other Laws

"Nothing in this chapter shall be construed as modifying or affecting the requirements of section 414 of the Mutual Security Act of 1954, as amended, with respect to the manufacture, exportation, and importation of arms, ammunition, and implements of war.

"Sec. 5848. Restrictive Use of Information

"(a) GENERAL RULE.—No information or evidence obtained from an application, registration, or records required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued thereunder, shall, except as provided in subsection (b) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application or registration, or the compiling of the records containing the information or evidence.

"(b) FURNISHING FALSE INFORMATION.—Subsection (a) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

"Sec. 5849. Citation of Chapter

"This chapter may be cited as the 'National Firearms Act' and any reference in any other provision of law to the 'National Firearms Act' shall be held to refer to the provisions of this chapter.

"PART II. EXEMPTIONS

"Sec. 5851. Special (occupational) tax exemption.

"Sec. 5852. General transfer and making exemption.

"Sec. 5853. Exemption from transfer and making tax available to certain governmental entities and officials.

"Sec. 5854. Exportation of firearms exempt from transfer tax.

"Sec. 5851. Special (Occupational) Tax Exemption

"(a) BUSINESS WITH UNITED STATES.—Any person required to pay special (occupational) tax under section 5801 shall be relieved from payment of that tax if he establishes to the satisfaction of the Secretary or his delegate that his business is conducted exclusively with, or on behalf of, the United States or any department, independent establishment, or agency thereof. The Secretary or his delegate may relieve any person manufacturing firearms for, or on behalf of, the United States from compliance with any provision of this chapter in the conduct of such business.

"(b) APPLICATION.—The exemption provided for in subsection (a) of this section may be obtained by filing with the Secretary or his delegate an application on such form and containing such information as may by regulations be prescribed. The exemptions must thereafter be renewed on or before July 1 of each year. Approval of the application by the Secretary or his delegate shall entitle the applicant to the exemptions stated on the approved application.

"Sec. 5852. General Transfer and Making Tax Exemption

"(a) TRANSFER.—Any firearm may be transferred to the United States or any department, independent establishment, or agency thereof, without payment of the transfer tax imposed by section 5811.

"(b) MAKING BY A PERSON OTHER THAN A QUALIFIED MANUFACTURER.—Any firearm may be made by, or on behalf of, the United States, or any department, independent establishment, or agency thereof, without payment of the making tax imposed by section 5821.

"(c) MAKING BY A QUALIFIED MANUFACTURER.—A manufacturer qualified under this chapter to engage in such business may make the type of firearm which he is

qualified to manufacture without payment of the making tax imposed by section 5821.

"(d) TRANSFERS BETWEEN SPECIAL (OCCUPATIONAL) TAXPAYERS.—A firearm registered to a person qualified under this chapter to engage in business as an importer, manufacturer, or dealer may be transferred by that person without payment of the transfer tax imposed by section 5811 to any other person qualified under this chapter to manufacture, import, or deal in that type of firearm.

"(e) UNSERVICEABLE FIREARM.—An unserviceable firearm may be transferred as a curio or ornament without payment of the transfer tax imposed by section 5811, under such requirements as the Secretary or his delegate may by regulations prescribe.

"(f) RIGHT TO EXEMPTION.—No firearm may be transferred or made exempt from tax under the provisions of this section from tax under the provisions of this section unless the transfer or making is performed pursuant to an application in such form and manner as the Secretary or his delegate may by regulations prescribe.

"Sec. 5853. Transfer and Making Tax Exemption Available to Certain Governmental Entities

"(a) TRANSFER.—A firearm may be transferred without the payment of the transfer tax imposed by section 5811 to any State, possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

"(b) MAKING.—A firearm may be made without payment of the making tax imposed by section 5821 by, or on behalf of, any State, or possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

"(c) RIGHT TO EXEMPTION.—No firearm may be transferred or made exempt from tax under this section unless the transfer or making is performed pursuant to an application in such form and manner as the Secretary or his delegate may by regulations prescribe.

"Sec. 5854. Exportation of Firearms Exempt From Transfer Tax

"A firearm may be exported without payment of the transfer tax imposed under section 5811 provided that proof of the exportation is furnished in such form and manner as the Secretary or his delegate may by regulations prescribe.

"Subchapter C. Prohibited Acts

"Sec. 5861. Prohibited Acts

"It shall be unlawful for any person—

"(a) to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special (occupational) tax required by section 5801 for his business or having registered as required by section 5802; or

"(b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter; or

"(c) to receive or possess a firearm made in violation of the provisions of this chapter; or

"(d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record; or

"(e) to transfer a firearm in violation of the provisions of this chapter; or

"(f) to make a firearm in violation of the provisions of this chapter; or

"(g) to obliterate, remove, change, or alter the serial number or other identification of a firearm required by this chapter; or

"(h) to receive or possess a firearm having the serial number or other identification required by this chapter obliterated, removed, changed, or altered; or

"(i) to receive or possess a firearm which is not identified by a serial number as required by this chapter; or

"(j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by this chapter; or

"(k) to receive or possess a firearm which has been imported or brought into the United States in violation of section 5844; or

"(l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter, knowing such entry to be false.

"Subchapter D. Penalties and Forfeitures

"Sec. 5871. Penalties.

"Sec. 5872. Forfeitures.

"Any person who violates or fails to comply with any provision of this chapter shall, upon conviction, be fined not more than \$10,000, or to be imprisoned not more than ten years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"Sec. 5872. Forfeitures

"(a) LAWS APPLICABLE.—Any firearm involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal revenue laws relating to searches, seizures, and forfeitures of unstamped articles are extended to and made to apply to the articles taxed under this chapter and the persons to whom this chapter applies.

"(b) DISPOSAL.—In the case of the forfeiture of any firearm by reason of a violation of this chapter, no notice of public sale shall be required; no such firearm shall be sold at public sale; if such firearm is forfeited for a violation of this chapter and there is no remission or mitigation of forfeiture thereof, it shall be delivered by the Secretary or his delegate to the Administrator of General Services, General Services Administration, who may order such firearm destroyed or may sell it to any State, or possession, or political subdivision thereof, or at the request of the Secretary or his delegate, may authorize its retention for official use of the Treasury Department, or may transfer it without charge to any executive department or independent establishment of the Government for use by it."

SEC. 202. The amendments made by section 201 of this title shall be cited as the "National Firearms Act Amendments of 1968".

SEC. 203. (a) Section 6107 of the Internal Revenue Code of 1954 is repealed.

(b) The table of sections for subchapter B of chapter 61 of the Internal Revenue Code of 1954 is amended by striking out:

"Sec. 6107. List of special taxpayers for public inspections."

SEC. 244. Section 6806 of the Internal Revenue Code of 1954 is amended to read as follows:

"Sec. 6806. Occupational Tax Stamps

"Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax (other than a special tax under subchapter B of chapter 35 under subchapter B of chapter 36, or under subtitle E) shall place and keep conspicuously in his establishment or place of business all stamps denoting payment of such special tax."

SEC. 205. Section 7273 of the Internal Revenue Code of 1954 is amended to read as follows:

"Sec. 7273. Penalties for Offenses Relating to Special Taxes

"Any person who shall fail to place and keep stamps denoting the payment of the special tax as provided in section 6806 shall be liable to a penalty (not less than \$10) equal to the special tax for which his business rendered him liable, unless such failure is shown to be due to reasonable cause. If such failure to comply with section 6806 is through willful neglect or refusal, then the penalty shall be double the amount above prescribed."

SEC. 206. (a) Section 5692 of the Internal Revenue Code of 1954 is repealed.

(b) The table of sections for part V of subchapter J of chapter 51 of the Internal Revenue Code of 1954 is amended by striking out:

"Sec. 5692. Penalties relating to posting of special tax stamps."

SEC. 207. (a) Section 201 of this title shall take effect on the first day of the first month following the month in which it is enacted.

(b) Notwithstanding the provisions of subsection (a) or any other provision of law, any person possessing a firearm as defined in section 5845 (a) of the Internal Revenue Code of 1954 (as amended by this title) which is not registered to him in the National Firearms Registration and Transfer Records shall register each firearm so possessed with the Secretary of the Treasury or his delegate in such form and manner as the Secretary or his delegate may require within the thirty days immediately following the effective date of section 201 of this Act. Such registrations shall become a part of the National Firearms Registration and

Transfer Record required to be maintained by section 5841 of the Internal Revenue Code of 1954 (as amended by this title). No information or evidence required to be submitted or retained by a natural person to register a firearm under this section shall be used, directly or indirectly, as evidenced against such person in any criminal proceeding with respect to a prior or concurrent violation of law.

(c) The amendments made by sections 202 through 206 of this title shall take effect on the date of enactment.

(d) The Secretary of the Treasury, after publication in the Federal Register of his intention to do so, is authorized to establish such periods of amnesty, not to exceed ninety days in the case of any single period, and immunity from liability during any such period, as the Secretary determines will contribute to the purposes of this title.

TITLE VII OF THE "OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968" AS AMENDED BY TITLE III OF THE "GUN CONTROL ACT OF 1968"

TITLE VII—UNLAWFUL POSSESSION OR RECEIPT OF FIREARMS

SEC. 1201. The Congress hereby finds and declares that the receipt, possession, or transportation of a firearm by felons, veterans who are discharged under dishonorable conditions, mental incompetents, aliens who are illegally in the country, and former citizens who have renounced their citizenship constitutes—

(1) a burden on commerce or threat affecting the free flow of commerce,

(2) a threat to the safety of the President of the United States and Vice President of the United States,

(3) an impediment or a threat to the exercise of free speech and the free exercise of a religion guaranteed by the first amendment to the Constitution of the United States, and

(4) a threat to the continued and effective operation of the Government of the United States and of the government of each State guaranteed by article IV of the Constitution.

SEC. 1202. (a) Any person who—

(1) has been convicted by a court of the United States or of a state or any political subdivision thereof a felony, or

(2) has been discharged from the Armed Forces under dishonorable conditions, or

(3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or

(4) having been a citizen of the United States has renounced his citizenship, or

(5) being an alien is illegally or unlawfully in the United States, and who receives, possesses, or transports in commerce or affecting commerce, after the date of enactment of this Act, any firearm shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

(b) Any individual who to his knowledge and while being employed by any person who—

(1) has been convicted by a court of the United States or of a State or any political subdivision thereof of a felony, or

(2) has been discharged from the Armed Forces under dishonorable conditions, or

(3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or

(4) having been a citizen of the United States has renounced his citizenship, or

(5) being an alien is illegally or unlawfully in the United States, and who, in the course of such employment, receives, possesses, or transports in commerce or affecting commerce, after the date of the enactment of this Act, any firearm shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

(c) As used in this title—

(1) "commerce" means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country;

(2) "felony" means any offense punishable by imprisonment for a term exceeding one year, but does not include any offense (other than one involving a firearm or explosive) classified as a misdemeanor under the laws of a State and punishable by a term of imprisonment of two years or less;

(3) "firearm" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device. Such term shall include any handgun, rifle, or shotgun;

(4) "destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter;

(5) "handgun" means any pistol or revolver originally designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition, or any other firearm originally designed to be fired by the use of a single hand;

(6) "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger;

(7) "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

SEC. 1203. This title shall not apply to—

(1) any prisoner who by reason of duties connected with law enforcement has expressly been entrusted with a firearm by competent authority of the prison; and

(2) any person who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive, as the case may be, to receive, possess, or transport in commerce a firearm.

TITLE 18.—CRIMES AND CRIMINAL PROCEDURE

Chapter 12.—CIVIL DISORDERS

Sec.

231. Civil disorders.

232. Definitions.

233. Preemption.

AMENDMENTS

1968—Pub. L. 90-284, title X, § 1002(a), Apr. 11, 1968. 82 Stat. 90, added chapter 12 and items 231—233.

§ 231. Civil disorders

(a) (1) Whoever teaches or demonstrates to any other person the use, application, or making of any firearm or explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function; or

(2) Whoever transports or manufactures for transportation in commerce any firearm, or explosive or incendiary device, knowing or having reason to know or intending that the same will be used unlawfully in furtherance of a civil disorder; or

(3) Whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function—

Shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(b) Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties. (Added Pub. L. 90-284, title X, § 1002(a), Apr. 11, 1968, 82 Stat. 90.)

SHORT TITLE

Section 1001 of Pub. L. 90-284 provided that: "This title [which enacted this chapter] may be cited as the 'Civil Obedience Act of 1968'."

§ 232. Definitions

(1) The term "civil disorder" means any public disturbance involving acts of violence of assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to property or person of any other individual.

(2) The term "commerce" means commerce (A) between any State or the District of Columbia and any place outside thereof; (B) between points within any State or the District of Columbia, but through any place outside thereof; or (C) wholly within the District of Columbia.

(3) The term "federally protected function" means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof; and such term shall specifically include, but not be limited to, the collection and distribution of the United States mails.

(4) The term "firearm" means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

(5) The term "explosive or incendiary device" means (A) dynamite and all other forms of high explosives, (B) any explosive bomb, grenade, missile, or similar device, and (C) any incendiary bomb or grenade, fire bomb, or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.

(6) The term "fireman" means any member of a fire department (including a volunteer fire department) of any State, any political subdivision of a State, or the District of Columbia.

(7) The term "law enforcement officer" means any officer or employee of the United States, any State, any political subdivision of a State, or the District of Columbia, while engaged in the enforcement or prosecution of any of the criminal laws of the United States, a State, any political subdivision of a State, or the District of Columbia; and such term shall specifically include, but shall not be limited to, members of the National Guard, as defined in section 101(9) of title 10, United States Code, members of the organized militia of any State, or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included within the definition of National Guard as defined by such section 101(9), and members of the Armed Forces of the United States, while engaged in suppressing acts of violence or restoring law and order during a civil disorder. (Added Pub. L. 90-284, title X, § 1002(a), Apr. 11, 1968, 82 Stat. 91.)

§ 233. Preemption

Nothing contained in this chapter shall be construed as indicating an intent on the part of Congress to occupy the field in which any provisions of the chapter operate to the exclusion of State or local laws on the same subject matter, nor shall any provision of this chapter be construed to invalidate any provision of State law unless such provision is inconsistent with any of the purposes of this chapter or any provision thereof. (Added Pub. L. 90-284, title X, § 1002(a), Apr. 11, 1968, 82 Stat. 91.)

The CHAIRMAN. Since this witness represents the Treasury Department, I may state that as chairman of the committee I wrote a letter calling upon the Honorable David M. Kennedy, Secretary of the Treasury, requesting that he cooperate with this committee in making its investigation and providing it with testimony and material that would be relevant to the subject matter under inquiry.

Without objection, I will insert the letter into the record at this point.

(The document referred to follows:)

U.S. SENATE,
COMMITTEE ON GOVERNMENT OPERATIONS,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
Washington, D.C., April 21, 1970.

HON. DAVID M. KENNEDY,
Secretary of the Treasury, Department of the Treasury,
Washington, D.C.

MY DEAR MR. SECRETARY: The Senate Permanent Subcommittee on Investigations is conducting a preliminary inquiry relating to incidents of bombing and terrorism in the United States. Our jurisdiction in this field is described in Sections 3, 4 and 5 of Senate Resolution 308, 91st Congress, 2nd Session. A copy of our Rules of Procedure, in which the resolution is printed, is enclosed.

Members of the Subcommittee's staff have had a conference with Assistant Secretary Eugene Rossides and his Special Assistant, G. Gordon Liddy. They discussed the feasibility of having the Department of the Treasury furnish the Subcommittee with information pertinent to the inquiry. The cooperation and assistance of the Alcohol, Tobacco and Firearms Division and other enforcement branches of the Department would be very helpful to us in this investigation.

We therefore respectfully request that the Alcohol, Tobacco and Firearms Division provide from each regional headquarters a state-by-state breakdown on details of bombing incidents which have occurred in the United States from January 1, 1969, to April 15, 1970, as follows:

- (1) Total number of bombings, by state
- (2) Total number of attempted bombings, by state
- (3) Total number of threats of bombings, by state
- (4) Types of Bombings:
 - (a) Total number of incendiary bombings, by state
 - (b) Total number of explosive bombings (dynamite, nitroglycerin, chemical, etc.), by state
- (5) Attribution: From available sources and statistics, whatever attribution can be made as follows:
 - (a) Student unrest
 - (b) Labor disputes
 - (c) Negro extremist
 - (d) White extremist
 - (e) Religious—Anti-Jewish and/or Anti-Catholic
 - (f) Criminal in aid of:
 - Blackmail
 - Robbery
 - Arson for insurance
- (6) Movements in dynamite and explosives
 - (a) increased sales
 - (b) increased thefts
- (7) Estimates of damage
 - (a) Property
 - (b) Personal injury
 - (c) Deaths

We understand that this compilation will be made by the Alcohol, Tobacco and Firearms Division investigators from available sources in their regions and, in some cases, may be incomplete due to lack of documentation and differences in record keeping by various law enforcement agencies.

It is our hope that this study, which likely will graphically reveal to the Congress and the American people the scope and threat of these terroristic acts of violence and anarchy, can be incorporated into testimony before the Subcommittee by Mr. Rossides or any other official you may designate.

The Subcommittee is hopeful that remedial legislation with respect to the control of destructive devices and other pertinent matters will be shown to be warranted as a result of our joint efforts in this investigation.

The comments of your Department with regard to the desirability of and necessity for such legislation as it pertains to control of the sales and manufacture of destructive devices would be most helpful.

Our investigation will be greatly facilitated by the help of your Department, and your cooperation will be greatly appreciated. With kind personal regards, I am

Sincerely yours,

JOHN L. McCLELLAN, *Chairman.*

The CHAIRMAN. Those who read the permanent record will know what the present law is and what protection it may afford.

Mr. ROSSIDES, you may proceed.

Mr. ROSSIDES. Thank you, Mr. Chairman.

I am Eugene T. Rossides, Assistant Secretary of the Treasury for Enforcement and Operations.

Accompanying me today is Mr. G. Gordon Liddy, Special Assistant to the Secretary for Organized Crime.

Mr. Liddy has been working very closely with the staff of the committee in this matter.

Mr. Chairman, before I read my prepared statement, I would like to reiterate and emphasize our own comments and those of Senator Percy as to the importance of the investigation that this committee is conducting; the importance of the subject matter and, of course, the urgency of bringing these facts to the attention of the public.

I may mention, as I will indicate in my testimony, the fact that these hearings, as they do so often, have galvanized the administration, which had a deadline set, so to speak.

The administration will be coming up with proposals that we hope this committee will be willing to consider during the course of its hearings.

The CHAIRMAN. Do I understand you to say that as a result of this investigation and proposed hearings, the hearings we are now conducting, the administration has become alerted and is preparing legislation for the consideration of the Congress?

Mr. ROSSIDES. The administration has had a committee on this problem for many, many months, Senator. I am saying that, as in many cases of congressional action, when a committee sets its hearing date, it speeds up the process of consideration as to how to proceed with various factors that have been wrestled with for several months.

The CHAIRMAN. It stimulated additional effort or increased effort.

Mr. ROSSIDES. Correct, as it does so often.

The CHAIRMAN. That is not critical. You made the statement voluntarily. I didn't know you were going to say it.

Mr. ROSSIDES. I say it and mean it. I think this is one of the great processes whereby the legislature assists the executive and, at times, the executive prods the legislature.

The CHAIRMAN. I am sure we are all gratified to know that. I don't mean this to be critical. We are all glad to know that the administration is definitely working on this problem, which is receiving, as I understand you, very aggressive attention.

Mr. ROSSIDES. Correct, Senator.

The CHAIRMAN. We will probably receive from the administration in due course recommended legislation or recommendations with respect to additional laws that may be needed. Is that correct?

Mr. ROSSIDES. That is correct, Mr. Chairman.

The CHAIRMAN. I thank you very much.

We certainly look forward to receiving any comments and any proposed legislation that the administration feels, or that your Department feels, is necessary or advisable to be of assistance or to further strengthen law enforcement in this field and to enable you to deal more effectively with this problem.

We look forward to it.

Do you have a prepared statement?

Mr. ROSSIDES. Thank you, Mr. Chairman.

I am very pleased to be here this morning to report to you on behalf of the Department of the Treasury on the results of our recent survey of the incidents of terrorist acts of violence by bombing in the United States.

The CHAIRMAN. May I interrupt? Did you make this survey pursuant to the request made by the committee?

Mr. ROSSIDES. That is correct, Mr. Chairman.

My next comment is that it was your letter, Mr. Chairman, to Secretary Kennedy, of April 21, 1970, in which you asked the assistance of the Treasury, specifically of our Alcohol, Tobacco and Firearms Division, in surveying the incidents of bombing in the United States, occurring from the period of January 1, 1969, to April 15, 1970.

The CHAIRMAN. That would be an approximate period of 15½ months.

Mr. ROSSIDES. That is correct, Mr. Chairman. You also requested that the survey be broken down in detail, State by State.

We have surveyed, as the chart will show, every State but Hawaii, which was not in the survey.

In your letter you mentioned to the Secretary that you believed the results of such a survey would be likely to "graphically reveal to the Congress and the American people the scope and threat of these terrorist acts of violence and anarchy."

Mr. Chairman, the results of the survey by Treasury's Alcohol, Tobacco and Firearms Division of the Internal Revenue Service have been posted to a chart which we have with us today for the assistance of the committee, and I shall refer to it from time to time during my remarks.

The CHAIRMAN. Will you indicate which chart you are speaking of?

Mr. ROSSIDES. I am speaking of the very large chart, Senator, that is on the wall, and the two other charts on cardboard that are to the left, those three charts.

The CHAIRMAN. You are speaking of all three charts?

Mr. ROSSIDES. Of all three charts.

The CHAIRMAN. I can't read the title.

Mr. ROSSIDES. Recap of Bombing Statistics, Period of January 1, 1969, to April 15, 1970. The statistics supplied by local and State law enforcement agencies to the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service.

The CHAIRMAN. We will let that chart be printed in the record at this point as exhibit 779.

(The document referred to was marked "Exhibit No. 779" for reference and follows:)

EXHIBIT NO. 779

RECAP OF BOMBING STATISTICS, PERIOD OF JAN. 1, 1969, THROUGH APR. 15, 1970

[Statistics supplied by State and local law enforcement agencies]

	Explosive bombings	Incendiary bombings	Total bombings	Attempted bombings	Bombing threats	Property damage (in millions of dollars)	Personal injury	Deaths
Western region:								
Alaska	1	0	1	1	41	153	0	0
Arizona	3	2	5	15	178		0	0
California (less southern judicial district)	109	358	467	303	2,544	2,432	1	1
Idaho	0	0	0	0	0	0	0	0
Montana	8	3	11	3	71	82	1	1
Nevada	5	28	33	5	176	25	0	0
Oregon	18	78	96	16	382	144	2	0
Washington	90	80	170	27	452	442	3	5
Southern judicial district of California	1 (76)	1 (924)	1 (1,000)	1	1 (2,880)	1 (1)	1 (5)	1 (1)
Utah	1	1	2	1	1 (79)	1 (1)		
Grand total	235	550	785	371	3,844	3,278	7	7
Southwest region:								
Arkansas	0	66	66	6	62	66	0	0
Colorado	1 (97)	1 (167)	1 (264)	1 (27)	1 (486)	1 (707)	1 (2)	
Kansas	12	14	26	3	293	40	0	0
Louisiana	42	19	61	67	1,367	538	0	0
New Mexico	5	5	10	9	24	365	0	0
Oklahoma	10	9	19	3	232	60	1	0
Texas	40	44	84	43	861	739	3	5
Wyoming	4	0	4	1	16	1	0	0
Grand total	113	157	270	132	2,855	2,809	4	5
Southeast region:								
Alabama	5	83	88	3	549	38	0	0
Florida	30	194	224	5	987	221	2	2
Georgia	9	1	10	4	235	20	1	1
Mississippi	13	12	25	13	159	28	0	0
North Carolina	27	130	157	72	941	2,155	2	0
South Carolina	0	0	0	1	23	0	0	0
Tennessee	9	17	26	11	434	552	0	0
Grand total	93	437	530	109	3,328	3,014	5	3
Midwest region:								
Illinois	29	626	655	32	721	14	0	0
Iowa	75	105	180	174	375	1,500	0	0
Minnesota	3	0	3	0	105	7	0	0
Missouri	38	103	141	8	640	75	11	0
Nebraska	16	43	59	59	211	315	2	0
North Dakota	0	0	0	0	6	0	0	0
South Dakota	1	0	1	0	14	0	0	0
Wisconsin	2	10	12	0	260	1	0	0
Grand total	164	887	1,051	273	2,332	1,912	13	0
Central region:								
Indiana	10	76	86	11	625	643	0	0
Kentucky	57	25	82	10	397	948	4	0
Michigan	27	356	383	95	2,492	355	165	7
Ohio	28	105	133	62	1,767	1,163	2	1
West Virginia	2	10	12	5	109	35	1	0
Grand total	124	572	696	183	5,390	3,144	172	8
Mid-Atlantic region:								
Delaware	1	2	3	2	20	255	1	0
Maryland	4	12	16	2	240	43	0	2
New Jersey	16	39	55	20	803	890	2	0
Pennsylvania	41	226	267	81	1,119	3,192	15	5
Virginia (District of Columbia)	6	90	96	12	440	146	0	0
Grand total	68	369	437	117	2,622	4,526	18	7

EXHIBIT NO. 779—Continued

	Explosive bombings	Incendiary bombings	Total bombings	Attempted bombings	Bombing threats	Property damage (in millions of dollars)	Personal injury	Deaths
North Atlantic region:								
Connecticut	11	39	50	30	1,267	1,565	23	0
Maine	5	7	12	0	136	16	0	1
Massachusetts	31	55	86	80	2,941	262	1	0
New Hampshire	6	0	6	1	181	1	0	1
New York	121	177	298	163	9,412	2,000	106	8
Rhode Island	4	105	109	16	668	311	35	0
Vermont	0	0	0	0	153	0	0	0
Grand total	178	383	561	290	14,758	4,155	165	10
National total	975	3,355	4,330	1,475	35,129	21,838	384	40

¹ Figures in parentheses supplied by police officials in the area making up the Southern Federal Judicial District of California and Colorado were for the years 1968, 1969 and 3 months of 1970. They cannot be broken down by year and are not included in the grand total for the Western region, Southwest region or the national total.

² Not included in the total of 133 bombings are 67 bombings which data from respective police agencies did not identify as either explosive or incendiary in nature. As a result total bombings for Ohio are actually 200.

Mr. ROSSIDES. Attached to my prepared statement is such a chart, and the chart combines the chart on the left, which is a summary by area.

The CHAIRMAN. We will let the chart on the left, "Actual Bombing Attempts and Threats by Regions," be printed in the record, and we will designate it exhibit No. 780.

Mr. ROSSIDES. Or if you feel that the combination, where we have combined it, is sufficient, that will be up to counsel.

The CHAIRMAN. Very well.

(The document referred to was marked "Exhibit No. 780" for reference and follows:)

EXHIBIT NO. 780

ACTUAL BOMBINGS, ATTEMPTS AND THREATS—BY REGIONS

	Western	North Atlantic	South-west	South-east	Midwest	Central	Mid-Atlantic	National Totals
Explosive	235	178	113	93	164	124	68	(173) 975
Incendiary	550	383	157	437	887	572	369	(1,091) 3,355
Total actual bombings	785	561	270	530	1,051	696	437	(1,264) 4,330
Bombing attempts	371	290	132	109	273	183	117	1,475
Bombing threats	3,844	14,758	2,855	3,328	2,332	5,390	2,622	35,129

The CHAIRMAN. What about the third chart?

Mr. ROSSIDES. The third chart gives information as to the percentage breakdown of the bombings and should be included, Mr. Chairman, as a separate exhibit in the record. That is exhibit No. 2, the chart in the middle, "Perpetrators and Responsibility for Bombings, Attribution."

The CHAIRMAN. We will make it exhibit No. 781 and it may be printed in the record, also.

(The document referred to was marked "Exhibit No. 781" for reference and follows:)

EXHIBIT No. 781

PERPETRATORS AND RESPONSIBILITY FOR BOMBINGS

Attribution of those responsible for bombings

Bombings (explosive, incendiary)-----	4, 330
Attempts to bomb-----	1, 475
Threats to bomb-----	35, 129
Total bombings, attempts or threats-----	40, 934

64% unknown to law officers.

36% where police indicate perpetrators fall into the following categories:

56% are attributed to Campus disturbances.

19% are attributed to black extremists.

14% are attributed to white extremists.

2% are attributed to Labor disputes.

1% are attributed to attacks on Religious Institutions.

8% are in aid of criminal activities (Extortion, Robbery, and Arson for Insurance).

The CHAIRMAN. Now you may proceed with your statement.

Mr. ROSSIDES. It should be understood, Mr. Chairman, that the survey by the Treasury was made by compiling submissions which were solicited from State and local law enforcement agencies on a regional basis.

As we were not able to contact every law enforcement agency in the country, and some contacted have not yet responded, the figures are, to some extent, incomplete and may contain a few inconsistencies.

The CHAIRMAN. What do you mean by inconsistencies? Do you mean they are in error, or does it mean that they are not complete and, therefore, they may not represent the total number of bombings?

Mr. ROSSIDES. I would say they may not represent the total number. The total number may be higher.

The CHAIRMAN. When you say inconsistencies, are you using the proper word? They may be ultraconservative.

Mr. ROSSIDES. They would be conservative.

The CHAIRMAN. What are they inconsistent with? Do you mean inconsistent in that the number is too small? Is that what you mean? I am just trying to get the record clear.

Mr. ROSSIDES. Correct, Mr. Chairman. For instance, in southern California, we don't have the statistics for the period January 1, 1969, to April 15, 1970, so we put in the figures there for the year 1968. It is a footnote which is not fully set forth on the chart there but it is on the copy with my testimony. Let me read the footnote.

"The figures supplied by police officials in the area making up the Southern Federal Judicial District of California and Colorado were for the years 1968-69 and 3 months of 1970. They cannot be broken down by year, and are not included in the grand total for the western region."

The CHAIRMAN. There are some that you haven't undertaken to include because you couldn't break them down?

Mr. ROSSIDES. Correct. We wanted to be as conservative as possible in these statistics. I would leave out the word "inconsistency" and just say incomplete and on the conservative side.

The CHAIRMAN. That is what I thought you meant. Can you verify, from the reports you have received from local law enforcement officials

and the investigation you made, the actual bombings that you have reported as the number on the chart?

Mr. ROSSIDES. Every one of them, Senator.

The CHAIRMAN. So there is no guesswork about it?

Mr. ROSSIDES. There is no guesswork about what is on that chart.

The CHAIRMAN. They have been substantiated by reports you have received from local law enforcement officials?

Mr. ROSSIDES. Correct, Senator.

The CHAIRMAN. One thing that can be said about them is that they don't cover the last 3 months?

Mr. ROSSIDES. Correct, the last 3 months of this year. Up through April 15.

The CHAIRMAN. The figures for the last 3 months are not included.

Mr. ROSSIDES. That is correct, sir.

The CHAIRMAN. And the second thing is that you know these are incomplete and the number is bound to be more and not less.

Mr. ROSSIDES. Correct, Senator.

The CHAIRMAN. All right, Proceed.

Mr. ROSSIDES. I might add that it was an enormous task to obtain these figures and the men of the Alcohol, Tobacco, and Firearms Division in their dealings with the local and State officials did a fine job in a short period of time in pulling together these facts.

The CHAIRMAN. All right. You may proceed.

Mr. ROSSIDES. As you will recall, Mr. Chairman, we were requested by your committee to limit the time period from January 1, 1969, through April 15, 1970. In the Southern District of California and the State of Colorado, however, we were unable to obtain such a breakdown and, as a result, those figures include the year 1968 as well as 1969 and the first 3 months of 1970.

Another caveat to be borne in mind is in the area of attribution. The attribution figures submitted to us contained no breakdown as to what proportion of the figures applied to actual bombings as distinguished from attempted bombings or bombing threats.

In spite of the foregoing cautions, Mr. Chairman, we do believe that the figures will be of assistance to the committee and the attribution figures clearly establish certain trends of significance.

And we believe, Mr. Chairman, in reviewing the results of Treasury's survey that the prediction in your letter to Secretary Kennedy seems quite accurate:

The figures do graphically reveal that terrorist acts of violence and anarchy by bombing have reached menacing proportions in our country.

From January 1969 to April of this year—a scant 15-month period—this country suffered a total of 4,330 bombings, an additional 1,475 attempted bombings, and a reported 35,129 threatened bombings.

The CHAIRMAN. We ought to elaborate on threatened bombings. What do they consist of? Those are in addition to the bombings that actually occurred, is that right?

Mr. ROSSIDES. That is correct, Senator.

The CHAIRMAN. Elaborate on that and tell us what you consider a threat. How did you arrive at these figures?

Mr. ROSSIDES. A threat would be where a phone call—and it has happened here in Washington quite often in Federal buildings, it has hap-

pened in the various cities around the country, in my own city of New York, and I know it has happened in Chicago and other places—a telephone call would come in and someone would say, "We have planted a bomb in your building. It is going to go off sometime today," and they would hang up. That is a bombing threat. It can vary. It can be accompanied by obscene language at times.

But the point is always made that "A bomb has been planted in your building." Then, of course, there can also be terrorist acts where they say, "We have planted a bomb in your home."

Certain aspects of the bombings relate to smaller buildings. That would be a threatened bombing.

Senator PERCY. It includes also threats against airlines, does it not?

Mr. ROSSIDES. It does.

Senator PERCY. How about a threat against an American airline outside the country, Pan American or TWA? It is only continental limits?

Mr. ROSSIDES. I am not sure.

Senator PERCY. I am speaking about where American passengers might be involved.

Mr. ROSSIDES. Yes. It could be that it may include a bombing outside. I am not sure. There would only be a few outside.

Senator PERCY. We are not dealing with threats against American embassies abroad, where there have been a great many, but only continental limits?

Mr. ROSSIDES. Only continental.

Senator RIBICOFF. Out of the 35,000 threats, how many times were bombs actually found?

Mr. ROSSIDES. I don't know, Senator Ribicoff. I will see if we can determine that.

Mr. LIDDY. I believe the answer will also be found on the chart, Senator. We have not only actual bombings and bombing threats but attempted bombings. If a bomb is actually found but found before it is detonated, that is classified as an attempted bombing.

Senator RIBICOFF. How many were there?

Mr. LIDDY. The grand total was 1,475, nationally.

Senator GURNEY. Is that 1,475 contained also in the figure of 35,000?

Mr. LIDDY. It is my understanding that it would be, yes.

Mr. ROSSIDES. Senator, the 1,475 would be probably over and above the 35,000. That is the attempted, where presumably they found some part of an explosive. I will check and confirm about the other. I think the 35,129 would be purely a threat, the building evacuated or not evacuated, and no bomb found.

(Additional information supplied by the Treasury Department stated that "the 1,475 attempted bombings are over and above the figure for bombing threats.")

Senator RIBICOFF. Out of these 35,000 threats, the threat, itself, was very disruptive, was it not? The police would move into action. The fire departments would move into action. Buildings would be evacuated.

Mr. ROSSIDES. Senator, it would be extremely disruptive. Obviously, the bombings that have occurred are shocking and incredible, very cold-blooded. But the disruption of a bombing threat is enormous. You take the situation that we have had at many sensitive Govern-

ment buildings. You take major companies and corporations. Whole buildings have been evacuated, thousands of people.

The problem for the administrator, the executive, in that building, that company or government officials is "Do I release the employees? Do we have them go out or is this just another scare? What is going to happen?"

Say you have threats continuously, day after day, for one solid month in X Co. in Hartford, Conn. What do you do? This is a very difficult problem and it should be dealt with vigorously.

Senator RIBICOFF. What have you found? Have the threats increased subsequent to an actual bombing taking place in an area?

Mr. ROSSIDES. The pattern develops that when you have had a bombing, there is an increased number of bombing threats thereafter. I am sure that after today's testimony there will probably be an increase in bombing threats, the normal reaction. It is a pattern that we are trying to develop a response to.

These statistics I think will be of help. It is a 15-month period. We will be analyzing them to see if there is some way things can be tied together more.

It is an extremely difficult area to make predictions in. The key thing that we can show from these figures is that the problem is there, it is extremely serious, and it is continuing.

Senator RIBICOFF. Do you know how many people have been apprehended who have actually threatened bombings as against those who committed bombings? What luck have you had in apprehending the threatened bombings?

Mr. ROSSIDES. I will have to supply those figures for the record, Senator. There have been a number of arrests, of course.

(The information supplied by the Treasury Department follows:)

As this information was not requested by the committee, and thus not included in the survey, it was not submitted by the local law enforcement agencies. There undoubtedly have been arrests for bomb threats but the extent and number of such arrests is not known. While there have been some Federal arrests for bomb threats under the civil rights and bomb hoax provisions of the United States Code, those figures would have to be obtained from either the FBI, as the investigating agency, or the Criminal Division of the Department of Justice.

Senator RIBICOFF. Convictions?

Mr. ROSSIDES. Convictions? I am not sure we have had completion of the cases. I will also supply that. There have not been that many at the moment because, of course, these figures are for the 15-month period.

I don't know whether there have been some court delays. I will find that out on the prosecution end from the Department of Justice or their witness will undoubtedly be here. But I will supply that.

We had not been asked that specific question, Senator, but I can get that, I think, easily enough.

(The information supplied by the Treasury Department follows:)

For the same reasons mentioned in the answer to the preceding question on apprehensions, Treasury does not have this information.

The CHAIRMAN. The Chairman realizes that in the course of this hearing, as these questions arise, you probably haven't had time to make the analysis to give answers to many of the questions. There are

matters that the members of the committee are interested in. Your responses would give information we should have.

Let me request of you that you further pursue these statistics, these figures, making analyses of them with the view of supplying that further information to this committee for the record before we close these hearings.

Mr. ROSSIDES. We will be pleased to do that.

The CHAIRMAN. Continue to make a study of them so you can give as many answers to these questions as possible.

Mr. ROSSIDES. We would be very pleased to, Senator.

The CHAIRMAN. I realize that the statistics have been compiled recently and you haven't had time, perhaps, to make all the analyses.

Mr. ROSSIDES. We may be trying to develop a pattern also within the Department for a regular reporting system so we don't have to do it on a crash basis.

Senator RUBINOFF. It is pretty hard to discover a person who makes an anonymous telephone call.

Mr. ROSSIDES. Correct. That is why the attribution of these statistics can only account for 36 percent of the perpetrators. Sixty-four percent are unknown. It is even unusual that we were able to attribute up to 36 percent because the threats to bomb have such a large figure that a good portion of the 36 percent would have to be there.

The CHAIRMAN. Did you have any of these statistics, any of these figures, prior to the time the committee requested you to make this survey?

Mr. ROSSIDES. No, Mr. Chairman.

We had some of the figures—we might have had figures for a certain number of bombings. The bombings we certainly would have known about because that would have been the statutory responsibility of the Alcohol, Tobacco, and Firearms Division. Once a bomb is exploded, we try to determine whether it had a serial number and was registered which, obviously, it isn't.

The other figures on the attempts to bomb we probably had, but not in this form. It was because of the subcommittee's request that we pulled it all together.

Senator GURNEY. Does the FBI have any reporting system on bombing?

Mr. ROSSIDES. Probably, Senator Gurney. I am not sure. They have a responsibility once a bombing has occurred. It is the Federal Bureau of Investigation's responsibility. On their reporting, gathering nationwide statistics, I don't know. Again, we will add that.

We do know that our Alcohol, Tobacco, and Firearms Division must investigate all actual bombings.

Senator GURNEY. Do you have any standard method of reporting bombings?

Mr. ROSSIDES. The Division does, the Alcohol, Tobacco and Firearms Division would have its men throughout the country with regular questionnaires that would occur on any bombing; yes, sir.

Senator GURNEY. Is this same or standard form used by other law enforcement agencies?

Mr. ROSSIDES. I do not know, Senator. It is available to them. What I plan to do, as I indicated before, is to make this into a regular procedure so that we can have this information come in periodically,

say monthly, and this chart can be updated, and we can quickly get actual statistics, more refined and improved.

The CHAIRMAN. Proceed with your statement.

Mr. ROSSIDES. Of the 4,330 actual bombings, 3,355 were incendiary in nature, and 975 were explosives. From these figures, Mr. Chairman, it is clear that the incendiary bomb, the Molotov cocktail and the like have been chosen 3 to 1 over explosives by the terrorists.

Mr. ADLERMAN. Mr. Rossides, that figure for the explosive bombings, 975, does not include the 173 bombings that occurred in southern California and in Colorado during 1968, 1969, and 1970?

Mr. ROSSIDES. That is correct, Mr. Adlerman.

Mr. ADLERMAN. If you were to add those 173 bombings, the total would be about 1,150 bombings.

Mr. ROSSIDES. Yes. I would say that probably clearly the explosive bombings, when you take in the figure you just mentioned regarding southern California and Colorado, would certainly be over 1,000 during this 15-month period.

Mr. ADLERMAN. You are also excluding from your figures the 1,091 incendiary bombings that occurred in southern California and in Colorado during that same period of 1968 through April 15, 1970?

Mr. ROSSIDES. That is correct. We prefer to be on the conservative side.

Mr. ADLERMAN. In total bombings, of course, the same exclusion applies, is that correct?

Mr. ROSSIDES. That is correct.

(At this point Senator Gurney withdrew from the hearing room.)

The CHAIRMAN. All right, proceed.

Mr. ROSSIDES. In our judgment, Mr. Chairman, the incendiary bomb cannot be compared on an equal basis with the high explosive bomb.

When an incendiary, such as a Molotov cocktail, explodes, there is usually ample time to evacuate the premises, and often sufficient time for the fire department to extinguish the blaze and limit the damage done. When a high explosive bomb is detonated, however, it is all over within seconds.

Little can be done by the authorities to reduce casualties other than to knock down remaining walls which threaten to topple onto passersby in the street.

I think we can all agree that the explosive bomb presents a greater hazard to the public, and is capable of inducing greater terror and consternation among our people than the ordinary incendiary bomb.

Further bringing home the seriousness of the situation, Mr. Chairman, is the fact that the Treasury survey reveals that in the reporting period bombings in America were responsible for the deaths of 43 people and \$21.8 million of property damage.

The CHAIRMAN. That is over this period of time?

Mr. ROSSIDES. That is correct, Mr. Chairman.

The CHAIRMAN. In other words, more than 1,000 explosives and incendiary bombs caused 40 deaths?

Mr. ROSSIDES. Correct.

The CHAIRMAN. How many were injured?

Mr. ROSSIDES. On the chart, on the next to the last column, 384.

The CHAIRMAN. Were some of those injuries quite serious, do you know?

Mr. ROSSIDES. Yes, Senator.

The CHAIRMAN. Were some people maimed for life?

Mr. ROSSIDES. They would have to be, Senator. I am sure that would happen in one of your bombing situations. Of 384, it probably varies from the slightly injured to the seriously maimed and crippled.

The CHAIRMAN. All right, proceed.

Mr. ROSSIDES. Mr. Chairman, the chart we have here gives individual totals for every State in the Union, with the exception of Hawaii, which was not included in the survey.

I will not take the committee's time now to repeat each statistic, but a reproduction of the chart is included as an appendix to this statement, and the figures would be available to all members who may, understandably, be particularly interested in the result of the survey as it pertains to their home States.

I would like to turn now to the attribution figures we have collected. First, I should point out that these figures represent the best estimate of police sources from around the country and can best be expressed on a percentage basis.

The total number of incidents of bombings, attempts, and threats reported was 40,934. Attribution can be estimated in only 36 percent of this total. Stated another way, 64 percent of the total are of unknown attribution.

Of the 36 percent in which there is an estimate of attribution, 56 percent are attributed to campus disturbances and student unrest. Nineteen percent are attributed to black extremists, and 14 percent are attributed to white extremists. Eight percent are attributed to activities in aid of criminal pursuits, such as extortion, robbery, and insurance fraud. Only 2 percent are attributed to labor disputes and 1 percent to religious difficulties.

(At this point Senator Gurney entered the hearing room.)

Senator RIBICOFF. I wonder if you would be more explicit as to what is a black extremist and what is a white extremist? Who do you consider in those categories?

Mr. ROSSIDES. The next paragraph of my prepared statement gets into that.

We consider, Senator, when we use the term black extremist, those of both the left and the right. You have various extremist organizations that are known to espouse violence and the use of force. These would be of both groups.

Senator RIBICOFF. Those terms are indefinite, the left and the right. They are such generic terms that I think it would be much more valuable for the committee and the country to know just who you are talking about.

Mr. ROSSIDES. The various groups that are known to the committee would be included. We will supply the names of the organizations and sometimes the persons that can be considered members of the organizations, although we might not have actual proof.

But if you have the name of the person who committed an atrocity, you are labeling him an extremist, whether he may or may not be a member of a particular organization.

We tried not to get into questions of ideology in the survey, Senator. We found that of the percentage of attribution on the

bombings, 19 percent, say, came from blacks, and we call that extremist, and the other from whites, and we are using that term as extremist.

Senator RIBICOFF. The only thing I mean is that when you use the man of the left and the man of the right, those terms are used so frequently to describe so many individuals or groups, in the mind of the individual who is talking or writing that their meanings become too indefinite.

I think you ought to list for the committee what groups you consider on the left or on the right that are involved in these bombings.

Mr. ROSSIDES. We will do that for the record, Mr. Chairman.

(The information supplied by the Treasury Department follows:)

The Treasury did not attempt to elaborate on the Subcommittee's request of April 21, 1970, for a special information survey on bombings. In that request, the Subcommittee listed the categories under attribution as (a) student unrest, (b) labor disputes, (c) Negro extremist, (d) White extremist, (e) religious—anti-Jewish and/or anti-Catholic, and (f) criminal. The request to State and local law enforcement agencies went out in the same form. Therefore, we are reluctant to place any organization or person in a "left or right" category as this would merely reflect our thinking and not that of the supplying agencies.

Senator METCALF. Mr. Chairman?

The CHAIRMAN. Senator Metcalf.

Senator METCALF. I concur in that. Suppose a bombing took place by the Weatherman group of Students for a Democratic Society. How could you say it was a black extremist or a white extremist, because these groups are composed of both.

Mr. ROSSIDES. The Weathermen, Senator, are primarily white and the Black Panthers are obviously primarily black. I don't believe the Black Panthers allow any white persons in their organization. The Weathermen may allow a black person in.

Senator METCALF. My colleagues shake their heads.

I can conceive of some groups that are composed of both white and black. How could you arbitrarily say, this is a bombing by an extremist group of the whites?

Mr. ROSSIDES. We didn't use the word group, Senator. It was a person.

Senator METCALF. Have you broken this down by individuals who participated in the bombings rather than by groups of the left or right, as you answered to Senator Ribicoff?

Mr. ROSSIDES. Let me put it a different way, Senator, because I think it is important. These statistics are gathered from information, say, by the local police department of a particular city.

So the police say, "This particular bombing was perpetrated by white extremists. We can verify it. It was on a date at a person's house. This white extremist perpetrated a bombing."

Senator METCALF. And you identify him as an extremist because he is a member of the Weathermen or Black Panthers?

Mr. ROSSIDES. No; the local police did. You are talking about over 4,000 actual bombings. They may know that that particular person who is white was a member of the Weathermen. They are not saying that because he is a member of the Weathermen he is an extremist.

They are saying this particular perpetrator who threw a bomb is an extremist. I would imagine you can classify someone who throws a bomb as an extremist.

On the other hand, another police department reports a bombing and say the Black Panthers are responsible for it. They verify this to us.

Senator METCALF. So your designation and determination that an extremist black or white participated in the bombing is based upon a description given to you by one of the local authorities?

Mr. ROSSIDES. State and local police authorities.

Senator METCALF. It is their description, really, that says that this person is an extremist?

Mr. ROSSIDES. Yes, Senator. If a person is planting a bomb, I think it is awfully difficult not to call him an extremist.

The question of their being white or black is what we were trying to break down on the percentages that were given to us by State and local officials.

Senator METCALF. Actually, if you plant a bomb, by definition you are an extremist, and then after that it is just whether a white or black planted such a bomb.

Mr. ROSSIDES. But it may be further. We have not tried to break it down to say how many of the whites are known members of the Weathermen or how many blacks are known members of the Black Panthers.

We did not try to do that in this particular period of time, Senator.

Senator METCALF. Thank you.

As the hearings go on, I imagine these matters will be clarified.

The CHAIRMAN. So far as they can be. I hope they will be. I agree with the witness that anyone who resorts to violence to achieve their ends in a democratic, civilized society, it seems to me to have gone to the extreme, to some extent, and to call them extremist is not necessarily slanderous.

Senator PERCY. I think this point is so important on the opening day of these hearings. I would like to go back to the chairman's statement as to the scope of this hearing.

He talks about the fact it is our job to determine the immediate and longstanding causes and measures necessary for immediate and long-range prevention.

When we talk about extremist, I think it is important that we don't just think in terms of the known militants that we traditionally think of.

I think of two residents of the State of Illinois, one a young girl from a rural community, Dwight, Ill., whose father was a banker and a State legislator, and whose family has been one of the great families of our State through the years.

She was blown up in a 14th Street house. They only found her fingertip. They were making bombs. We don't know what her involvement was, but we know she was disassociated from society somehow.

She was in contact through the years with a son of the head of our largest public utility, grew up on the north shore of Chicago. These are two young people who had disassociated themselves from society, felt that something had to be done against the establishment.

Will the administration direct itself to situations that cause such young people as this, with the background that they had, to become so disassociated from society and the establishment that they resort to these means of violence, which none of us can really comprehend and understand?

Mr. ROSSIDES. I would agree with you fully, Senator Percy, and the administration is doing this. It is not just interested in extremist organizations, because there are many persons who are not involved in such organizations but who have become alienated from society.

This is a total problem, and the administration is looking vigorously at it and is very pleased to be working closely with the committee on this.

Senator PERCY. Do you think it would be well for this committee to have someone from the administration who is certainly studying this problem testify as to why we probably have more polarization and alienation of the young generation in our society than we have ever had in our history? That individual could try to give us some insight, as the chairman says, of the immediate and longstanding causes for many of them turning to violence.

Mr. ROSSIDES. It would be helpful, certainly, Senator Percy. One of the points that we make, as I just mentioned, is the statistic—gain—statistics can give you a range. It is 56 percent of the 36 percent who are associated with campus disturbances and student unrest.

Senator PERCY. So it is a very big part, then.

Mr. ROSSIDES. A very high part of this is the youthful involvement.

Senator PERCY. I would like to ask this one last question: We have here an involvement of local, State, and Federal jurisdictions. Within the Federal Government we have the Department of Defense involved with the safety and security of the country to an extent—at least I read from the newspapers they have been involved in keeping records—the Treasury Department, and the Justice Department.

With respect to bombings, can you clarify for us what the respective responsibilities of the various departments of Government are and how it is all coordinated and pulled together?

Mr. ROSSIDES. Certainly, Senator. I will do it now and then I can skip that certain part of my prepared testimony.

We have, for instance—and this reflects the various aspects of the total Federal picture—we have had a White House task force on the explosions and bombings problem for several months.

On that task force is the Department of Transportation, which is responsible for safety of transit of explosives; the Department of Interior, where the Bureau of Mines has the problem of safety in the use of these explosives in the mines and in commercial endeavors.

On the committee also is the Department of Agriculture, the Department of Commerce, and a member of the new office, the Office of Management and Budget.

Each of these departments has a part of the problem pertaining to its area. Certainly, the Department of Transportation, when explosives are transported, has to have certain regulations regarding safety.

The Federal Bureau of Investigation is responsible for the investigation of an actual bombing.

The Treasury Department, through the Alcohol, Tobacco, and Firearms Division, pursuant to the Gun Control Act of 1968, is responsible for the registration of all explosive devices.

Once a Molotov cocktail is made, the law requires that a serial number be placed on that explosive device and that it be registered. It is a violation if it is not, and that is where Treasury's responsibility comes in.

The investigation of the actual bombing is conducted by the Federal Bureau of Investigation.

Senator PERCY. Thank you very much.

The CHAIRMAN. With respect to the Senator's suggestion about the administration being able to tell us, we welcome that information, and similar help from any other source that is competent to tell us why these things are happening.

I don't know that we should limit it to the administration. I would like to have it from any source if we can get something concrete, something that would clearly indicate what motivates people to resort to what I call senseless violence, to kill people, to plant bombs wantonly, or just to destroy property.

I would like to know what motivates them. Anybody who could give us any competent suggestions or information about it would be welcomed.

Senator RIBICOFF. Along that line, Mr. Chairman, as you were talking, the thought occurred to me that at various hearings we have had college presidents. Practically every college and university that I know has a staff of psychiatrists who are there to counsel and understand the problems of young people.

To my knowledge, no committee has ever asked any college psychiatrist to come and testify, to get their reaction. I think it would be worthwhile exploring, the possibility of inviting some of these psychiatrists from some of our leading universities where there have been these explosions to come in and testify.

The CHAIRMAN. I think in the past we have invited some of these people to appear.

Mr. ADLERMAN. We asked each of the Senators to submit the names of those they thought should be invited.

Senator RIBICOFF. I don't think that is true, that those men were specifically college psychiatrists. I don't know if they can be produced, but if the chairman is interested, I will explore that to see if I could invite some leading psychiatrists from our college campuses to come and give us their reactions.

This has not been done, to my knowledge, either privately or publicly.

Mr. ADLERMAN. We made several requests. We sent around a circular to each of the Senators.

The CHAIRMAN. If any Senator is interested in this subject matter, who can give us the names of some competent witnesses in this field, the Chair would be most happy to contact them and invite them to cooperate with the committee and give us the benefit of their judgment and conclusions as to some of the causes for this rash of violence, wherever committed.

You may proceed with your statement.

Senator GURNEY. I have one question, Mr. Chairman.

Mr. Rossides, in reply to Senator Percy, you mentioned that the FBI was responsible for investigating bombings.

What do you mean by that? Do they investigate all bombings in the country or only a selected few? What do they investigate?

Mr. ROSSIDES. Senator Gurney, to clarify, any time there is a bombing the FBI will investigate to determine whether or not there is a civil rights aspect to it, and then their jurisdiction comes into play.

They also assist the local and State officials, giving the services of their laboratory organization to the investigation if called upon.

Assistant Attorney General Wilson will be testifying before the committee and will be laying out the actual laws that are involved and the legal responsibility.

You are correct in the implication of your question that if it is a local bombing and it is a threat against a particular storekeeper, this would be a local matter and the FBI would not come into the investigation. They would be there to give laboratory assistance, if asked.

The CHAIRMAN. Am I correct that there would have to be one of two aspects involved, either a bombing that has a relation to violation of some law that covers interstate commerce—that would bring the jurisdiction to the FBI—and the other aspect would be if the act was one that involved violation of the civil rights of some person and defined by the statute. That would bring them into action, too. That would bring it under their jurisdiction.

I don't think at the moment of anything else. Of course, kidnaping would involve interstate commerce.

Mr. ROSSIDES. There is the question of extortion. Those are basically the ones.

The CHAIRMAN. I believe the bombing of a bank insured by the FDIC would bring them in.

Mr. ROSSIDES. It certainly would bring the Federal jurisdiction in.

The CHAIRMAN. In other words, there are certain areas where, if the bombing occurred, it would come specifically within the jurisdiction of the FBI to investigate it.

Mr. ROSSIDES. Correct, Senator.

The CHAIRMAN. Bombing by one person wanting to kill another one wouldn't necessarily come within their jurisdiction.

Mr. ROSSIDES. That is correct. For instance, in New York City, the District Attorney's office, were there a bombing in an extortion threat, would be assisted by the local police. Sometime a situation could develop where the FBI would be called in as well.

The CHAIRMAN. Let us proceed.

Mr. ROSSIDES. Mr. Chairman, the survey points out that the weapon of choice would be the incendiary bomb, although a significant amount of explosive materials is used.

We think it is fair to say that anyone who can synthesize LSD would have no difficulty at all in formulating explosive materials or constructing an explosive device.

I detailed the aspects of our administration's task force and that this matter has been under intensive study since the submission of S. 3650 in March 1970, which called for additional penalties.

I also point out that the Department of Interior will be testifying before the House Committee on the Judiciary, a subcommittee, sometime next week.

As we discussed this morning, Senator, they are available to appear before this committee at your convenience.

The CHAIRMAN. When you speak of the Department of Interior, you don't consider that it has any particular responsibility for law enforcement or administering the criminal statutes.

What interest or what function would the Department of Interior have? What part could it play?

Mr. ROSSIDES. I don't want to anticipate the testimony being developed now, but the decision has been made in broad outlines on the policy.

The Department of Interior is an unusually varied Department. Their Bureau of Mines is responsible for the regulation of the use of explosives. It is in this connection, trying to have a greater control over the dynamite, the explosive, from its origin, and to regulate it, that its interest lies.

The CHAIRMAN. To try to keep it from getting into the hands of the bomber?

Mr. ROSSIDES. Correct. It is a regulatory matter. They will not be investigating the criminal activities.

The CHAIRMAN. They have jurisdiction over the regulation of the explosives?

Mr. ROSSIDES. Correct. They have an existing organization that can be easily moved in and expanded in their responsibilities.

The CHAIRMAN. I thought we should get the explanation into the record at this point.

When you first mentioned it, I wondered what in the world they would have to do with law enforcement in this field.

Mr. ROSSIDES. Most of the dynamite and explosive is used in commercial enterprise. Someone would say why shouldn't the Alcohol, Tobacco, and Firearms Division do this. We had these discussions and concluded that it was easier for the Bureau of Mines just to expand its existing function.

The CHAIRMAN. They have a trained staff in this field.

Mr. ROSSIDES. Correct, Senator.

Senator METCALF. This is a very difficult and delicate situation, of course. In spite of the fact that hardly ever in the West do we have a miner with a burro out prospecting, we do have thousands of small mines that are operating. We have thousands of claims that are still legitimate claims where exploratory work and adjustment work has to be done every year.

The people who work these mines must have access to dynamite or other explosives. We can't have such strict security that we close down the small mines or the opportunities still existing in America to go on the public domain and open up a claim and explore it.

At the same time, I know your task force is taking into consideration the need to have greater security measures.

Mr. Chairman, I think this is a very important situation for many of us in the West. I would hope that we would have an opportunity to hear those witnesses as well.

The CHAIRMAN. I assure the Senator there is no desire on the part of any member of this committee, I am sure, or any Member of Congress, or the agencies, to prevent the legitimate use of explosives as the miners use them. No one would want to interfere with that. That is not a matter in the investigation.

We would hope that they could be permitted to have everything they need.

But our purpose is to find a way, insofar as we can, to keep these explosives from reaching the people who would use them to murder or destroy.

Mr. ROSSIDES. I am sure, Senator, and members of the committee, there would be no problem along those lines. There may be a slight tightening up. But I think that is one of the reasons that our decision was to take advantage of the Bureau of Mines' expertise and knowledge rather than have some new organization, another arm, develop.

They are familiar with mining problems and the mining industry, and I think this should be a reassuring aspect to you in that regard.

Senator METCALF. I agree with you that you should have some tightening up on security, and so forth, but we can't have such strict security that we are going to close down opportunities that still exist in the West for small miners and small operators.

Senator PERCY. Mr. Chairman, one of the most important things to come out of this hearing this morning so far, to me, is this: I have had in mind the fact that bombings and bomb threats occurred in New York buildings and airlines with greater frequency than other places.

The most shocking figure to me is the one right up there that says that 56 percent of the known perpetrators are on campus disorders.

This is an overwhelming majority, more than all other purposes put together. To me, if I were a college administrator, I can't imagine a legitimate use for dynamite and explosives on a college campus.

I would tend to think, outside of a physics laboratory, maybe, under controlled conditions, that the college administrators and university administrators ought to take that piece of information and try to do something with it.

So far as attitudes are concerned, Mr. Chairman, I was rather shocked on the Stanford campus where I gave a commencement address this year, and I showed a copy of my address to student leaders ahead of time. They begged me to take out the section where I condemned the destruction, burning of scholars' works by arsons, and bombings.

They said, "You will turn the students off. A lot of them think the only way to get anything is through violence."

I think it is critical when there is that attitude on what might be considered a relatively conservative campus, a private institution, and when Dr. Pitzer, who testified before us as a new president of that university last year, submitted his resignation and named one thing: the polarization on campus caused by the Vietnam war.

If we know that 56 percent of the perpetrators fall into the campus disturbance category, what percent of that 56 percent is related to normal student dissatisfaction with dating hours or dormitory regulations and what percentage is attributable to the Vietnam war.

I think it would be very important for us to know what the real cause behind these disorders is and why students from affluent America go to those universities and end up in a year or two feeling that violence is the only way they can get their point across. They are going to be turned off by a commencement address which says that violence is wrecking our society.

(At this point Senator Javits entered the hearing room.)

Mr. ROSSIDES. I couldn't agree with you more, Senator, that the most important statistic we have come up in the interpretation of the figures is that statistic regarding campus disturbances.

Senator RUBINOFF. I think we ought to make it pretty clear that statistics can get you into a lot of trouble. In other words, it isn't 56 percent of the total bombings, but it is 56 percent of the 36 percent.

Mr. ROSSIDES. Correct, Senator.

Senator RIBICOFF. So that is a different percentage of the total.

Mr. ROSSIDES. Right. I would say this, and, again, statistics can get us all in trouble, I think it is clear from the figures that the local and State law enforcement officials have submitted that the youth, the predominance of the youths' use of explosives is astonishing and is a troubling factor.

Senator, I could agree with you more about the problem faced in campus unrest. I hope that there is more awareness by the college administrators of these facts.

Mr. Nathan Pusey's address during commencement week at Harvard to me was one of the most important speeches I have heard about the dangers on the campus of practically mass thought control; the fact that students say, "Take out some reference to violence and book burning," I think should trouble us more. Maybe we should have more college presidents up here to find out what they think the causes are.

The CHAIRMAN. Finish reading your statement. We will withhold further questions until you conclude your formal statement.

Mr. ROSSIDES. Thank you, Senator. It will only be another couple minutes.

As the committee is aware, there are already a great many State laws with respect to explosives and flammable materials. Most of them relate to questions of safety in storage and handling.

The Department of Transportation by statute controls the interstate transportation of explosive materials; and the Department of the Treasury is responsible for the administration of the Gun Control Act of 1968, which, among other things, regulates such "destructive devices" as any explosive, incendiary, or poison gas bomb, or grenade; rockets having a propellant charge of more than 4 ounces; missiles having an explosive or incendiary charge of more than one-quarter of an ounce; mines; or devices similar to any of the foregoing.

The Treasury also administers certain provisions of the Mutual Security Act of 1954 which deal, among other things, with military explosives, and the Department of the Interior through its Bureau of Mines also has certain statutory authority with respect to explosives, such as regulating the use of explosives in the mining industry.

As I understand that Assistant Attorney General Wilson, who is scheduled to appear before this committee, will discuss the existing body of law on explosives, I shall not go into the matter further at this time.

As I know this committee is also aware, explosives play a vital role in the construction, mining, and agricultural industries in the United States.

In addition, as smokeless propellants are employed in small arms ammunition and black powder is employed in small arms designed for its use, there is extensive use of these two items by millions of our citizens for lawful sporting purposes. Small arms ammunition, as you know, is also covered by the Gun Control Act of 1968.

There would seem to be, Mr. Chairman, a need to upgrade the security with which the most dangerous explosives, such as the dynamites, are stored, in order to retard theft.

It would also be helpful for enforcement agencies to have access to records of the sale, at least, of commercial high explosives.

However, we are aware from our work with the administration task force that there are many technical problems which must be taken into consideration in deciding what additional legislation is necessary.

We hope, Mr. Chairman, that the survey we have provided today will prove to be a helpful addition to the body of knowledge under study by the administration and by this committee.

Thank you very much. I am available for any further questions you or the committee may have.

The CHAIRMAN. Thank you, Mr. Rossides. I want to particularly thank your Department, Secretary Kennedy, and yourself, for having responded so cooperatively to the request of the committee to make this study and gather together these statistics and make them available to us.

You say they are probably on the conservative side. We think they are quite informative, and, I may say, to me, they are disturbing.

You have explained the survey you made. The information you brought to us has pointed up the fact that we do have a serious problem here, and the committee will pursue the matter with the view of trying to get all the information needed to enable the Congress to meet its responsibilities in this particular field.

In this meantime, you said you had to do this somewhat hurriedly. In the course of the hearings this morning, a number of questions have been asked you which you could not respond to, which you were not prepared to respond to. We hope that you can respond to most of them by pursuing this further, coming up with the answers and supplying the information later to the committee.

I request that you do that. We would like to have you follow the hearings as we progress and let us have the benefit of suggestions from the Department, yourself and your counsel with respect to information that may become available from sources where ever we may find them, with any other pertinent recommendation you may make.

I will yield now to any Senator who wishes to ask questions.

Senator RIBICOFF. Mr. Rossides, have you any breakdown of the results of those bombings attributable to campus disturbances, the number of deaths, injuries, or property damages as a result of those bombings?

Mr. ROSSIDES. Would you repeat the beginning of that, Senator?

Senator RIBICOFF. The 56 percent or 36 percent figure—

Mr. ROSSIDES. How much of the 56 percent resulted in death, personal injury, or property damage?

Senator RIBICOFF. Yes.

Mr. ROSSIDES. We will supply that, Senator. I just don't know off hand.

(The information supplied by the Department of the Treasury follows:)

This information was not requested by the committee and is not available without re-contacting all the State and local law enforcement agencies involved in the survey.

Senator RIBICOFF. In your studies, did you come to any conclusions as to what the objectives of the bombings were? What were the objectives sought?

Mr. ROSSIDES. We did not look into that in the study that the committee asked for, Senator. It was purely a statistical attempt to find

out how many actual bombings in the United States from January 1, 1969, through April 15, 1970, occurred.

Senator RIBICOFF. Do you have the means of finding out the objective?

Mr. ROSSIDES. We would have, it seems to me, the means of doing that, Senator. That is part of the reason that I mentioned before that it seems to me it would be helpful to both the Executive and the Congress, that we have a continuing reporting procedure, whether monthly or quarterly. We can also refine the reporting procedure to have another question, possibly, asked as to what was the purpose, was it extortion or some other purpose. We probably have a fair amount of that information now.

Senator RIBICOFF. Are you in charge of the task force?

Mr. ROSSIDES. No. The task force is chaired by a member of the White House staff, and Mr. Gordon Liddy is our Treasury representative on the task force.

Senator RIBICOFF. I would like to have clarified the newspaper reports that I received about investigating the reading habits of the American people by you or someone else in the Treasury.

It was very unclear, what you were trying to do or what you were seeking.

Mr. ROSSIDES. I would be pleased and happy to, Senator. I was waiting for someone to ask me that question.

We feel that quite unfairly our agents of the Alcohol, Tobacco and Firearms Division have been subjected to what I feel is a great deal of undue criticism in the sense that our investigation to date points out that these were isolated instances of actions by individual agents, maybe overzealous in their duties.

Let me clarify very, very quickly and very importantly the policy of the Department in this regard.

The question referred to was a report in the newspapers last Thursday that agents of our Alcohol, Tobacco, and Firearms Division had gone into libraries and asked for a general survey of who was reading certain books on explosives and that they were not investigating a particular suspect.

No. 1, the policy position of the Department is absolutely clear; we are opposed to any browsing of this nature, of any general browsing, in libraries or elsewhere, to review reading habits of the general public.

Of course, on a specific investigation of a specific violation, it is a different question, but that is not what you have in mind.

Also, we are informed by the Internal Revenue Service, the Commissioner, that the National Office had absolutely no such instructions out to do any general browsing in libraries. Yet, the impression was given by the report in the paper, that such a procedure was in vogue. It was not.

That is why I say it was unfortunate. It gives the impression that this was some regular program, and it was not.

Senator RIBICOFF. You weren't checking on the reading habits of the American people?

Mr. ROSSIDES. Absolutely not, Senator. What annoys me is the failure of this organization and persons to have called the Treasury Department and asked. They make a massive attack in the paper regard-

ing an accusation of enormous importance, as if we are running around browsing and invading the rights of privacy. No one called the Treasury Department on this to ask and verify whether there was any such policy.

They would have been told immediately there wasn't. I have spent several months fighting a particular bill in the Congress, the bank secrecy bill, because the original bill was an absolute invasion of privacy. The original bill of Congressman Patman had absolute access by investigators to all bank records.

We pointed out we are opposed to browsing. That didn't get any play in the matter. But here—I won't call it a cheap shot, but it is practically that.

I would like to read to you for the record a memorandum that Under Secretary Walker sent to Commissioner Thrower regarding this matter dated July 13. This is from Under Secretary Walker to Commissioner Thrower:

This is to reiterate our telephone conversation of last week in which I stated that the Treasury is strongly opposed to any of its law enforcement agents surveying or engaging in a general search of any body of records to determine which citizens may have read a particular publication, listened to a particular recording, or viewed specific pictorial matter.

This is not to say that a check of such records cannot be conducted when a Treasury Agent is seeking information on a specific identified suspect suspected of having committed a crime or violation within the investigative jurisdiction of any Treasury enforcement agency.

As you explained it to me in that conversation, this is also the position of your national office. I have discussed this matter with the Secretary and we are particularly anxious that this policy be carried out in all levels and aspects of Treasury law enforcement activities.

The CHAIRMAN. Will the Senator yield at that point?

Senator RIBICOFF. Certainly.

The CHAIRMAN. Mr. Rossides, I had inserted in the record immediately preceding your testimony the letter from the chairman to Secretary Kennedy requesting this assistance from the Department.

I didn't read the letter, but I think you can verify the fact there was no request on the part of the committee for any general survey of library records or anything else.

Mr. ROSSIDES. That is absolutely correct, Senator.

The CHAIRMAN. I never heard of it until I read something in the paper about it. I assume they were checking on somebody that you had reason to suspect as guilty of a bombing. If there is available testimony in a public library that would be relevant to a charge, a criminal charge, to prove either guilt or innocence, I don't know why it wouldn't be competent evidence and why it couldn't be made available.

But a general snooping expedition would be condemned by every right-thinking person, in my judgment. We never made any request for that.

Mr. ROSSIDES. That is correct.

The CHAIRMAN. We never made a request either in a letter or orally.

Senator PERCY. Mr. Rossides was shocked and dismayed about not being consulted in the Treasury Department before this was printed. Welcome to the club. They don't always check with us before they make an attack.

The CHAIRMAN. I sometimes feel as if I have been a lifetime member of the club.

Senator JAVITS. Mr. Chairman?

The CHAIRMAN. Senator Javits.

Senator JAVITS. I am much interested, Mr. Rossides, in these tables. I think that analysis is really very essential. Can you give us any definition of bombing threats, especially in view of the fact that bombing threats represent such an enormous ratio, 7 to 1, to actual bombings.

The CHAIRMAN. He gave us that awhile ago.

Senator JAVITS. You don't have to repeat it.

The CHAIRMAN. Go ahead, briefly.

Mr. ROSSIDES. The bombing threats, Senator, would vary from where there might be an isolated threat in a specific extortion case to the threats that we have become so familiar with, where someone calls up a government building or a business company, as has happened in New York City and here, and says, "We have a bomb planted in the building ready to go off soon," and everybody has to evacuate.

Senator JAVITS. What I had in mind was something different.

Is there any criterion by which these figures were compiled?

Mr. ROSSIDES. Senator, the only criterion was to try to be as careful and specific as possible in requesting this information from State and local law enforcement agencies.

The Alcohol, Tobacco, and Firearms Division took on this tremendous task and contacted the local and State police to get information from them. That would mean they are all verifiable.

We tried to be conservative, on the conservative side. There would have to be an actual threat that was reported and verified, not just someone calling up the police department saying they had a bombing threat. There would be a bombing threat where the police would check, saying who called, which building, and so on.

Senator JAVITS. Have you broken down the college campus business?

Mr. ROSSIDES. No; Senator Ribicoff asked about that a few moments ago. We have not.

Senator JAVITS. Have you broken that down between threats and actualities, and also between explosives and incendiaries?

Mr. ROSSIDES. No. We are going to supply that for the committee, and also, if possible, to determine the number of deaths that were attributable to that, and to personal injury and property damage.

Senator JAVITS. The other thing that interested me in looking at the figures, and I have seen them before, was the question of juxta position to another time or times. It would indicate at first sight a great increase in bombings.

Have we anything to compare it to?

Mr. ROSSIDES. No, Senator. I would say this, that we will be taking these figures and trying to do more analysis with them. During the last 15 months, I would say that you have had a continuing present problem; rather than escalating or slightly declining, I would say it has been continuing from the facts that we know.

But if you consider this question of over the last 5 years, there has been an enormous new phenomenon. It is. The reason you have literally no standard to apply it to is because it didn't exist several years ago.

You have an enormous escalation over a period of several years. What we have from January 1969 to date would be a continuation.

(Additional information relating to the preceding testimony was supplied by the Treasury Department and follows:)

Some comparison can be gathered from the statistics from the ATF Western Region which were supplied for 1968, 1969 and the first quarter of 1970. Excluding the Southern Judicial District of California and the State of Utah because statistics for those areas are not totally distinguishable by year, we find that total bombings increased from 225 in 1968 to 499 in 1969, and 160 for the first three months of 1970. If bombings continue at the same rate for the balance of 1970, the total would be approximately 640 or about three times the number that occurred in 1968. There were 83 attempted bombings in 1968, 209 in 1969 and 161 in the first quarter of 1970. Bombing threats climbed from 1,477 in 1968 to 2,804 in 1969 and 1,040 in the first three months of 1970. Whether this same increase in bombings actually is true of the balance of the nation is not known, but it would appear reasonable to believe that it is if for no other reason than that there is nothing to indicate that the situation in the Western States has worsened in comparison to that in other parts of the country.

But if you consider this question of over the last five years, there has been an enormous new phenomenon. It is. The reason you have literally no standard to apply it to is because it didn't exist several years ago.

You have an enormous escalation over a period of several years. What we have from January 1969 to date would be a continuation.

Senator JAVITS. I agree with that. That is my instinct. But I do think if we are going to make a case of national urgency which requires legislation, and again my instinct says that is probably so, I do think we would be enormously buttressed if we could show some kind of a profile, such as that the bombings might be contiguous with a given set of public developments, as, for example, the deep protest and division in the Vietnam war.

You had such a bulge of bombings from that that we could conclude that the two had a relation to each other. In other words, we all extrapolate, and I do, too, that the rash of violence on college campuses, in which bombing is such a symbolic part, was attributed to the alleged frustration with respect to the protests to the Vietnam war, college presidents, and these germane facts that we know about.

But statistical evidence in the bombing field would be very useful if we could have it.

Mr. ROSSIDES. I think this will be a commitment of the Department. I think this has proven valuable to the committee and also to us in the administration. We will be continuing this survey even more.

Senator JAVITS. By way of helping, in order to produce figures which would be meaningful to us, I, for one Senator, would say whenever you deal with a restrictive law which is a diminution of personal liberty, you have to measure your willingness to lend yourself to it against the issue of what brought it about and whether the restrictive law is needed to deal with that situation.

To my mind, it would be a very important point that this bombing rash may subside when the issue subsides, rather than it has become a relatively permanent figure in the language, as it were, of campus disturbance, and the students and people mainly associated with them.

I think this would be a very important question. We have run into emergencies before, where we have put a type of law on the books which was not relevant to curing the difficulty but which restricted liberty in some other way, a very untoward way, and it make us very unhappy at a later date.

Mr. ROSSIDES. I can assure you this is uppermost in the minds of the administration task force, and we are not under any circumstances considering anything precipitous, and that our main concern is to tighten security on explosives and dynamite which can be used to make or manufacture the various explosive devices.

Senator JAVITS. I think, Mr. Rossides, that would be very reassuring to many of us.

Mr. ROSSIDES. There is a danger that Senator Percy mentioned earlier. You have the extremists on the left, and if it is going to be a question of anarchy or repression, the tendency would be, as he quoted, I believe, Senator Smith, to go for repression.

I can assure you the administration is looking at this and trying to attack it on the basis of greater security over dynamite and explosive materials.

(At this point Senators Ribicoff and Metcalf withdrew from the hearing room.)

Senator JAVITS. I am very glad Senator Percy made the point. That is characteristic of him. All I want to be sure is that these social and political reasons would be cranked into whatever are your conclusions and conditions, the kind of recommendations the administration will make.

Mr. ROSSIDES. I agree, Senator, but I would also hope that the college administrators and every college faculty member would read Dr. Nathan Pusey's speech. They can do an enormous amount on the campuses themselves, and in my judgment, they haven't.

Senator JAVITS. I agree with that thoroughly. As a matter of fact, in all our education legislation, people like myself, who have been against governmental repression of undue character, have always made that point, that they should do their duty.

If they don't, we will.

I thoroughly agree.

I thank the chairman.

The CHAIRMAN. Senator Gurney.

Senator GURNEY. Mr. Rossides, obviously, if we are going to do any sort of a job here we have to have accurate statistics. It has been amazing to me what a lack of data apparently there has been in this area.

But I am also curious as to why the Treasury Department didn't go directly to the Federal Bureau of Investigation.

I noticed you mentioned State and local sources. Why not the FBI? You did say they were doing a lot of investigating in that department.

Mr. ROSSIDES. Mr. Liddy, who has worked closely on this matter as Treasury representative on the task force, may want to answer that question and elaborate.

But, in effect, the FBI does not have the statistics in this kind of a breakdown. Mr. Liddy may want to elaborate.

Mr. LIDDY. There is the Crime Records Division of the FBI, Senator.

Mr. ROSSIDES. I might mention that Mr. Liddy is a former FBI agent.

Mr. LIDDY. At one time, I worked with the Crime Records Division of the FBI. It is my understanding that the request of this committee, in the form in which it was requested, could not be responded to ade-

quately by the figures of the FBI in the form in which they retain them.

Therefore, we made this survey, tailor-made to the specific request of the committee. We went to the original sources, the closest original sources we could, which were the State and local officials throughout the continental United States.

Senator GURNEY. Did you not seek any information from the FBI?

Mr. LIDDY. Treasury did not, sir. We went to the original sources throughout the country.

Senator GURNEY. Quite apart from whether it would serve a useful purpose in connection with this particular investigation, I don't see how it could not serve a useful purpose, but let us assume it wouldn't, I would think for your own purposes this would be almost the first source you would go to.

Mr. ROSSIDES. Probably they did, Senator. Probably the Alcohol, Tobacco, and Firearms Division people did. We will be sure that that will be cranked in.

Senator GURNEY. I would like to say that I have been informed that the FBI makes very extensive investigations on bombings.

I would think that this source—the FBI—would be the most valuable one that you could have.

Mr. ROSSIDES. We will crank that in right away, Senator. I think the point was that they don't have it in the form desired, and they may not have had all. I will check on the procedures to make sure. It would seem to me that is an obvious starting point for elaboration.

But say you had a number from there, you still have to go to that local police department and get the total number for the particular city. A certain percentage of the bombings or bombing threats in that particular city may not be involved in the FBI statistics.

It is not correct to say you get 50 percent from the FBI and add to it. It is more correct that you go back to the city and get the 100 percent. I will check that out, I will look right into that.

Senator GURNEY. It occurs to me that here is a prime source of information. I am surprised that you don't have it just as a working tool because you are working in this area, also.

May I make a request that you do obtain what information you can from the FBI on bombings and it will be included in our record.

Mr. ROSSIDES. We certainly will, Senator.

(The following was supplied by the Treasury Department:)

Information was requested of the FBI, but Treasury was advised that the FBI did not have such information in assembled form suitable for response to the Subcommittee's specialized request.

The CHAIRMAN. Senator Percy.

Senator PERCY. Mr. Rossides, in answer to Senator Javits' question and my own, I would like to put into the record at this point J. Edgar Hoover's statement on student agitation. I think it aims right at the causes behind some of these demonstrations and riots.

Mr. Hoover said that during the 1968-69 school year, there were over 850 demonstrations on over 225 college campuses, 61 instances of arson and/or bombings, 200 building seizures or sit-ins, 4,000 individuals were arrested in connection with these disorders, and damage to campus facilities ran over \$3 million.

In the 5-month period, September 1, 1969, to February 1, 1970, there were over 375 demonstrations on 76 college campuses, 30 instances of arson or bombing, 50 sit-ins or building seizures, and 1,600 arrests. Damage approached \$1,400,000.

He gave these reasons: The demonstrations protested the Reserve Officers Training Corps, military recruiting on the campus, university research for Government, campus recruiting by industry, school regulations and policy, and the war in Vietnam.

So every one of the causes, except one, was related to war. Here I think once again, when you total up the total cost to society of the war in Southeast Asia, you can't say it is just those known statistics and figures, tragic as they are, but there are many other costs to society.

I think it is important that we understand that.

I would like to ask if you have seen the film "Battle of Algiers"?

Mr. ROSSIDES. I have not.

Senator PERCY. I would recommend, Mr. Chairman, that every member of the committee, if they can, see that film. I went to it because I heard that it was the cine bible for arsonists and terrorists. I hope a catalog wasn't made of those going to it.

I found the film, itself, which is banned in France, and was just playing in Washington at least 2 weeks ago, to be, as they say, a bible for how to go about terrorizing society and then finding justifiable causes for so doing.

Because so many have seen it and it is so popular among protest groups, I think the members of this committee should see it. If it has left Washington, possibly we could get a 16-millimeter print of it.

Senator GURNEY. My staff member tells me it was shown widely in the District of Columbia high schools.

The CHAIRMAN. Do they consider that very instructive, a film showing how to make bombs and destroy property? They show it in the high schools?

Senator PERCY. I thought you might be interested in that.

The CHAIRMAN. Maybe that is why they can't read, so many of them today. They are learning other things or being taught other things.

Senator PERCY. I would very much appreciate being furnished further background information by Treasury on the bombings that have occurred in my own State of Illinois. I look with envy at Arkansas which has no explosive bombings in the period covered against 29 incidents in Illinois.

I would like to know as much as I possibly can about the nature of those. I am having a law enforcement clinic in Washington for sheriffs and law enforcement officials from the State of Illinois, and I would very much like to have that information available.

Mr. ROSSIDES. The information will be assembled and forwarded to you directly, Senator.

Senator GURNEY. I would like to make that same request. I note that my own State of Florida is the worst offender in the southeast region. I would like to have that information.

Mr. ROSSIDES. We will be pleased to, Senator.

The CHAIRMAN. I have some questions that have been prepared by the staff. On a number of them, you have already answered, but there are three or four others that I would like to ask.

In any of these investigations or prosecutions, has there been any evidence developed which would show how these bombers receive their training in making and placing explosives and incendiary devices?

Do you have anything on that?

Mr. ROSSIDES. Senator, I think there has been some evidence, yes. I think Senator Percy just mentioned a particular film which certainly is an aspect.

The CHAIRMAN. Have you anything that you can supply the committee?

Mr. ROSSIDES. What has happened is that on a number of cases which we investigated there were pamphlets and booklets dealing with the question of how you put an explosive device together.

We would be happy to furnish the committee copies of that material.

The CHAIRMAN. Specifically, has the Alcohol, Tobacco, and Firearms Division confiscated or otherwise obtained printed matter which contains diagrams and/or step-by-step instructions on the making of explosives or incendiary devices?

Mr. ROSSIDES. Yes, they have, Senator, and we will supply copies for the committee.

The CHAIRMAN. Supply a selected number of them. I don't mean one of everything you have, necessarily, but a selected number for the record.

Mr. ROSSIDES. We certainly will.

The CHAIRMAN. Let them be received and marked an appropriate exhibit when they are received.

Have the investigations conducted by your Department to date indicated that the use of this printed matter is the main way that bombers are trained?

Mr. ROSSIDES. We cannot tell that, Senator. We just don't know.

The CHAIRMAN. Will you provide the subcommittee with samples of this type of printed matter which has been gathered?

Mr. ROSSIDES. We certainly will.

(The documents referred to were marked "Exhibit No. 782" for reference and may be found in the files of the subcommittee.)

The CHAIRMAN. Have your investigations reflected an upward trend in the thefts of dynamite and other explosive material?

Mr. ROSSIDES. I don't think we can use the word "upward", but I think we can say it has been continuous for the period of this investigation.

I would say in part there is the answer I mentioned to Senator Javits; in the last 5 years, yes. But in the last year and a quarter we could only use the term "continuous".

The CHAIRMAN. You couldn't say whether it was upward but it has been continuous.

Mr. ROSSIDES. I would rather say the word "continuous," Senator, because I don't have enough facts or analysis yet.

The CHAIRMAN. We don't know whether we have enough statistics as a basis to say whether it has been upward.

Mr. ROSSIDES. But it has certainly been continuous.

Senator PERCY. Mr. Chairman, I was passed a note by Senator Metcalf asking me whether I did take the section out on violence from my commencement speech at Stanford. I am happy to report I did not yield to the pressure, but bore down all the harder on it.

The generation gap was quite noticeable. The students were seated in separate sections from the parents. The parents rose in applause for that particular section and the students were notably quiet.

This has been an excellent start to the hearings, Mr. Chairman.

The CHAIRMAN. Thank you very much.

I think it is a sad commentary on the times when we find the youth of the country believing that violence is the answer and the means that should be resorted to or employed to gain what they conceive to be their objectives.

Senator Gurney.

Senator GURNEY. One final question, Mr. Rossides, and I think you touched on this.

As you pointed out, there are several separate Federal laws governing the manufacture, use and sale of explosives, and other laws governing other phases of explosives.

Is there any close degree of cooperation between Federal agencies in regard to these laws?

Mr. ROSSIDES. Very much so, in my judgment, Senator. We have looked into this. Maybe they already did check with the Federal Bureau of Investigation regarding the statistics, but I think what happened was we knew right away that the statistics wouldn't be adequate; therefore, we had to do the total job. But there is a very close working relationship between the Federal agencies.

Senator GURNEY. Do you have any suggestions as to how to improve them? Does it need improvement?

Mr. ROSSIDES. Well, everything and anything, in my judgment, can be improved, Senator. I would say this, that we have had this task force, the White House Task Force, on the explosives problem, and it has been helpful in tying and knitting together even more closely the several departments that are involved in this area.

We may be coming up with additional suggestions of an administrative nature that do not need legislation. I would say that the cooperation among the agencies involved has increased substantially in the last year and a half.

Senator GURNEY. Thank you.

Mr. Chairman, for the record, I would like to submit a portion of a memorandum that sets out these Federal laws. It may be useful for the record.

The CHAIRMAN. I may say I inserted the whole act in the beginning.

Let the staff check it. If it is the same, it is not necessary to reinsert it. If not, let it be inserted.

(At the request of Senator Gurney, Senator McClellan ordered the following inserted into the record:)

FEDERAL LAW

At least 15 separate Federal laws regulate the manufacture, use, sale, storage and possession of explosives. These include prohibitions against transportation in aircraft (49 USC 1472), vessels (18 USC 2277), the mails (18 USC 1716), motor vehicles (18 USC 33) and railroads (18 USC 1992).

Other laws prohibit endangering interstate commerce in any way (18 USC 837), storing explosives in mines (30 USC 479), detonating explosive devices on the Capitol Grounds, the Library of Congress or in Federal Penal institutions (40 USC 193f; 18 USC 1792), and introducing bombs into A.E.C. facilities (42 USC 2278a).

In addition to these specific provisions, several other Federal statutes regulate the use of explosives. These include the Federal Explosives Act (50 USC 121-144), the Gun Control Act of 1968 (18 USC 921-928), the Civil Obedience Act of 1963 (18 USC, 231-233), and the Fugitives From Justice provisions of Title 18 of the U.S. Code.

Of these, only the Federal Explosives Act is primarily concerned with sabotage. This legislation provides for the regulation of the manufacture, distribution, possession, and acquisition of explosives or the ingredients used for the production thereof. The statute, however, is operative only upon a declaration of war or national emergency.

The CHAIRMAN. Again, I thank you. Please convey to Secretary Kennedy our appreciation for his help and cooperation.

Mr. ROSSIDES. Thank you.

The CHAIRMAN. The committee will stand in recess until 10 o'clock in the morning.

We are going to continue these hearings for a few days. We will only have morning sessions. We will try not to hold any afternoon sessions.

(Whereupon, at 12 noon, the subcommittee recessed, to reconvene at 10 a.m., Thursday, July 16, 1970.)

(Members of the subcommittee present at time of recess: Senators McClellan, Percy, and Gurney.)

RIOTS, CIVIL AND CRIMINAL DISORDERS

THURSDAY, JULY 16, 1970

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met at 10:10 a.m., in room 3302, New Senate Office Building, pursuant to Senate Resolution 308, agreed to February 16, 1970, Senator John L. McClellan (chairman of the subcommittee) presiding.

Members of the subcommittee present: Senator John L. McClellan, Democrat, Arkansas; Senator Abraham A. Ribicoff, Democrat, Connecticut; Senator Lee Metcalf, Democrat, Montana; Senator Jacob K. Javits, Republican, New York; Senator Charles H. Percy, Republican, Illinois; and Senator Edward J. Gurney, Republican, Florida.

Members of the professional staff present: Jerome S. Adlerman, general counsel; Philip W. Morgan, chief counsel to the minority; Philip R. Manuel, investigator; Daniel Harris, General Accounting Office; and Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

(Members of the subcommittee present at time of reconvening: Senators McClellan, Ribicoff, Javits, and Gurney.)

The CHAIRMAN. We have a number of witnesses this morning from New York City.

I am going to ask my colleague, Senator Javits, the distinguished Senator from that great State, to introduce the witnesses this morning.

Senator JAVITS.

Senator JAVITS. Thank you very much, Mr. Chairman.

Mr. Chairman, I take great pride on behalf of New York in introducing to the committee the Commissioner of the New York City police, Howard R. Leary, who has served our city in a most exemplary way with respect to this bombing issue and the actual chiefs of the uniformed operative services—who are called properly New York's finest—the department's chief inspector, George McManus; chief of detectives, Frederick Lussen; Deputy Commissioner Luis Neco, in charge of legal matters; and Lt. Kenneth O'Neil, commanding officer of the department's bomb squad.

New York has been deeply troubled, deeply attacked, by the very crimes which we are looking into. I think Commissioner Leary and his colleagues can help us very much in understanding the situation and what should be done about it.

The CHAIRMAN. Thank you, Senator.

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Does any other Senator have a statement before we proceed with testimony?

Very well, gentlemen, will you stand and be sworn, please?

Do you and each of you solemnly swear the evidence you shall give before this Senate subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEARY. I do.

Mr. NECO. I do.

Mr. LUSSEN. I do.

Mr. McMANUS. I do.

Mr. O'NEIL. I do.

TESTIMONY OF HOWARD R. LEARY, GEORGE P. McMANUS, FREDERICK M. LUSSEN, LUIS M. NECO, AND LT. KENNETH W. O'NEIL

The CHAIRMAN. Commissioner Leary, will you further identify each of your associates with you, and identify yourself for the record now, so we can proceed with your testimony?

Mr. LEARY. I am Howard R. Leary, police commissioner of the Police Department of the City of New York.

On my right is Chief Inspector George McManus, chief inspector of the department and commander of the uniformed and detective forces.

On my left is Chief Frederick Lussen, who is in command of the detective force of the department.

On the far left is Luis Neco, an attorney, a civilian member of the police department, and deputy commissioner in charge of legal matters.

On the right is Lt. Kenneth O'Neil, who is in charge of the bomb squad of the Police Department of the City of New York.

The CHAIRMAN. Thank you very much.

Mr. Commissioner, you have a prepared statement, I believe.

Mr. LEARY. Yes. I would like to say here, parenthetically, that I would like to have the opportunity to present to you Lt. Kenneth O'Neil, after I have made my formal presentation, as he has some exhibits I think the committee would be very much interested in seeing.

The CHAIRMAN. Very well.

Mr. LEARY. Mr. Chairman, Senator Javits, members of the Senate Subcommittee on Investigations, with your permission, I would like to digress for a moment to first thank you for the opportunity to present my views and those of the New York City Police Department in regard to the bombing problem as it affects us, and second, to introduce to you the representatives of the department who are here with me today.

I have already done that.

Approximately 1 month ago, the critical nature of the bombing problem in New York City was brought to full realization for the city's some 7 million residents, particularly its police department.

Police headquarters, at 240 Centre Street, the nerve center for the entire department and its 32,000 policemen, was bombed.

In capsule, I would like to relate to you the chain of events which led to this dastardly and demoralizing deed, the historical significance of which is yet to be fully realized.

(At this point Senator Metcalf entered the hearing room.)

Mr. LEARY. At 6:43 p.m., on June 9, 1970, the police headquarters communications center received the following telephone message from a male, presently unknown:

Listen closely . . . This is Weatherman . . . There is a bomb at 240 Centre Street . . . You have just enough time to get out if you leave now . . . Make sure everybody gets out . . . Do not try to find it . . . This is for real . . . We're dead serious.

Two minutes later, at approximately 6:45 p.m., a second call was received in the chief inspector's office, again by a male, presently unknown; the message:

A bomb was placed in police headquarters and scheduled to go off . . . This is a warning so that the building can be evacuated so that no one will be hurt . . .

A floor by floor and room by room search of police headquarters was immediately initiated.

At 6:57 p.m., 14 minutes after the first call was received, the bomb exploded in the second floor men's room.

The explosion demolished the men's room, knocked out two adjoining walls and resulted in the injury of three police officers and a female civilian elevator operator.

Its blast hurled debris into the street behind police headquarters inflicting injury upon two men and two women, none of whom were employed by the department.

Despite the severity of the blast, no one was killed and those who were injured, though serious, were not critical.

I do not want the fact that no one was killed to mislead anyone as to the seriousness of the situation. Next door to the room where the bomb had been secreted is the office of the deputy commissioner in charge of administration. It was the wall to his office that was blown out, and only the fact that he was not present in the room at the time of the impact saved this man.

Divorced from its unique social consequences, the bombing at police headquarters is but one of a growing list of explosions and near explosions which have plagued the city of New York in the past 18 months.

Since January of 1969, there have been 368 bombing incidents of the explosive and incendiary type. The objects of such explosions, or attempted explosions have been municipal and Federal buildings, such as the Criminal Court Building in Manhattan, where explosions occurred on November 12, 1969; banks and religious houses of worship, such as the Mosholu Jewish Center, where an explosion occurred on March 25, 1970; and commercial buildings.

This tragic list included two residential buildings wherein on two separate, though possibly related incidents, these structures were being utilized as bomb factories for the manufacture of explosive devices.

One was the Greenwich Village Townhouse in which three persons were killed when an explosion destroyed the bomb factory housed therein.

A few days later, a second explosion, this one in an apartment that was also being used as a bomb factory, resulted in the death of one person and the maiming of another.

Another incident saw two local, community-type theaters, both in the borough of the Bronx, racked by explosive devices on the same night. While there were injuries to innocent patrons, fortunately, no one was killed.

A family, visiting our shores from Ecuador, was shopping in a prominent New York City department store. An incendiary device with timer, enclosed in a seemingly harmless cigarette package, had been placed in a garment in that store.

At the very moment the device was set to detonate, one of the visitors was trying on that same garment. Flames consumed the jacket and although the visitor was slightly injured, he no doubt will carry with him for the rest of his life the mental scar created by the totally unnecessary act of a depraved and misguided person.

Without hesitation, I can visualize the thousands of New York City residents, as well as visitors who each time, for the following weeks, until the impact of this dastardly deed wore off, thoroughly checked every garment they tried on for similar hidden devices.

I can visualize, too, the thousands who peered into closets in rest-rooms throughout public buildings, within the days following the explosions at Police Headquarters and other buildings. All carrying within them the fear and emotional upset brought about by these incidents.

While these devices which functioned as their incompassionate designers intended and did spread fear through the hearts of men, women and children, there were other devices which, fortunately, did not detonate, but which nevertheless, helped spread fear.

In over 50 instances, these devices were located and members of the New York City Police Department's Bomb Squad, who deserve our constant prayers and thanks, did successfully, at total disregard to their own lives, dismantle and render these devices harmless.

The bombing problem has only in recent months been highlighted and singled out as the real menace it is. However, it is not a new problem.

In the 5-year period from 1960 through and including 1964, the New York City Police Department has recorded the detonation of 113 devices of terror, 85 of which were explosive devices and 28 of which were incendiary devices.

During the period from 1965, to and including May 1970, the department, has recorded the detonation of 438 devices, of which 331 were explosive devices and 107 were incendiary devices.

These devices break down into two categories. The first is known as High Order, such as dynamite, and the second is Low Order, such as pipe bombs. The prime distinction is the type of explosive used.

As to incendiary devices, there are normally two types which the department has come in contact with, Molotov cocktails and other chemicals.

Let me give you a recent example of the incendiary device problem. Only a few weeks ago, an alert policeman at one of our precincts discovered 11 glass bottles, containing gasoline, with crude fuses made of firecracker wicks, planted underneath five police vehicles parked alongside the station house.

It was the intent of the perpetrator to ignite the wicks, attaching a lighted cigarette to them. Fortunately, the cigarettes had extin-

guished before the smoldering tobacco reached the wicks. Had they not, the five police cars, and the station house, might have gone up in flames and explosion. The extent of injury and death had this happened is difficult to forecast.

The big questions we must ask ourselves in the face of this rash of needless injury, destruction and also death, is why?

I mention death for the first time because it has occurred and I live in hope that it will not occur again.

The death I refer to is those of Detectives Joseph Lynch and Ferdinand Socha, both killed on July 4, 1940, while deactivating a bomb that had been planted at the British Pavilion at the New York World's Fair.

The why is much easier to explain, than is the death. We know, and we can say that the present crop of explosive devices in the main, represent distorted petitions for redress of grievance.

But, what do we say to the widow, the parents, the children of these wantonly slain policemen?

The explosion of firecrackers and noise-making devices, under safe and sane, as well as controlled conditions, has been symbolic of this Nation's struggle for freedom.

Yet, today, there are those who sadly use this same symbol, wrapped up in death, injury and destruction, as their means for creative expression. It is a problem which society must face and overcome.

While these bombings have caused death, injury, and destruction, which I in no way minimize, they have also brought about other problems.

For example, at a tremendous cost in manpower and inconvenience, we have been compelled to increase our security at police headquarters, as well as at every precinct house throughout the city.

Where once we were willing hosts and the portals of our buildings welcomed the public, we must today, of necessity, bring down a curtain of surveillance and caution, not alone for the protection of the policemen and civilian workers on our staffs, but also for the safety of the public, the citizen, who of necessity must visit with us.

While this security has affected the ready accessibility of our precinct houses to the community, we will nevertheless continue and expand our efforts toward a more meaningful police-community relationship.

The Police Department of New York City is not alone in this pressing problem for increased security. I could name hundreds of business concerns which at a tremendous, unanticipated expenditure have been forced to increase their own security measures.

Thousands upon thousands of workers, in all areas of the city, can now be seen wearing identification cards which are their sole key to admission to their place of employment, to the earning of their livelihood.

All of us have worked hard at improving our security with the prime purpose of protecting the public from these dispensers of death, injury and destruction.

And I want to make one thing solidly clear, we are not doing this out of fear or with any sense of panic. We know the problem and we are leaving no stone unturned in our efforts to prevent its recurrence.

However, it is a problem which goes far beyond the scope of police work. It is a problem which demands the full effort of every citizen.

It is a problem which demands the full and complete support of this Nation's leaders and legislators, such as the leadership which is so evidently being shown today by this Senate subcommittee.

We in police work know the problem. It is you in the Senate who can get at its roots and develop lasting solutions.

I thank you and offer to you the full services of myself and my staff and humbly petition you in the name of the people of this great country whom we have vowed to protect and defend, that you take full advantage of this offer.

The CHAIRMAN. Thank you very much, Commissioner. This is, I think, a most excellent presentation.

You indicated you have other witnesses from your department. Let me determine how we will proceed.

I ask my colleagues on the committee whether it would be better to proceed now to hear all of the witnesses initially. Then we could interrogate them. Or would you prefer now to ask the commissioner some questions and then proceed with the others?

Senator JAVITS. I think, Mr. Chairman, we ought to hear the whole presentation.

The CHAIRMAN. Would that be satisfactory, that we hear the whole presentation first and then let us ask questions?

Very well, we will do that. I want to make one suggestion: I note the conclusion of your statement and I am impressed with it. You place a lot of responsibility upon the national leaders.

I am willing to have you tell us, when we get through, what we can do to help. That is the purpose of these hearings, to bring you people in who have the direct contact and who are more or less the targets, the immediate targets, of this threat, to give us your views with respect to what can be done at this level, by this committee and the Congress, which would be helpful.

Now, Mr. Commissioner, will you present your witnesses in the order in which you think they should appear?

Mr. LEARY. This is Lt. Kenneth O'Neil, in charge of the New York City Police Department Bomb Squad.

Mr. O'NEAL. Thank you.

The CHAIRMAN. Lieutenant, you may proceed in your own way to give us the information that you have. We will not interrogate you at the moment but let you proceed to make your presentation.

Lieutenant, you may stand wherever it will be convenient for you.

Mr. O'NEIL. Thank you, Mr. Chairman.

The CHAIRMAN. You may have to speak a little louder because you don't have the benefit of the microphone.

Mr. O'NEIL. Thank you.

My purpose here this morning is to present to you some of the devices and some of the problems in detail that we encounter with explosives in New York City.

Just as sort of a beginning, this is briefly a division of explosives into two types of explosives which the commissioner mentioned, "High Order" explosives and "Low Order" explosives.

The CHAIRMAN. That is the chart you are presenting now?

Mr. O'NEIL. Yes, sir.

The CHAIRMAN. Let that be identified as exhibit 783. It may be printed in the record.

(The document referred to was marked "Exhibit No. 783" for reference and follows:)

EXHIBIT No. 783

Explosives

High Order

Dynamite
T.N.T.
Composition C-4

Low Order

Black Powder
Smokeless Powder
Firework Powder

Mr. O'NEIL. The most common high order explosives encountered in bombs are dynamite, TNT and composition C-4, which is a military explosive, the so-called plastic explosive.

The low order explosives that are commonly encountered in New York City are black powder, and this may be either commercial black powder or it may be homemade black powder. It may be fabricated out of materials which can be purchased in any drugstore or local chemical supply house and easily fabricated even by a boy of high school age.

Smokeless powder is commercially available, of course, for reloading purposes, for hunters and people of that sort.

The CHAIRMAN. May I ask, can anyone go into a store where powder is available and purchase any quantity he may desire?

Mr. O'NEIL. If you are talking about smokeless powder, in New York City you can purchase 1 pound at a time.

The CHAIRMAN. Any individual can purchase 1 pound at a time?

Mr. O'NEIL. An adult.

The CHAIRMAN. What is the amount usually used in a bomb made from that powder?

Mr. O'NEIL. You could make several bombs from 1 pound of powder. It is possible.

The CHAIRMAN. I wanted to bring these things out as we go along.

Senator METCALF. A high school chemistry student can go into a drugstore and purchase any amount of the ingredients of a bomb, and anybody who knows elementary chemistry can devise a bomb.

Isn't that correct?

Mr. O'NEIL. That is perfectly correct.

Senator METCALF. So you don't have to purchase smokeless powder. You can purchase the chemical ingredients and look in the Encyclopedia Britannica, the Americana, or any other, and learn how to make a bomb.

Mr. O'NEIL. That is perfectly true, and it is a common occurrence.

Senator GURNEY. Are records kept of any of the purchases of either the low order or high order explosives?

Mr. O'NEIL. The only high order explosive that you could purchase in New York City would be dynamite, and the sales of dynamite are strictly regulated by the fire department and they are probably the strictest regulations in the entire country.

For example, the sales are only made to licensed blasters who have undergone an investigation and passed an examination and so on and so forth.

So the sales of dynamite in New York City are extremely well controlled and no individual other than a properly licensed one could purchase dynamite.

Senator GURNEY. What about the other explosives, TNT, and so forth?

Mr. O'NEIL. TNT and composition C-4 are not commercially available in New York City, either.

Senator GURNEY. What about the low order?

Mr. O'NEIL. The low order, as I said originally, black powder could be purchased—black or smokeless powder—could be purchased in 1 pound quantities for the purposes of reloading.

Senator GURNEY. Are records kept of that?

Mr. O'NEIL. A record is kept, yes.

Senator GURNEY. They are?

Mr. O'NEIL. Yes, sir.

Senator METCALF. Is a record kept of some of the other ingredients?

Mr. O'NEIL. I do not believe so.

Senator METCALF. So you could go into a drugstore and purchase the ingredients or materials in order to manufacture your own product and there is no record kept?

Mr. O'NEIL. That is perfectly true.

Senator RIBICOFF. What is the report of thefts of dynamite from legitimate sources in New York?

Mr. O'NEIL. In New York City? We have had one theft in the last year and a half, and this was a theft at gunpoint. It was a robbery.

The CHAIRMAN. Proceed.

Mr. O'NEIL. I was talking about the low order explosives commonly used in bombs.

The last one to be discussed is firework powder. This is obtained, of course, from fireworks, from emptying fireworks, and then repacking them into some sort of suitable container such as a pipe, a very common occurrence.

These are the incendiary devices that the Commissioner referred to, the so-called Molotov cocktail.

The CHAIRMAN. I don't believe that should be printed in the record; it may be made Exhibit 784.

(The document referred to was marked "Exhibit No. 784" for reference and may be found in the files of the subcommittee.)

Mr. O'NEIL. I wanted to illustrate that there are two main types here illustrated. One uses a simple cloth wick. The bottle on the left is usually filled with gasoline or kerosene, something of the sort. The wick is lighted. The bottle is thrown and explodes and possibly starts a fire.

A more sophisticated version would be to use a firework taped to the side of the bottle, light the firework and this will break the bottle and possibly again start a fire.

For time delay purposes, a book of matches and a lighted cigarette could be placed adjacent to the fuse of the firework.

Next is a more sophisticated type of incendiary device.

The CHAIRMAN. That will be made Exhibit 785.

(The document referred to was marked "Exhibit No. 785" for reference and may be found in the files of the subcommittee.)

Mr. O'NEIL. This is a pack of cigarettes. To all intents and purposes it is an ordinary pack of cigarettes. The only thing that differentiates it from the ordinary cigarette package is it usually has some tape that keeps the flip top closed. We have cut away the back side of this—this is

a model—of course—and inside the pack of cigarettes is contained a wristwatch and a battery, a photographic flashbulb, and a mixture of potassium chlorate and sugar.

This little device, when it ignites—and, of course, it is ignited by the hand of the watch coming around and closing the circuit, lighting the flashbulb. The heat of the flashbulb will ignite the mixture.

This will give a sheet of flame about three feet high and start a pretty good fire. We have had some 30 or 40 of these devices in New York City.

The CHAIRMAN. The next chart will be marked Exhibit 786.

(The document referred to was marked "Exhibit No. 786" for reference and may be found in the files of the subcommittee.)

Mr. O'NEIL. Pipe bombs are a rather common type of bomb encountered in New York City. This is an illustration of such a pipe bomb. It consists of a length of pipe. The pipes, incidentally, are getting bigger and bigger in the passing months. It is capped on both ends.

There are a number of variations as to the method of ignition. This is one illustrated here. It is simply the pocket watch and the battery, and the whole thing is taped to the outside.

The pipe bomb may contain a mixture of black or smokeless powder, or it also may contain dynamite placed inside the pipe bomb. The pipe bomb is rather a vicious type of bomb, because in addition to the effects of concussion, you have the added effects of the shrapnel.

(The document referred to was marked "Exhibit No. 787" for reference and may be found in the files of the subcommittee.)

Mr. O'NEIL. We have had in the last year and a half an increasing number of dynamite bombs. This is an illustration of one type of dynamite bomb that we have encountered.

This particular one is an actual mockup of a bomb we have encountered. This particular one consists of five sticks of dynamite and a cheap alarm clock, a battery and a blasting cap embedded in the dynamite.

Again, when the hand of the clock comes around and makes contact against the terminal which has been provided on the face of the clock, the bomb will detonate. One bomb of this type caused about a half million dollars worth of property damage in New York City recently.

The CHAIRMAN. One bomb like that was used?

Mr. O'NEIL. One bomb or a bomb of this type. I would prefer to put it that way. The charge may have been greater than we see here, or the bomb may have been used in pairs. But about a half million dollars worth of property damage was from one bombing.

(The document referred to was marked "Exhibit No. 788" for reference and may be found in the files of the subcommittee.)

Mr. O'NEIL. Here is another simpler type of dynamite bomb. This also has been used in New York City. It consists of several sticks of dynamite, a blasting cap, a length of safety fuse. This is usually used in conjunction with the lighted cigarette and the book of matches as I have illustrated before.

The CHAIRMAN. What you have there is not live dynamite?

Mr. O'NEIL. No, sir.

The CHAIRMAN. Very well, let it be received as an exhibit.

(The document referred to was marked "Exhibit No. 789" for reference and may be found in the files of the subcommittee.)

Mr. O'NEIL. I have mentioned before that when a pipe bomb explodes there is a great deal of shrapnel. I think this picture illustrates some of the things that go sailing through the air.

The CHAIRMAN. The clerk will mark that as an exhibit.

(The document referred to was marked "Exhibit No. 790" for reference and may be found in the files of the subcommittee.)

Mr. O'NEIL. This illustrates the way the pipe bomb breaks up. This is the actual shrapnel which will be collected from the scene.

This is an explosion which occurred either from the illegal possession of dynamite in New York City or possibly while the making of bombs was actually being carried out.

This is the representation of the townhouse in Greenwich Village where we had an explosion and a fire in the latter part of last year.

The point of the picture is to illustrate the destructive effects of the explosion. As you can see from the hole in the wall where the two firemen are standing, that is quite a large hole in the wall. That was blown out by the force of the explosion.

This is one floor and that is only half the size of the hole. So the hole extends for approximately two floors.

The CHAIRMAN. Was that a dynamite explosion?

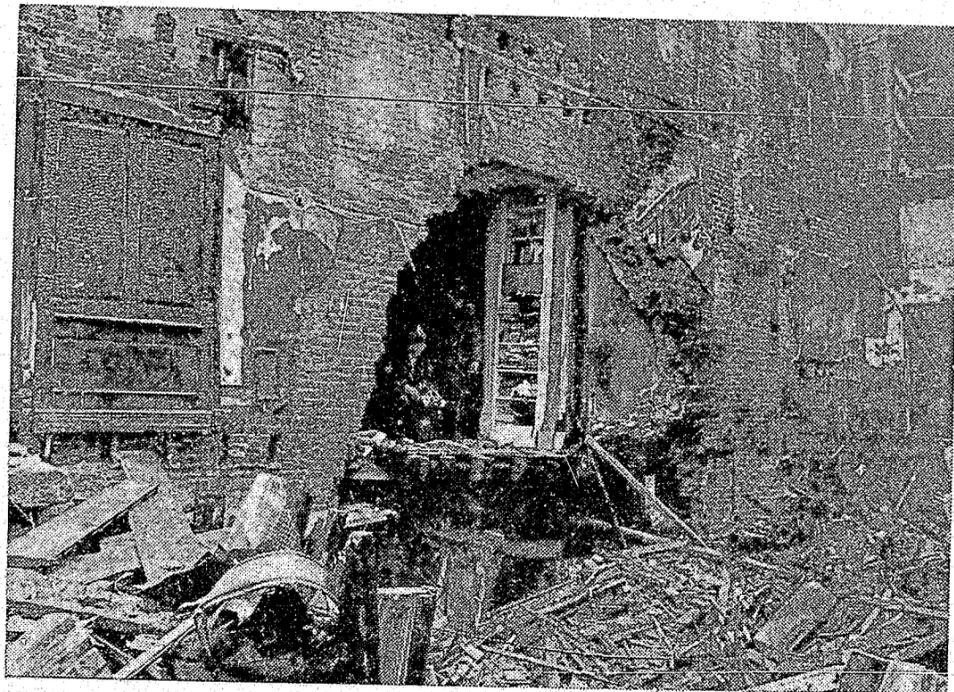
Mr. O'NEIL. Yes, sir.

The CHAIRMAN. Is that where some people were killed?

Mr. O'NEIL. Three bodies were recovered from the wreckage.

(The document referred to was marked "Exhibit No. 791" for reference and follows:)

EXHIBIT No. 791



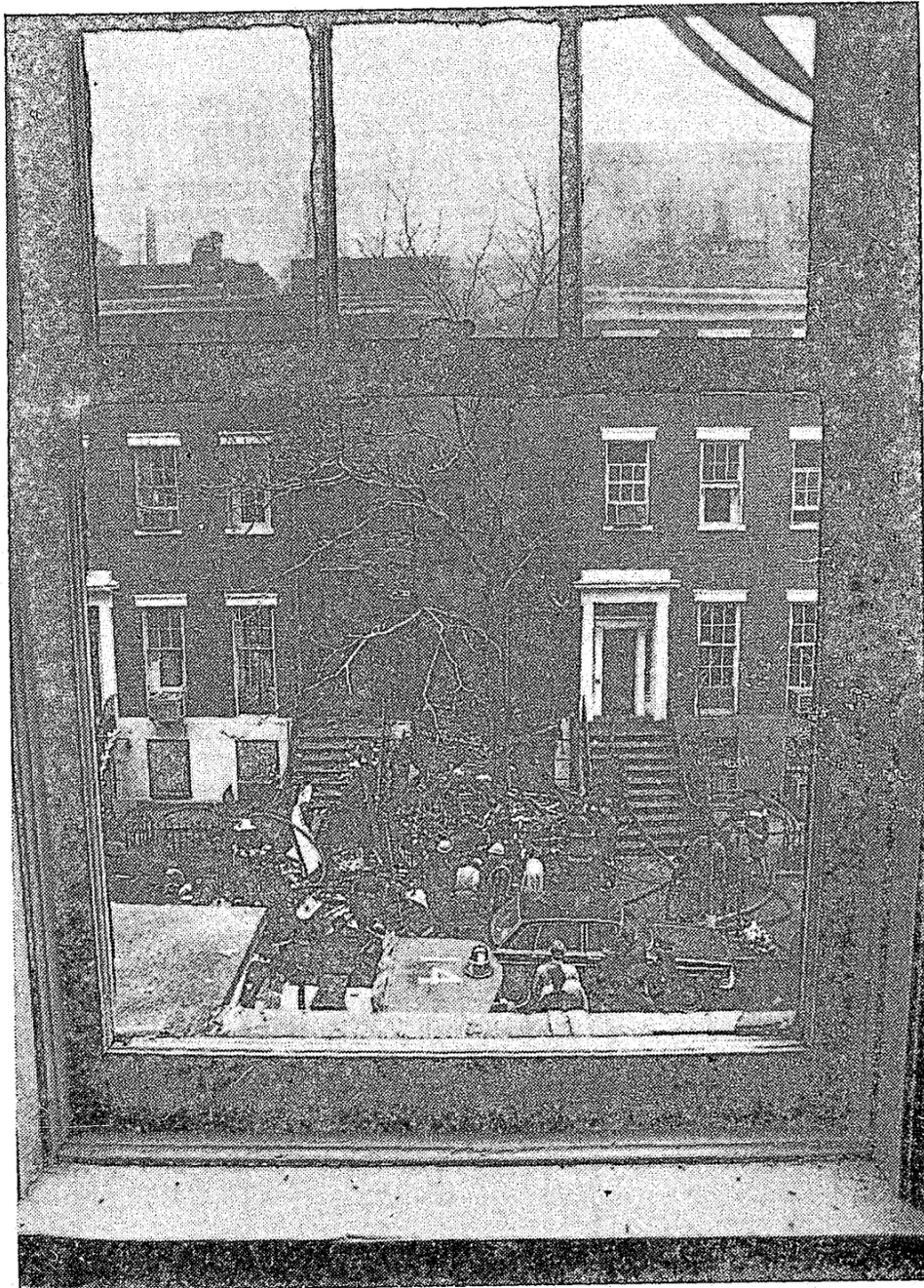
Mr. O'NEIL. Here is another view of the townhouse. The explosion and fire so destroyed the townhouse that it was necessary to pull down the entire house in order to recover the bodies, dynamite, and so forth.

The CHAIRMAN. Are these instances in which you think people were engaged in making bombs and some accident occurred?

Mr. O'NEIL. This is, again, one of our current cases and it is a little difficult for me to make suppositions or to make revelations as to what the people were actually doing at the time.

But I can say that there was an explosion here, certainly, and a fire, and we did recover quantities of explosive components from the location.

(The document referred to was marked "Exhibit No. 792" for reference and follows:)



Mr. O'NEIL. Here is another view of the same premises.

This next one is the same location but it illustrates the magnitude of the problem of, first of all, finding the explosives in the wreckage and recovering the bodies, and searching for evidence.

(The documents referred to were marked "Exhibit Nos. 793 and 794" for reference and may be found in the files of the subcommittee.)

Mr. O'NEIL. That is about the extent of my presentation as of now. The CHAIRMAN. Have you other witnesses you wish to present?

Mr. LEARY. Yes.

The CHAIRMAN. You may be seated.

Present your next witness.

Mr. LEARY. This is chief of detectives, Frederick Lussen, who will give you a brief résumé of some cases where we have already made arrests. Of course, you understand that all of these cases are presently in the courts and we are not able to go into any great detail, nor when we answer questions can we go into great detail.

The CHAIRMAN. You mentioned in your prepared statement the number of bombings that have occurred in the last 15 months.

I don't recall, but did you tell us the number of arrests and indictments resulting from these bombings?

Mr. LEARY. We have presently nine major cases awaiting trial involving over 100 defendants. About 95 percent of those cases involving explosives or incendiary devices are still under investigation.

I fear that a further elaboration with regard to questions that may in some way prejudice or endanger the pending investigation or the prosecution—

The CHAIRMAN. We don't want to do that, but just give us the big picture.

Mr. LEARY. This is what the chief inspector will attempt to do now.

The CHAIRMAN. All right, inspector, you may proceed.

Mr. LUSSEN. Since 1965, in the city of New York we have had major investigations dealing with radical action oriented groups involved in clandestine guerrilla activities.

To bring about their ultimate political goals, all of the subject groups have made use of terrorism and eventually have manufactured and used bombs and incendiary devices to carry out their aims.

These groups we have investigated have been from the far left and from the far right of the community. I will try to explain some of the groups. If they are pending, I cannot identify them.

On February 16, 1965, four members of an organization known as the Black Liberation Front, a militant Negro organization essentially antiwhite and anti-American, with the avowed purpose to engage in acts of terrorism and sabotage, were arrested in New York City for conspiracy to blow up the Statute of Liberty, the Liberty Bell, and the Washington Monument.

This group obtained 30 sticks of dynamite and one box of blasting caps from Canada.

The CHAIRMAN. From where?

Mr. LUSSEN. From Canada. They were to be used in the destruction of the aforementioned national monuments. These perpetrators were convicted. One of the perpetrators has continued his efforts and as of now is waiting trial in New York City in another bombing case.

The CHAIRMAN. You say they have been convicted?

Mr. LUSSEN. They have been convicted.

The CHAIRMAN. Are they serving sentences or are they out on bond awaiting appeal?

Mr. LUSSEN. I know of one individual who is out right now. The rest I do not know, Senator.

On October 30, 1966, 19 individual members of a group known as the Minutemen organization were arrested in New York City for the crime of conspiracy to commit arson and possession of bombs and other dangerous weapons.

The Minutemen are described as an ultra Right Wing military organization whose primary purpose is to train and prepare its members to fight as an underground guerrilla army, assertedly in the event of a Communist takeover of the United States.

In 1966, this group conspired in New York State to destroy Left Wing owned buildings and installations by fire and explosives. This case is still pending.

On June 21, 1967, 17 members were arrested for charges including conspiracy to commit murder, assault, and anarchy.

The group was known as the RAM group, Revolutionary Action Movement. It is an ultra Left Wing Negro organization which has as its avowed purpose the subversion and overthrow by violent means of the lawful Government of the United States. We have part of this case still pending.

On June 15, 1967, a pipe bomb exploded on the roof of an address in the Borough of the Bronx, New York City. This two-story building houses the Allerton Avenue Community and Social Club which in the past has sponsored meetings attended by prominent Left Wing figures.

It was determined at that time that it was a part of a Right Wing conspiracy, the bomb was placed at the aforementioned location in an attempt to assassinate one of the Left Wing speakers who was to appear there at a later date.

Five persons were arrested and charged with conspiracy to commit murder, conspiracy to commit arson, possession of dangerous weapons, guns and bombs.

Incidentally, with this arrest, they also pleaded guilty and a search of the defendants' residences at the time of arrest revealed five plastic bombs, 18 sticks of dynamite, 100 pounds of black powder, miscellaneous components for the manufacture of bombs, two boxes of plastic caps, numerous weapons and ammunition, which shows the extent they were preparing themselves to blast this place apart.

The CHAIRMAN. How many were in the group?

Mr. LUSSEN. Five.

The CHAIRMAN. All of this was found in one house?

Mr. LUSSEN. In one house.

(At this point Senator Percy entered the hearing room.)

Mr. LUSSEN. On February 19, 1969, two radical Right Wing individuals were arrested for the attempted arson in second degree, the attempted reckless endangerment, conspiracy to commit arson in New York City for the conspiracy to blow up leftist installations, including the Jefferson bookstore, which is the official Communist bookstore in the United States. It is around 14th Street and Union Square.

On May 17, 1968, six members of a militant Negro group that was planning to institute a campaign of terror in New York City by killing a cop a week, by shooting, bombing or any other effective means, were arrested in New York City.

This group was charged with conspiracy to commit murder, robbery and burglary, possession of explosions, and possession of dangerous weapons, guns.

This group planned to commit burglaries at various National Guard armories to obtain guns, ammunition, and explosives to be used against police vehicles, police installations, and military locations.

The CHAIRMAN. The police were the primary targets of this group?

Mr. LUSSEN. This was known to us as "kill a cop a week." That was their title.

Senator RIBICOFF. Is that case pending?

Mr. LUSSEN. That case is pending.

Senator RIBICOFF. If it doesn't interfere with the cases, I am curious why all these serious cases have been pending for so many years.

Mr. LUSSEN. Those I illustrated have been pending since 1965 and 1966. It is the defense counsel who keeps asking for all kinds of extensions and all kinds of appeals, and anything to delay the prosecution. It is not the fault of the district attorney.

Senator RIBICOFF. But, after all, it must be the fault of the judge who allows a serious case that involves the jeopardy of life and property to a whole city to remain pending for 5, 4, 3 years.

Such long delays frustrate the carrying out of justice.

Mr. LUSSEN. I don't put the blame on the judge, Senator. I put the blame on the defense counsel who keeps, through any means, postponing the case.

Senator RIBICOFF. But a judge has to rule. There is a time to say, "Go to trial." After all these years—

Mr. LUSSEN. These cases take a long time. They go up to the Supreme Court. We wish they would come to trial and so does the district attorney. But I can't explain the other actions of the judiciary.

Senator RIBICOFF. Mr. Chairman, I think it is outrageous.

The CHAIRMAN. Will the Senator yield at that point?

It is due to some extent, maybe to a large extent, to our system of justice and to the technicalities that can today be invoked to force a delay, permit an appeal, to have a case go up to the court and then come back on one motion or another.

We are proud of our system in which we provide every protection possible for a defendant, and put the burden on the prosecution to prove guilt beyond a reasonable doubt.

We put around the defendant many other safeguards and protections of his liberties and of his rights. But it is becoming pretty obvious that today—and I am not condemning the system and saying let us get rid of it—we are going to have to find some way to speed it up if we are going to have justice in this country.

That is our great problem, these delays. But today, I think, as the witness points out, an astute defense counsel can invoke one technicality after another, one motion after another, and compel delays.

A judge sometimes has no alternative except to grant a motion.

Senator RIBICOFF. That may be so, Mr. Chairman, there may be technicalities and delays in protection. But it is very difficult for me to understand how the protection of an accused is put into jeopardy by requiring the trial to take place within a period of 5 years. This is delay beyond all possible reasonableness.

The CHAIRMAN. Senator, maybe it does seem to be in this instance. But I am talking about overall problems in our system today. It may not necessarily be a 5-year delay, but so many delays can be forced by raising technicalities upon which there must be due process procedures applied.

Senator JAVITS. Mr. Chairman, knowing the situation in the city, may I make the observation that the people bear a responsibility here, too. The sheer weight of the amount of crime literally inundates the courts. We don't have enough judges.

But, even worse, it is difficult to make the judges we have available for criminal trials; for example, it is hard to simplify trials of negligence cases which tie up our courts literally for years or to try to get rid of a turnstile operation with relation to narcotic addicts and alcoholics, on the many other roadblocks you run into.

I thoroughly agree with my colleague from Connecticut and my colleague from Arkansas that the long delays are intolerable.

But I wish to point out that not only do the courts have a responsibility, but the people do, too, because they have to lend themselves in terms of their support to an infinitely more efficient judicial system.

As our chairman says, the fact that this can be done without a sacrifice of liberties is illustrated by the British system, which is considered one of the finest, one of the most fair on earth, yet, is infinitely more expeditious than ours.

The CHAIRMAN. I think I noted a few days ago, I think from an authoritative source that the average time to get a murder case to trial in Great Britain is about 60 days, whereas in this country I think it is 2 years, or about 2 years.

That is one of the great problems in law and order and in our system of justice today—the delay which invariably works to the advantage of the accused, in my judgment.

There might be an exception now and then, but overall, delays work to the advantage of the accused.

Senator GURNEY. Inspector, is there any more delay in bombing cases than in other criminal cases in New York City?

Mr. LUSSEN. No; we have a homicide in the Borough of Queens that has been pending for 5 years.

Senator GURNEY. So this is not extraordinary?

Mr. LUSSEN. I think as Senator Javits brought out, it is overloaded dockets.

The CHAIRMAN. These are State cases, aren't they?

Mr. LUSSEN. They are State cases.

The CHAIRMAN. We are not talking about Federal cases. The Federal courts may be more competent than that, I don't know.

All right, proceed.

Mr. LUSSEN. On August 26, 1968, two individuals were arrested by the detectives of the New York City Police Department for conspiring to place high explosive devices at the doorsteps of the residences of a number of alleged leftists.

One such device was actually placed but deactivated by the bombing section under the command of Lieutenant O'Neil, and the first arrest was made at that time when the conspirators were planning to place the second device.

At the time of the arrest, the defendant had in his possession nine highly volatile and operative explosive devices, together with a list of prospective victims.

The defendants were charged with conspiracy to commit murder, possession of dangerous weapons and bombs. These conspirators were known to this command and to the detectives to be members of the American Nazi Party and the Ku Klux Klan and the Minutemen.

In 1967, in December, we became aware of an organization known as Cuban Power, whose stated purpose was to carry out a plan which consisted of three phases. These three phases included the bombing of foreign government offices doing trade with Cuba, assassination of the Cuban Ambassador, and members of the Cuban mission to the United Nations, and sinking of foreign ships dealing with the Cuban Government.

In February of 1968, the Cuban Power organization started its bombing phase in Miami, Fla. On April 22, 1968, the first bombing attributed to the Cuban Power organization occurred in New York City at the Mexican consulate, 8 East 41st Street.

This was followed by 14 bombings or attempted bombings in New York City.

During the investigation of the above organization, we also came up with the information that they had a conspiracy going to take over the 106th Infantry National Guard Armory, steal weapons and explosives from within, a plot to commit mass murder of employees in the Cuban mission to the United States, and the assassination of the Cuban Ambassador.

(At this point Senator Javits withdrew from the hearing room.)

Mr. LUSSEN. On October 23, 1968, nine individuals were arrested and charged with conspiracy to commit murder, robbery, burglary, arson, reckless endangerments, criminal mischief and possession of dangerous weapons.

It was determined during the investigation that the explosives and bomb components were transported into New York City from other parts of the country by car and by plane.

On February 1, 1969, one individual was arrested by the New York City Police Department for possession of dynamite, criminal mischief and criminal trespass.

This arrest occurred at the Aqueduct race track and the subject was employed as an employee there.

On April 3, 1969, 20 members of the Black Panther Party were arrested in New York City for conspiracy to commit murder, conspiracy to commit arson, possession of dangerous weapons, bombs, guns, and so forth.

At this time there are two fugitives still at large, the case is pending.

I wish I could discuss it further but at this time I can't because it is a pending case.

The CHAIRMAN. Can you say, if you haven't already, some of you, how many cases you now have pending in New York and in your State courts?

Mr. LUSSEN. In relation to bombings?

The CHAIRMAN. Where bombing is involved. And the number of defendants.

Mr. LUSSEN. We have, Senator, nine major cases involving about 100 defendants.

The CHAIRMAN. You said that a while ago.

Mr. LUSSEN. The Commissioner said it.

The CHAIRMAN. Does that cover all of them?

Mr. LUSSEN. No, it doesn't. We have some minor cases, too, like fire bombings. Those are major cases.

The CHAIRMAN. Tell us about the minor cases.

Mr. LUSSEN. I haven't got the figures at hand, Senator.

The CHAIRMAN. Will you supply those for the record?

Mr. LUSSEN. Yes, I will.

(The information requested was supplied and will be found in the files of the subcommittee.)

Senator METCALF. What is a minor case and a major case? A bombing is a pretty serious thing.

Mr. LUSSEN. I will differentiate between a major and minor. The major cases involve organizations such as I mentioned before, right wing and left wing organizations. We have sometimes people who put these fire bombs in stores and so forth who are individuals, with an individual gripe or grievance.

Senator METCALF. They are sick.

Mr. LUSSEN. I imagine they are.

Senator METCALF. But it isn't a minor case.

Mr. LUSSEN. No. For our purpose I am differentiating.

Senator METCALF. I see.

The CHAIRMAN. Would you also distinguish between the incendiary bomb and the bomb with an explosive device where obviously the intent was to do bodily harm to people?

Mr. LUSSEN. Yes, sir.

The CHAIRMAN. One might throw a fire bomb into a store to burn the store, but if he threw dynamite in there when people were in the store he would obviously have the intent to kill, to do bodily harm to people.

I would separate the two. To me, the man who is trying to kill somebody would be guilty of a more heinous crime than one who merely wanted to destroy property.

Proceed.

Mr. LUSSEN. On May 13, 1969, 19 individuals, all of whom were college students, were arrested for arson 1, riot 1, and conspiracy to commit arson at Brooklyn College in New York City.

These indictments and subsequent arrests were in connection with disorders that took place on the Brooklyn College campus during the months of April and May, 1969.

The CHAIRMAN. Were they using incendiary bombs or were they using explosives?

Mr. LUSSEN. During this time, 25 incendiary devices were set on the Brooklyn College campus.

The CHAIRMAN. All of them incendiary?

Mr. LUSSEN. That is right. And it resulted in extensive damage to the campus buildings and high financial loss.

Through application of the District Attorney in Brooklyn they were held under the Youth Act and are out of our hands right now and have not gone to trial, nor will they go to trial.

Senator GURNEY. I didn't catch that.

Mr. LUSSEN. I think that can best be explained by Detective Moller who is here, who is familiar with the case.

Mr. LEARY. Do you want to hear Detective Moller on this particular case?

The CHAIRMAN. Would you be sworn, please?

You do solemnly swear the evidence you shall give before this Senate subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MOLLER. I do.

TESTIMONY OF ROBERT MOLLER

The CHAIRMAN. Please identify yourself for the record.

Mr. MOLLER. Detective Moller, assigned to the chief of detectives office. I am Detective Robert Moller.

(At this point Senator Javits entered the hearing room.)

Senator GURNEY. Some reference was made to a case being taken out of your hands.

My question was why was it?

Mr. MOLLER. The case was adjudicated by the judge in the Brooklyn Supreme Court as a youthful defendant case. These defendants were placed on a one-year probation.

Senator GURNEY. As what kind of defendant?

Mr. MOLLER. Youthful defendant case. They were placed on 1-year probation. The case will probably not come to court so long as their record stays straight for 1 year.

Senator GURNEY. How old were they?

Mr. MOLLER. They were all college students ranging in ages of 18, 17, 19.

Senator GURNEY. That is certainly not harsh punishment for such a serious offense.

What would be applied if an adult had been involved?

Mr. MOLLER. It would be a felony, up to 25 years possible.

The CHAIRMAN. Do you mean their ages ran as high as 25?

Mr. MOLLER. No; the sentence for adults.

Senator GURNEY. I asked what the sentence might have been if there had been adult defendants involved and not so-called college students.

Senator JAVITS. The distinction is not college. The distinction is age.

Senator GURNEY. I realize that.

The CHAIRMAN. Very well. You may proceed.

TESTIMONY OF HOWARD R. LEARY, GEORGE P. McMANUS, FREDERICK M. LUSSEN, LUIS M. NECO, LT. KENNETH W. O'NEIL, AND ROBERT MOLLER—Resumed

Mr. LUSSEN. On November 12, 1969, four individuals in New York City were arrested on charges of conspiracy to destroy Government property. Two of the four individuals arrested were seized by the Federal Bureau of Investigation agents and the case was prosecuted in Federal court.

We did recover at that time, working in conjunction with the Federal Bureau of Investigation, several dynamite bombs that were set to go off a few hours after the arrests were made.

I think that case will be better discussed by the Federal Bureau of Investigation.

The CHAIRMAN. How many buildings were involved?

Mr. LUSSEN. At that time they were going to bomb an armory in New York City. They also had bombed several other locations within New York City, many other locations, banks, large office buildings, the General Motors Building, for instance, and the Criminal Court-house, such places as that.

Senator JAVITS. Mr. Lussen, is it not pretty general characterization that we see this big bulge in bombings which took place in the last 5 years in contrast to the previous 5?

Would you say it is a fair conclusion that a relatively new element has come into the picture with political motivation?

Mr. LUSSEN. I would agree.

Senator GURNEY. On that same subject, I noticed statistics, too, that ran from 1960 on. Did your department keep statistics before 1960 on bombings?

Mr. LUSSEN. Yes, we did.

Senator GURNEY. When did the increase begin in bombing?

Mr. LUSSEN. This decided increase was about 1965, from then on.

Senator GURNEY. What about prior to 1965? Had it maintained a fairly constant level up until 1965?

Mr. LUSSEN. I think Lt. O'Neil could best answer that question, Senator, dealing with the number of bombs we had prior to that time and now.

Senator GURNEY. Would you care to answer that?

Mr. O'NEIL. Bomb cases and bomb incidents have been increasing gradually over the past 10 or 15 years. There has been a gradual increase each year. But in the last, I would say, certainly, in the last 3 or 4 years, there has been a much greater rate of increase, and particularly in the last year and a half.

There has been a tremendous increase in bombings. To give you an illustration, we in the bomb squad not only handle bomb incidents but we handle bomb threats, which is another problem that arises out of bombs.

Last year we had a total of about 3,000 cases, 3,300 or 3,400 cases, involving bombs and bomb scares in New York City.

At the present time, this year, we have approximately 6,000 cases. So in 6 months of this year we have almost doubled last year's cases.

Senator GURNEY. Is it fair to say that although prior to 5 years ago bombing had been on a gradual increase, the gradual increase probably coincided with general crime increase within your department, and your dramatic increases began about 5 years ago? Would that be fair to say?

Mr. O'NEIL. It is fair to say, yes, that bombings were probably rising at the same rate that crime was rising over, let us say, a 10- or 15-year period until the last 3 or 4 years when we had this dramatic increase, and particularly the last year and a half it is very noticeable.

Senator JAVITS. Mr. Lussen, looking at the juxtaposition of the tremendous bulge in both threats and bombings, plus the type of people you are arresting, to wit, Weathermen, Minutemen, RAM's, and so on, would you say there is or could you give us your judgment of the direct connection, if any, between this bomb wave and an intensified, exacerbating political atmosphere both on the extreme right and the extreme left in which bombing is apparently becoming an established technique?

Mr. LUSSEN. I think that during the past 5 years, as the bombings have increased our investigation has shown they are political. Whether they are left or right, they are done for a political purpose, to gain notoriety for the cause of the individuals who are setting off the bombs.

Senator JAVITS. Thank you very much.

Senator GURNEY. Have you tried to do any analysis of the political motivations? As you were giving your testimony, obviously, some of it is organization against organization. Others are apparently a form of protest against the Establishment or against society.

Have you tried to make any categorization of these bombing incidents?

Mr. LUSSEN. No, I haven't, sir.

The CHAIRMAN. I present to you a pamphlet that I understand was circulated in New York. I ask you to identify it. I think it will throw some further light on this issue at this point.

(Document handed to the witness.)

Mr. LUSSEN. Senator, I think this pamphlet or throwaway could be better identified by one of the detectives who worked on the case better than I could.

The CHAIRMAN. Have you one here?

Mr. LUSSEN. Detective Moller.

The CHAIRMAN. Detective, would you examine that and state if you identify it?

Mr. MOLLER. I have never seen this.

The CHAIRMAN. You have never seen it before?

Mr. MOLLER. No, sir.

The CHAIRMAN. Very well.

Apparently it relates to those bombings up there. Is there anyone who can identify it?

Mr. LEARY. The chief inspector, when you are ready to hear from him, will offer to the committee certain materials that are circulated around.

The CHAIRMAN. Show it to the chief inspector.

Mr. McMANUS. That is not one of the materials I have with me and I am not familiar with it.

The CHAIRMAN. We may find some other source of identification. This is quite interesting. It is quite distressing, if it is authentic.

You may proceed.

Senator RIBICOFF. I think at this time for the record, I will ask this: Would you let us know the size of the increase in personnel of the bomb squad of New York over the past few years because of the increased bombings?

Have you had to increase your bomb squad?

Mr. O'NEIL. The bomb squad is composed at the present time of 13 detectives and myself. It has been increased by several men. I would say probably by two or three men over the past 3 or 4 years.

The CHAIRMAN. Gentlemen, I understand the document which I presented to you a moment ago came from your department. It was given to our investigators by someone in your department. You may check it out.

You may have other materials just as potent in their implications as this. I don't know.

Mr. LUSSEN. That is true, Senator, but we cannot identify that particular one at this time. We have many pamphlets similar to that that we have given to the committee.

The CHAIRMAN. I wanted to make that statement for the record to show it was not something I was trying to slip into the record without verifying its source. I understood it was given to us by someone in your department. You no doubt have similar material.

Mr. LUSSEN. Yes.

Senator METCALF. Mr. Chairman, this document talks about Sam Melville, Jane Alpert—is that one of your major cases?

Mr. LUSSEN. That is one of the Federal Bureau of Investigation's Federal court.

Senator METCALF. Is that pending?

Mr. LUSSEN. There has been a conviction on it but part of the case is still pending because one of the perpetrators has absconded.

On March 20, 1970, at approximately 1300 hours, a large explosion occurred in an apartment at 706 East Fifth Street, New York City.

As a result of this explosion, one male was killed and another male was seriously and very seriously injured. The search of the apartment after the explosion resulted in the confiscation of the following: A large quantity of chemicals and paraphernalia which could be used in the manufacture of explosive devices; two live pipe bombs; maps with certain locations circled, including police precincts which we assumed were to be bombed, two handguns, and three rifles.

We have established a connection between the individuals, both the one who was killed and the one who is alive, with other cases in New York City of bombings.

The case is still pending. It is a recent case.

We had another case of a bomb placed in a building adjoining a bank in the Bronx, and when our men responded to this location another bomb was then found which was set to go off when the policemen arrived at the scene. Very fortunately, this bomb was discovered. If it had gone off while our men were there, and the firemen, there would have been a great loss of life to both departments.

Senator GURNEY. Inspector, on those bombings against institutions like banks, do you pick up any pattern there about who is mad at the banks?

Mr. LUSSEN. It would seem to be a group mad against the Establishment, as they call it.

Senator GURNEY. That was just their way of showing it?

Mr. LUSSEN. That is right.

In New York City, since June 30, 1969, more than 40 incendiary devices and at least 10 pipe bombs have been exploded or have been found in department stores, the New York Public Library, banks, and three General Electric facilities.

These explosions have caused considerable property damage in most of these locations, and in one instance two detectives assigned to the bomb squad were injured when a device exploded as they were dismantling it.

On the evening of September 25, 1969, at Shepherd Hall of City College, Mark Rudd addressed an audience of SDS men, members, and supporters, and told them that they were out to foster a revolutionary tendency throughout the country by creating widespread unrest.

Rudd said they would take the offensive in this, and that they were prepared to risk everything. He is one of the individuals connected with the Weathermen.

That, gentlemen, about sums up most of our major cases. Most of them, as I said before, are pending.

The CHAIRMAN. Thank you very much.

You may present your next witness.

Mr. LEARY. I would like to offer to the committee Chief Inspector George McManus who will make reference to certain periodicals that are published and circulated by various groups; and some unknown, relative to how to manufacture and fabricate bombs, and also strategy and tactics around guerrilla warfare.

The CHAIRMAN. Thank you very much.

Mr. McMANUS. Gentlemen, these materials I have brought along, about 14 samples or copies, facsimiles, written guidance on the subject of the making of bombs and the fighting of guerrilla warfare, a la Mao Tse-tung and others, were seized, most of these, in arrest cases in the New York City Police Department, arrests of radical Right and radical Left revolutionaries, or they have been taken up at college campuses where they are distributed, or at high schools, or even junior high schools.

They run the whole spectrum from the crudest kind of leaflet done in the crudest way with sometimes the most vulgar language, all the way to some very sophisticated and detailed descriptions of how to do these things.

They are well written, excerpted sometimes from reputable publications of one kind or another, sometimes from official publications, and sometimes from the regular organs of the radical and underground newspapers.

I might say there is one very unique one here. As the Commissioner said, we will present these to the committee for their use and study.

The CHAIRMAN. They will be filed in bulk as exhibit 795. I will direct the clerk to letter each of the separate items or materials presented.

(The documents referred to were marked "Exhibits Nos. 795A-795N" for reference and may be found in the files of the subcommittee.)

Mr. McMANUS. As I said, I have not seen the one that the Senator presented, but there are literally thousands of these. I haven't seen them all. I have brought along a cross section of the crudest and best of these things. I might read from one of them.

The CHAIRMAN. We will not take time to have you describe each one, because they are in the file for reference and for our use.

But if you will, select three or four of them, one in each category as you speak of them, the crudest and the most sophisticated, and give us your version of them or comment about them, please.

Mr. McMANUS. Several of these are mere leaflets with the crudest kinds of drawings of typical bombs and Molotov cocktails, misspellings, crudely written, with filthy language in some cases.

One does not know the source. They are not signed in any way. Sometimes they will say something like "Power to the People," which you can identify with certain of the radical organizations as a kind of war cry.

Sometimes they will say "Up the Weatherman" faction.

The CHAIRMAN. Do you identify those with the Weatherman organization?

Mr. McMANUS. You could reasonably make that identification, but there is no proof, of course, of that fact. Some of the better ones, for instance, are excerpts from the Swiss Army Manual. This is called "Total Resistance, Swiss Army Guide to Guerrilla Warfare and Underground Operations." This, of course, is extremely well done and it is an official publication.

Another one is from the Guidebook for Marines. "Demolitions and Mine Warfare, Chapter 29." There are excerpts from that chapter.

The CHAIRMAN. Are those among the more sophisticated?

Mr. McMANUS. Yes, sir. These are well written and highly technical and difficult to understand for the average person who might be picking up a leaflet. So these things we find in the apartments of people whom we have arrested or in the case of the bombing on 5th Street we found literature of this kind around there, the kind of thing studied by people who are making more sophisticated types of bombs.

The CHAIRMAN. I get this impression—there is actually no way, I can conceive of no way, that we can keep this information from getting into the hands of those who would be inclined to resort to violence and bombing to carry out their ends and achieve their goals, whatever they may be.

There is no way you can keep this information from them since they can get it from sources like the Swiss Manual and probably from our own military manuals.

I don't know how you are going to keep this information from them. But you do detect this type of materials being produced in this fashion. The purpose is to instruct those who will receive them and read them in the methods of making bombs of destruction. Is that correct?

Mr. McMANUS. That is correct, sir.

The CHAIRMAN. And they are being disseminated. I don't know how we can stop the dissemination. Do you?

Mr. McMANUS. No; I do not, sir. I suspect it will be an extremely difficult thing to attempt. I don't know how you would do it.

The CHAIRMAN. Proceed.

Mr. McMANUS. I just want to mention that in one case, and this, I suppose, is as a result of the accidental bombings in those two houses in which the people who were making the bombs were actually destroyed, they got out what constitutes a caveat, a warning, concerning all of these how-to-do-it leaflets.

This leaflet points that out. "The how-to-do-it leaflet is dangerously misleading and incomplete." This is being handed out, of course, to the same people who get the other leaflets. It is particularly dangerous to think you can make a Molotov cocktail or any of these incendiary devices or explosive devices unless you know a great deal, technically, about these things. It is deluding, the pamphlet suggests, to think that you can become an expert in making these things unless you have studied more than the average person.

All recipes in underground papers are dangerous. It is ridiculously foolish to think that reading an article in an underground paper is enough preparation to work with dangerous chemicals.

It goes on to urge people to pay attention to what they learned in high school about the handling of chemicals. It says here:

The safety rules for the laboratory that you might have learned in high school are really true and important to remember.

So this constitutes a warning to people not to be deluded into thinking they can handle these dangerous substances without a more sophisticated knowledge.

It warns them not to fool with this kind of thing unless they know more about it.

That, I think, is about as much as I want to say on these things, inasmuch as they are in the record and there is no need for me further to delineate what it says in them.

Senator GURNEY. In connection with the warning, why do you think the warning was put out? Was there any further instruction in the warning pamphlet to get in touch with John Doe at X address and learn more about it? Anything like that? Any attempt for improvement, perhaps?

Mr. McMANUS. All it does is call attention to the extreme danger of handling chemicals in these more sophisticated types of bombs and incendiary devices.

It doesn't refer them any place else. It winds up by saying, "Power to people's research."

The CHAIRMAN. May I ask at that point: Was this particular circular distributed after the bombing that killed the people who were making the bombs?

Mr. McMANUS. Yes.

The CHAIRMAN. This was a warning or cautionary measure taken afterward?

Mr. McMANUS. After several had destroyed themselves, yes.

The CHAIRMAN. They had become victims of their own device; is that correct?

Mr. McMANUS. That is correct, Senator.

The CHAIRMAN. It occurred to me that perhaps they sent out the cautionary signals after the tragedies when they were trying to make explosive devices.

Senator GURNEY. In connection with the distribution of these bomb instructions, and, of course, we know they go to the various factions engaged in this business, do you find any evidence in New York City that there has been distribution, generally, say, among high schools and colleges, and other places, in more simple type bombs, just to generally stir up mischief?

Mr. McMANUS. We find these distributed at high schools, in and around high schools, and junior high schools and, of course, on college campuses.

Senator GURNEY. Do you know if there is a general distribution that really doesn't have anything to do with a particular organization's methods?

Mr. McMANUS. No; I think these things are identifiable with several of the organizations because of the mottos and that kind of thing.

Senator GURNEY. And distributed by them generally outside of their own membership?

Mr. McMANUS. Yes; outside of their own membership, to people generally. I am sorry I misunderstood you, sir.

The CHAIRMAN. Have you anything further?

Mr. McMANUS. No, sir.

The CHAIRMAN. From your last statement I understand that they are willing to create chaos, disorder, violence in any way they can. They are trying to induce anyone who is willing to attempt it and trying to tell them how to do it, whether they are in their organization or out of their organization. Is that correct?

Mr. McMANUS. That is correct.

The CHAIRMAN. Mr. Commissioner, have you further witnesses?

Mr. LEARY. Nothing more, sir.

Senator JAVITS. Mr. Commissioner, before you leave, I hope you will make your recommendations for Federal legislation or Federal action which your experience and that of your colleagues dictates.

Mr. LEARY. I would like to address myself to that very point.

It is our respectful recommendation to the committee that, if and when they decide upon certain legislation, that some of these factors are taken into consideration: The legislation should license anyone who imports, manufactures, distributes, sells, purchases, or safeguards or in any way seeks to possess any explosives or components manufactured to be used with an explosive.

The CHAIRMAN. You say anyone who purchases explosives should be licensed?

Mr. LEARY. Yes.

Require identification numbers or coding on any explosive or any component thereof which is intended to be used for purposes of explosives.

Require strict recordkeeping by each licensee concerning the explosive and components thereof on hand as well as where each explosive or component thereof went, whether by way of sale or by use, or by any other method.

Require an inspection system whereby the records of the above-named persons would be subject to inspection by Federal authorities and/or local authorities in the localities in which the licensees are located.

Require that explosives or components to be used in connection with explosives be safeguarded at all times by a person or persons of fit character who themselves must be licensed.

Require that each explosive or fuse cap such as dynamite, contain within the explosive itself some coded article which cannot be destroyed by detonation of the explosive. This would be for the purpose of tracing the explosive.

The principle is the one utilized in the concept of the flight recorder on an airplane.

In addition, there should be heavy penalties for violators of the legislation as well as for the transportation of explosive or incendiary material across State lines without license.

Thank you.

The CHAIRMAN. Thank you very much.

One of the problems according to information we have, is that much of this material is stolen, as many weapons are stolen. Have not our Federal arsenals and State arsenals been broken into? Many thefts have been committed. Is that correct?

Mr. LEARY. Yes; it is correct. I think one of the major problems is that in many localities, in a great number of them, there is little or no control, and particularly even after sale there is no control or inspection procedures established.

The CHAIRMAN. That would have to be a local responsibility would it not?

Mr. LEARY. Assuming that it originally started in interstate transportation, maybe the Federal legislation would in some way require that. I don't know.

The CHAIRMAN. Let me ask you two or three other questions.

First, I notice in your prepared statement that you list a number of targets—this is on page 2 of your prepared statement—since January, 1969. You list a number of targets and objects such as Federal buildings, municipal buildings, criminal court buildings, banks and religious houses of worship.

How many religious houses or institutions have been bombed?

Mr. LEARY. We have had a series—

The CHAIRMAN. Did you give us that in your testimony?

Mr. LUSSEN. No, sir.

Mr. LEARY. Not statistically; no, sir. I can just make general observations. In some houses of worship there have been depredations against churches and synagogues, some of which have been firebombed and fires set. Of course, who did those acts we don't know.

The CHAIRMAN. But they have been included as targets?

Mr. LEARY. That is right.

The CHAIRMAN. You list them as one of the major targets.

Mr. LEARY. That is right.

The CHAIRMAN. I wonder if these attacks can be attributed to religious fanatics or if they are just a part of a revolutionary movement against the establishment as such. How do you interpret it?

Mr. LEARY. Of course, we have a history of prejudice in this country for too long a time. Of course, that is always coming up in one form or another. We have had this rash against the houses of worship in New York City which has accelerated in the recent few years.

The CHAIRMAN. What I am trying to ascertain is whether you would associate these bombings with the overall, as you termed it, revolution against or attack against the establishment as such?

Mr. LEARY. Those that we have apprehended for these depredations didn't appear to be related to any political philosophy.

The CHAIRMAN. You think they are isolated cases of prejudice against a particular religion?

Mr. LEARY. That is right.

The CHAIRMAN. All of the others, I assume, that you relate here—attacks on court buildings, police headquarters, banks, business places—those you would say come under the other category, attacks on the Establishment?

Mr. LEARY. That is correct, sir.

The CHAIRMAN. As I understand your testimony, there is probably just as much trouble coming from the extreme right as there is from the radical left, using those terms in the context in which they are generally accepted.

Mr. LEARY. That is right.

The CHAIRMAN. I notice you say in your prepared statement that during the period from 1965 to and including May 1970 there were 438 devices, of which 331 were explosive devices and 107 incendiary devices. That includes the last 15 months.

Prior to that, for the five-year period 1960-1965, there were only 113 devices. In other words, there was an increase of nearly 400 per cent in the last period of five years.

How many of those 438 occurred—well, I believe you said 368 of them occurred from January 1, 1969, the time that you had included in your statement.

What is the time? To what date?

Mr. LEARY. Up to May of this year.

The CHAIRMAN. So that indicated a very sharp rise during the past 15 or 16 months.

Mr. LEARY. Eighteen months; yes, sir.

The CHAIRMAN. Let me ask you this, Commissioner, and others of your staff may comment on it if they like.

Do you regard the current wave of bombing assaults and attacks which as we have been discussing here today as serious. Are they critical? How would you term the problem today as related to safety of our citizens?

In other words, would you regard it as tremendous? How would you describe it? It is disturbing, I know. Would you say it has reached alarming proportions? Tell us how you feel.

Mr. LEARY. I think it has reached gigantic proportions and, therefore, very critical and serious to everyone in the United States because it is a threat to the innocent and to the defenseless.

It is almost impossible to defend against the likelihood of a bomb being placed and exploding anywhere. I think this is principally done by those people who find dissatisfaction with the present political philosophies, not only of this country but of the world.

I look for it to accelerate to a greater degree. It appears that this is the only way that these extreme groups who are organized are able to find a public expression and a public platform to make known their feelings and their dissatisfactions.

The CHAIRMAN. There is today becoming more and more prevalent a tendency to achieve goals by force and violence rather than by the system of law and order and due process in our democracy.

Mr. LEARY. It starts out with bad manners. Now it is just accelerating beyond that.

The CHAIRMAN. It has become a means to an end today.

Mr. LEARY. I don't know that they are really concerned about the end. It seems that they want to destroy the present.

The CHAIRMAN. Their objective is destruction and this is the means to the end, whatever their goals may be.

Mr. LEARY. Right.

The CHAIRMAN. You pointed out in your statement that today citizens who have business with the police departments cannot safely go there to transact their business. Is that correct?

Mr. LEARY. Well, we can't guarantee them safety.

The CHAIRMAN. There is no safety today for our citizens anywhere, in their places of business, on the streets, in their public institutions. There is simply no way to guarantee their safety.

Mr. LEARY. I think with the bombings and the crime statistics, that is proven unquestionably.

The CHAIRMAN. It is strikingly significant that bombing, this category of crime, is increasing in the last few months, the last 16 or 18 months, much faster than the rate of traditional crime has increased. Is that true?

Mr. LEARY. Yes; on a percentage basis.

The CHAIRMAN. On a percentage basis it is increasing much faster.

Mr. LEARY. Yes.

The CHAIRMAN. How many deaths and how many injured and how much property damage is included in the bombings that you have testified occurred during the last 14 months or so?

Mr. LEARY. I would think about four deaths, and we couldn't give you with any degrees of certainty those injured. Some who have been injured have lost both legs or an arm.

The CHAIRMAN. There have been many serious injuries, which involved loss of limb, sight, mangled bodies.

Mr. LEARY. Yes; an amateur doesn't fool with dynamite very long.

The CHAIRMAN. Do you have the property damage?

Mr. LEARY. No, we don't have that.

The CHAIRMAN. How many different times have you had to evacuate buildings because of threats?

Mr. LEARY. We don't have that figure either. But I might just offer for the consideration of the committee that when we had the recent bombing experiences of a number of business institutions in New York City, over a 4-day period we had 900 calls to the police of bomb threats.

The CHAIRMAN. Over how many days?

Mr. LEARY. 900 over a 4-day period.

The CHAIRMAN. In addition to the actual bombings, do you get many threats of bombings that are not only disturbing but disconcerting in that you have to take action?

Mr. LEARY. That rises and falls depending upon, I guess, the individuals or the publicity that is given to that sort of thing.

The CHAIRMAN. I notice that bombings include the Chase Manhattan Bank, the United Fruit Building, the IBM Building, the Socony Vacuum Building, Standard Oil Co. Building.

How frequently is some building or some business like that called and threatened? How frequently do you get calls saying that a bomb has been planted in a building? I mean calls requiring you to take action, and subsequently you find out it was a false alarm? In how many instances has that occurred?

Mr. LEARY. That would be up in the thousands and thousands. It is 5,000 this year.

The CHAIRMAN. Just 1970?

Mr. LEARY. Yes.

The CHAIRMAN. You have to take action. You can't say, "Well, maybe it is another false alarm."

Do you have State laws that are adequate to deal with that problem, making these threats which turn out to be false alarms?

Mr. LEARY. We have legislation to penalize people who do things like that, but you seldom ever locate them or apprehend them.

The CHAIRMAN. I wonder if we could carry that legislation further, to create a Federal statute making it a crime to issue a threat against a building or against a firm or business where people are carrying on interstate commerce.

I don't know whether we could go that far. We may have to do it. Senator JAVITS. We have it on aircraft.

The CHAIRMAN. Are there any further questions?

Senator JAVITS. I would just like to ask two questions, Commissioner Leary.

Do you believe, Commissioner—and perhaps your colleagues could help us if they have any feeling—that if this political atmosphere abates, which, as we all know, is very heavily attributable to the Vietnam war and agitation caused by it on campuses, and elsewhere, that this wave of bombing may tend to abate somewhat, though not necessarily entirely?

Mr. LEARY. I think any matter that is so universally felt as the war in Vietnam can cause a great deal of unrest among the young, particularly. Of course, if that wasn't the case, there is all likelihood that this very well might diminish.

But I would have no way of guaranteeing that that would be the result.

(At this point Senators Ribicoff and Metcalf withdrew from the hearing room.)

Senator JAVITS. Is it fair to say that bombings proceed in waves? For example, we had a spate, not too long ago, incident to the Civil Rights Act, of what was called "hate bombing." We have seen that, of course, also in other areas, in the Deep South and elsewhere. Is that correct?

Mr. LEARY. Yes, sir.

Senator JAVITS. Those, too, had political motives. It was connected with the struggle of the blacks for more recognition, equality, and so forth.

Mr. LEARY. That is right.

Senator JAVITS. Right now we are in a real bulge of political bombing.

Just as campaigns are carried on, as shown by all your exhibits, to really induce these youngsters to engage in bombing, fire bombing, and so forth, does the city of New York and the police department carry on any propaganda in New York or any educational effort to demonstrate the grave dangers, the results, the social terror, and the completely antieffective quality of these activities?

Mr. LEARY. We attempt to a certain degree without intruding ourselves upon others to get a better and richer relationship with the young, particularly in the junior high and high schools, and the grammar schools, by sending police officers in, and we have programs of telling the young people what the police department and their policemen want them to do.

We have the precinct community council. We hope this year, with the cooperation of the law schools in the city of New York, to have continuous dialogue with the law students and the members of the police department.

We feel ultimately when that program is successful, we hope then to move it down into the undergraduate schools as well. We feel that

we can have a good across-the-table communications with the students and we can better appreciate their position and their feelings, and they can better appreciate our duties and responsibilities.

Senator JAVITS. Has any effort been made to explore cranking into the courses of instruction in these various institutions this kind of doctrine and consideration such as it would become part of the curriculum and then thereafter allowing the institution, itself, to take over that teaching and orientation rather than to have the police department or others from the outside do it?

Mr. LEARY. The city of New York police department has for many, many years now conducted classes for public school teachers that came to the New York City Police Academy, and instructed the teachers in the duties and responsibilities of the police and how they go about those duties.

Hopefully, and we know they do, the teacher then takes that back to the classroom. This is a program that has been going on now for many years. Chief McManus participated in it.

The teachers get credit toward their graduate degrees for attending this particular course of instruction.

Senator JAVITS. Commissioner, would it be possible to get a statement from you in the mail prepared perhaps with Mr. McManus' assistance as to all these educational efforts, that is, what we are doing, what we contemplate doing, in an effort to counteract the propaganda of annihilation and terror which you have told us about?

Mr. LEARY. We would be very happy to.

Senator JAVITS. Mr. Chairman, I would ask that the memorandum, when received, be made part of the commissioner's testimony.

The CHAIRMAN. It will be accepted for the record.

(The information furnished follows:)

THE CITY OF NEW YORK,
POLICE DEPARTMENT,
New York, N.Y., August 21, 1970.

To: Deputy Commissioner Legal Matters
From: Commanding Officer, Community Relations Division
Subject: Testimony of Police Commissioner Howard R. Leary before Senate Subcommittee on Investigations Concerning Bombing and Terrorism.

1. Any broad and effective program to maintain law and order depends in a large measure upon the active support and cooperation of the community at large. In an effort to promote and maintain public interest and participation in the law enforcement effort, a precinct community council has been established in New York City's 76 Police Precincts.

2. These councils serve as an important means for communication and constructive cooperation between the police and the local community. Its purposes are:

- (a) To promote community support for law enforcement efforts.
- (b) To encourage and increase cooperation between the police and the people they serve and
- (c) To develop specific programs in accordance with the needs, interests and resources of the local community that will support the maintenance of law and order and the prevention of crime and delinquency.

By gaining neighborhood support of law enforcement, each council develops in the community:

- (a) An understanding of police objectives, and the difficulties and hazards confronting the police officer in the performance of his duties.
- (b) An awareness of the powers, resources, and limitations of the police and
- (c) A recognition of the individual citizen's responsibility in maintaining and preserving the peace.

CONTINUED

1 OF 3

3. An informed precinct council is a vital medium for public education. It interprets in a meaningful way, police policy and techniques, especially as they relate to operations in the public focus.

4. Precinct Community Council programs improve intergroup relations and reduce racial tensions. Broad public involvement in neighborhood crime prevention efforts creates opportunities for an interaction of representative religious, racial and ethnic groups of diverse socio-economic backgrounds. Such intra-community dialogue promotes an advancement of tolerance and understanding.

PRECINCT YOUTH COUNCILS

5. These Councils are primarily concerned with neighborhood problems affecting the welfare of youths, and seek to assist and cooperate with the Police Department in its program for the control and prevention of juvenile delinquency and crime among minors. Precinct Community Councils represent a larger, more encompassing program of police-community cooperation; directing attention to a wider spectrum of problems of mutual concern, of which neighborhood problems affecting youth are a part.

Precinct Youth Councils may assist the police in preventing juvenile delinquency and crime among minors by:

(a) Helping worthwhile youth agencies in the neighborhood to obtain needed volunteers.

(b) Assist the Police Athletic League in finding part-time work for youths of school age who need economic assistance.

(c) Cooperate with the schools in their truancy and dropout problems.

(d) Sponsor, with the cooperation of public and parochial schools and approved youth-serving agencies, the formation of Junior Youth Councils, and offer advice and assistance as may be necessary.

(e) Cooperate with agencies and community efforts directed toward establishing and expanding services for delinquent, neglected, and dependent children, and

(f) Promote preventive recreation by encouraging hobbies and sports, and by using recreational activities to develop proper leadership among vulnerable children.

6. All of the programs of the Community Councils and the Youth Councils have as one of their primary goals, the attainment of greater cooperation and understanding by the public of the police. When these programs are conducted in conjunction with the Department's overall community relations effort as represented by the day-to-day patrol functions and the specialized services of the Community Relations Division, the resulting public awareness becomes a deterrent to lawlessness.

7. Among these are the Police-Youth Dialogue and the Precinct Service Officer programs. The Police-Youth Dialogue was formed on the premise that close, informed, contact between police officers and youths from their areas when operated in a setting removed from the precinct confines will augment understanding and empathy between the two groups. The dialogues take place in a rural setting for an entire weekend. Approximately ten patrolmen and thirty youngsters share living quarters, eat together, and participate in various athletic endeavors. During the course of the weekend, informal discussions between the policemen and the youngsters continue at a rate and a level determined by the participants. In addition, there is a formal dialogue session which is coordinated by a professionally trained social worker. Whether the discussions are formal or informal, frankness and honesty is encouraged. Both groups are urged to express their feelings and thoughts on wide-ranging subjects which may effect the relationship between the police and the neighborhood youngsters. Various follow-up programs have been instituted to preserve and eventually increase the gains derived from the dialogue sessions. By closing the gap between the officer on patrol and the youngsters of the precinct area, a situation conducive to greater communication and mutual respect is created.

8. The Precinct Service Officer program is designed to utilize selected Police Trainees as representatives of the Department to their peer groups throughout the City. These young men, ages 17-20, who will become full-time police officers at age 21, are given special training in important social scientific areas. At the John Jay College of Criminal Justice and at St. Luke's Hospital, the future Precinct Service Officers are instructed and perform field work in Local Government, Sociology, Psychology, and Group Relations. Upon completion of their

training period, the Precinct Service Officers are assigned to work with Community Relations field personnel in Precincts and Divisions throughout the City. Their duties include work with young people in such vital areas as school dropouts and truancy, drug abuse, job counseling, and community services. By relating to the young people and by serving as conduits of their feelings to the Police Department, the Precinct Service Officers play an important role in the maintenance and improvement of Police-Youth Relations.

9. The most positive approach to the problem of bombings is the elucidation by the Police Department of the value of law observance. To attain this objective, the Community Councils and the Youth Councils provide information, social services, guidance and direction to the youth of the various communities. By instilling in the young people a sense of responsibility and the values of good citizenship as exemplified in a participatory democracy, the Police Department assumes a positive stance on this matter. If these standards and values are inculcated in the young people, tendencies toward violence as a means of effecting social change can be reduced and controlled to some considerable degree.

CHARLES J. MILLER,
Deputy Inspector.

THE POLICE DEPARTMENT, POLICE ACADEMY, CITY OF NEW YORK—ADVANCED
AND SPECIALIZED TRAINING SECTION

THE POLICE AND THE SCHOOLS

(Prepared by course coordinator: Sgt. James Mulderig, advanced and specialized training New York City police academy: Henry R. Morse, Deputy Inspector, Commanding Office Police Academy)

Statement of purpose

The course is intended to equip teachers with knowledge essential to the task of instilling an appreciation of civic responsibility, the need for law and order, and an understanding of the individual's rights and duties within the framework of American Society. It is further intended that by providing an understanding of the role of the police in the community, the teachers will, in turn, communicate this understanding to their students.

Structure

The Police and the Schools Program is voluntary after-school course sponsored jointly by the Board of Education and the New York City Police Academy. At the completion of the course, teachers receive a certificate of completion and two credits which may be used for salary increment and/or first salary differential.

The program is divided into fifteen two hour sessions which include academic presentations, demonstrations, and trips to local precincts and the firearms range. Seminar discussions follow each lecture. Students are required to complete specific readings and are offered a suggested bibliography. All students are required to submit a term paper.

Ordinarily, no more than sixty students are admitted to each class which meet as indicated below:

Borough	Center	Day	Time
Manhattan	Police Academy, 235 E. 20th St., New York City, room 704.	Monday	1800-1940
Bronx	Taft High School, 240 E. 172d St., Bronx, N.Y., room 353.	Tuesday	1530-1710
Queens	Edison High School, 165-65 84th Ave., Jamaica, N.Y., auditorium.	Wednesday	1530-1710
Brooklyn	Westinghouse High School, 105 Johnson St., Brooklyn, N.Y., room 201.	Thursday	1530-1710

CURRICULUM

Session	Topic	Scope
I	Orientation	Registration and preparation of required forms. Description of course and recording of calendar. Students' requirements concerning term paper and attendance. Discussion of purpose and significance of the police and the schools program.
II	Organization of the Police Department.	A discussion of the organization of the police department and its relationship to city government. A description of the objectives and responsibilities of the department and the methods and equipment used to fulfill its objectives. A consideration of the role of the policeman in modern urban society.
III	Station house tour	A visit to a local precinct station house. An explanation of the organization, equipment, methods, and administration of the precinct and how this unit serves the needs of the local community.
IV	Constitution and Supreme Court	A guest lecturer from the Legal Division discusses the responsibilities, privileges, and immunities placed on the police by the Constitution of the United States. A discussion on how the amendments affect police work, citing recent landmark Supreme Court decisions.
V and VI	Firearms range	A visit to the police firearms range at Rodmans Neck, N.Y. An explanation of firearms safety and training given to New York City policemen. Familiarization with weapons and other implements used by the department.
VII	Youth Aid Division	A guest lecturer from the Youth Aid Division discusses the police department's role in the prevention of juvenile delinquency and waywardness of minors. Consideration of efforts to control premises and conditions contributing to delinquency, and the department's role in youth recreation and activities. Emphasis is placed on the need for and areas of cooperation between the police department and the schools.
VIII	Know your police department	A speaker from the "Know Your Police" unit explains the department's programs and efforts to reach the children in their classrooms and instill in them a better understanding of the police and that the police are their friends. With the use of slides the lecturer actually performs one of the programs used in the schools.
IX	Narcotics orientation	A speaker from the DCCR, Narcotics Speakers Section, outlines the narcotics problem confronting the city, briefly describes the department's efforts to control it, and makes recommendations on how each citizen can aid in suppressing this menace.
X	Use of force	A guest lecturer from the Legal Division explains the laws covering the use of force, emphasizing the limits on when and how much force may be used by the police and private citizens.
XI	Physical education	A lecturer from the Police Academy's Physical School explains the department's physical training program and demonstrates some of the self-defense and physical techniques used in police work. He discusses some basic precautions a person should take to safeguard themselves and their possessions.
XII	Investigative functions	A lecturer from the Advanced and Specialized Training Section of the Police Academy explains the investigatory activities of the department and the method of selection and training of those assigned to do this work.
XIII	Community relations	A speaker from the Office of the DCCR explains the department's public and community relations programs, their importance in urban police work, and techniques used in this area.
XIV	Narcotics workshop	A demonstration using physical exhibits of those drugs and implements used in the narcotic traffic, with emphasis on the recognition of drugs, symptoms of their use, and criminal responsibility in the use and sale of them.
XV	Critique	Each student must prepare a critique of the program based on a format prepared by the Police Academy. A critique of the entire program utilizing an open question and answer technique.

BIBLIOGRAPHY

Materials issued by Police Department:

1. *Spring 3100*—Profile of the Department.
2. Kaplan, B. and Lodge, S. *The Police and the Schools. The Police Chief* June 1965, pp. 24-28.
3. Various pamphlets and charges on narcotics. Suggested Readings:
4. Drug Abuse—(Game Without Winners) *Supt. of Documents*, U.S. Government Printing Office, Washington, D.C.

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

6. Devlin, P. *The Police in a Changing Society. The Journal of Criminal Law, Criminology and Police Science*. June 1966 Vol. 57, No. 2, pp. 123-129.

7. Banton, M. *The Policeman in the Community*. Basic Books, New York 1964.

[From the Police Chief, June 1965]

THE POLICE AND THE SCHOOLS

(By Bernard R. Kaplan and Sidney Lodge)

Can the schools reduce juvenile delinquency by giving a concentrated indoctrination of modes of behavior in all the grades? Would this lead to a reduction in crime?

Can the schools develop enough character training in young children to counteract an anti-social influence in the home or in the neighborhood?

These basic questions were asked by Captain Lodge in a conference with the principals of the three school districts included in his police precinct in the Bronx. What prompted the questions? He had witnessed and experienced a growing hostility in the community toward lawful authority.

The questions were challenging. In response, the three school district superintendents sent key liaison personnel to confer with Captain Lodge, Assistant Principal Kaplan joined forces with the Captain in developing a pilot project in the school districts, supervised by District Superintendent Maurice U. Ames.

The Kaplan-Lodge Proposal was based on these premises:

1. These are many children who do not receive any degree of character training at home because of various reasons, among which are broken homes, ignorant parents, indifferent parents, overburdened parents and parents with strong prejudices against authority.

2. The local organizations interested in the amelioration of society find it difficult or impossible to reach either the parents or the children in order to develop some form of character training. The social agencies make it a practice to start case work only when the family comes to them. Most families do not come willingly and are not reached.

3. The only agency which can reach all the children is the public or private school. Thanks to American tradition, education is compulsory for children in every state.

4. It is the experience of many teachers and school administrators that character training can be effective if it is done by dedicated and well trained teachers.

5. An examination of most school curricula discloses that character training is not taught in a systematic, graded or detailed way. Instead, the teachers are given broad educational objectives, among which are character training and an appreciation of the American heritage. These are taught mostly through example or through occasional lessons as incidents arise.

6. A number of children need special services in addition to the classroom work. Schools are beginning to provide guidance counselors, psychologists, social workers and psychiatrists.

CONCEPTS DEFINED

The Kaplan-Lodge Proposal recommends that certain concepts related to the police should be taught by the teachers:

1. Laws are passed by the people because of the needs of the community.
2. Laws must be enforced. It is in the public interest that the policeman be given the authority to enforce the law.
3. The policeman does not make the law, he only enforces it.
4. An individual citizen has the responsibility of obeying the law.
5. No individual is greater than the law.
6. Any effort to influence the policeman to disregard the law is a disservice to the community. It undermines the morale of the public; destroys the due process of law, and erodes the democratic society.
7. The policeman must be given cooperation. Otherwise the respect for authority is diminished and leads to disorder.

8. There are minor incidents committed by policemen which may irritate the public. The entire police force should not be condemned by these actions. There are channels of redress in such cases.

9. There is a tendency to condemn the whole department for actions done by a few individuals.

10. There is a tendency for some people to resent authority or directions of any sort.

11. Occasionally, individuals resist arrest and refuse to cooperate. The police are then required to use reasonable force to effect this arrest. Witnesses to the incident might often condemn this action as police brutality.

12. Policemen of New York City are constantly given instruction in human and public relations and the proper methods of enforcement of the law.

13. Policemen are disciplined and reprimanded whenever they violate any of the rules or procedures set forth by the police commissioner.

14. Very often, individuals complain of police brutality to cover up and justify their own behavior.

15. The police are often used for insignificant and unnecessary matters depriving others of police services when urgently needed.

16. Greater emphasis should be placed on respect for the rights of others and property whether public or private. Civic responsibility is important.

THE TEACHER'S ROLE

The Kaplan-Lodge Proposal suggests that teachers orient student attitudes toward civic responsibility. For example, some emphasis should shift from playthings, pets, etc., to the consideration of others, respect for property, respect for responsible authority, responsibilities paired with rights, courtesy and self-control. As the contents of books become urbanized, social problems and solutions should be presented.

Turning from reading to other aspects, the Proposal recommends compositions on civic subjects, such as "Why Should Police be Given the Job of Maintaining Law and Order?" Oral discussion should include the topics of individuals and group behavior in and outside of the school.

In social studies, attention should be given to the basic objectives of citizenship training. Lessons devoted to American westward expansion, the clothing industry, or the problems of other nations should tie in the responsibilities of citizens to respect the rights and privileges of others. Current events classes might include discussion of timely topics affecting public safety. For example, a critique on this statement by Police Commissioner Murphy: "You have placed the policeman on the street. You have made the laws he enforces. You have armed him with a gun and authority to use it for your protection. You must stand behind him when he is right." The Proposal makes specific suggestions about character training in the teaching of art, music, science, arithmetic and physical education.

Emphasis must be given to the role of the teacher. He can emphasize good citizenship training by example, by guidance precepts, by democratic procedures, by use of current events, by private conferences, and by referring difficult cases to the guidance counselor.

This character training should be introduced as early as possible. It should be indoctrinated in our children to the degree that the values of democracy are indoctrinated. These concepts should be presented systematically and reintroduced in more sophisticated fashion from grade to grade. This education should be given through the twelve grades of primary and secondary schools.

THE SCHOOL'S ROLE

While it is understood that the teacher has the more important influence on character training, the school authority has a very important role in highlighting civic responsibility. There should be school themes, such as "Let's work and play together as constructive citizens." Assembly programs should include student forums on the causes of vandalism, civic leaders as guest speakers, group guidance lessons, role-playing, etc. Student councils should be given the opportunity to hold regular elections; make and carry out school laws; discuss causes of discrimination, fighting and lack of respect for others; undertake school and community projects, etc. Club programs, exhibits, trips and athletic games should develop such concepts as fair play, sportsmanship, consideration for others, etc.

The Proposal recommends integration of parent, student and teacher participa-

tion in civic responsibility. There could be joint meetings of student, parent and teacher leaders to discuss plans about some common problems, such as vandalism. Parents should be invited to student government meetings to see how students assume leadership roles and responsibilities.

As a result of the Kaplan-Lodge Proposal, the principals of Dr. Ames' district have motivated reaches to build up the image of the policeman by drawings, panoramas, dramatics, compositions, etc. The theme centered on the policeman as a helping friend.

In Public School 70, the Bronx, where Mr. Kaplan is the assistant principal, the student council investigated the causes of discrimination, vandalism, fighting and lack of respect for responsible authority. The topics were discussed in individual classes and then in seminars held with guest leaders and parents.

A PILOT COURSE

Another outcome of the Proposal was the initiation of a pilot in-service course, "The Police Department and the Schools." More than forty-five teachers met with leading New York City police officials in afternoon seminars at P.S. 70. They have gained insight into the machinery and problems of the New York City Police. Judging from their reactions, it is obvious that they are most impressed with the efficiency and intelligence of the police leaders. This was the course calendar:

I. Feb. 18 Opening lecture, introduction, orientation to course. Deputy Chief Inspector Patrick V. Murphy, Commanding the Police Academy.

II. Feb. 25 Basic Duties Imposed on the Police Department by Constitution and Law. Hon. Leonard Reisman, Deputy Police Commissioner, Legal Matters.

III. Mar. 4 History and Concept of the Police Function and the Police Academy Function. Assistant Chief Inspector George P. McManus, Chief of Planning.

IV. Mar. 11 Youth Division I, Organization—Concepts—Duties. Hon. Theresa Malchionne, Deputy Police Commissioner, Youth Program.

V. Mar. 18 Youth Division II, Patrol and Records Bureau. Deputy Inspector John F. O'Connor, Commanding Officer, Youth Division.

VI. Mar. 25 Youth Division III, Investigations Bureau. Captain John C. Clancy, Commanding Officer, Youth Division Investigation Bureau.

VII. Apr. 1 The Local Precinct I, Operational Problems. Captain Sidney Lodge, Commanding 48th Precinct.

VIII. Apr. 8 The Local Precinct II, A Visit to the 46th Precinct and Bronx Communications Unit. Captain Edward J. Perry, Commanding 46th Precinct, and Captain Ralph E. Anderson, Commanding Bronx Communications Unit.

IX. Apr. 29 The Emergency Service Squad, a sound movie film and live demonstration by an ESS crew. Deputy Inspector James J. McGuire, Commanding Officer, Emergency Service Division.

X. May 6 The Detective Division, a review of the detective function. Assistant Chief Inspector Sanford D. Garelik, Commanding Central Bureau and Squads.

XI. May 13 The Traffic Safety Function. Captain Edward Stokien, Patrol Supervisor, Safety Division.

XII. May 20 The Narcotics Bureau. Inspector Ira Bluth, Commanding Narcotics Bureau.

XIII. May 27 Field trip to the Police Academy Building and the Bureau of Technical Services. Deputy Inspector Henry L. Guttenplan, Commanding Bureau of Technical Services.

XIV. June 3 General Problems Facing the Police, Community Relations Efforts. Hon. Walter Arm, Deputy Police Commissioner, Community Relations.

XV. June 10 Review, Summary, Conclusions and Evaluation of the Course. Deputy Chief Inspector Patrick V. Murphy, Commanding Police Academy.

Many teachers in the school district have contributed examples of techniques used in the teaching of character development in their classrooms. These are being compiled and graded so that we can present a complete character-training curriculum in the near future.

Our schools should not be isolated from the community. The schools should encourage and assist the community organizations in developing civic responsibility, civic interest and concern for the problems facing the community and thus help to develop cooperation with public and private agencies.

COMMUNITY COORDINATION

The Kaplan-Lodge Proposal made the following recommendations for community and police coordination:

1. Parent associations should invite police captain or police community coordinator to speak to parents at their meetings. Bulletins can be issued to explain how the parents can help in building the image of the police.

2. For community-school-police collaboration, a meeting of community leaders, religious leaders and school leaders should be called to discuss ways of improving the police image, especially in areas where the image is unfavorable.

3. Public forums may follow these meetings, where an exchange of views would establish the police as interested in good human relations.

4. Police communication should include publicity to schools, community centers and other community agencies for the purpose of letting everyone know that the police conduct regular sessions on good human relations.

To maintain and raise our standards, we must inoculate a deep understanding

5. Good police projects, such as the Police Athletic League and police summer camps should be given maximum publicity in schools, community agencies and the mass media.

6. Police should ask the fraternal clubs to help financially and spiritually to develop community pride and cooperation. (Such clubs as the Kiwanis, Elks, Lions, Masons, etc., the Key Clubs and the Junior Achievement Clubs can be utilized in these projects.)

7. The community councils such as Mid-Bronx and the Lower East Bronx Community Councils, should be invited to help in this project.

8. A determined effort should be made by the Police Commissioner, the Mayor and publishers of the newspapers to highlight the need for respect for authority. The reporters and cameramen should be requested to give an equitable and fair treatment to the efforts of the New York City Police to maintain law and order.

9. The Police Department should create a Community Relations Board to work with citizen councils to effectuate a smooth relationship between the police and the community.

THE NEED AND THE GOAL

The nature and extent of the totalitarian challenge and of the rising unrest in our society underscores the urgency for all Americans, particularly our young citizens, to understand, appreciate and identify with our traditions, civic responsibilities and way of life.

To maintain and raise our standards, we must inculcate a deep understanding of American values.

Character development should be a conscious and conscientious responsibility of all the institutions of our society—the schools, the social agencies, the family and the police.

Following are excerpts from Police Commissioner Michael J. Murphy's remarks at the opening session of the pilot in-service training course, The Police Department and the Schools, at Public School 70, Bronx, N.Y.:

The idea for this course stemmed from the joint interest of a conscientious police captain and a dedicated school official—Captain Sidney Lodge of the 48th Precinct and Dr. Maurice Ames of this school district who, together with others, notably Dr. Bernard Kaplan, Assistant Principal of this school, formulated a program, which we refer to as the Kaplan-Lodge Proposal and which we are now expanding.

This program is aimed at counteracting the effects of an apparent lack of respect for authority exhibited by an increasing number of school children, by giving them a greater knowledge through their teachers of exactly what the Police Department is, who its members are, and what its goals are. While this is still a pilot project, I believe that this program can develop even broader aspects. It is my hope, as I know it is yours, that this approach to problems of developing improved character in the children will ultimately make itself felt in terms of lessened juvenile delinquency and less crime in our city. Evidence that the local program is bearing fruit has already developed.

One principle of curriculum is that it reflect the needs and interests of the community. To many of us who are disturbed by a growing delinquency problem, the need for exploring new avenues is obvious. This course reflects an attempt to meet such needs. It is my hope that through cooperative efforts such as this, an improved attitude toward schools and education on the

one hand and toward law and order on the other will develop in the children of our city. The aim of this course is to arm teachers with a practical knowledge of the workings of our branch of government, the police. I am sure this will be an exciting and successful undertaking, for it has been nurtured by men of good will: a law enforcement official interested in education and an educator interested in law enforcement.

THE CITY OF NEW YORK,
POLICE DEPARTMENT,
New York, N.Y., September 4, 1970.

To: Deputy Commissioner, Legal Matters

From: Chief of Personnel

Subject: Testimony of Police Commissioner Howard R. Leary before Senate subcommittee, Re: Know Your Police Department Program.

1. The Police Department's informational program for the student community began in 1966. Officially known as the "Know Your Police Department Program" it has been presenting the police function to over half a million students each year since its inception.

2. The program embodies a two-faceted approach to youth; an entertaining presentation or trip, and face to face dialogue between officer and student. The day begins with a slide or movie film or a field trip to a police facility and ends with face to face discussions between students and police officers.

3. In this fashion positive contacts have been made with thousands of school children. Uniformed officers present slide programs depicting police units operating in the field and provide a commentary keyed to each depicted scene. Any questions generated by the depicted scenes are explored and enlarged upon by the officer during after-program discussions. In addition to answering questions posed from the convened assembly, the officer visits individual classrooms and upon request engages in what has come to be termed a "rap session". A rap session is a highly fluid (both in subject matter and rules of order) "take off the gloves and tell it like it is" discussion period.

4. Specifically in regard to bombs, the repertoire of the program includes a film titled "Unseen Arm of the Law" that shows the work of the Bomb Squad. It includes dialogue that emphasizes the danger faced by the detectives and displays the skill and expertise they possess in detecting and arresting bomb terrorists. A slide program entitled "To the Rescue" also depicts bomb disposal units in operation and officers presenting this show have been exhorting the danger and terror connected with discovery and disposal of suspicious packages, bombs and other infernal machines.

In addition to these comments, officers convey their personal disdain for the individual that seeks redress, for real or imagined wrongs, through clandestine means. A field visit to the Police Academy is also part of the program. During the course of this visit, students are brought to the offices of the Bomb Squad where display cases containing exhibits of bombs and other devices are explained.

5. The Department continually recognizes its responsibility to inform the public of measures taken to insure safety in the streets and wishes to share its knowledge and experience with the city's citizens. The Department also realizes that it shares this responsibility with the general public to whom it looks for support and cooperation. The Know Your Police Department Program is an approach to the source of the support and cooperation the Department needs to function effectively. In this regard, the Department is in the process of seeking federal funding of this program through the Law Enforcement Assistance Administration. The tentative proposal calls for expanded coverage both of subject matter and clientele.

ELMER C. GONE,
Assistant Chief Inspector, Chief of Personnel.

Senator JAVITS. I would like to express my pride in and appreciation of the presentation by the police department of the city of New York, by the commissioner and the other officers who are present.

The CHAIRMAN. Senator Gurney.

Senator GURNEY. I have a couple of questions, Mr. Commissioner. Have you compared notes with the heads of police departments in

other large cities in the country? If you have, how did their statistics on bombing compare with yours? Do they have a similar situation?

(At this point Senator Javits withdrew from the hearing room.)

Mr. LUSSEN. We believe, though we haven't actually compared them, that the statistics that we have given pertain to other large cities in the United States also, that their bombings have gone up. In one particular city I note it has gone up much greater than ours, as a matter of fact, in the northwest.

Senator GURNEY. So it is a universal problem throughout the country.

In response to a question by Senator Javits about the war in Vietnam, about it causing political unrest in the country, and unrest among those youth who are of draft age, there was a question that perhaps if the war stopped tomorrow maybe the bombing would, or some sort of inference like that.

I didn't detect in any of the testimony presented here that there was any relation in New York City between the war in Vietnam and these bombings.

Mr. LEARY. I don't know that we tried to develop any relation like that. I certainly didn't mean to imply it in any statement I made in reply to Senator Javits.

Senator GURNEY. I didn't think you did, but I wanted that clarified in case there was some impression there was some relationship between the war in Vietnam and the bombings in New York. Actually, the war in Vietnam under the Nixon administration has been cooled off very considerably, as we all know.

But the bombings in New York have, of course, increased very appreciably during this period, when the war has taken a different course of action in Vietnam.

That is all.

The CHAIRMAN. I have one other question. While we are focusing our attention here today on bombing, which is an act of terrorism, of course, I would like to ask whether there have been other acts of terrorism of any consequence, like sniping, from any of these extreme groups or others?

Mr. LEARY. Yes. From time to time we have had some police officers who have been ambushed and shot either by rifle or by shotgun.

The CHAIRMAN. Have the incidents originated on either extreme, right or left?

Mr. LEARY. We would have no way of knowing that at this time.

The CHAIRMAN. You wouldn't know that at this time?

Mr. LEARY. Not at this time, Senator.

The CHAIRMAN. Very well. I want to thank each of you very much for your cooperation and for your willingness to come and give us this information so that the record will be more complete and helpful.

I think you have made an excellent presentation.

Mr. LEARY. Thank you for the invitation. It was an honor for all of us to come.

The CHAIRMAN. I hope we can give study not only to the recommendations you have submitted, but to the others that we will receive, and that we will be able to enact some constructive and helpful legislation as a result of these hearings.

Thank you very much.

We have another witness.

Call the next witness.

Mr. ADLERMAN. Mr. Hart T. Mankin.

The CHAIRMAN. Be sworn.

You do solemnly swear the evidence you shall give before this Senate subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MANKIN. I do.

Mr. BARTH. I do.

Mr. ALEXANDER. I do.

TESTIMONY OF HART T. MANKIN, HERMAN W. BARTH, AND WILLIAM ALEXANDER

The CHAIRMAN. Mr. Mankin, will you identify yourself and your associates, please?

Mr. MANKIN. Mr. Chairman and Senator:

I am Hart T. Mankin. I am General Counsel of General Services Administration. To my right is Herman W. Barth, Deputy General Counsel of General Services Administration. To my left is William Alexander, Director of Protection, Public Building Services, General Services Administration.

The CHAIRMAN. You have a prepared statement?

Mr. MANKIN. I do, Senator.

The CHAIRMAN. Do you want to read it or insert it into the record and highlight it?

Mr. MANKIN. May I read it, sir?

The CHAIRMAN. You may read it.

Mr. MANKIN. In representing General Services Administration before you today, I am directed by the Administrator of General Services, Mr. Robert L. Kunzig, to assure the subcommittee of his desire that we in GSA provide all the information at our disposal and to render every possible assistance to the subcommittee in the furtherance of its investigation on these matters in which GSA has a direct and vital concern.

Mr. Chairman, between 3 and 4 a.m. on the morning of September 19, 1969, a timed explosive device was set off on the 41st floor of the Federal building and U.S. Custom Court at 26 Federal Plaza in New York City causing damage estimated at \$180,000.

One week later, a dynamite charge exploded in the Federal building, U.S. courthouse in Milwaukee, Wis., causing an estimated \$100,000 damage.

Over the weekend of February 28, 1970, the Selective Service State headquarters office located in the U.S. post office and customhouse, St. Paul, Minn., was vandalized with damage to records, office machines, equipment, and the premises estimated at \$100,000.

These and other incidents appear in the figures, statistics, and information provided by GSA at the subcommittee's request.

The committee can examine the specifics of the incidences but I would like to point out some dramatic facts. Arsons and bombings of Federal buildings increased by 170 percent in fiscal year 1970 over 1969. Bomb threats increased 750 percent during that time and instances of vandalism increased by 139 percent.

Other incidences including assaults, forced entry, demonstrations, increased at alarming rates. Damages to GSA properties from such incidences amounted to \$10,445 in fiscal year 1969 and increased 6,860 percent to \$728,219 in fiscal year 1970.

The CHAIRMAN. That is just for this year?

Mr. MANKIN. Yes, sir.

The CHAIRMAN. What do you ascribe that to?

Mr. MANKIN. The increasing tempo of the times to take to the streets and to bomb and burn the symbols of the Establishment, if you will, to characterize the New York witnesses.

The CHAIRMAN. It is a further resort to violence to achieve goals.

Mr. MANKIN. I believe that.

The CHAIRMAN. That is becoming, as you say, so much the symbol of the times.

All right.

Mr. MANKIN. These dramatic figures speak to the dimension of the problem that GSA has in this area. Neither these figures nor the fact that from January 1, 1970, through June 30, there have been 333 bomb threats in properties controlled and managed by GSA reflect the depth and extent of the Administrator's concern over these events which relate directly to his responsibilities, or the extent to which GSA is involved and the impact on its operations.

Included in GSA's many missions is the maintenance, operation and protection of the public buildings under its control, and providing the necessary quarters for the housing and conduct of the Government's business by the many and varied civilian agencies.

Where space in Government-owned buildings is not available for an agency's use, GSA obtains space in privately owned buildings by lease. Sometimes an entire building is leased. More frequently the lease will be for only a portion of the building area.

Management of those buildings and the space acquired for Government use is the responsibility of the Administrator. Inherent in that responsibility is the responsibility for protecting not only the property but its occupants.

The magnitude of this phase of this one mission is revealed in a few simple figures.

As of March 31 of this year, there were 2,813 properties operated/managed by GSA throughout the 50 States and the District of Columbia. Of these, 265 were buildings leased for total occupancy by Government activities.

The remaining 2,548 are Government-owned. There were 506,047 occupants in these buildings. There were 7,425 leases of space, housing 249,099 occupants.

Although this leased space is in buildings which are operated by the owners we cannot ignore the fact that there is Government property, in the form of records, equipment, and so forth, located in these offices and that some Government agencies occupying leased space have been the targets of the very things which are the subject of this investigation.

The material which we have furnished to the subcommittee shows that the perpetrators of these incidents are not respecters of property ownership.

In the discharge of his protection responsibility, the Administrator has some resources, although they are quite meager, in endeavoring to cope with the demands existing throughout the country today. What was adequate in the past no longer meets the requirements of the present.

One resource is the Administrator's authority to issue rules and regulations governing conduct in public buildings under GSA's charge and control.

Such rules and regulations have been issued by the Administrator under his authority contained in section 2 of the act of June 1, 1948, 62 Stat. 281 (40 U.S.C. 318), and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

The criminal penalties imposed by the June 1948 act apply, however, only to property over which the Government has concurrent or exclusive legislative jurisdiction.

The maximum penalty upon conviction is a fine of \$50 or imprisonment for not more than 30 days, or both, a so-called "petty offense."

GSA considers the penalty to be woefully inadequate and would propose that it be increased to a maximum fine of \$500 or imprisonment for not more than 6 months, or both.

The CHAIRMAN. That is for what kind of offenses?

Mr. MANKIN. For violations of the rules and regulations which the Administrator by law is authorized to promulgate for protection of Federal buildings under his operation and control, and which he has legislative exclusive or concurrent jurisdiction over, not leased space.

The CHAIRMAN. What acts are generally committed to which this applies, and for which you would have the penalties increased?

Mr. MANKIN. Vandalism within the Federal buildings, the use of narcotics, and so forth.

The CHAIRMAN. The use of narcotics?

Mr. MANKIN. Possession of narcotics, also.

The CHAIRMAN. All in a Federal building.

Mr. MANKIN. Pamphleteering with the sort of pamphlets that were offered in evidence by the New York authorities. The general rules of orderly conduct of Government business.

The CHAIRMAN. In other words, you have rules, or the General Services Administration, has rules and regulations prohibiting these things.

Mr. MANKIN. That is right.

The CHAIRMAN. What you would do is increase the penalty for violation of rules that you have promulgated for the protection of property and people under your custody.

Mr. MANKIN. That is right, sir.

The CHAIRMAN. I see. Go ahead.

Mr. MANKIN. For property for which the Government has only proprietary jurisdiction the State criminal laws and penalties are applicable.

Section 1 of the June 1948 act authorizes the Administrator to appoint uniformed policemen with enforcement authority over property where concurrent or exclusive jurisdiction exists in the Government.

These U.S. Special Policemen have the authority to make arrests for offenses committed on property having the requisite jurisdictional status.

For the majority of properties under GSA's control the Government has proprietary jurisdiction only and GSA guards can make only citizens arrests.

The second resource is the GSA guard force which numbers 3,531 special policemen and guards and includes 490 guards provided under contracts with private firms. This is a ratio of about three guards for every two buildings under GSA control.

More than half of the guard force strength is located in the District of Columbia area where the largest concentration of public buildings exist.

This means, of course, that for some 2,200 buildings which are widely dispersed throughout the country, after providing 24-hour daily protection in those cases where such is required, a great number have no guard protection and some have only a bare minimum.

A vivid illustration of the demands for protection for the buildings for which GSA is responsible is found in the number of demonstrations which have occurred at these buildings during fiscal year 1970.

The CHAIRMAN. When you refer to demonstrations, do you differentiate between peaceful demonstrations and violent demonstrations?

Mr. MANKIN. No. These demonstrations are not identified as to peaceful or violent. We try, of course, to keep them from becoming violent.

The CHAIRMAN. All right.

Mr. MANKIN. Throughout the country, 803 of these demonstrations were reported involving an estimated 224,778 people.

The CHAIRMAN. In referring to demonstrations, do you include demonstrations that interfere with the carrying on of normal business operations?

Mr. MANKIN. Yes, sir, with the orderly conduct of Government business in Federal buildings.

The CHAIRMAN. In other words, you are including no demonstrations that wouldn't come within that category?

Mr. MANKIN. That is right. These are right at the Federal buildings. These are not in the streets or in city buildings or anywhere else. These are in Federal buildings.

The CHAIRMAN. Proceed.

Mr. MANKIN. It is quite apparent that the capability of GSA to control demonstrations without utilizing its third resource, namely the assistance of local authorities and other Federal sources, is virtually nonexistent, and protection of the physical property from damage is impossible.

Yes, GSA has a direct vital concern in the matter of property, real and personal, towards which acts of vandalism, arson and bombings, real and threatened, have been and are being directed.

With the mission and responsibility I have outlined briefly, GSA is in the direct line of fire, so to speak.

Traditionally, the Government building, strong, sturdy, durable, and, hopefully, distinctive in appearance, is symbolic of the presence of the Federal Government in the community.

It is the people's building and at the same time demonstrative of the Government's awareness of the needs and welfare of the people in the community who are being served.

It is a place to which people can and should go with assurance of physical safety not only in the conduct of their daily business affairs but in times of emergency resulting from natural causes.

Today, certain Government institutions, functions, and activities have become symbolic of the objects of protest by individuals and groups who exhibit no restraint or reluctance to resort to extreme measures in manifesting their dislike of the subjects of their protests.

We know what has happened at various Selective Service offices. We are aware of the threat to Internal Revenue Service installations last April 15. The reports of the conduct of the defendants, the participants and the spectators during the protracted trial of the Chicago 7 in our Federal court building filled the pages of newspaper and periodicals for weeks.

Within the past 3 weeks, attention has been focused on welfare offices here in the District of Columbia where violence has erupted several times. True, this is a local government function, but we must take cognizance of it.

The CHAIRMAN. Do we have any laws to cover instances like the demonstrations here at the local welfare office?

Mr. MANKIN. Well, the welfare office would come under the District of Columbia Criminal Code, I would assume.

The CHAIRMAN. I know it would here. But otherwise.

Mr. MANKIN. Federal offices would be protected using the rules promulgated by the Administrator that I discussed earlier. At leased locations around the country we have to rely on local laws.

The CHAIRMAN. That is where you have the property leased?

Mr. MANKIN. That is right.

The CHAIRMAN. That is where it is not Government owned. You have to rely upon local protection.

Mr. MANKIN. That is right, local laws and local law enforcement.

The CHAIRMAN. All right; go ahead.

Mr. MANKIN. The injection of the threat of manmade or man-originated destructive forces as a means of accentuating the protestant's point of view or demands conjured immediately the grim specter and awesome realization that human lives have become involved. Not just property, however valuable. Not just a few windows broken by rocks. Not just the nuisance of removing obscenities painted on the walls of the buildings which represent the strength and vitality of our Government. Not just a few offended dignities. Human lives—those of the Federal employees, the innocent public—can well be at stake.

The Administrator feels that we cannot sit still. Perhaps our fear is expressed in terms of what can happen or, as related to past events, what could have happened.

The imagination of a fiction writer is not required to envision the consequences had the explosion of September 16, last year, in the Federal Building and Custom Court in New York occurred at 10 a.m. rather than about 6 hours earlier.

As it was, this happened on a Friday morning and while the building was closed that day for safety precautions, emergency measures taken over the weekend enabled the building to be occupied on the following Monday with only 1 workday being lost.

This is why we cannot disregard a single threat when one is given. There is no question that most of the threats seemingly originate from pranksters or cranks. GSA simply cannot take a chance. That is why entire buildings are evacuated so many times when a bomb threat is given. As a means of disrupting the Government's operations, it is admittedly effective.

In terms of estimating the cost to the Government of such disruption any figure given is a gross guess; however, we can estimate that the 6-month period beginning January 1970, which is the first period during which accurate statistics for evacuations were kept, costs of disruptions amounted to some \$2¼ million. Note that that figure represents 6 months only.

What was not published in the course of the Chicago seven trial was that 40 extra U.S. deputy marshals were needed constantly to maintain stable working conditions for the building occupants which include other agencies in addition to the Federal courts.

The CHAIRMAN. That was in addition to the protection that had to be provided in the courtroom?

Mr. MANKIN. That is true.

The CHAIRMAN. And it was directly related to the trial?

Mr. MANKIN. That is true. That is also in addition to the U.S. special policemen that we assigned to the building.

Elevators were jimmied out of service; utilities disrupted; drive-way entrances blocked; and above all, there was insidious threat of damage and mayhem from explosive devices.

A simple illustration of impact on GSA's operations exists today in Lafayette, Ind.

There, on November 17, 1969, a building leased by GSA for the sole occupancy of the Selective Service office was destroyed by arsonists. The office was reestablished in the National Guard Armory temporarily until new permanent quarters could be obtained.

In the face of threatened cancellation of insurance coverage with Selective Service as a tenant, the owners of property available for single tenancy refuse to lease. Owners of multitenancy property refuse to jeopardize not only their property but their other tenants.

Just very recently a property owner was persuaded to lease his property for this Selective Service office use. The night before he was to execute a lease, a military recruiting office was burned out. We are still looking for space to relieve the growing intolerable situation at the armory.

To varying degrees, the Lafayette situation exists as to Selective Service offices in many other locations. Selective Service occupies space, some leased and some Government owned, in 2,631 buildings throughout the country. GSA is having to reexamine its entire program for housing the Selective Service offices.

This may mean replacing present occupants of Federal buildings with Selective Service offices as leases for its space expire, or owners exercise cancellation rights. A costly and disruptive operation. Not the least disconcerting is that there are many locations where there are no Federal buildings.

Mr. Chairman, these are some of the matters of concern to the Administrator which find roots in the subjects of this investigation. We want to be of assistance and will respond to the utmost of our

capability and resources to any requests the subcommittee may make. Thank you for allowing us to be here. I would like at this time to offer into the record as an exhibit a geographical and statistical breakdown of the instances and incidents that GSA has experienced. May I offer this?

The CHAIRMAN. Let it be received. I don't know whether it can be printed in the record. Let it be received as exhibit 796.

It will be printed in the record.

(The document referred to was marked "Exhibit No. 796" for reference and may be found in the appendix on pp. 5557.)

Do the other gentleman with you intend to testify?

Mr. MANKIN. No, sir.

The CHAIRMAN. How do you account for the increased attacks on Federal property in fiscal year 1970? What do you think motivates those who make the attacks?

Mr. MANKIN. I think, Mr. Chairman, two things: First of all, as I pointed out in the statement, prior to fiscal year 1969 and this past January 1, GSA had not been made aware of the increase in these incidents and statistics were not kept with any degree of formality or accuracy.

So I am not sure but the lack of statistics affect this. I am sure that there has been an increase. So ignoring that factor for the moment, the increase has been, in my opinion, caused by the change of communications to the drama of the streets, the attack on institutional symbols, of which a Federal building is one, and the change of orientation of protestors to attack openly in the streets.

The CHAIRMAN. From information available to you, does there appear to be any pattern in these attacks, showing that they come from one particular source?

Mr. MANKIN. No. Insofar as one particular source, no, we can't identify any. There, again, we have no investigative facility at hand. We must rely on the Federal Bureau of Investigation and the local law enforcement people.

The CHAIRMAN. You have to rely on that which is obvious in what is reported to you from other agencies?

Mr. MANKIN. That is right.

We can take certain isolated instances. On April 15, the demonstrations around the various Internal Revenue Service centers in the country, certainly those happening at the same time are obviously interrelated.

But so far as the group or groups or individuals who perpetrated that violence on that day, I can't identify them.

Senator GURNEY. Does the FBI identify them?

Mr. MANKIN. I am not sure that they have.

Senator GURNEY. Have you asked them?

Mr. MANKIN. No, I have not.

Senator GURNEY. The New York police force has statistics on various groups involved in the New York bombings. Don't we have any statistics on organizations that are involved in these attacks on Federal buildings?

Mr. MANKIN. I would assume that those that are identified, those perpetrators who are identified or identifiable, are known to the Federal Bureau of Investigation, who would be the only people in a position to know that.

Senator GURNEY. I wonder, Mr. Chairman, if we can ask for that information from the FBI so we can have it for the record. I think it would be useful.

The CHAIRMAN. If they will make it available to you, let us have it. Mr. MANKIN. I shall.

The CHAIRMAN. It will be part of your statement. (The information furnished follows:)

JULY 17, 1970.

HON. J. EDGAR HOOVER,
Director, Federal Bureau of Investigation,
Washington, D.C.

DEAR MR. HOOVER: On July 16, 1970, Mr. Hart T. Mankin, my General Counsel, gave testimony before the Permanent Subcommittee on Investigations, Senate Committee on Government Operations, in connection with their current hearings on Bombings and Terrorism in the United States. Mr. Mankin's testimony covered instances of actual bombings, bomb threats, arson, and vandalism with respect to buildings under the control of the General Services Administration.

During the course of Mr. Mankin's testimony, he was asked whether he could identify any organized group or groups which might be connected with the bombings and bomb threats with respect to buildings under the control of GSA. When Mr. Mankin explained that GSA was not an investigative agency, the Subcommittee asked that he obtain from the Federal Bureau of Investigation any information they may have in this regard and furnish it for the record.

To enable GSA to comply with the Subcommittee's request, I would appreciate the Bureau's furnishing to GSA, as soon as possible, such information as it may have relative to that request.

Sincerely,

ROD KREGER, Acting Administrator.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., July 21, 1970.

To: Mr. Rod Kreger, Acting Administrator, General Services Administration.
From: John Edgar Hoover, Director.
Subject: Bombings and bomb threats, buildings controlled by General Services Administration.

Reference is made to your letter of July 17, 1970, concerning the testimony offered by Mr. Hart T. Mankin covering instances of bombings, bomb threats, arson and vandalism directed against buildings under the control of the General Services Administration. Mr. Mankin was queried as to whether he could identify any organized group or groups which might be connected with the bombings and bomb threats. This question in turn has been asked us in your letter.

In order to appropriately handle your inquiry it is requested you furnished the specific instances cited by Mr. Mankin.

JULY 28, 1970.

Memorandum to John Edgar Hoover, Director of Federal Bureau of Investigation.

From: Rod Kreger, Assistant Administrator.

In accordance with your request, there is attached a list of specific instances of bombings, bomb threats, arson, and vandalism directed against the buildings under control by GSA.

We would appreciate learning at your early convenience whether or not you may have information regarding the identity of organizers of a group or groups that may be connected with these instances.

As I previously indicated, this information has been requested by the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., August 3, 1970.

To: Mr. Rod Kreger, Acting Administrator, General Services Administration.
From: John Edgar Hoover, Director.
Subject: Bombings and bomb threats, buildings controlled by General Services Administration.

Receipt is acknowledged of your letter of July 28, 1970, wherein you request any information we might have regarding the identities of organizers of a group or groups that may be connected with instances of bombings, bomb threats, arson and vandalism directed against buildings under the control of the General Services Administration.

A review has been made of the instances of bombings, vandalism, et cetera, cited in the attachment to your letter of July 28, 1970. It is observed that in the majority of instances, bombings and other deprecations directed against Federal buildings and facilities have been participated in by individuals or groups of individuals generically referred to as the New Left Movement primarily in protest of the Federal Government's position with respect to the war in Vietnam.

In view of the fact that FBI investigation is currently being conducted into a number of such incidents, to publicly divulge the identity of those responsible for these acts could possibly jeopardize subsequent prosecutive action.

Enclosed is a copy of my testimony before the House Subcommittee on Appropriations on March 5, 1970. Beginning on page 56, I commented on "Antiwar Activities" and this testimony may be of interest to you.

This Bureau has no objection to your furnishing this letter or a copy of it to the Permanent Subcommittee on Investigations, Senate Committee on Government Operations.

The CHAIRMAN. What is the policy of the GSA, once a bomb threat has been received, relating to immediate action to evacuate the building and take whatever steps are necessary to protect lives and property?

Mr. MANKIN. First of all, where an incendiary device is found—

The CHAIRMAN. I am talking about when a bomb threat is received.

Mr. MANKIN. In a building where there is a Government office, and let us assume we are in Arkansas or Florida and there is a Federal building there, the call comes into the switchboard and the operator takes the call that "A bomb will explode at 12 o'clock." She goes to the building manager who is a GSA employee, who immediately goes to the senior Government official present in the building and says, "Look, we got a bomb threat. All we got was a telephone call." And then, "Do you want to evacuate the building?"

The CHAIRMAN. He puts the responsibility on the senior Federal official in the building?

Mr. MANKIN. For evacuation. In the meantime, we are calling bomb squads to come in, obviously, and we are contacting the Public Building Service. We have the telephone numbers of the local Army facilities for bomb squads as well as police departments.

Then there is the Federal Bureau of Investigation, and if there is a Federal court there, to call the U.S. marshals, and law enforcement officials.

The CHAIRMAN. How many arrests or convictions have there been in the last few years in connection with Federal buildings over which you have control?

Mr. MANKIN. Can you answer that, Mr. Alexander?

Mr. ALEXANDER. We make very few arrests ourselves, GSA. The rest are made by the local police departments.

The CHAIRMAN. Have you any record or any statistics? You gave the number, I believe, of bomb threats that you had had.

Mr. MANKIN. Yes. Those statistics are included in the exhibit.

The CHAIRMAN. But have you the number of arrests or convictions?

Mr. ALEXANDER. No, sir; we don't.

The CHAIRMAN. You don't have a record on that?

Mr. ALEXANDER. The information on the arrests are turned over either to the FBI or the local police department.

The CHAIRMAN. You don't get a record as to your own buildings?

Mr. ALEXANDER. No, sir. We don't get any automatic feedback from those agencies.

The CHAIRMAN. We are talking about the bombings, primarily.

Mr. ALEXANDER. Our position is that we try to prevent.

The CHAIRMAN. Everybody does that. We are trying to get the statistics to show the extent of the bombings. We want to know what is being done and whether we are being successful in handling those cases, first in detecting the person who commits the crime and second, in prosecuting those who are guilty.

Mr. MANKIN. Mr. Chairman, I will attempt to contact the Federal Bureau of Investigation for those statistics and the local law enforcement offices where appropriate around the country.

The CHAIRMAN. Get whatever information you can along that line and submit it for the record.

Mr. MANKIN. I shall.

(The information furnished follows:)

The following information is furnished regarding the status and results of investigations of bombings and bomb threats which GSA reported to Federal and local law enforcement agencies during FY 1970.

In fiscal year 1970, 427 bomb threats and 21 actual bombings were reported to local or Federal law enforcement agencies or both.

Of the 427 bomb threats, investigation was either never instituted or closed without results in 418 cases. Investigation is still pending in 5 cases. Investigation has been concluded in 4 cases, with the following results:

1. Determined that person making the threat was mentally deranged.
2. Determined that caller was a patient in Saint Elizabeth Mental Hospital.
3. Person identified, arrested, and committed to a psychiatric hospital.
4. Three teenagers identified and arrested, charges against juvenile dismissed; trial pending on remaining two, no date set.

Of the 21 actual bombings (both fire and explosive), investigations have been closed in 12 cases with no results. Investigation in 6 cases is still pending. Investigation in 3 cases produced the following results:

1. Five arrests were made as follows:

Samuel Joseph Melville
John David Hughey III
Jane Lauren Alpert
Patricia Elizabeth Swinton
Jonathan Bernard Grell

An indictment under number 70 Cr. 230 was handed down by the Grand Jury in USDC, SDNY, containing 19 counts.

Count 1 charged the 5 defendants with conspiracy to violate 18 USC 1361 (injuring Government property), 18 USC 2155 (destruction of national defense materials), 18 USC 924(c) (1) (penalty for use of firearms to commit felony), and 18 USC 371 (conspiracy to commit offense against the U.S.).

Count 2 charged defendants Melville, Alpert, and Grell with injuring Government property at 26 Federal Plaza (18 USC 1361) and destroying Government communication lines and systems.

Count 3 charged defendants Melville, Alpert, and Grell with unlawful use of an explosive bomb in 26 Federal Plaza in violation of 18 USC 921(a) (3), (4), and 924(c) (1) and (2).

Counts 4 and 5 charged defendants Melville, Alpert, and Grell with the same offenses as in Counts 2 and 3 relating to a bombing incident at the Army

Examining and Entrance Station, 39 Whitehall Street, New York City, not under GSA jurisdiction.

Count 6 charged all 5 defendants with violation of 18 USC 2151 and 2155(a) (destruction of national defense utilities) in attempting to bomb Army vehicles.

Count 7 charged all 5 defendants with unlawful use of an explosive bomb in violation of 18 USC 921(a) (3), 921(a) (4), 924(c) (1), and (2) in connection with the attempted bombing of Army vehicles covered by Count 6.

Counts 8 through 19 charged defendant Melville on separate counts for the unlawful making and possession of an explosive firearm and destruction device in violation of 26 USC 5822(e), 5845(a) (3), 5845(f) (1) (A), 5861(c), and 5871.

The maximum punishment allowable under the law for all crimes charged is \$10,000.00 fine and ten years imprisonment, except for 18 USC 371 where the maximum sentence is \$10,000.00 fine and five years imprisonment.

On May 4, 1970 defendant Melville pleaded guilty on Counts 1 and 2. Counts 3 through 19 were dismissed. Melville was sentenced to five years on Count 1 and ten years on Count 2. Execution of sentence under Count 1 was suspended and Melville placed on probation for five years to run consecutively with an additional sentence of three years imposed on a separate indictment and conviction concerning his attempt to escape from custody.

Defendant Hughey pleaded guilty on Count 1 but sentence has been adjourned to August 19, 1970 pending a report to the Court to be made by the Federal Youth Correctional Division of the Board of Parole on his observation and study. Counts 6 and 7 were dismissed.

Defendant Alpert pleaded guilty to Count 1. She escaped jurisdiction, forfeited her bail bond and is now a fugitive. Sentence has not yet been imposed.

Defendant Swinton has not yet pleaded and is also a fugitive, no service of warrant or summons having yet been made.

Defendant Grell pleaded not guilty and is awaiting trial.

2. Two individuals apprehended and both confessed to a charge of bombing. One individual was sentenced to the custody of the Attorney General for treatment and supervision until discharged by Youth Correction Division, Bureau of Parole. The other individual is to be sentenced August 24, 1970.

3. Four persons arrested, and three were charged, one being detained as a material witness. The trial date is set for September 1, 1970. Each of the three is charged with violation of 18 U.S.C. 1361, 18 U.S.C. 1362, 18 U.S.C. 924(c), 26 U.S.C. 5861(d), and 26 U.S.C. 5871.

Senator GURNEY. Have you any record of deaths or injuries in connection with bombings in Federal buildings?

Mr. MANKIN. We are very fortunate. We have no deaths or injuries from bombings in Federal buildings.

Senator GURNEY. It is obvious from the testimony received thus far that bombings are on a very substantial increase, and are probably likely to increase even further.

Has GSA given any thought as to how they are going to cope with increases?

Mr. MANKIN. We are doing several things. First of all, we have met with representatives of all departments and agencies in the Government to discuss the problem with them, the dimensions of the problem, the evacuation problem, and how the increasing number of bomb threats affects the working Government offices in the field.

Second, we are making certain physical changes in our buildings. For instance, no telephone booths on the first floor with a door enclosed. A telephone booth is a handy place to place a bomb. We are using stand up, open phones, for instance.

We are making certain other physical changes in our buildings to try to cut down on the number of available locations suitable for the placement of incendiary devices.

Senator GURNEY. We do have a rather special situation as far as Government buildings are concerned, certainly in Washington, and that is the number of guards that we have. Are our guards being given any unusual or special instructions to cope with this new menace?

Mr. MANKIN. Yes. As well as all the building managers in every Federal building around the country, and as well as the issuance by GSA in its role for issuing Federal property management regulations, rules for all Government occupants of Federal buildings using floor warden systems, early warning type systems when there is a threat.

We are alerting other Government agencies to be watchful for suspicious devices being carried in and out of Government buildings. We are, through an increased awareness in the dimensions of the problem, trying to embark on what we consider to be a massive educational program.

Senator GURNEY. What are the guards doing themselves? What are their instructions? Are they any different from what they were?

Mr. MANKIN. Being increasingly alert, being increasingly admonished, Senator, in the event they detect anyone or anything of a suspicious nature to report it to the building manager so he can check it out himself.

We, too, are very jealous of guarding constitutional rights of people generally. We do not like to lock a public building. With the dimensions of our guard force and the number of buildings that we have, GSA's best weapon as an interior guard force, the U.S. special policemen, is a key. We want to keep the Federal courts open, we want to keep the Federal buildings open. They are symbolic of the freedom of this country.

But increasingly, when we have threats and demonstrations and whatnot, we find it important to lock the door, to lock people out.

Senator GURNEY. What about inspections? A favorite place to put a bomb appears to be a men's room or a ladies' room. Are these being inspected?

Mr. MANKIN. Yes. Our new Federal property management regulations point that out specifically, washrooms, where they keep the brooms and mops on the floors in a building, public areas within a building, lobbies, cafeterias, vending machine rooms, that sort of thing.

Yes; we are paying special attention to those.

Senator GURNEY. On a related subject not to do with bombing but certainly within your jurisdiction, there seems to be a rash of taking over of Federal buildings recently. That is occupying offices by various groups.

What is GSA doing about that? Are you doing anything?

Mr. MANKIN. We are doing several things. First of all, the dimension of that problem, Senator, may be perhaps greater than the question indicates.

First of all, GSA has no authority to do anything about those people in the vast majority of buildings and offices under its jurisdiction.

In the 7,425 leases we have absolutely no authority to do anything. That is why we rely on local law enforcement, local trespass, if you will, or disorderly conduct statutes if available to us.

In our own properties, over which we have jurisdiction, we utilize the building rules and regulations, and we will either remove without arrest or remove and arrest the people who impede the Government work.

Senator GURNEY. You actually are taking measures against them?

Mr. MANKIN. Yes.

Senator GURNEY. I have nothing further, Mr. Chairman.

The CHAIRMAN. I have just one further question and you may have already covered it. You don't have control or custody of all of the Federal buildings, do you, by any means?

Mr. MANKIN. No, sir, we do not.

The CHAIRMAN. What percentage of space occupied by the Federal Government does your agency have custody of? Would you know?

Mr. MANKIN. I don't know, but I can provide that for the record.

The CHAIRMAN. If you will, see if you can provide that for the record.

You might identify certain buildings or facilities which you do not have control right at the moment. Can you do that?

Mr. MANKIN. Yes. We are in one right now, of course, that GSA does not control.

The CHAIRMAN. I know that.

Mr. MANKIN. And posts, forts, camps, barracks, military installations, we do not control.

The CHAIRMAN. You don't have control over all the post offices, do you?

Mr. MANKIN. No; we do not.

The CHAIRMAN. Do you have control over all Federal buildings?

Mr. MANKIN. Federal buildings are defined by statute and they are defined, Senator, by exception. A Federal building is, generally speaking, general office space or warehouse space.

The CHAIRMAN. When you give us the other statistics, give us any elaboration or comment on it. It will be appreciated very much.

Mr. MANKIN. I shall.

(The material supplied follows:)

As of June 30, 1969, under the category of office space for civilian agency use GSA controlled 145.4 million square feet, or 42.9 percent of the total of 338.7 million square feet in this category. In numbers of buildings in this category GSA controlled 1,194 or 15.2 percent of the total of 7,190. These figures exclude space and buildings controlled by DOD.

The above figures as for the number of buildings controlled by GSA represent only those in the GSA inventory and do not include buildings which are operated and/or managed by GSA but are shown in the inventories of other civilian agencies. In this connection, as testified before the Subcommittee, as of March 31, of this year GSA operated 2,813 properties of which 265 were buildings leased for total occupancy by Government activities. Excluding the leased buildings and 992 warehouses, GSA operated and/or managed 1,556 buildings, or 21.5 percent of the total of 7,190 buildings in the category of office space.

As of June 30, 1969, leases in buildings for the civilian agencies only, numbered 39,860, of which GSA leases total 7,077 or 17.3 percent.

The CHAIRMAN. Thank you very much for your attendance this morning.

Mr. MANKIN. Thank you very much.

The CHAIRMAN. We appreciate your cooperation.

The Chair will announce that we will have hearings tomorrow. We will hear Mr. Will Wilson, Assistant Attorney General, in the morn-

ing. But because I have another committee where I have to hold some brief hearings at 10 o'clock, we will not convene here until 11 o'clock in the morning. We hope we can give a whole hour to Mr. Wilson, or longer, if necessary.

The other witnesses scheduled for tomorrow will not be heard. Their testimony will be deferred to some later date.

(Whereupon, at 12:35 p.m. the subcommittee recessed, to reconvene at 10 a.m., Friday, July 17, 1970.)

(Members of the subcommittee present at time of recess: Senators McClellan and Gurney.)

RIOTS, CIVIL AND CRIMINAL DISORDERS

FRIDAY, JULY 17, 1970

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met at 11 a.m., in room 3302, New Senate Office Building, pursuant to Senate Resolution 308, agreed to February 16, 1970, Senator John L. McClellan (chairman of the subcommittee) presiding.

Members of the subcommittee present: Senator John L. McClellan, Democrat, Arkansas; and Senator Lee Metcalf, Democrat, Montana.

Members of the professional staff present: Jerome S. Adlerman, general counsel; Philip W. Morgan, chief counsel to the minority; Philip R. Manuel, investigator; Daniel Harris, General Accounting Office; and Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

(Members of the subcommittee present at time of reconvening: Senators McClellan and Metcalf.)

The CHAIRMAN. Mr. Wilson, will you be sworn, sir?

You do solemnly swear the evidence you shall give before this Senate subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WILSON. I do.

TESTIMONY OF HON. WILL WILSON; ACCOMPANIED BY GUY L. GOODWIN AND MICHAEL ABBELL

The CHAIRMAN. We are glad to have with us this morning the Assistant Attorney General to give us the benefit of the Department's information and suggestions regarding this critical problem that the committee is studying and inquiring into.

I am sure it is giving the Department of Justice as much concern as it is the Congress. That is, the violence that is prevalent in the country today.

Very well, we will be glad to have your statement.

Do you want to identify the persons with you?

Mr. WILSON. Yes.

To my right is Mr. Michael Abbell, of the Justice Department, and Mr. Guy Goodwin, of the Justice Department.

The CHAIRMAN. Thank you very much.

You have a prepared statement. Do you wish to read it?

Mr. WILSON. Yes, I do, if I may.

The CHAIRMAN. Very well.

Mr. WILSON. Mr. Chairman and Senator Metcalf, you are correct that the Justice Department is very concerned about the situation and we have a number of suggestions which will be included in this statement on legislation which we hope will remedy the situation somewhat.

The CHAIRMAN. I think we are not only trying to establish in these hearings what the real situation is and to get the facts, but also we are searching for some constructive legislation, if particular legislation is needed.

The committee and the Congress needs the benefit of the views of the Department of Justice, and all others who have a responsibility for law enforcement in this country.

We welcome your testimony this morning.

Mr. WILSON. I appreciate your invitation to appear today to testify concerning the acts of violence by bombings and threatened bombings which the country has experienced in recent months, and legislative measures which may be undertaken to curtail them.

The President, the Attorney General, my associates at the Department of Justice, and I share the concern of this subcommittee over the recent increase in these and other acts of terror in communities across the United States.

Assistant Secretary of the Treasury Rossides has given you statistics of bombing incidents compiled by the Alcohol, Tobacco, and Firearms Division of the Treasury which indicate the magnitude of this threat to our security.

I wish to speak primarily of prosecutions initiated by the Government under existing law, and the need for strengthening our Federal criminal laws pertaining to explosives and explosive devices.

As you recall, in the fall of 1969, an unprecedented wave of bombings began with a series of explosions in New York City. Corporate offices, public buildings, city courts, and police stations were targets of the attacks. One explosion ripped the city criminal court offices while night court was in session. In the spring, the attacks were renewed with increased intensity.

In March 1970, a blast in Greenwich Village demolished a townhouse bringing death to several occupants. And in the same month, explosions in the Manhattan skyscraper offices of three of our largest business corporations caused thousands of dollars in property damage.

Equally serious bombings have occurred elsewhere in the country since the first of the year. In San Francisco an explosion in a police station killed one officer and wounded six others.

In Cambridge, Md., a bomb ripped the venerable old Dorchester County Courthouse.

In Buffalo, N.Y., a blast thought to be caused by a time bomb heavily damaged a 10-story office building.

In Chicago, in a North Side apartment building, a stock of explosives and bomb components were uncovered.

And in Ann Arbor, Mich., a CIA recruiting office was bombed. Military recruiting offices and ROTC buildings have been targets of arson and explosives in many communities and on university campuses.

In Berkeley, Calif., an explosion toppled an 80-foot 115,000-volt utility company tower.

A Utah National Guard building in Salt Lake City was damaged by a homemade bomb which narrowly failed to set off a store of small arms ammunition.

In Baton Rouge, La., an explosion damaged the statehouse.

I could continue to cite examples, but I am certain that your subcommittee, as a result of your investigations to date, is thoroughly cognizant of these well-publicized incidents. I mention them primarily to indicate the complexity of the problem which confronts us in undertaking Federal legislative measures.

We must do our utmost to stop these inherently dangerous and costly crimes against the public safety. The Department of Justice does not have precise information as to the toll in lives and in damages which they have exacted.

As you are aware, many of these bombings are not within our jurisdiction. We do know that a survey of 776 bombings and arson attacks which occurred during the period September 1, 1968, to March 15, 1970—slightly more than 18 months—which was conducted by the FBI, revealed total property damages of nearly \$24 million.

However, available statistics do not begin to portray the total dollar costs of the attacks. They do not include many corollary expenses such as the costs of salaries and overtime pay for police, fire, and military personnel, or loss of employment for persons who are victims of the incidents. Nor do they include the substantial costs incurred by Federal and local authorities in connection with bomb alerts.

The CHAIRMAN. The day before yesterday, we had testimony from the Alcohol, Tobacco, and Firearms Division which revealed the figure was \$21.8 million damage to property.

We had testimony yesterday from the police department in New York City. These damages do not include losses that would be associated with the need to evacuate buildings because of alarms, false or otherwise, nor all of the costs and losses associated with these inconveniences and these actions caused by fear. They are not included in these figures.

Mr. WILSON. That is correct.

The CHAIRMAN. This figure relates to actual damage that you can identify for property?

Mr. WILSON. Yes, sir. I would think that the estimates are rather conservative that have been made by the Alcohol, Tobacco, and Firearms Division. I think they are very conservative.

The CHAIRMAN. I think in the opening statement we used the estimate of about \$25 million. That is not an exaggeration, would you say?

Mr. WILSON. I would think not.

The CHAIRMAN. Very well.

Mr. WILSON. The bombing and arson attacks reported in the FBI survey resulted in 11 deaths, of which six were self-inflicted due to premature or accidental explosions. In addition to these fatalities, more than 100 personal injuries were reported.

The CHAIRMAN. Those are only the ones over which the FBI has jurisdiction. This does not include any incidents for which the jurisdiction was exclusively State or local?

Mr. WILSON. I think that is correct. I would have to check the FBI survey, but I think it is correct.

The CHAIRMAN. All right.

Mr. WILSON. The General Services Administration reported 46 threats to bomb Federal buildings in a 12-month period ending June 30, 1969, and 383 bomb threats in the corresponding period ending June 30, 1970.

Actual bombing and arson attacks in Federal buildings increased from 13 in the 12-month period ending June 30, 1969, to 38 in the corresponding period in 1970. Losses in property damage increased accordingly from \$7,250 to \$612,569.

The CHAIRMAN. Could you make a copy of the survey you referred to available to the committee?

Mr. WILSON. Yes, sir; we will furnish it.

(The information supplied follows:)

BOMB THREATS AND INCIDENTS IN BUILDINGS UNDER GSA SUPERVISION		
Bomb threats:		
Fiscal year 1969		46
Fiscal year 1970:		
July to December		57
January to June 23, 1970 ¹		326
Total		383
Arson or bombing incidents:		
Fiscal year 1969	Incidents	Losses
	13	\$7,250
Fiscal year 1970:		
Arson	15	162,964
Bombings	23	449,605
Total	38	612,569
Vandalism—not explosives:		
Fiscal year 1969	Incidents	Estimated damage
	43	3,195
Fiscal year 1970	98	115,650

¹ 130 evacuations reported during January to June 23, 1970.

Note: Sample of 100; Average 1,801 people per evacuation; salary cost, \$4.75 per person; average salary, GS 9-1; average evacuation placed at 2 hours. Cost of 130 evacuations estimated at \$2,200,000 by GSA.

Mr. WILSON. The General Services Administration estimates that 130 evacuations of Government personnel resulting from the receipt of bomb threats during January to June 1970, cost the Government \$2.2 million in man-hours lost—a loss far exceeding the reported loss in property damages.

The CHAIRMAN. That \$2.2 million is not included in the other figure?

Mr. WILSON. No, sir.

Existing law furnishes a basis for Federal investigative and prosecutive action in certain cases of destruction or threats of destruction by the use of explosives and destructive devices. However, existing law is inadequate in many important ways.

The National Firearms Act, 26 U.S.C. 5801-5872, prohibits the making, transfer, and possession of a destructive device unless it is registered to the possessor in the National Firearms Registration and Transfer Record.

The act does not, however, include dynamite and other explosives within its scope unless they are possessed in conjunction with other components necessary to construct a destructive device, and the Gov-

ernment can establish that the possessor intended to construct a weapon.

Thus, difficult problems of proof are presented. Furthermore, the registration scheme as applied to component parts of a bomb or other destructive device is still being challenged in the courts, despite the fact that a 1968 amendment to the act sought to cure certain defects of the registration requirements indicated by the Supreme Court in its decision in *Haynes v. United States*, 390 U.S. 85—1968.

Two other statutes provide to some extent for the prosecution of these terrorist acts.

Section 837, enacted as part of the Civil Rights Act of 1960, proscribes the transportation in interstate or foreign commerce of explosives with the knowledge or intent that they will be used to damage buildings used for educational, religious, residential, business or civic objectives, or for intimidating a person in the exercise of these objectives.

It also prohibits the use of interstate commerce facilities to communicate threats or false reports of attempts to damage property used for the foregoing purposes.

While the scope of the statute is broad in some respects, the difficulty of proving all the elements of the offense—such as the transport in interstate commerce and the intent to intimidate or to interfere with the use of property for particular objectives—makes it inadequate for dealing with the random malicious acts with which we are now confronted.

The statute as enacted by the Congress provides, where personal injury results, for sanctions of imprisonment for up to 10 years and a fine up to \$10,000, or both; and where death results, for imprisonment for any term of years or for life, or the imposition of the death penalty "if the jury so recommends."

However, the provision for the imposition of the death penalty appears to have been invalidated by the Supreme Court's decision in *United States v. Jackson*, 390 U.S. 570—1968. That case held that a similar provision in the Federal Kidnapping Act for the imposition of the death penalty was unconstitutional because it tended to coerce the defendant to waive his right to trial by jury.

Section 231 of title 18, enacted in 1968 as part of comprehensive legislation pertaining to civil disorders, prohibits the teaching of the use or construction of explosive or incendiary devices, with the knowledge or intent that they will be used in furtherance of a civil disorder.

It includes firearms and such weapons as the Molotov cocktails, the principal weapon of the rioter and the urban guerrilla, and the anti-personnel devices fabricated from dynamite, black powder, TNT, and other explosives capable of causing injury and death.

The section also proscribes the manufacture of firearms, incendiary devices or explosives knowing or intending that they will be used in a civil disorder; and acts which obstruct or interfere with firemen or police officers engaged in the performance of duties incident to a civil disorder.

For the purposes of the statute, a civil disorder is defined as a public disturbance involving acts of violence by assemblages of three or more persons, which causes immediate danger of damage or injury to persons or to property.

The statute is limited in its utility because of the necessity for providing the requisite elements of assemblage, intent and present danger.

Section 1361 of title 18 proscribes damage to or destruction of Government buildings or personal property. Other criminal statutes which are used for the prosecution of acts of willful destruction include: Section 81 of title 18, United States Code, which relates to arson in the special maritime and territorial jurisdiction; chapter 105 of title 18, which prohibits acts of sabotage of national defense premises and materials; and sections 1362 and 1363 of title 18, which prohibit willful or malicious damage to communications facilities used for military and civil defense purposes, and to properties located within the special maritime and territorial jurisdiction of the United States.

As you are aware, on March 25, 1970, President Nixon requested legislation which would substantially revise and strengthen present section 837 of title 18.

Among other things, the administration's proposal would:

Broaden the kinds of explosives and incendiary devices to which the statute applies.

Broaden its scope to proscribe the transportation or receipt of explosives or incendiary devices in commerce with the knowledge or intent that they will be used to kill, intimidate or injure persons, or unlawfully damage buildings, vehicles or property, without requiring proof of a specific objective.

Proscribe the malicious damage or destruction of property owned or leased by the Government by means of an explosive; and forbid the unauthorized possession of explosives in Government buildings.

Prohibit malicious damage by means of an explosive to real or personal property used for business purposes by anyone engaged in interstate commerce, or in an activity affecting commerce.

Add a provision covering the possession of explosives with the knowledge or intent that they will be transported or used in violation of the foregoing provisions.

Revise the penalties in several significant respects.

I wish to comment in particular upon two features of these proposed changes:

The scope is purposely broad, because it is our intent to make the statute coextensive with our Federal interest. The provision relating to the use of property by activities affecting commerce utilizes the full constitutional extent of the commerce power as construed by the courts.

However, it is not our intent that Federal law enforcement resources be utilized in every bombing or bombing hoax of the thousands which are reported.

The legislation provides that no investigation or prosecution of a proscribed offense will be undertaken by the Government, except upon a determination by the Attorney General, or an Assistant Attorney General as his designee, that in his judgment a Federal investigation or prosecution is in the public interest.

If the legislation is enacted, I anticipate that the Attorney General will issue guidelines to assist in the orderly exercise of this discretion.

In bringing these terrorist acts under Federal jurisdiction, we will not displace the efforts of State and local officials in dealing with crimes involving explosives.

The CHAIRMAN. Would this mean that you want the legislation to give you the jurisdiction, but you would leave the opportunity to the local law enforcement officials to enforce the State laws. If they did so, it would not necessarily be in the public interest for the Federal Government to proceed?

Mr. WILSON. That is correct, and the act specifically requires that the Attorney General make that decision in the national interest.

The CHAIRMAN. In other words, if you felt that the local law enforcement agencies were not capable or were having undue difficulty in trying to enforce the law, under this particular statute, the Attorney General could certify that it was in the public interest for the Federal Government to proceed?

Mr. WILSON. Yes, sir.

I might add there that a review of the State statutes on this subject shows a great difference in approach. There are many different statutes. Some States handle the matter of explosives primarily by delegation to the cities under the zoning power, where it is not a penal measure, necessarily.

Other States approach it in different ways. The pattern varies greatly from State to State.

A second element that would enter into the exercise of Federal jurisdiction is whether or not the particular incident resulted from a national conspiracy or the activities of a national terrorist organization that is operating in several States or across the Nation.

We feel that we need a very broad jurisdiction to be able to handle the incidents that we decide are really in the national interest to be handled by the Federal Government, but we recognize that it would not be right to bring all of this work into the Federal Government. Most of it ought to be left to the State and local governments.

The CHAIRMAN. I agree that most of it should be left there, if they can handle it. I think in most instances there is no doubt that they can handle it. But when you use this term "national interest," let us not be confused.

I think the prosecution of those who commit these acts is in the national interest whether it is done by local authorities or by the Federal Government.

In other words, it is in the national interest to have the law enforced whether State law or Federal.

Mr. WILSON. That undoubtedly is correct. Perhaps the use of the words "national interest" is not proper in the sense of whether the conspiracy is a national type conspiracy requiring proof in many different jurisdictions.

The CHAIRMAN. It seems to me that you should give some consideration to saying whether it is in the interest of justice. It is always in the national interest to have the laws enforced.

Mr. WILSON. Yes, sir; that is right.

The CHAIRMAN. It occurs to me that might be a better terminology.

Mr. WILSON. That could be.

The CHAIRMAN. I didn't mean to be critical, but the thought occurred to me it is bound to be in the national interest to enforce the law, but what you are trying to do is to keep from overburdening the Federal Government and to give to the local governments the full

opportunity to enforce the law where it is in their jurisdiction and where they can do so.

Mr. WILSON. That is a very fair statement. I want to assure you, Senator, that the policy of the Nixon administration is to regard the local law enforcement as the frontline troops in this matter, and the Federal Government is interested in backing up the local law enforcement.

The CHAIRMAN. In other words, this would be more or less of a backup device, in a sense, so that when it did become a matter of public interest, a matter of securing law enforcement, the Federal Government would be in a position to exercise jurisdiction and to prosecute.

Mr. WILSON. That is our aim in recommending this legislation.

The CHAIRMAN. All right.

Mr. WILSON. With regard to the penalty provision, I should like to point out that the legislation provides for a term of imprisonment up to 20 years and a fine up to \$20,000 for violations of the law where personal injury occurs; and where death results, the offender will be subject to life imprisonment or to the death penalty.

The latter penalties will be imposed pursuant to section 34 of title 18, which is not subject to the infirmities of the present statute as revealed by the *Jackson* decision.

Although it is an open question whether any sanctions which the law may impose will effectively deter fanatics who engage in open warfare against society, we think that the danger inherent in their deeds justifies strict sanctions. There can be no crime more despicable than the wanton killing of innocent persons in public places.

The administration's proposals as I have outlined them have been introduced in the Senate by Senator Hruska as S. 3650. I urge the members of the subcommittee to support this bill when it is before the Senate.

Senator METCALF. Might I interrupt the witness at this point, Mr. Chairman?

The CHAIRMAN. Senator Metcalf.

Senator METCALF. I have gone through the rest of your statement very quickly. I am sorry but I will have to leave.

The other day I started some interrogatories as to the impact of the bill on miners and small mining operations in Western areas, especially in a State such as mine.

I think the chairman, more eloquently than I, said that it isn't our desire in enacting legislation to deprive these people of any of their opportunities to mine, explore, prospect or develop areas that have to be developed by explosive devices.

On the other hand, it has been pointed out that it is easier to buy dynamite than to buy firecrackers.

I want you here, for the record, to give me some assurance that in this bill there is an understanding that perhaps we do have to have some more control on dynamite, but we are not going to deprive these people who are in small mines or small prospecting enterprises of their opportunity to have dynamite that they have used for their entire lifetime.

Mr. WILSON. Senator Metcalf, I am sure that this bill would not interfere with the commercial use of dynamite. There are two bills

really to be considered. This bill that I have just discussed is a bill not to regulate the dynamite industry, but to prohibit certain acts.

There is, you might say, a companion bill, one version of which has been introduced in the House, which does set up a regulatory scheme for the wholesale and retail distribution of dynamite.

The administration has had a task force, which I am going to mention in a minute, working on that aspect of it. They will propose a separate regulatory bill that somewhat controls and regulates the flow of explosives in commerce.

But this particular bill is strictly a prohibition against the use of dynamite for certain purposes and, therefore, for the commercial user it would have no application at all, in my judgment.

Senator METCALF. Thank you, Mr. Chairman.

I regret very much that I am going to have to leave.

I have read the rest of the Assistant Attorney General's statement. I am delighted to have him here.

Mr. WILSON. Thank you, sir.

The CHAIRMAN. I think we might state again that there is certainly no intent on the part of any member of this committee, and I am sure on the part of the administration, to so restrict the availability or the use of these explosives, that those who are legitimately engaged in exploration, mining, and so forth, would not have them available to them.

All we are trying to do is find ways to prevent their use for illegal and violent purposes outside of and beyond the law.

Mr. WILSON. Senator, I did not personally participate in the task force, but I am sure that they have had industry representation appear before the task force and work with them in such a way as not to impose unnecessary recordkeeping or to restrict the commercial uses of explosives.

The CHAIRMAN. Very well.

Mr. WILSON. The subcommittee has expressed an interest in cases brought under the existing Federal statutes dealing with explosives and the destruction of Government property. I am at liberty to discuss a few of these. For example:

The leaders of the Minutemen organization, Robert DePugh and Walter Peyson, are facing trial and sentencing, respectively, for multiple violations of the National Firearms Act—26 U.S.C. 5861.

Some of the charges against them arose out of the discovery in New Mexico of several caches of weapons, explosives, and antipersonnel devices.

(At this point Senator Metcalf withdrew from the hearing room.)

(The letter of authorization is as follows:)

JULY 9, 1970.

Pursuant to Rule 5 of the Rules of Procedure which was amended by the Committee on Government Operations for its Senate Permanent Subcommittee on Investigations on June 3, 1965, and reaffirmed on March 4, 1970, permission is hereby granted for the Chairman to conduct hearings in open session without a quorum of two members for the purpose of taking testimony in connection with bombings and terrorism in the United States as part of the overall investigation of riots, civil and criminal disorders on July 17, 1970.

(S) JOHN L. MCCLELLAN, *Chairman.*

(S) KARL E. MUNDT,
Ranking Minority Member.

Mr. WILSON. In Oregon, following a series of bombings in the city of Eugene, Richard James Oba, a member of the Students for a Democratic Society, has been convicted of illegal possession of a dynamite bomb. His conviction is now being appealed.

The CHAIRMAN. Was that under State law?

Mr. WILSON. That was a Federal conviction.

In the Eastern District of Missouri, six persons have been indicted in connection with the burning of an ROTC facility on the Washington University campus in St. Louis.

Four of the defendants have been charged with interfering with police and firemen, in violation of section 231 of title 18. The other two are charged with acts of sabotage—chapter 105 of title 18—and destruction of Government property—18 U.S.C. 1361.

In Seattle, five persons affiliated with the Weathermen have been indicted in two separate cases involving a bombing of a branch post office, and an attempted bombing of an ROTC facility at the University of Washington.

The CHAIRMAN. There was a rash of bombings in Seattle.

Mr. WILSON. There have been a rash of bombings there; yes, sir.

The CHAIRMAN. I suppose the State authorities are proceeding against some of them, too.

Mr. WILSON. They are.

In New York City, three defendants recently pleaded guilty in a Federal district court to charges of conspiring to bomb Government buildings in the city last fall.

On June 19, Samuel Joseph Melville was sentenced to a term of 10 years for assaulting a Federal officer, the sentences to run consecutively.

The CHAIRMAN. I think we had some of his material in here yesterday. It was the material he was distributing, showing how to make bombs or encouraging bombings, violence, and revolution, as I remember it.

Very well.

Mr. WILSON. On a charge of conspiracy to destroy Government property, he was also sentenced to a 5-year probationary period to commence at the expiration of his term of imprisonment.

His associate, John David Hughey III, was committed to custody under the Federal Youth Corrections Act for observation and study for a 60-day period prior to sentencing. The court ordered a \$25,000 bail forfeiture for Jane Lauren Alpert, a third defendant, who failed to appear.

On the same day, a New York County Supreme Court judge sentenced the defendant Melville to imprisonment for a period of 6 to 18 years on State charges stemming from his bombing activities.

The CHAIRMAN. Melville has three sentences from the Federal Government?

Mr. WILSON. Three Federal and one State.

The CHAIRMAN. And the State sentence was for how much? Six to 18 years?

Mr. WILSON. Six to 18 years.

The CHAIRMAN. Which is he serving now?

Mr. WILSON. We will have to find out whether or not the State sentence is concurrent or not. He is in Federal custody.

The CHAIRMAN. The staff reminds me that this Alpert girl pleaded guilty and then jumped bond.

Mr. WILSON. Yes, sir. She defaulted when called upon for sentencing procedure. She did not appear and her bond was forfeited.

The CHAIRMAN. But there was a plea of guilty in her case?

Mr. WILSON. Yes, sir.

The CHAIRMAN. All right.

Mr. WILSON. In addition to supporting the enactment of the legislation which the President has requested, to revise the criminal laws pertaining to the use of explosives and incendiary devices, the Department has also participated in an intensive task force study with other concerned Federal Departments—Interior, Treasury, Transportation, Commerce, and the Office of Management and Budget—and with industry representatives concerning the need for Federal regulation of the explosives industry.

An administration bill which has been developed by the task force will be submitted to the Congress next week.

The use of terror as a political tactic is foreign to the American political tradition. We need to discourage the development of terroristic tactics and nip in the bud any effort to engraft the use of terror into our political processes as a device for shaping public decisions.

Much of the bombing is the result of fanatics who are politically motivated and insist upon their own viewpoint being accepted. They are not interested in free speech or dissent or a dialog with anyone who does not bend to their will.

We wish to emphasize that the suppression of terroristic tactics is not a repression of free speech or the right to dissent or the right to protest, but is punishment for crime and that the prevention of crime through firm and decisive action followed by appropriate punishment is, has been, and should continue to be the traditional response of the American political system to those who persist in violating the law.

That completes our written statement, Mr. Chairman. We would be glad to respond to any questions that the committee might have.

The CHAIRMAN. I note in one of your concluding sentences, in which you talk about those who are committing these crimes of terror, you say:

We wish to emphasize that the suppression of terroristic tactics is not a repression of free speech or the right to dissent or the right to protest, but is punishment for crime and that the prevention of crime through firm and decisive action followed by appropriate punishment is, has been, and should continue to be the traditional response of the American political system to those who persist in violating the law.

I don't think too much emphasis can be placed in that. If we are to have a free and safe society, people must not be permitted to resort to violence to impose their wills on other members of society and upon government.

Today, there is a distressing trend in that direction. We hear it on television; we see it in the press; we see those who cloak themselves with the robe of minority status and use that as a lever to say:

We are oppressed, we are a minority and, therefore, if we can't get what we demand through the due process of the present system, we oppose the system. The system must be destroyed. Therefore, we say that it is all right to use any means necessary to achieve our objectives.

The social-political atmosphere of America is being saturated with that kind of propaganda. It is dangerous. I think it is poisoning and polluting the stream of government under the law. I think it is taking its toll. I think it is eroding our system of justice and law enforcement in this country.

I don't think a government that is based upon a society that depends for its protection upon law and order can survive if these means prevail in the attaining of objectives on controversial issues.

I think it is just that simple.

In these areas we will have to choose between anarchy and a system, however imperfect it may be—and it isn't perfect—of law and order and due process.

It is becoming critical in some of these areas. This is one in which people are resorting to bombing, one of the most despicable crimes that can be committed. It is directed indiscriminately against the lives and safety of human beings, and against the property of government and of free enterprise, against the property of institutions, against religious houses of worship.

I think its seriousness cannot be overemphasized. It constitutes a challenge to the sovereignty of government. I think it is reaching those proportions now where it is absolutely a challenge to the sovereignty of government. We either will have government under law or we will have a reign of terror under chaos.

I appreciate very much your appearance here this morning. I think you have presented us an excellent statement. We will be interested in receiving the further recommendations of the Department in the nature of drafted and proposed legislation.

That legislation will not come before this subcommittee, but will come before the Judiciary Committee, of which I am a member, and very likely will be referred to the Subcommittee on Criminal Laws and Procedures, of which I am chairman.

It will be my purpose, if it comes to that subcommittee, to expedite its processing after holding appropriate hearings, to the end that, with whatever revisions or amendments the committee may feel should be made to it, in order to fill gaps that should be closed to strengthen the law. We would seek to strengthen the arm of law enforcement in this field.

If a man steals, that is for personal gain. However deplorable that is, it doesn't compare with this malicious, willful, fanatical killing of innocent people by the use of bombs and similar devices.

I think this is critical and very serious, and we have to try to deal with it from the standpoint not only of legislation, but from the standpoint of a renewed vigilance and dedication on the part of all law enforcement officials.

Mr. WILSON. Senator, I want to assure you that everyone within the Nixon administration that I have had contact with on this matter is very concerned about the problem and we are very much encouraged that this subcommittee is taking an active interest in it.

We want to aid you in your labors and furnish you anything we can that will help to give us additional legislation to battle this problem.

The CHAIRMAN. We appreciate the cooperation you have always given us from the Department of Justice.

I would make this further comment about the intent of the administration. I would remind everyone that the anarchist, the terrorist, the bombthrower doesn't respect either political party. He is the enemy of both, and of every law-abiding citizen and every decent human being in our society.

So it is not a question of any partisan approach or partisan effort. It is a challenge to all good citizens to come to the aid of their country in a time of peril.

Mr. WILSON. I certainly agree wholeheartedly with that statement.

The CHAIRMAN. Thank you very much.

Is there anything further this morning?

Well, we thank you very much, sir.

The committee will stand in recess until Tuesday, at 10 a.m., July 21.

Thank you very much, Mr. Wilson.

(Whereupon, at 11:45 a.m. the subcommittee recessed, to reconvene at 10 a.m., Tuesday, July 21, 1970.)

(Member of the subcommittee present at time of recess: Senator McClellan.)

RIOTS, CIVIL AND CRIMINAL DISORDERS

TUESDAY, JULY 21, 1970

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met at 10:13 a.m., in room 3302, New Senate Office Building, pursuant to Senate Resolution 308, agreed to February 16, 1970, Senator John L. McClellan (chairman of the subcommittee) presiding.

Members of the subcommittee present: Senator John L. McClellan, Democrat, of Arkansas; Senator Lee Metcalf, Democrat, of Montana; and Senator Edward J. Gurney, Republican, of Florida.

Members of the professional staff present: Jerome S. Adlerman, general counsel; Philip W. Morgan, chief counsel to the minority; Philip R. Manuel, investigator; Daniel Harris, General Accounting Office; and Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

(Members of the subcommittee present at time of reconvening: Senators McClellan, Metcalf, and Gurney.)

The CHAIRMAN. Senator Gurney?

Senator GURNEY. Mr. Chairman, Senator Percy is not with us this morning because he is in Chicago attending the funeral of the two Chicago policemen who were killed by snipers in that brutal and senseless shooting episode last Saturday evening. In fact, I think this is a classic example of the terrorism which is the very subject of these investigations.

In his absence, Senator Percy has asked me to act in his behalf to present to the committee Mr. Charles Siragusa, the executive director of the Illinois State Crime Investigating Commission.

Mr. Siragusa is a former top official of the Federal Bureau of Narcotics and a distinguished and very capable law enforcement official.

He brings to his present assignment his lifelong experience in this field. The Illinois State Crime Investigating Commission was created by the Illinois Assembly a couple of years ago, and its reports and publications have added much to the body of public knowledge and information concerning terrorism and organized criminal activities.

Mr. Siragusa is accompanied today by Mr. Henry J. Hyde, a member of the same commission, and also a member of the Illinois State Legislature. Mr. Hyde will testify concerning the need for Federal action on the question of terrorism, bombing, and related crimes.

Also, Mr. Roger Nauert, the chief general counsel, is with us, too.

Senator Percy had wanted to welcome these witnesses personally,

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but I think his absence is understandable because of his need to attend the funeral and share the grief of the families of these murdered police officials.

Indeed, we are happy to welcome you here this morning, Mr. Siragusa, Mr. Hyde, and Mr. Nauert, to hear your contributions to these hearings.

The CHAIRMAN. Thank you, Senator Gurney.

I joint you in welcoming the distinguished witnesses this morning.

I would like to say for the record that over the years Mr. Siragusa has very effectively cooperated with this committee. Particularly do I recall our narcotics hearings and the organized crime hearings.

We are very proud to have you come before the committee again and give us the benefit of your counsel and the information you have from your experience in this particular field.

We also welcome your associates who are with you.

Under the rules, they have to be sworn. I will ask you to stand and be sworn.

Do you and each of you solemnly swear the evidence you shall give before this Senate subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SIRAGUSA. I do.

Mr. HYDE. I do.

Mr. NAUERT. I do.

**TESTIMONY OF CHARLES SIRAGUSA, HENRY J. HYDE, AND
ROGER C. NAUERT**

The CHAIRMAN. Let each of you identify yourself for the record, first.

Mr. SIRAGUSA. My name is Charles Siragusa, executive director of the Illinois Crime Investigating Commission.

Mr. HYDE. I am Henry J. Hyde, State representative from the 16th District of Illinois and a member of the Illinois Crime Investigating Commission.

Mr. NAUERT. I am Roger C. Nauert. I am assistant attorney general and counsel for the crime commission.

The CHAIRMAN. Thank you very much, gentlemen.

Mr. Siragusa, I would like you to give us a little of your background and your experience for the benefit of the record, please, sir.

Mr. SIRAGUSA. I was the Deputy Commissioner of the U.S. Bureau of Narcotics until December 1963. I spent 8 years abroad investigating the narcotic traffic. Since December 1963, I have been with the Illinois Crime Investigating Commission as its executive director.

The CHAIRMAN. Thank you very much.

You have a prepared statement. Do you wish to read it?

Mr. SIRAGUSA. Yes, Mr. Chairman; I would.

The CHAIRMAN. You may proceed.

Mr. SIRAGUSA. Mr. Chairman, the intensification of bombings and terrorism in the United States within the past few years is indeed a matter of great concern to the public safety and welfare of our citizens. Your subcommittee is to be highly commended for spotlighting this appalling situation, through your public hearings.

I am grateful for the opportunity to testify today concerning the situation in Illinois.

The Illinois Crime Investigating Commission, formed by statute enacted in 1963, mandated to investigate organized crime and official misconduct, has had some investigative experiences in the area of bombings and terrorism.

The statutory definition of "organized crime" in the Illinois Crime Investigating Commission Act specifies this to mean any combination of persons in the commission of crimes.

Accordingly, early this year we concluded a 5-month investigation of the Chicago riots of October 8-11, 1969, perpetrated and waged by the very radical organization, the Students for a Democratic Society.

STUDENTS FOR A DEMOCRATIC SOCIETY

Our report was delivered to the Illinois General Assembly in April 1970. "Bring the War Home" was the theme of these Weatherman riots.

The implication of that theme was quite obvious. The SDS issued a declaration of war on the so-called establishment.

The police are most representative of this establishment, in the eyes of the SDS militants. Therefore, a well-known police symbol was the first target of the "Bring the War Home" SDS project.

The prelude of the massive SDS Weatherman riots occurred with the destruction by bombing of the Haymarket Square statue near Chicago's downtown, on October 6, 1969. The statue depicted a 19th century Chicago police officer with an upraised hand. The monument was erected in memory of the death of seven Chicago police officers at the hands of a large mob of rioters in 1886.

The base of the statue bears the inscription "In the name of the people of Illinois, I command peace."

The CHAIRMAN. That statue was blown up in the bombing?

Mr. SIRAGUSA. Yes, sir; a few days before the riots started in Chicago.

The CHAIRMAN. October 6, 1969?

Mr. SIRAGUSA. Yes, sir.

I am happy to report that this statue was restored and rededicated several weeks ago.

In our report, we concluded that the SDS represents both an immediate and long-range threat to the internal security of this country.

The most threatening feature of the SDS lies in their heavy reliance on bombings and terrorism. Under its new Weatherman leadership the SDS has evolved into an organization which has risen beyond revolution to the level of anarchy.

Well calculated guerrilla warfare has become an integral part of the SDS's strategy. Workshops on explosives and sabotage have been common since the Boulder, Colo., conference in 1968.

It is believed that the recent bombings across the country are the first manifestation of the new Weatherman doctrine of anarchy.

We further concluded in our April 1970 report that the SDS would shift into a stage of anarchy which would surpass all levels of revolutionary activity seen in recent decades. Instead of protests and sit-ins a new strategy of insurrection and sabotage has been adopted.

We believe that the SDS's rampage in Chicago last October was the

first manifestation of the insurrection tactics which were later openly advocated at the November 1969, Flint, Mich., war council.

We also reported last April that there was every indication that the use of bombings and sabotage would continue to accelerate.

The March 1970, explosion in a Greenwich Village townhouse in New York City, occupied by several SDS members who were stockpiling explosives, would tend to confirm this future policy of increased destruction.

I might add that Kathlyn Wilkerson was one of the SDS leaders who was killed in that March explosion in New York City.

We recently received information that Wilkerson and Bernardine Dohrn, another high-ranking SDS officer, who is presently being sought by the authorities, were both using heroin.

The CHAIRMAN. Is she the one who was missing after the explosion?

Mr. SIRAGUSA. Yes, sir; she is missing and she is now wanted by both the Federal authorities and the local authorities in Illinois.

The CHAIRMAN. What is her position with the SDS?

Mr. SIRAGUSA. She was formerly national secretary. She was the interorganizational secretary. The last we heard of, she did not occupy an official position, but, in effect, she was the mastermind and we believe she still is, behind the SDS.

We received further evidence of the insurrection and sabotage as the new policy for SDS. We have discovered a bomb factory on Chicago's North Side, which I will discuss later.

The SDS Weatherman organization seems to be in the process of going "underground" in order to accomplish its new aims of anarchy and sabotage. The fact that the SDS national office in Chicago has been closed, and not replaced, indicates that this organization has elected to cease overt intercourse with other political groups.

It has now purposefully established covert relationships with the Black Panthers, the Young Lords, the Young Patriots, and other militant groups. Acting in concert, it is their goal to increase the tempo of anarchy in the United States.

I want to note parenthetically that we have found as a result of our investigation that the SDS was also instrumental in formulating plans for the notorious "Venceramos Brigade" which traveled to Cuba early this year for the purpose of harvesting sugarcane and learning revolutionary tactics from Cuban and Vietnamese Communists.

The Commission concluded its report by making 12 separate recommendations. Among these were the following:

1. The penalty for the possession of explosives in Illinois should be increased to a minimum of 5 years where there is an indication that the explosives were intended for sabotage.
2. The Illinois Mine Act should be amended to require registration of all purchasers of dynamite and other explosives. A failure to do so should be made a criminal offense bearing substantial penalty.
3. Provisions should be made for increased penalties for persons convicted on subsequent occasions for either of the above offenses whether they occur in Illinois or any other jurisdiction.

I would like to introduce in evidence, a copy of the Commission's SDS report.

The CHAIRMAN. Very well. The report will be received as exhibit No. 797.

(The document referred to was marked "Exhibit No. 797" for reference and may be found in the files of the subcommittee.)

Mr. SIRAGUSA. One of the more alarming facts about the recent proliferation of bombings and terrorism is the ready availability of technical literature. Numerous books and pamphlets describe how to construct numerous varieties of bombs and incendiary devices.

Modern-day active anarchists fancy themselves as "urban guerrillas." Handbooks authored by notorious guerrillas such as Che Guevara describe both the technical and philosophical ingredients which go into the making of the modern-day anarchists.

Booklets such as these are annually distributed at conferences held by radical organizations such as the SDS.

It has been recorded that distribution of such literature was rife at the Flint, Mich., war council last November, 1969.

It is an acknowledged fact that U.S. military documents, and those of other executive branches of Government, contain a technical information concerning the use of explosives and incendiary devices, which can be obtained by the public.

It is a known fact that the Students for a Democratic Society have prepared and circulated documents dealing with guerrilla warfare, which contain material extracted from those Government documents.

Whereas I would not recommend anything that goes contrary to first amendment constitutional guarantees of freedom of speech or freedom of the press, I do firmly believe that some restrictions could be imposed by the Government on its own offices to prevent the corruptive use of such governmental technical data, by revolutionary, violent groups, purely for disruptive and criminal purposes.

In that vein, I believe that this type of technical Government data should be classified and not made as readily available as it has been in the past to those that would use this knowledge for subversive purposes.

OTHER "POLITICAL" BOMBINGS.

Perhaps more graphic evidence of the importance of explosives and incendiary devices in anarchistic youth movements can be seen in the discovery of a "bomb factory" in an apartment at 5433 North Kenmore Avenue, Chicago, Ill., on March 30, 1970.

At that time, 59 sticks of dynamite were found in the apartment which was believed to have been used by members of the SDS Weatherman hierarchy. Also seized were militant literature including a book titled "150 Questions for a Guerrilla."

With your permission, I would submit a set of photographs of that seizure and a document which was found in that apartment.

The CHAIRMAN. Let the photographs be received and marked exhibit 798.

(The photographs referred to were marked "Exhibit No. 798" for reference and may be found in the files of the subcommittee.)

The CHAIRMAN. What is the other item?

Mr. SIRAGUSA. This is a pamphlet that was seized in the bomb factory in Chicago.

The CHAIRMAN. Can that be printed in the record or shall I make it an exhibit?

Mr. SIRAGUSA. I believe it could be. It bears an obscene title, but a significant portion of this document on the reverse side has instructions and diagrams for the manufacture of chemical bombs.

The CHAIRMAN. Let the document be received as an exhibit.

(The document referred to was marked "Exhibit No. 799A" for reference and may be found in the files of the subcommittee.)

Mr. SIRAGUSA. On the reverse side it has a photograph of a fire bottle with the title "Chemical fire bottle. This incendiary bottle is self-igniting on target impact."

It contains a list of the materials required to make this bomb. It also explains the procedure in constructing this bomb.

On the face of this pamphlet is some inflammatory language concerning the necessity to exercise terrorism against the pigs, the police.

The dynamite that was found by the Chicago police authorities at the Kenmore Avenue address was traced to a Boulder, Colo., cellar.

Senator GURNEY. What do you mean by a dynamite cellar?

Mr. SIRAGUSA. The person who provided the dynamite, the source of the dynamite found in the apartment on Kenmore Avenue, was traced to Colorado.

Senator GURNEY. What is a dynamite cellar?

Mr. SIRAGUSA. There might be a misspelling there. It is s-e-l-l-e-r. I think we made a typographical error in the first draft.

Senator GURNEY. Now I understand.

Mr. SIRAGUSA. Another possible instance of SDS involvement with explosives occurred in Chicago on June 8, 1970. On that date an explosion rocked the National Socialist White People's Headquarters in Chicago, formerly known as the American Nazi Party.

According to spokesmen for that group, an SDS member was allegedly on the premises and had attempted to pick a fight with a Nazi guard shortly before the explosion.

More recently, we conducted a preliminary investigation indicating an attempt by several students from Bradley University in Peoria, Ill., to purchase dynamite from the wholesaler in southern Illinois. The students told the supplier that they wished to blow up tree stumps.

However, because of their long-hair "hippie" appearance the dealer suspected they really intended to use the dynamite for terroristic tactics, probably political in nature. He refused to sell to them. The matter is still under investigation by our commission.

During that same investigation concerning the availability of dynamite in Illinois, our undercover men also approached other licensed wholesalers in Illinois, to determine the availability of explosives.

They all expressed an unwillingness to sell to anyone who was not a commercial dealer, in view of the recent widespread publicity concerning bombings.

However, one such dealer indicated his unscrupulous attitude. He suggested we return after the "heat dies down" and he would reconsider making a sale of dynamite to our agents.

The Illinois Crime Commission has been previously involved in the investigation of bombings, mostly in the greater Chicago area, in which there were suspected organized crime aspects.

Perhaps the most significant case we developed involved one Ignatius Faulisi, the ringleader and a previously convicted felon, and his partners, Edward Goliat, and Arthur Miller.

All three were convicted in State court of various charges stemming from their attempted sale of explosives to our undercover agents of our commission.

Prior to the arrests our undercover agents had worked for months posing as members of the Students for a Democratic Society.

During the undercover investigation, our men pretended that one purpose they intended to use explosives for was to blow up buildings and public utilities as part of the Vietnam war protests. They specifically said they intended to demolish the Chicago Police Headquarters building, to which the defendants expressed no shock or dismay.

On October 15, 1969, we arrested these men near Woodstock, Ill., as they were delivering 1,100 pounds of dynamite, 193 blasting caps, and a quantity of plastic explosives to our investigators.

The CHAIRMAN. That is quite a large quantity; isn't it?

Mr. SIRAGUSA. It was an enormous quantity. I was present during this undercover operation. I might say that our undercover men risked their lives because they were situated in the position whereby, from our vantage points, they could have been subjected to a crossfire.

We also knew that one of these men always carried a loaded .45-caliber pistol. He did, in fact, have a .45 pistol on him. They drove over this rocky farm road to the site where the delivery was to be made carrying this huge quantity of explosives, again exposing themselves and us to danger should an accident have caused the detonation of that dynamite.

The CHAIRMAN. To whom was this dynamite to be delivered?

Mr. SIRAGUSA. Our undercover men had heard that Ignatius Faulisi had access to untold quantities of dynamite and plastic explosives.

The informant introduced our undercover men to pose as members of SDS.

The CHAIRMAN. It was to be delivered to your own people?

Mr. SIRAGUSA. Delivered to our own people. So one of our own agents, a member of my staff who wears a long beard and long hair purposely, successfully posed as a member of the SDS and during his negotiations the suppliers were totally convinced that they were members of the SDS. In fact, they also expressed sympathy with the SDS cause.

The CHAIRMAN. What was involved in the consideration? What was the purchase price?

Mr. SIRAGUSA. I think we made an original purchase—first we got a sample of five or six detonating fuses. Then we made a purchase of a pound of plastic explosive and a few more fuses for about \$300 or \$400, if I am correct.

Then we asked them how much they had readily available because we intended to blow up half the city of Chicago. They said they could

only put their hands on about a half ton. We bargained, the undercover men bargained, back and forth, and I think we cut them down to about \$50 a stick. I don't recall the number of sticks, but they were considerable.

They were the largest type of explosive.

The CHAIRMAN. What would they normally sell for?

Mr. SIRAGUSA. In the pennies. I believe maybe 50 cents a stick.

The CHAIRMAN. And you were paying \$50?

Mr. SIRAGUSA. \$50; I believe each one was 2 pounds, if I am not wrong. They were the largest.

The CHAIRMAN. The money never passed? That was to be paid on delivery?

Mr. SIRAGUSA. No, sir; the money never passed. We said we would have the money available. We had it with us, we said, which we didn't. After we inspected the merchandise we would then pay the money.

So when we drove into this farm we had a second undercover man present who was actually a member of the Arson and Bomb Squad of the Chicago Police Department who is quite expert in handling explosives.

So his purpose was ostensibly to examine the merchandise, but also to safeguard us. At the time that we were satisfied that the merchandise was what it was purported to be, they then gave the signal and our agents, State police agents, police officers from the sheriff's department, and an observer from the FBI were present and we made the arrest.

We also took a videotape of the proceedings from a concealed vantage point inside of a camper.

Senator GURNEY. Have you any idea of what Faulisi's source of dynamite is?

Mr. SIRAGUSA. Yes, sir. I am getting to that in the next few paragraphs.

The CHAIRMAN. Before you proceed, if I calculate correctly, your purchase would be for 1,100 pounds, and each stick weighed 2 pounds?

Mr. SIRAGUSA. Yes, sir.

The CHAIRMAN. So you were paying about \$27,500.

Mr. SIRAGUSA. When you work undercover you can talk big, if you carry off the role.

The CHAIRMAN. I understand, but that is what they thought they were going to get for it.

Mr. SIRAGUSA. Yes.

The CHAIRMAN. Were all of these arrested and were they all convicted?

Mr. SIRAGUSA. They were all arrested and all convicted, 7 weeks ago.

The CHAIRMAN. Are they serving time now or are their cases on appeal?

Mr. SIRAGUSA. They are serving time. I don't recall whether it is being appealed. I don't think so because they pleaded guilty.

The CHAIRMAN. They pleaded guilty?

Mr. SIRAGUSA. Trial was about to start and they pleaded guilty. The ringleader, Faulisi, I believe, got the longest term of 1 to 3 years, which, in my opinion, was highly inadequate but I wasn't the judge.

The CHAIRMAN. I note you have recommended that the penalty be increased.

Mr. SIRAGUSA. I very definitely do.

The CHAIRMAN. I think you have in your statement—you stated you have already recommended, or your Commission has, that the penalty be increased.

Mr. NAUERT. The proviso is added of where the explosives are intended for use in sabotage or anything of that nature. We believe the penalty should be a minimum of 5 years.

The CHAIRMAN. In this instance, it was understood that it was to be used for sabotage, to blow up the police department and half of the city of Chicago.

I guess they assume that was an exaggeration but then they felt you were really in the business of terrorism and anarchy.

Mr. SIRAGUSA. They were quite convinced of that; yes, sir.

Senator GURNEY. What was the judge's leeway in sentencing them, do you recall?

Mr. SIRAGUSA. Mr. Nauert can correct me, but I believe the Illinois statute calls for a maximum sentence of 5 years. Faulisi had a prior felony record. The other two, I believe, just had minor misdemeanor records.

Mr. CHAIRMAN. Faulisi had what?

Mr. SIRAGUSA. Faulisi had a felony record, robbery—

The CHAIRMAN. How many felony convictions had he had before this, do you know?

Mr. SIRAGUSA. I don't know offhand but I believe he had more than two. That is quite conservative. As I recall, he had a 2½-page criminal record sheet.

The CHAIRMAN. He could have received 5 years but he received 3?

Mr. SIRAGUSA. He could have received 5 years on each of several counts because there were three separate transactions involved, the two preliminary purchases plus the amount that was seized at the time of the arrest. Theoretically, he could have been sentenced to 5 years, perhaps a maximum of 15, if his sentences ran consecutively.

The CHAIRMAN. And he got a total of 1 to 3 years?

Mr. SIRAGUSA. Yes, sir.

The CHAIRMAN. I don't want to criticize the judge, but one of our problems, it seems to me, in law enforcement today, is that too often the punishment is not commensurate with the gravity of the offense.

If there is any kind of crime that is despicable, it is the crime of bombing, killing innocent people, when it is the purpose to instill fear and terrorism. The whole purpose of it is to destroy. It is certainly premeditated and those who do it would seem to be so cold-blooded that I don't see how one can have much sympathy for them, and especially where one has been convicted two or three times on felonies before.

I think weak application of justice like that does not constitute the kind of deterrent that is necessary to deal with these extreme cases, to deal with this very difficult and growing situation that confronts us with respect to this type of crime now being committed throughout the land.

Others might take note of this case and courts might consider more seriously and give more weight to the gravity of this kind of crime, especially when there is a conviction of one who has a previous criminal record of felony convictions.

You may proceed.

I do have one other thing. Was this man, Faulisi, connected with organized crime? Would you know about that?

Mr. SIRAGUSA. I would say he would be at the lower level of organized crime. He has been involved with hoodlums, but he, himself, is not one of too great stature.

The CHAIRMAN. What do they call them? Soldiers?

Mr. SIRAGUSA. He would be a soldier or a "button man," I guess.

The CHAIRMAN. A what?

Mr. SIRAGUSA. A soldier. I don't think he would rank high enough to be called a button man.

The CHAIRMAN. Among the lowest rank?

Mr. SIRAGUSA. Yes, sir.

I might say, Senator, that I subscribe fully to your views in relation to the leniency which certainly doesn't act as a deterrent to others.

Arthur Miller and Edward Goliat, two of the three defendants, were members of the "Chosen Few" motorcycle gang that operates out of Youngstown, Ohio.

As a corollary to this case we were also instrumental in solving a murder and arresting the killers. The body of a former member of the Chosen Few motorcycle gang was unearthed in a farm area near Gary, Ind. He had been shot to death over a personal quarrel.

The Chosen Few motorcycle gang was continually involved with the sale and possession of explosives. In addition to our arrests and seizures, postarrests investigation developed that there were other seizures in Hubbard, Ohio, and Buffalo, N.Y., of dynamite owned by the Chosen Few.

In Buffalo, more than 4,000 sticks of dynamite were confiscated from two members of this gang.

The CHAIRMAN. When did that occur?

Mr. SIRAGUSA. I think that occurred also during the summer of 1969, I believe. We had been working during and after the arrests with the authorities in Indiana, with the State police and the city police in Gary, and with the FBI.

This gang apparently operated an interstate racket of stealing explosives from hardware stores, building construction companies, mines, and quarries.

We have reason to suspect that our case, like others developed across the United States, involved the sale and distribution of explosives in interstate commerce.

On December 11, 1965, the Southwest Inn, formerly known as the Sahara Motel South, 4501 South Cicero Avenue, Chicago, was blasted. The bomb was made of two sticks of dynamite with a long hand-fired fuse, placed beneath a trash can under a stairway.

The motel manager, E. S. Ellison, had been sitting in a room with his wife and infant son, about 30 feet from the point of explosion. Just prior to the bombing, Ellison had received several threatening telephone calls.

This motel had been built and operated by Manny Skar, a mobster who had been murdered in gangland style in Chicago on September 11, 1965.

In 1964, the Commission undertook an investigation of a series of arsons or bombings of 54 restaurants, taverns, and cocktail lounges in the Greater Chicago area.

During the course of that investigation we solved one of these arsons, perpetrated by the unscrupulous owner of a restaurant. The defendants were convicted.

In another case we laid a trap, working undercover, for two professional bombers who delivered a black powder bomb to our undercover agent. They, too, were convicted.

Several patterns emerged concerning the 1964 wave of arsons and bombings. Some arsons were probably committed at the direction of retail establishment owners, for the purpose of falsely obtaining insurance claims. In some cases, the owners of restaurants were organized crime elements who also had their premises torched to collect insurance.

The motivation for the dynamite and black powder bombings was invariably the same—intimidation. Whereas, money was the overriding consideration in most of the arsons, bombings carried intimidatory messages to the victims.

Some establishment owners refused to sign up with certain labor unions. Others refused to buy commodities and services from gangster-owned purveyor companies. Still others were in debt to juice racketeers, the loan sharks. Bombs thrown into their places of business acted as forceful reminders of delinquent payments on criminal usury loans.

The Commission again became involved in the bombing investigations field in 1965. During the summer of that year, several large office buildings in the downtown Chicago Loop area suffered explosions caused by dynamite sticks placed inside sanitation department, sidewalk, tool and sand boxes, placed adjacent to the large buildings. Almost all of the damage consisted of very extensive window breakage.

The rash of bombings ceased as mysteriously as it started about 2 months earlier. The only strange development was the fact that a well-known Chicago hoodlum had a financial interest in a large glass company that replaced some of these broken windows, and also sold glass breakage insurance.

Some bombings were of unexplained origin. All of them unsolved. An example of this variety can be seen in the recent tragic assassination attempt on State Representative William G. Barr in Joliet, Ill.

On June 3, 1970, the Representative's right leg was blown off by a bomb as he attempted to start his car. Although he was critically injured as a result of the blast he has shown steady improvement.

Representative Barr and other public officials in Illinois have made appeals to the Governor and to the general assembly calling for measures which would further restrict the sale of dynamite in Illinois.

The CHAIRMAN. Through some official action, had he incurred the enmity of the underworld?

Mr. SIRAGUSA. As far as I know, there has not yet been any definite lead. The investigation is being handled by the Illinois Bureau of Investigation. There has been considerable newspaper speculation as to the reason for it. Some papers have intimated that it was caused by an unhappy marriage.

I should say at the time this assassination attempt occurred, there

were divorce proceedings in process. There was also some speculation that he may have been overextended in his business and borrowed money. But these are all purely speculations.

The CHAIRMAN. In other words, the motivation and identity of those responsible have not been established?

Mr. SIRAGUSA. No, sir.

The CHAIRMAN. Those are still unknown.

Mr. SIRAGUSA. Another thing which has no relation to it is that he was a registered Republican, I believe.

The CHAIRMAN. Democrats are not blowing the legs off Republicans, I take it.

Mr. SIRAGUSA. No, sir. He recently changed his designation. He happens also to be running for mayor of the city of Joliet at the present time.

Mr. HYDE. He switched parties, Senator, just before the bombing.

The CHAIRMAN. At the time this occurred?

I beg your pardon?

Mr. HYDE. He switched parties a matter of a few weeks before the bombing occurred.

The CHAIRMAN. Should that be a lesson to some of us up here?

Mr. HYDE. No comment.

The CHAIRMAN. We will give it appropriate thought before we change.

Very well, proceed.

Mr. SIRAGUSA. A particularly senseless, tragic event occurred in Chicago on April 14, 1969, resulting in the death of two Chicago police officers and serious gunshot injuries to six other officers.

Frank J. Kulak, aged 43, barricaded himself in his home at 9521 South Exchange Avenue against police who responded to a citizen's call that Kulak was sniping at his neighbors.

Kulak lobbed about 25 hand grenades and black powder bombs and fired several hundred rounds of ammunition from automatic rifles and shotguns at police attempting to gain entry to his residence. Inside his home Kulak had set eight booby traps wired to grenades and other explosive devices.

Kulak was arrested, unharmed. On February 27, 1970, he was declared mentally incompetent, and the murder charge was dismissed.

Seized in Kulak's apartment were 52 unexploded manufactured bombs and hand grenades, and various paraphernalia for the manufacture of explosives including gun powder, pipes, cylinders, tape, and military-type fuses. Also seized were two carbine rifles, two shotguns, and two pistols.

Senator GURNEY. When you say manufactured bombs and hand grenades, was this all home manufactured?

Mr. SIRAGUSA. It was all home manufactured. He was using some improvised materials. He had pieces of lead pipes. He had round objects which were formerly a part of grenade-launching devices.

So he was using a combination of chemicals which can be readily purchased and some Army equipment, and devising these bombs. He was an extremely dangerous man.

Of interest to us was the seizure by the police authorities in his apartment of a document called Hi-Low Boom Modern Explosives,

written by Philip J. Danisevich and William G. Mucci, and copyrighted in 1966. The authors synopsisized their book as follows:

* * * we have done our best to provide a first-hand view of explosives. Organizing the data and diagrams, etc., along the chemistry guideline, we have presented some of the latest material available, in addition to, numerous innovations discovered generations ago. Naturally, of course, this is intended as an educational manual only. Amateur chemists, and other inexperienced people, should never attempt to manufacture or use explosives and fireworks.

Too many accidents have already occurred, as a result of professional installations being careless, not to mention the cost for amateurs and unexplained explosions. * * *

In the introduction of the book the authors said:

Many of the formulas and preparations in this book are very dangerous to manufacture, even though we have done our best to present all of the safety aspects and precautions used in making and handling high and low explosives. It is therefore urged, in a most definite manner, that experimentation be left to the experts in these fields. * * *

The Chicago Police Department, and investigators from the Chicago offices of the U.S. Alcohol, Tobacco, and Firearms Division and the U.S. Postal Inspector interviewed Danisevich who does business from his home as the Bridgeview Gun Sales Co., 8917 Southfield Drive, Oak Lawn, Ill.

He was in no way remorseful concerning the havoc wrecked by Kulak. Danisevich said he sold his directory to Kulak and more than 1,000 others at \$5.50 a copy, through his Mid-America Publishing Co., at the same Oak Lawn residential address.

He also said he advertises his book in Popular Science, Popular Mechanics, Outdoor Life, and numerous other magazines.

As part of his source materials, Danisevich said he uses a technical manual from the U.S. Departments of Army and Navy on rifles and hand grenades. He also uses technical data from the book "Explosives in Agriculture" published by the Institute of Makers of Explosives, in New York City. Danisevich also sells a book "Grenades, Hand and Rifle" published by the Departments of the Army and Navy.

The CHAIRMAN. On grenades?

Mr. SIRAGUSA. Hand and rifle grenades.

The CHAIRMAN. Have you a copy of it?

Mr. SIRAGUSA. We tried to obtain copies of both of these books within the past week, but Mr. Danisevich was not available. He can't be found. I imagine he might be on a business trip.

But we fully intend to procure both of these documents and we will be very happy to send copies to the committee.

The CHAIRMAN. If you are able to procure them, I would like you to submit one of each for the record.

(The publications referred to were marked "Exhibit Nos. 799B and 799C," for reference and may be found in the files of the subcommittee.)

Mr. SIRAGUSA. From 1965 through 1969, we have documented 15 separate acts of bombings in the Greater Chicago area. I do not believe this is complete. It also does not cover bombings and incendiary devices employed elsewhere in Illinois.

I should like to submit an appendix, listing details of these incidents.

The CHAIRMAN. The appendix will be received and printed in the record.

(The document follows:)

Following are details of other bombings in the greater Chicago area, from 1965 to date. All of them remain unsolved.

1965

1. Considerable publicity was given in the Chicago area news media to a bombing incident that occurred on June 14, 1965. A 22 year old girl, Cherie Rude, was killed at a riding academy near Palatine, Illinois, when she turned on the ignition of an automobile owned by George W. Jayne, owner of the academy. Three dynamite sticks were wired to the car's ignition. The bombing was actually intended for George W. Jayne who later accused his brother Silas. Prosecution was initiated against Silas but for lack of sufficient evidence the case was dropped.

2. On July 12, 1965, a bomb explosion damaged six trucks in a garage of Mr. Softee of Illinois, a Chicago ice cream vending company.

1966

3. In June, 1966, someone unsuccessfully attempted to murder Vinton Bacon, an official of the Chicago Sanitary District. Dynamite sticks were wired to his car but were not detonated.

4. On August 11, 1966, Louis Scarmardo, of Chicago, died from wounds sustained in the August 4th bombing of his car.

1967

5. On November 26, 1967, a bomb destroyed the auto of Warren A. Jennings and damaged his home in Oak Lawn, Illinois: Jennings is active in the politics of Local 134 of the International Brotherhood of Electrical Workers.

6. Another labor leader, George M. Flannery, was the subject of another act of terrorism. On February 11, 1967, a black powder bomb was thrown into the yard of his Chicago residence by a passerby or from a passing car. Flannery was Secretary-Treasurer of the Newspaper Delivery Chauffeurs and Handlers Local 706, Teamsters Union.

7. A third Chicago labor leader, Dominic Abata, president of a taxi drivers' union, was also the intended victim of dynamite sticks boobytrapped to his car. On June 27, 1966, the car was shattered. The occupants were Joseph Longmeyer, the union's public relations man, whose legs were mangled, and another union aide, Charles Moses, who was less seriously injured.

In 1967, the following four automobile dealers' showrooms were bombed in the greater Chicago, Illinois area.

8. February 10—Peter Epstein Pontiac, Skokie.

9. October 19—Nelson Chevrolet, Chicago.

10. November 5—Lodi Motor Sales Company, Chicago.

11. November 17—Larry Faul Oldsmobile Company, Oak Park.

12. At dawn, on November 30, 1967, a stick of dynamite exploded in the doorway of Fred M. Morelli's home. He is a former Democratic Committeeman in Chicago.

13. On November 26, 1967, a bomb blast occurred at the rear of a laundromat and dry cleaning shop at 155 N. Cicero Avenue, Chicago, one door north of a real estate firm owned by one Jerome Keefe. Six days before that a bomb exploded at 1943 Manchester Avenue, Westchester, next door to Keefe's home. Keefe has been previously accused by a civic group of panic-peddling and block-busting tactics.

14. On April 19, 1967, a black powder bomb exploded in the Westchester, Illinois, offices of Dr. Samuel J. Bolonik, a pediatrician.

1969

15. Harry Donald Carlson, aged 29, was killed August 6, 1969, when he turned on the ignition of his car and set off an explosion. Several sticks of dynamite had been wired to the ignition system.

Mr. SIRAGUSA. With your permission, Mr. Chairman, I would like to briefly synopsise the appendix.

Of these incidents, there were six involving dynamite blasts rigged to ignition systems of automobiles. One man died in each of three separate incidents.

In another case, a former Chicago Sanitary District official, Vinton Bacon, narrowly escaped death when dynamite sticks under the hood of his car, improperly installed, failed to detonate.

In an 11-month period in 1967, the showroom windows of four Chicago area automobile dealers were bombed. From June 1966 to November 1967, three labor union executives were the targets of separate bombings.

I have purposely not made any extensive legislative proposals because Illinois State Representative Henry J. Hyde will cover that subject.

The CHAIRMAN. Thank you very much, Mr. Siragusa. We will defer questioning you, if that is satisfactory, until your associates have testified.

Mr. Hyde, we will be happy to hear from you now.

I note that in conclusion Mr. Siragusa said you would cover the matter of legislative recommendations, particularly, and we are especially interested in that.

Mr. HYDE. Thank you, sir.

Mr. Chairman and gentlemen of the committee: There is a pressing need for Federal regulation of the sale and use of explosives and incendiary devices. The instances of bombings and arson throughout the country, and especially those perpetrated for political reasons, have become alarmingly frequent.

In an attempt to cure this practice, it is suggested that a comprehensive legislative program be enacted, at the Federal level, to restrict the sale and possession of explosives or incendiary devices only to those who have demonstrated a legitimate reason for such sale and possession.

Moreover, strict criminal sanctions should be implemented against those who would violate this regulatory scheme, by illegally causing damage to life, limb or property. Of course, provisions should also be included to cover attempt and conspiracy, to use explosives, or to permit the illegal use of explosives in one's possession.

The Federal laws in these areas, as they now stand, regulate the possession of explosives and incendiary devices only insofar as they constitute or affect interstate commerce.

Title 18, sections 831-837, regulates the transportation of explosives and other dangerous articles through rules promulgated by the Interstate Commerce Commission.

It also makes it a crime to transport such items for illegal use or possession in interstate commerce.

It further provides therein that the illegal use or possession of explosives raised rebuttable presumptions that such explosives were transported in interstate commerce, but that no person shall be convicted of an offense based solely on these presumptions.

Many examples could be cited demonstrating that most explosives discovered by law enforcement agencies have traveled in interstate

commerce: the Faulisi case, which was mentioned previously, involved explosives found in Illinois which had originated in Canton, Ohio.

Another example is the Kenmore Avenue "bomb factory" case, in which the explosives came from Boulder, Colo.

However, explosive and incendiary devices are of such an inherently dangerous nature that Congress should be able to find a sufficiently pressing interest in their regulation regardless of whether their use or possession affected or constituted interstate commerce.

Explosives, which are not unlike narcotics as a menace to public safety, when used for illegal purposes, are a legitimate concern of Congress as they affect the Nation's welfare.

To leave the problem in the hands of the individual States fails to provide the broad regulatory system essential to efficient control. The State with the weakest laws in this area becomes a frustration to all other State endeavors. Once these dangerous instrumentalities fall into the hands of those bent on criminal conduct, it becomes very difficult to detect or prevent their causing great injury.

The situation in Illinois is an example of an inadequate State regulatory attempt.

The sale, possession, use, and transportation of explosives in Illinois are regulated by two basic statutes: Chapter 38, sections 20-1 and 20-2 of the Illinois Criminal Code—and chapter 93, sections 143 through 156 of the Illinois Revised Statutes which regulates the mining industry.

Under chapter 38, sections 20-1, a person who knowingly damages any property of another through the use of an explosive compound without consent from the owner commits arson.

The crime of arson is punishable by a penitentiary sentence for any length of time not less than 1 year. Under section 20-2, possession of explosives with intent to commit an offense with those explosives, is punishable by a penitentiary sentence of from 1 to 20 years.

An attempt, in 1969, to eliminate the intent requirement from section 20-2 failed in the Illinois State Senate. Currently, a bill, house bill 3656, is pending before the rules committee of our State senate, which will provide that a conviction for placing any explosive with intent to damage persons or property will carry a 10-year minimum sentence.

The bill also provides that if such an act causes permanent injury or death, life imprisonment will be the minimum sentence.

Chapter 93, sections 145 through 151, regulates the storage and transportation of explosives. Section 152 requires records to be kept concerning the sale of explosives.

Section 152 has recently been amended by public act 76-1936 and public act 76-1194 which tighten the recordkeeping requirement and forbid sales of explosives to people under 21 years of age.

In tightening the recordkeeping requirements, the new section 152 requires that the individual explosive device be numbered so that law enforcement officials can trace an explosive to its original purchaser.

Pending is a bill (house bill 3570) which would require a license to possess explosives, and a violation of the act would carry a sentence of not more than 5 years and/or a fine not exceeding \$10,000.

Currently, a violation of sections 145 through 153 carries only a fine not less than \$100 nor more than \$500. The Illinois Crime Commission endorses each of these amendments.

The licensing of possession of explosives and the increased penalties attached thereto, would allow the act to be utilized by law enforcement officials and avoid the problems of intent now attached to the criminal regulation of explosives in Illinois.

Correspondingly, the Commission urges Congress to provide a Federal regulatory scheme which would provide—

1. Federal licensing of all dealers and possessors of explosive devices.

2. Criminal sanctions in each of the following areas: (a) for the sale of explosives by a nonlicensed dealer; (b) for the possession of explosives without a valid license, regardless of intent; (c) for the use of explosives which results in knowingly causing damage to life, limb, or property; (d) for the use of explosives to threaten, coerce or intimidate another.

It is anticipated that the proposed Federal regulation would be sufficiently comprehensive in scope to include all standard materials which could conceivably be used as ingredients in making bombs or incendiary devices. This would include dynamite, nitroglycerine and its derivations, gunpowder, and detonating devices; such as blasting caps and fuses.

Thank you.

The CHAIRMAN. What is your judgment about the jurisdiction of the Federal Government and the authority under the Constitution for the Congress to enact such statutes as you recommend?

Mr. HYDE. Well, sir; that is the major problem. Perhaps the presumption feature of the Interstate Commerce Act could be enlarged. I harken back to the early days of the NRA. They find almost anything is involved in interstate commerce.

The CHAIRMAN. It has to be linked, it seems to me. Is there any other day that you know of to make this type of crime a Federal offense, except to link it to interstate commerce?

Mr. HYDE. No, sir, Senator. I believe interstate commerce is the only way to do it that I am aware of, but I don't think that should pose insurmountable problems because of the ingredients.

There are very few bombs that I think are indigenous to any single State. I don't think that should present an insurmountable difficulty.

The CHAIRMAN. I think I am willing to go as far as we can go constitutionally in enacting legislation to deal with this problem.

The question is how to draft legislation and in just what area we can invoke the power of the Federal Government.

Mr. HYDE. Mr. Roger Nauert has some comments on that, Mr. Chairman.

The CHAIRMAN. We will be glad to hear from you, Mr. Nauert.

Mr. NAUERT. As Representative Hyde said in his statement, I think the—

The CHAIRMAN. Do you have a prepared statement?

Mr. NAUERT. No, I do not, Senator.

The CHAIRMAN. Very well. You may comment.

Mr. NAUERT. I would say that it doesn't require any great mental dexterity to liken explosives and incendiary devices to the problem

of narcotics. Narcotics has been viewed, at least for the past 20 or 30 years, as something inherently within the Federal province, an inherently dangerous substance.

I don't think you would be required to hinge all Federal legislation on the commerce clause, just as the Federal Government has not seen that necessity in the narcotics area. It is the law today—

The CHAIRMAN. I didn't want to argue the point. I am seeking counsel, any help you can give to the Congress. I would hope at least that there would be the will and disposition on the part of Congress to strengthen the law, to legislate in any area that would strengthen the law dealing with this particular area of crime.

If we can have suggestions of legislation that would be constitutional, I am sure we would welcome it.

Mr. NAUERT. I would think you could hinge your legislation on the supremacy clause rather than the commerce clause in this area, just as you have done in the narcotics area and another example would be Federal regulation of air transportation, which has been viewed as inherently dangerous and inherently of a Federal concern.

As you know today, all aviation is federally regulated regardless of whether there is interstate commerce involved.

The same is true of narcotics regulation. As you said earlier, Senator, the use of bombs and incendiary devices should be of at least as great a concern as other areas of Federal legislation.

We have pointed out a number of instances where interstate commerce has been used, both in the Faulisi case and the Kenmore bomb factory cases.

I think the supremacy clause is sufficient for this. In this day and age, certainly it is of inherent Federal concern, and the dangerousness of explosives as a substance itself is readily apparent, I would think.

The CHAIRMAN. I appreciate your views. I shall personally weigh them very carefully. You may be correct; I hope you are. But I think you know—it is not any mystery at all—that any time we undertake to strengthen law enforcement and to enact new legislation to deal with organized crime or with street crime, we hear the cry of unconstitutionality.

I don't mean all of these charges of unconstitutionality are groundless at all. I think we must live within the Constitution. I don't want to go beyond it.

But technicalities are invoked today at the highest level, as we all know, that makes it difficult, and more and more difficult, for us to live within the Constitution and to move vigorously and aggressively and successfully against the organized crime forces in this country, and against the common criminal. I will say that.

So we must bear that in mind as we undertake to legislate, that there is a court that will have the last say about whether the statute as constructed and enacted is constitutional, and well so, and well should the Congress keep that in mind at all times.

A Member of Congress should not want to violate the Constitution any more than anyone else. But I have said, and I repeat, that I think the magnitude of the crime menace and the momentum of the crime wave in this country today does require the Congress to enact every statute possible within the framework of the Constitution that will

strengthen the hand of law enforcement in this country, and enable our law enforcement officials to meet their responsibilities effectively.

I make no apology for that. I don't want to go beyond the Constitution, but I think this crime situation is critical and is becoming more critical. I don't think the sovereignty of this Government and the structure of our society can long survive if the crime rate in this country is not reduced. It only takes a little mathematical calculation, a simple calculation, to project for another decade the increasing crime rate that we have experienced in the last 10 years.

By that time, unless it is reduced, on the basis of present reporting, assuming we don't improve—and we know many crimes are not reported—by another 10 years there will be 20 million serious crimes committed in this country annually. That is, if the present rate of crime we have experienced in the last few years is not reduced.

That would have a terrific impact, in my judgment, on the survival of a free society. I think it is that serious. It is for that reason I want to be part of enacting any law within the framework of the Constitution that will combat this dangerous and growing evil, this internal threat to the security of our country.

Are there any questions?

Senator GURNEY. There is one thing that bothers me. Your testimony seems to indicate that a lot of the source of dynamite is through stealing. None of these laws suggested, of course, would help out if the dynamite is going to be stolen from a hardware store, or a construction company that stores it, perhaps, on the premises.

Do you have any suggestions on how to curb that?

Mr. SIRAGUSA. I believe that the manufacturers of dynamite have encouraged wholesalers, the first level of receipt of these explosives, to take appropriate safeguard measures in protecting this against theft.

I personally feel that the—

Senator GURNEY. Is this fairly recent?

(At this point Senator McClellan withdrew from the hearing room.)

Mr. SIRAGUSA. No, I think this has been their policy. To what extent the manufacturers have gone in promoting this security campaign, I am not in a position to say. I personally feel, through investigations we have conducted over the past few years, that the security devices maintained by persons who purchase explosives is not very good because if it were adequate in any fashion there would not be as extensive and frequent losses by theft as do occur.

Senator GURNEY. Have you any suggestions as to how to stop that source of dynamite?

Mr. SIRAGUSA. It could be either a matter of State legislative interest or even Federal legislative interest, possibly, to require that certain security measures be taken by those who store dynamite.

Mr. HYDE. Senator, if I may comment, the registration of the dynamite by number, if that could be implemented, and, of course, we recommend it to be a crime if you possess it without a valid license.

That would be an additional count. Of course, the judges would start imposing sentences consecutively on separate counts. That would be a great help. But the theft will occur. The registration of guns is ineffective to that extent, where someone steals a gun.

But the possession without a valid license would be a crime, and if it had a stiff penalty it would be one more weapon in the hands of a prosecutor.

Senator GURNEY. I certainly agree. I am simply saying is there anything that can be done to tighten up the stealing source, which seems to be a rather great one. Is that not correct, from the testimony?

Mr. SIRAGUSA. Yes. It is too rapidly available for being stolen. I personally feel that the security measures taken are inadequate, given the present circumstances of the free thefts, so to speak, and the wide distribution, including interstate distribution, of this illegally obtained substance.

(At this point Senator McClellan entered the hearing room.)

Senator GURNEY. Who handles the sale of dynamite in Illinois?

Mr. SIRAGUSA. In Illinois, under the Mine Act, a person who wholesales and purchases dynamite must be licensed.

In the city of Chicago, you cannot transport dynamite at any time at all under any circumstances. Yet, you go outside the city of Chicago, to a hardware store, and you say, "I want to buy some dynamite to blow up a tree stump," and they will sell you the dynamite.

Theoretically, they are supposed to register. The seller is supposed to register in his book the name of the person who buys it. What enforcement measures are taken to see that this act is properly implemented I don't think are too good.

If someone walks in and gives a fictitious name, he could probably buy dynamite. It is only within the past several months of this nationwide terrorism caused by bombings have the wholesalers, at least in Illinois, become much more cautious before they actually sell dynamite. Epitomizing that would be the case I cited of these three raggedy students from Bradley University wanting to buy dynamite. Certainly, as college students, they would have no occasion to blow up tree stumps.

Senator GURNEY. Is it fair to say under Illinois law almost any retailer can sell dynamite if he wanted to?

Mr. SIRAGUSA. I think it would be yes. It would be fair to say that.

Senator GURNEY. Are there any rules and regulations that say how that seller or retailer should store it?

Mr. SIRAGUSA. Yes. I believe there are certain regulations, but I also think that the wording is not as strict as it should be. I think it is in general terms. What I had in mind was something much more specific by statutory definition, much in the same fashion that narcotics must be stored, to conform with Federal criteria.

As has been pointed out certainly today, dynamite, explosives and incendiary devices are more immediately dangerous than narcotics.

I think there would be an area of Federal legislative interest in spelling out a series of requirements for anyone handling dynamite, and certainly the security of that explosive material so it cannot be stolen.

Senator GURNEY. As I understand today, there probably are no rules and regulations, as far as Illinois is concerned, about the security of it. Is that true?

Mr. SIRAGUSA. They do have regulations. I don't know that very much is done about it. Persons who are employed by the Illinois Bureau of Mines have the initial responsibility of enforcing these

laws. We have been told by several Bureau of Mine investigators of wholesalers that they suspect, of indiscriminate sales of dynamite.

So I would say within the State of Illinois you would have a combined problem of thefts from storage places as well as this facility with which they can purchase it over the counter.

Senator GURNEY. Getting back to the Weatherman and other militant factions that are engaging in bombings these days, have you done any investigating as to how they recruit young people and interest them in bombing and terrorism?

Mr. SIRAGUSA. In connection with our 5-month investigation we were fortunate in obtaining five large cardboard boxes of documents that were given to us by the landlord of an apartment at 4943 North Winthrop in Chicago, that was formerly occupied by Gerald Long and by Bernardine Dohrn, as well as four other high-ranking SDS Weathermen.

In this apartment, we seized documents which spelled out their revolutionary, anarchistic aims, their necessary attack on the Establishment, very volatile and inflammatory literature.

We received, for example, correspondence exchanged between the North Vietcong Government and South Vietcong officials. In fact, one woman who was a delegate from the Vietcong Government to the Paris peace talks, correspondence between her and Bernardine Dohrn.

We obtained telegrams that were sent to Bernardine Dohrn while she was in Budapest, Hungary. We did not obtain in the apartment, however, any literature that would explain the use of explosives.

We did obtain a manual that was furnished to us by the authorities in California. This manual was originally published by Tom Hayden, when he was with the SDS. The Explosives and Guerrilla Warfare document was distributed to the delegates at the SDS War Council in Flint, Mich.

Senator GURNEY. Is it your conclusion from your investigations that the major objective of the Weatherman faction of SDS is guerrilla warfare and bombing and terrorism?

Mr. SIRAGUSA. I have no doubt whatsoever about that. They say so in their own writings. In fact, in much of the radical press they spell it out in great detail. They leave no room for doubt.

Senator GURNEY. Have you been able to find out what sort of class of society these Weatherman types come from?

Mr. SIRAGUSA. I think it is a cross-section of society. I believe you have some brilliant leaders, such as Bernardine Dohrn. You have social misfits who have not been able to make their mark in life, and find it very convenient to become conspicuous by being identified with the highly inflammatory groups such as the SDS. I think you have thrill-seekers.

You have, however, a sufficient hard-core within the SDS leadership to provide the direction, to draft the documents. Among the documents we seized were those that were dated several months before October 1969, documents circulated on college campuses, high school campuses, using strong, convincing language to get students from all over this country to come to Chicago to bring the war home, to fight the pigs, to fight the Establishment.

So they make no bones about their objectives. It is revolution, it is anarchy, and with no alternatives. I have yet to see any constructive

suggestions ever made by the SDS in lieu of our democratic form of government.

Senator GURNEY. I agree with you there.

Do you have any idea as to what their chief source of explosives are?

Mr. SIRAGUSA. I think once they decided to go underground, I believe it was back in February 1970, and I think that coincides with their new strategy and tactics of covert operations which would include bombings, the use of incendiary devices—I think the Kenmore Avenue bomb factory, the Greenwich Village bomb factory, were initial steps in trying to buy available dynamite to manufacture their own bombs.

Certainly, the incident in New York City would indicate their lack of technical expertise because they blew themselves up.

I hate to think that they will now engage themselves in a sophisticated campaign of making bombs and constructing all sorts of devices with much more expertise than they have demonstrated in the past.

Mr. HYDE. Senator, may I comment to that?

Senator GURNEY. Yes.

Mr. HYDE. This is an interesting comment, it seems to me, on the difficulties of law enforcement in this area. I noticed in yesterday's newspaper, the American Library Association has requested its member libraries not to cooperate with governmental agencies seeking to learn the identity of people who are drawing books from the library on explosives.

I can understand a point of view that deplores George Orwell and the "big brother looking over your shoulder."

On the other hand, the thrust of their position seems to be that legitimate investigative agencies of the U.S. Government are the enemy and are to be frustrated in trying to learn who, among the public, is developing the expertise from textbooks on how to make Molotov cocktails, and so forth.

So you have this interesting conflict where a very respectable and responsible element of society bristles and becomes hostile at the efforts of the Government to learn who is arming themselves with the knowledge to make bombs and incendiary devices.

I don't know a way out of that dilemma, but it is an interesting commentary on public attitudes in our society today on this problem.

Senator GURNEY. It is a curious aspect. I must agree with you.

The CHAIRMAN. We talk about looking over one's shoulder. However, Uncle Sam can go into a fellow's place of business and require him to submit his books to determine whether he has cheated on his income tax.

I wonder if the loss of a little tax money is more serious in law enforcement than protecting human life. If there is just reason to believe, if there is good cause to believe, that one is preparing or making use of certain books to enable him to commit crime—I realize no one would want someone to run into a library and snoop on people—but when crime is being investigated, why should a tax-supported library be immune from cooperating with law-enforcement officials?

I don't know what the answer is, but certainly if we can require one to submit his books and we can go to another firm, a bank, and make them cooperate to determine whether one has violated the law with respect to paying his income tax, I don't know why library records

should be protected or be immune from inspection when a crime is involved.

Senator METCALF?

Senator METCALF. Mr. Chairman, I like the statement that was made the other day in this committee, where they said that they weren't going on a fishing expedition in the libraries.

It seems to me an outrageous invasion of privacy to just go in and say, "Who drew out books on explosives?" and use that as a basis for investigation.

On the other hand, I certainly concur with the chairman that if you are in the course of an investigation, and you go down to the library and say, "Look, did they discover something here?" it would be a legitimate source.

Let me ask you a question: If there were not a single pamphlet published, such as the book that you suggested, if there were not any books from the library, there is the very fact that we are in a war, a guerrilla-type war, and we are training people to use these bombs, we are training people to use field expedients.

I didn't participate in nearly as much guerrilla operation as we have in the present war, and yet I tried to examine all these documents. I was trained in all these, in making all of these Molotov cocktails, self-igniting, that you introduced.

We have young men coming back from Vietnam who were specially skilled in the manufacture and use of these explosives. Isn't that true?

Mr. SIRAGUSA. It is. You can't very well prevent a person who from his career capacity has learned to make explosives—you can't brain-wash him of that knowledge. But I do think that we would be well-advised to make a barrier from making this information available to those who certainly don't want this information from an academic standpoint but who wish to apply this technical knowledge made available by the Government to attack the Government.

Senator METCALF. I agree with you, if it were possible. But it certainly isn't possible.

Mr. SIRAGUSA. Wouldn't it be possible, Senator, for example, for the military and for any branch of the Federal Government that publishes these documents to put a security classification on them which would not make them available to the public?

Senator METCALF. Even so, even if the field manuals had the security, there are men being discharged from the Army every day who, as part of their military training, have learned a rather skillful use of explosive devices, and those people are joining some of these organizations because of the fact that we are engaging in a war that isn't as popular as World War II or the First World War.

You can put in all the security cover you want on the field manual, but you put something in a man's brain and he goes out and there isn't any way to prevent that, is there?

Mr. SIRAGUSA. There isn't, but my guess would be, and I can't substantiate this from any document, that those military who return to civilian life, who associate themselves with militant groups would be a very small minority.

Senator METCALF. But there are some.

Mr. SIRAGUSA. But there are some.

Senator METCALF. The second thing I want to talk about for a minute, Mr. Chairman, if I may, is this: Out in Montana we have people with long whiskers and long hair, old, dirty, blue levis, sweat-stained shirts, coming in and buying dynamite, and we call them miners and prospectors. They are not hippies.

They have contributed to the development and the growth of mining in a mountain State such as Montana and the whole West.

I certainly concur with you that there should be stricter controls, but we certainly are not going to have controls that are going to deprive these people of a livelihood that has contributed to the growth of a great nation.

Mr. SIRAGUSA. I don't think that any restriction should be placed on anyone in our country who has a legitimate need for that material. All I was suggesting was restrictions that would prevent those who have no legitimate use for that commodity.

Senator METCALF. And you feel that we have to have a Federal license and law?

Mr. SIRAGUSA. I believe that a Federal licensing law would not impose an insurmountable problem upon the person who acquires the dynamite. We have licensing in so many areas today that I don't believe that this would be a terrible burden on someone who has a legitimate use for the acquisition of dynamite to obtain a license. But I would not suggest that this legitimate commerce be in any way restricted.

Senator METCALF. I understand. That may very well be true. It may be an opportunity. On the other hand, as the Senator from Florida has pointed out, some of these people are operating in remote areas and they don't have the same security of storage that you have as a matter of procedure in the wholesale and even in the retail stores.

Some thefts have occurred in some of these remote mines. I just don't know how we are going to get around a situation like that except to put almost impossible restrictions around the use of this legitimate equipment.

Mr. SIRAGUSA. I can't envisage any legislation, State or Federal, that would totally eliminate the problem. But I do think, given the bad situation today, additional, legitimate, reasonable restrictions could reduce the amount which is now being used for criminal purposes.

Senator METCALF. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Gurney, have you any further questions?

Senator GURNEY. No, Mr. Chairman.

The CHAIRMAN. I have one or two other questions.

You stated in your prepared statement that the Haymarket Square statue was destroyed in Chicago. Was that destroyed by dynamite?

Mr. SIRAGUSA. I am not too certain whether it was a dynamite bomb or a black powder bomb. But it knocked the statue off its pedestal. As I recall, from the shoulders up it was cracked.

The CHAIRMAN. Have the perpetrators of the crime been detected?

Mr. SIRAGUSA. No, they have not. But the explosion incident was attributed to the SDS.

The CHAIRMAN. Were any arrests made of those operating the bomb factory at Kenmore Avenue about which you testified?

Mr. SIRAGUSA. The apartment was not occupied at the time it was located. An arrest was made of an individual who was believed to

have been the tenant of that apartment. But subsequent investigation indicated that this individual was not the tenant. It is now the subject of investigation by the Chicago Police Department that Bernardine Dohrn was the real owner of that apartment.

The CHAIRMAN. The real owner?

Mr. SIRAGUSA. The owner of the apartment. She is the one who occupied the apartment. Her photograph has been identified as the lessee of the apartment. She is being sought.

The CHAIRMAN. She is a fugitive now?

Mr. SIRAGUSA. Yes, sir, she is already a fugitive.

The CHAIRMAN. Did this man Frank Kulak, whom you mentioned on page eight of your testimony, confess to several bombings in South Chicago, including one which detonated in a Goldblatt department store, killing several persons?

Mr. SIRAGUSA. Yes, sir. I believe that was the Goldblatt department store. There had been, in the period of 2 weeks, as I recall, a few unexplained bombings in large department stores.

On April 7, 1969, Goldblatt department store at 9100 South Commercial Avenue, in Chicago, had been bombed. Kulak, under questioning, said that he was responsible for it.

The CHAIRMAN. I have one other question. Have you observed, and would you comment upon, whether terror bombings, either of high explosive or incendiary character, are on the increase during the last year or so?

Mr. SIRAGUSA. That is very definitely the case. Suffice it to read the daily newspapers of bombings throughout this country, particularly of police stations. I can't think of a more flamboyant demonstration of their hatred for the police establishment than the terrorism which is being exercised and is accelerating today.

The CHAIRMAN. It is accelerating rather than diminishing?

Mr. SIRAGUSA. They also have the gall, for example, in connection with the New York City Police Department, to bomb the police headquarters. I think that most police departments, certainly of large metropolitan areas in this country, are fearful at any moment of their own particular establishments being bombed.

The CHAIRMAN. This material that was made exhibit 799A, this pamphlet giving instructions on making bombs—is there any way to identify the author of this?

Mr. SIRAGUSA. No. Offhand, I do not know who the author is. That is the one that was found in the Kenmore Avenue bomb factory.

The CHAIRMAN. Is that the apartment that was rented by the SDS leader?

Mr. SIRAGUSA. Bernardine Dohrn.

The CHAIRMAN. This was found in that apartment.

Mr. SIRAGUSA. It would appear that the Black Panther Party may have been responsible for that.

The CHAIRMAN. It says "Fight for the Panthers." I assume it would be sponsored by them.

Mr. SIRAGUSA. Sponsored by the Black Panther Party.

The CHAIRMAN. Senator Gurney.

Senator GURNEY. Back to this problem of licensing and regulation again. Take a State like Illinois. Have you any idea how many legitimate users of dynamite there are?

Mr. SIRAGUSA. There are very many. In the Cook County area itself we have many sand quarries that use explosives. I would say there must be at least 1,000 in operation just in Cook County alone.

I don't have any figures for elsewhere in the State. So there is a widespread legitimate use of dynamite in Illinois.

Senator GURNEY. Who are your biggest users? Would it be mining operations?

Mr. SIRAGUSA. The mining operations and the quarry operations. They are the biggest users.

Senator GURNEY. Have you any statistics on where dynamite is most frequently stolen?

Mr. SIRAGUSA. I don't have any statistics, but from criminal investigations I would say that most of it is stolen from the sites of quarry pits. I don't believe there are too many safeguards taken at the site of a quarry pit where they might be blasting in different portions of the pit.

Very close to Chicago, in the city of McCook, for example, you will find several pits, one adjacent to the other, where dynamite might be used for all of these.

I don't think, from what has been told to us by underworld informants, that the protection measures taken would be sufficiently adequate to deter thieves.

Senator GURNEY. Has your committee looked into that problem with an idea of coming up with any practical tightening up of security measures that would be tolerable on the part of the users to help the situation?

Mr. SIRAGUSA. We are currently investigating the explosives, the availability of explosives, in Illinois. We are continuing our investigation, at the completion of which we will almost certainly propose legislation in that area.

Senator GURNEY. If we could have the benefit of that knowledge when you finish, it would certainly be appreciated.

Mr. SIRAGUSA. Yes, sir.

The CHAIRMAN. Very well, if there is nothing further, I want to thank you, Mr. Siragusa, Mr. Hyde and Mr. Nauert, thank you very much. We appreciate your cooperation and willingness to come and aid us in this very serious and disagreeable task of trying to find some way to cope with this problem.

Mr. SIRAGUSA. Thank you.

The CHAIRMAN. Call the next witness.

Mr. ADLERMAN. Mr. Richard Both.

The CHAIRMAN. Gentlemen, would you stand and be sworn, please?

Do you and each of you solemnly swear the evidence you shall give before this Senate Subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BOTH. I do.

Mr. GORDON. I do.

Mr. HAMPTON. I do.

Mr. CHAMPION. I do.

TESTIMONY OF RICHARD J. BOTH, MATTHEW M. CHAMPION,
FRANK H. GORDON, AND HARRY L. HAMPTON, JR.

The CHAIRMAN. Mr. Both, will you identify yourself and introduce the others who are your associates?

Mr. BOTH. My name is Richard J. Both. I am general manager of the Explosives and Chemical Propulsion Department of Hercules, Inc., Wilmington, Del.

I am spokesman for the Institute of Makers of Explosives, New York, N.Y., as well as chairman of that industry's public safety committee. I am also a member of the institute's executive committee.

Accompanying me on my right is Mr. Matthew Champion of the E. I. du Pont de Nemours and Co. in Wilmington, Del., representing the institute's technical committee.

On my left is Mr. Frank Gordon, general counsel of the institute, and on my far right is Mr. Harry Hampton, the secretary-treasurer.

The CHAIRMAN. Have you a prepared statement?

Mr. BOTH. I have submitted a prepared statement that I don't propose to read. I have summarized it in some oral comments that I would like to make at this time.

The CHAIRMAN. Let your statement be printed in full in the record. (The statement is as follows:)

STATEMENT BY INSTITUTE OF MAKERS OF EXPLOSIVES TO SENATE PERMANENT
SUBCOMMITTEE ON INVESTIGATIONS, JULY 21, 1970

This statement is made by the Public Safety Committee of the Institute of Makers of Explosives. It has been endorsed by the entire membership of the Institute.

Your invitation to appear before this Senate Subcommittee is appreciated. We hope our views and recommendations with respect to the problem of establishing appropriate controls to deter improper use of explosive materials will prove informative and helpful in your deliberations.

The Institute of Makers of Explosives is a non-profit trade association. It was founded in 1913. Its purpose is set forth in its constitution as follows:

To promote the general welfare of the explosives manufacturing industry; to devise ways and means for promoting and systematically informing the public regarding the safe use, handling, storage, and transportation of explosives; to encourage uniform legislation, rules, and regulations; to publish comprehensive statistics; to cooperate with officials of governmental agencies in any program beneficial to the national welfare and the public generally; and to engage in any other lawful activity in furtherance of its general objects and purposes.

The Institute issues a series of publications that deal with safety in the transport, handling, storage, and use of explosives. It has prepared recommended industry safety standards. It has developed a recommended code of regulations which has been adopted in whole or in part by several state and local jurisdictions. It responds to requests for cooperation from legislative and regulatory bodies concerned with control and safe use of explosives. It makes available services of a safety consultant. In addition to research and development programs regularly conducted by the several individual companies to improve safety practices and procedures, the industry through the Institute of Makers of Explosives has sponsored investigations by independent organizations of recognized standing. For example, our Safety Library Publication No. 20 presents recommendations relating to possible hazards of radio frequency energy; this was based upon extensive studies by the Franklin Institute, conducted under a research contract for IME. In cooperation with another trade association and the Bureau of Mines, the Separation Table for Ammonium Nitrate was developed.

Members of the Institute of Makers of Explosives are: Apache Powder Company, Atlas Chemical Industries, Inc., Austin Powder Company, Coast Fuse, The Dow Chemical Company, E. I. du Pont de Nemours & Co., Inc., The Ensign-Bick-

ford Company, Hercules Incorporated, IRECO Chemicals, Monsanto Company, Trojan-U.S. Powder Div. of Commercial Solvents Corporation.

Members of the IME produce and distribute approximately 85% of the total commercial explosives and blasting agents consumed in the United States. These companies also produce and distribute most of the blasting supplies and accessories, such as blasting caps, safety fuse, detonating cord, blasting machines, and related tools.

Last year about two billion pounds of commercial explosives and one hundred million blasting caps were sold for use in the United States.

The products of the American explosives industry are essential to the comfort and well-being of every citizen. They contribute in ways that may not be apparent. The fact is that without the ready, convenient, economic, and safe availability of modern commercial explosives, improvements in our standard of living would be brought to a standstill.

Explosives are used to extract minerals and other natural resources from the earth. Explosives help build the roads, railways, and dams. Scarcely any item of shelter, clothing or human convenience has been devised within the past century without commercial explosives having been used at some point in its extraction, transport, or processing.

The interests and efforts of the IME and all its member companies focus on the legitimate and useful applications of explosive energy as provided by the products commonly known as dynamite, NCN's or nitro-carbo-nitrates, and a great variety of ammonium nitrate blasting agents and slurry-type explosives.

Our concern is for safety in the use of explosive energy to serve the peaceful pursuits of civilized humanity. Any misuse, accidental or otherwise, of our industry's products is cause for serious concern. Terroristic uses of explosive materials create as much distress for the members of IME as for any other citizen.

IME developed the American Table of Distances over a half-century ago, based upon exhaustive studies of explosive mishaps occurring throughout the world in the late 19th and early 20th centuries. This establishes guidelines for the location of explosive production and storage facilities. It has long been incorporated by reference in federal and state regulations. It has also been applied in many foreign countries.

This and other safety-oriented recommendations developed by IME, or under its auspices, are being constantly reviewed. An example of immediate importance to legislators concerned with the apparent increasing misuse of explosives in acts of terrorism is found in the IME Suggested Code of Regulations for the Manufacture, Transportation, Storage and Use of Explosive Materials. This was first issued in early 1966, with annual revisions following. It was undergoing thorough review in May 1970 when a request was received from the Executive Offices of the White House that members of IME meet with the representatives of several administrative agencies to discuss needed legislative responses to the misuse of explosives. An interim revision was furnished to those agencies and to several members of the Senate and House of Representatives.

The IME Code has just been issued in booklet form. It is the considered opinion of our industry that this Code is ready for immediate application at all levels of government. Its promulgation and enforcement offer the best hope of curtailing much of the improper use of products of our industry.

A copy of this Suggested Code of Regulations is annexed to this statement. Its Appendix C presents a Model State Bill Providing for the Control of Explosives and Blasting Agents, proposed for enactment to designate and establish the authority of the proper administrative agency to promulgate necessary and desired regulations for explosives control. However, the regulations themselves are suitable for adoption by federal or state authority.

The record of criminal misuse of explosives is available from the Department of Justice or the Treasury Department. It is reported almost daily in newspaper headlines and in radio-TV newscasts. From records compiled by the members of the industry served by IME, it appears that thefts of commercial explosives occurring in facilities controlled by major manufacturers have not accelerated in proportion to the increased terrorist misuse of these products. However, we cannot gauge the rate of "mysterious disappearance" or other loss of blasting supplies among legitimate end-users of such products. Reports of local law enforcement agencies on explosives thefts experienced by excavation, road and construction contractors, demolition firms, etc., are not available to us.

Any theft of explosive materials is considered serious by our members and improved methods of safeguarding our magazines and storage facilities are continually being studied and installed. We are currently working on anti-theft concepts which will alert both magazine keepers and law enforcement authorities when unauthorized or unlawful entry is attempted. The problem is compounded by the necessity of not utilizing electrical power within the magazine itself.

Regardless of inferences that may be drawn from theft statistics, it is a painfully obvious fact that misuse of commercial explosives has increased alarmingly in recent years. The same can be said for "chemical energy packages" made from non-commercial explosives, the "noxious devices" or "infernal machines" built around ordinary matches, stolen military explosives, a host of liquid and solid flammables, and numerous exotic combinations of compounds commonly available in thousands of retail stores and supply houses across the nation.

As spokesman for the American makers of commercial explosives, we think we should defer to military and law enforcement agencies to inform you about these "other" explosives and the "chemical energy packages" that can be made of them. They may also have startling comment to offer about the source of the know-how required to put such packages together. This is an area in which IME qualifies only as an observer, not an expert. You should be aware, however, that we have made our newspaper clipping files available to the counsel and investigators for this Senate Subcommittee. These and related records of the Institute have been opened to the FBI, the New York City Police Department's Bomb Squad, and others representing duly constituted law enforcement bodies. Understandably, our files present a cross-section of the printed reports of terrorist bombings, criminal misuse of explosive material, accidents involving persons not qualified to handle explosives, bomb "scares" and threats, labor-management and union jurisdictional disputes, and countless other forms of violence, actual or threatened, involving an explosion of one sort or another. As you no doubt recognize, these incidents more often than not ought to be labeled incendiary and not explosive.

Speaking for one of the nation's oldest, basic and essential industries, we are satisfied there is no need for new legislation and improved regulations to control distribution, sale and use of explosive materials. We firmly believe our proposal provides an enforceable and effective Code of Regulations to achieve the degree of control required by our common and humanitarian concern for public safety.

The nub of our proposal is a nationwide system of licensing or permits which, together with appropriate storage and inventory procedures, will insure to a large extent against explosives getting into the wrong hands for the wrong purposes. We recommend that all manufacturers, distributors and users be required to have permits before handling commercial explosives. We are urging the promulgation of uniform regulations by the Bureau of Mines and the Department of Transportation, to be supervised and enforced by existing state regulatory agencies. These two federal agencies are the best qualified to promulgate the required regulations possibly with additional regulations by the Coast Guard and the Civil Aeronautics Board appropriate to their spheres of interest. In most states, especially those in which appreciable quantities of commercial explosives are consumed in mining, quarrying, lumbering, flood control and irrigation projects, highway and other heavy construction work, there already exist well-qualified and long-experienced agencies to perform necessary supervision, inspection, and enforcement tasks. We suggest that approaching the problem in this manner will assure effective enforcement of proper regulations without the creation of either a new or expanded federal agency and without the necessity for the appropriation of large sums.

We believe the code and regulations we recommend are the way to provide for the use of commercial explosives at the right place, at the right time, and by the right people.

Respectfully submitted,

INSTITUTE OF MAKERS OF EXPLOSIVES,
HARRY L. HAMPTON, JR., *Secretary-Treasurer.*

The CHAIRMAN. You may proceed.

Mr. BOTH. As chairman of the Institute of Makers of Explosives' Public Safety Committee, I represent the opinion of all the members of the institute.

At the onset, your committee should understand that we unanimously agree that Federal legislation is necessary to accomplish the objective of this committee which we understand is to stem the misuse of explosives in the United States. The 11 members of IME produce about 2 billion pounds of commercial explosives and 100 million blasting caps for use in the United States, and this represents approximately 85 percent of the total commercial explosives consumed in the United States.

The CHAIRMAN. How does that compare in percentage? What ratio is that to the total production in this country?

Mr. BOTH. That represents approximately 85 percent of the total commercial explosives that are consumed in the United States.

The explosives industry has been concerned about the misuse of explosives in recent years, and since 1966, have been publishing and updating a suggested code of regulations for the manufacture, transportation, storage, and use of explosive materials.

You have that, Mr. Chairman.

The CHAIRMAN. That will be received as exhibit No. 800.

(The document referred to was marked "Exhibit No. 800" for reference and may be found in the files of the subcommittee.)

Mr. BOTH. We also have sent this code to the regulatory agencies and legislators in all 50 States. Included is a model bill providing for the control of explosives and blasting agents.

The CHAIRMAN. That is the model bill printed in the code?

Mr. BOTH. Yes, sir; it is printed in the appendix.

The CHAIRMAN. Is that the model bill for States?

Mr. BOTH. The bill could be either used for Federal or State legislation, sir.

The CHAIRMAN. Very well.

Mr. BOTH. These suggested codes and model bill were updated in May of 1970. We appear before you today to support this committee and to underscore our belief that there is need for Federal legislation to control explosives in the interest of public safety.

It is our position that sources of misused explosives are not solely from the parties manufacturing, transporting, or storing explosives. Explosives are stolen or otherwise obtained from legitimate users or are purchased under false pretenses.

We agree that manufacture, transportation, and storage should be done only by qualified and licensed organizations, but we strongly urge that Federal legislation also include all users of explosives.

By user, we mean the ultimate consumer. Our suggested code and model law cover this in stating that anyone who uses explosives must be qualified and have a permit and be responsible and accountable for every pound of explosives he purchases. Federal licenses must be obtained for many different occupations, including such individuals as airplane pilots.

We see no reason why all legitimate users of explosives should not be licensed. It will not work any undue hardship on any of the qualified manufacturers to obtain a permit to make explosives.

Since it is the objective of the Government to attempt to stop the misuse of explosives, we feel permits should also be required at the user level. The manufacturer and user both should be responsible for

their actions and have complete knowledge of how explosives are used, and be held accountable for all the explosives material for which they are responsible.

The CHAIRMAN. There is some concern as to how this would operate against or affect, say, the individual miner who is exploring and who needs explosives in his work.

Would you restrict it so that the explosives wouldn't be available to him?

Mr. BOTH. No, sir.

The CHAIRMAN. I wish you would comment on that at this time because that is of some concern.

Mr. BOTH. No, we would not. All we want to be sure of is that the legitimate user has the right to use explosives and that he is qualified to use explosives.

The CHAIRMAN. What do you mean "qualified to use explosives"? If a person is exploring and mining, do you think he is qualified? He might want to go out there and blow a hole in the ground and examine the soil and minerals and so forth. How is he to establish that he is competent to handle this?

Mr. BOTH. To whoever the regulatory body is he has to show that he is qualified and knowledgeable in the use of explosives. We do not feel that anyone should be allowed to purchase explosives unless he has at least demonstrated to some official regulatory body that he is qualified.

I might add that I don't feel that there are too many people in this room—I can think of only one and that is Mr. Champion, in the technical department, who is qualified to purchase explosives. I am including myself as general manager of one of the major explosive companies in the United States.

The CHAIRMAN. Would that be so restrictive—that is the point I am making, and it is a point of legitimate concern, I think—that the prospector, as we may refer to them—I think that is the proper designation—out in the Montana country or other sections of our country where people prospect for minerals—and even in Arkansas there are some opportunities—would be prevented from acquiring the dynamite or whatever they need to carry on their occupation, unless they could come in and show technically some way, or scientifically, that they are qualified to handle explosives?

Mr. BOTH. We feel that it is necessary. We have a product here that, if it is misused, is dangerous. We are concerned with the public's safety. We do not believe that this product should get into the hands—

The CHAIRMAN. I realize that. But an automobile is dangerous, too, unless people handle it properly.

Mr. BOTH. That is correct. And they are licensed as well.

The CHAIRMAN. The shotgun as well. There are many things that are dangerous unless handled properly.

Mr. BOTH. But they are licensed.

Senator METCALF. You don't have to take an examination to get some gun shells and go out duck hunting.

Mr. BOTH. We are talking about an essential industry versus a luxury item, if you will call shooting a luxury.

Senator METCALF. For the luxury you don't have to take an examination but in essential industry you would make a prospector come in and pass a test before some commission.

Mr. BOTH. Aren't you concerned about the prospector—

Senator METCALF. You are making it an analogy with the license to pilot an airplane, for example.

Mr. BOTH. Aren't you concerned about the safety of the individual prospector?

Senator METCALF. I have seen individual prospectors all my life who have handled dynamite all over the State of Montana. Not as many of them have blown themselves up as these kids that took expedients to blow themselves up in New York.

Mr. BOTH. We are not suggesting that the man be prevented—

Senator METCALF. If you say that there is only one man in this room, not even you, equipped to handle dynamite, and not even you could get a license under the legislation you are suggesting, you are going to prevent thousands of users of your product over a whole country from even purchasing it or using it, or developing resources that have been developed as a result of that use.

Mr. BOTH. But, you see, your statement of the prospector in my mind already qualifies him to use explosives.

Senator METCALF. In your mind there is only one person who is qualified. Not even you are qualified.

Mr. BOTH. That is correct. I am speaking about the people in this room. But you told me about a prospector who had been using explosives for a number of years. I would say that man is qualified.

Senator METCALF. And he has to come in and take an examination?

Mr. BOTH. Yes, sir. He has to get a permit.

Senator METCALF. That is a different situation. He would come in before someone and says, "Look, I have the Crazy Horse mine out here and I am developing it. I have a claim on it. I need some dynamite."

Does he get a permit or does he have to take an examination?

Mr. BOTH. You are suggesting now how the regulations should be adopted. I am suggesting that the man somehow or other not only be identified but be a qualified user of explosives.

Senator METCALF. I am trying to work out some way to agree with you that there should be some regulations, but, at the same time, trying to protect the basic livelihood of several thousand people who are operating in western areas.

Mr. BOTH. We think they have a legitimate use to use explosives, sir.

Senator METCALF. I do, too.

Mr. BOTH. We feel in the suggested code that we have submitted, Mr. Gordon has pointed out to me that he should pass a qualifying examination. The examination could either be written, oral or by such means necessary to determine that the applicant is competent to conduct blasting operations. From what you said of this prospector you used as an example, he would be competent. Therefore, the authorities would give him a license.

The CHAIRMAN. I don't think the situation is insurmountable. I don't think anyone would want to deny these people this material that is essential to their vocation. I certainly would not.

I think it could be written so as not to deny them. At the same time, I would hope we place some additional restrictions on this very dangerous item. We don't want to deny these people in legitimate business from obtaining a product.

(At this point Senator Gurney withdrew from the hearing room.)

Senator METCALF. I gather that you would also put a penalty on the user if he didn't provide adequate security measures, so that such things as dynamite were stolen from storage in those quarries mentioned by the previous witness?

Mr. BOTH. Yes, sir.

Senator METCALF. He, too, would be subject to a penalty if dynamite were stolen from his mine or his premises?

Mr. BOTH. Yes, sir.

Senator METCALF. Thank you.

The CHAIRMAN. Proceed.

Mr. BOTH. A report of the proposed Federal regulations recently seen in the press carried this headline in one major paper: "Nixon would curb explosives industry to abate bombings." This is not any more complete than one's saying: "The Government would curb petroleum refiners to abate firebombings." More than this is needed.

We do feel that to stem the misuse of explosives the actual user as well as the manufacturer should be controlled.

May I cite a few examples of what other leaders in the industry have to say on this. Mr. A. I. Mendolia, general manager of the explosives department of the E. I. du Pont de Nemours Co., says: "For Federal legislation to be effective, both industry and the user of explosives should be licensed."

Mr. Max Colson, vice president and head of Atlas Chemical Industries' explosives division states: "We cannot have full control of the misuse of explosives unless all who handle explosives are controlled."

Mr. George Griffith, vice president of Trojan-U.S. Powder Co., says: "We need a regulated industry and regulated users to protect the public."

Mr. Towle, vice president of Apache Powder Co., Benson, Ariz., states: "The manufacturer and distributor of explosives are now asked to judge who is a legitimate user of explosives when we have no way to do so. We need a system of Federal permits to tell us who has the legitimate right to purchase and use explosives."

I am speaking for one of the Nation's oldest and most essential industries. We are satisfied that there is need for new and improved legislation to control the manufacture, distribution, transportation, and use of explosive materials.

We firmly believe that the code of regulations proposed by the Institute of Makers of Explosives would be enforceable and effective. We think these regulations will achieve the control required by our common concern for public safety.

The recommended nationwide system for licensing, together with an appropriate storage and inventory procedure, will insure to a large extent against explosives getting into the wrong hands for the wrong purposes.

Many of you gentlemen, including Senator Metcalf, come from States where appreciable quantities of commercial explosives are consumed, and where there exist well-qualified and long-experienced

agencies to perform the necessary supervision, inspection, and enforcement tasks.

The CHAIRMAN. You are speaking of State agencies?

Mr. BOTH. Yes, sir.

The explosives industry is requesting Federal legislation to help protect the public. In any legislation you recommend, however, we urge that you be sure the user is included along with the manufacturer.

The thousands of legitimate users of explosives will not object to obtaining a permit, but complete control through the user of explosives is necessary to prevent the incidents of misuse of commercial explosives.

The best way to provide for the use of commercial explosives at the right place, at the right time, by the right people, is to also have the right type of Federal regulations.

Thank you for giving the explosives industry an opportunity to present our views on the desirability of legislation to control abusers of explosives in the United States.

We would be glad to answer any questions, sir.

The CHAIRMAN. Thank you very much.

Do either of your associates wish to make any comments?

Mr. GORDON. I have no prepared statement, Senator. I would be glad to answer any questions you might have.

The CHAIRMAN. I would be glad for you to comment, if you care to. I want to give each of you the opportunity.

Mr. GORDON. The only comment I would add as the lawyer on the team is in connection with the question of constitutionality which you posed to one of the previous witnesses from Illinois.

It seems to me that the commerce clause which you spoke about would, of course, be applicable because most explosives or their ingredients are sooner or later transported in interstate commerce or have some bearing on interstate commerce.

The CHAIRMAN. I wondered if there were any way to make a bomb or to purchase a bomb, or any material, any explosive material, that has not some part of it, some ingredient in it, which has been transported in interstate commerce.

Mr. GORDON. I would suspect it would be rather difficult for somebody in a circumstance where he were charged with such an offense to be able to show that he were—

The CHAIRMAN. The burden probably wouldn't be on him. The burden would be on the Government to show that the act under which he was being prosecuted was constitutional, that it was based on interstate commerce, and some use of interstate commerce had been involved in bringing the situation to the point where a crime was committed.

Mr. GORDON. Senator, there is a law on the books now which creates the Bureau of Mines as part of the Department of Interior.

Their activities, I think, are founded upon the congressional power to legislate in the commerce area. There are certain statements made in that enabling legislation that mining has an effect upon or is a part of, or its products are a part of, interstate commerce.

The CHAIRMAN. I want it clearly understood I am not opposing legislation, but I am acquainted with the situation when, after a person is tried and convicted under a statute, the appellate courts go

through a searching inquiry to determine if there is some technicality that violates the constitutional rights of the accused.

Mr. GORDON. I agree with you, sir.

The CHAIRMAN. In trying to enact this legislation, in trying to deal with this problem, I think we must keep that in mind and undertake to draft statutes that are clearly constitutional so that our efforts will not be in vain when we are through; that we do have something that will stand up, that will stand the court tests that can be expected for it, and thus we can strengthen law enforcement rather than kid ourselves that because we passed a law we have done something to take care of this.

(At this point Senator Metcalf withdrew from the hearing room.)

(The letter of authorization follows:)

JULY 21, 1970.

Pursuant to Rule 5 of the Rules of Procedure which was amended by the Committee on Government Operations for its Senate Permanent Subcommittee on Investigations on June 3, 1965, and reaffirmed on March 4, 1970, permission is hereby granted for the Chairman to conduct hearings in open session without a quorum of two members for the purpose of taking testimony in connection with bombings and terrorism in the United States as part of the overall investigation of riots, civil and criminal disorders on July 21, 1970.

JOHN L. MCCLELLAN, *Chairman.*

KARL E. MUNDT, *Ranking Minority Member.*

Mr. GORDON. I believe there are two ways of doing it, the commerce clause, promoting the general welfare, possibly part of the taxing authority, although the Supreme Court has taken a new look at the taxing authority with relation to narcotics laws.

I am sure that the legislative staff and the drafting people can find a good way because, in this case, you are not talking about anybody's constitutional rights. Nobody has a constitutional right to make a bomb to blow up a building or harm somebody. So you should be on the side of the angels.

The CHAIRMAN. I think I am on that side in law enforcement, but I have also seen some cases reversed where the angels didn't fare so well.

If you refer to society as the angels, and the accused as the apostles of Satan, so to speak, I have seen cases in which the angels didn't fare too well.

I didn't mean that to be unduly critical. I am simply talking about reality. We want to deal with this problem and get whatever legislation that can be enacted within the framework of the Constitution to deal with it. I am ready to proceed. But we need your counsel and that of others to give us the benefit of your views so that they may be considered.

It is not an easy job to draft legislation in this field, in my judgment.

Does anyone else have a statement?

Mr. HAMPTON. The concern that Senator Metcalf expresses for the individual users is not unique among members of your committee nor among the members of the industry. We all share the same concern.

But I think that that concern has previously been handled in the licensing that this man must undergo, whether he be in Montana, California, New York, or any other State. He had to have a license

to get into town to make the purchase of his explosives supplies for whatever legitimate purpose he had.

If it makes good sense that this man be licensed to drive his automobile or otherwise conduct himself, it seems to me it makes equally good sense that he likewise have license or some permit system imposed upon him to handle an explosive product, one that has this potential of energy built into it.

The CHAIRMAN. I can't conceive that you, the producer, the manufacturer of this product would want restrictions so burdensome and cumbersome and so strict as to prevent the legitimate use of your product.

At the same time, you are evidencing here a desire to cooperate with Government and to contribute what you can toward preventing this dangerous product from getting into the hands of people who intend to use it illegally and for a destructive rather than constructive purpose.

Mr. HAMPTON. And at this particular point in time, it seems to us that the best way to do just exactly that is the permit route for the user.

The CHAIRMAN. That is your best judgment and recommendation as of now?

Mr. HAMPTON. Yes, sir. And it is the result of some more than 5 years of rather hard thinking on the part of the manufacturers of this product in this country.

The CHAIRMAN. Did I understand you awhile ago that substantially all of the industry agrees with these recommendations, so far as you know?

Mr. HAMPTON. The executive committee of the institute of which I am a member unanimously agreed.

The CHAIRMAN. Does that institute represent all the producers and manufacturers of explosives?

Mr. HAMPTON. All the producers of high explosives in the United States, such as dynamite, with one exception, and in total it represents 85 percent of the production capacity of all commercial explosives, and nearly 100 percent of the producers of explosive accessories and supplies.

The CHAIRMAN. Very well.

Are there any further questions?

Mr. ADLERMAN. Perhaps Mr. Both can answer this: I notice in the statement of Mr. Siragusa a reference to a book called "The Explosives in Agriculture" which is published by the Institute of Makers of Explosives.

Do you take any precautions on the distribution of this book to see to it that it doesn't get into the hands of those who have no legitimate reason to have it?

Mr. BOTH. I will ask Mr. Hampton, who does the distribution of that booklet, but I don't believe we have any restrictions on the use of explosives in agriculture. We are interested if people need explosives that they have the proper and safe use of explosives. Therefore, if they write in and say they want to use explosives in agriculture, we send them this particular pamphlet.

The CHAIRMAN. Would they come under the restrictions that you recommend under this law to be licensed?

Mr. BOTH. Yes, sir, if they went and purchased any explosives.

The CHAIRMAN. That would be about the only way they could get it legitimately, would be to purchase.

Mr. BOTH. Yes, sir.

The CHAIRMAN. So they would have to be licensed to purchase?

Mr. BOTH. Yes, sir.

The CHAIRMAN. It would apply to them as well?

Mr. BOTH. It would apply to the farmer who wanted to blow a few stumps out of his backyard, yes, sir.

The CHAIRMAN. I would doubt that all farmers know how to use explosives.

Mr. BOTH. That is exactly why we think they need a permit.

The CHAIRMAN. What if he proposes to employ someone to do this work for him who is competent? How do you handle that?

Mr. BOTH. The person he employs would have to have the license or permit.

The CHAIRMAN. And he would have to do the purchasing and not the farmer?

Mr. BOTH. That is correct.

Mr. GORDON. I would like to make one point, Senator.

The CHAIRMAN. I see it gets involved. I am still trying to lay these facts out on the record so they can be considered.

Mr. GORDON. Could I make one point, Senator? Mr. Siragusa's reference to explosives in agriculture was that it was a book that they found in the apartment. That book doesn't tell you how to make a bomb. It is a pamphlet designed to help the farmer in his legitimate use of explosives.

I do not believe that any SDS students who got hold of that book would be aided in blowing up a building at the university.

The CHAIRMAN. Well, he made reference to it.

Mr. BOTH. His passing reference says that his volume 2 will be published and if they want any information on the use of explosives to write to the institute in New York. That is the only reference he has in the book to our institute.

Mr. HAMPTON. Mr. Adlerman left a question unanswered, what do we do in the distribution of it. We do make an effort by rather close—

Mr. ADLERMAN. What can be done about that?

Mr. HAMPTON. In recent times our effort has been to scrutinize very closely each individual request. Over a year ago we imposed a charge, where as before that time this was a booklet furnished free to someone writing for it. It is rather interesting that the imposition of the charge has cut down on the distribution notably.

Now when we receive requests and have notified the individual that the book can only be obtained upon payment of a fee, if the party again requests the book and submits the fee, at the same time he has made the request we let him know that the local law enforcement in his area has been advised of his request for this booklet in the event there are local regulations that apply to the use of explosives about which that individual ought to be informed.

Mr. ADLERMAN. You have taken some constructive steps.

Mr. HAMPTON. Yes, sir. And I am personally satisfied that it has been a help, at least in winnowing out those individuals that have a legitimate use for this information and those who do not.

The CHAIRMAN. Thank you very much, gentlemen.

The committee will stand in recess until 10 o'clock tomorrow.

(Whereupon, at 12:23 p.m. the subcommittee recessed, to reconvene at 10 a.m., Wednesday, July 22, 1970.)

(Members of the subcommittee present at time of recess: Senator McClellan.)

RIOTS, CIVIL AND CRIMINAL DISORDERS

WEDNESDAY, JULY 22, 1970

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met at 10:12 a.m., in room 3302, New Senate Office Building, pursuant to Senate Resolution 308, agreed to February 16, 1970, Senator John L. McClellan (chairman of the subcommittee) presiding.

Members of the subcommittee present: Senator John L. McClellan, Democrat, Arkansas; Senator Lee Metcalf, Democrat, Montana; Senator Charles H. Percy, Republican, Illinois; and Senator Edward J. Gurney, Republican, Florida.

Members of the professional staff present: Jerome S. Adlerman, general counsel; Philip W. Morgan, chief counsel to the minority; Philip R. Manuel, investigator; Daniel Harris, general accounting office; and Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

(Members of the subcommittee present at time of reconvening: Senators McClellan and Gurney.)

The CHAIRMAN. Our first witness this morning is the Honorable Charles A. O'Brien, California first deputy attorney general.

Mr. O'Brien, will you and your associate stand and be sworn, please, sir?

You and each of you do solemnly swear the evidence you shall give before this Senate subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. O'BRIEN. I do.

Mr. McDONALD. I do.

TESTIMONY OF CHARLES A. O'BRIEN AND THOMAS McDONALD

The CHAIRMAN. Mr. O'Brien, you may identify yourself for the record, please, sir.

Mr. O'BRIEN. Mr. Chairman, I am Charles O'Brien. I am the chief deputy attorney general of California.

It is an honor to appear here—

The CHAIRMAN. How long have you served in that position?

Mr. O'BRIEN. I have been in that position for the last 8 years under two attorneys general. I have been in the State department of justice for 11 years.

The CHAIRMAN. And you have an associate with you?

Mr. O'BRIEN. I have. The administrative assistant to the attorney general, Mr. Thomas McDonald, of Los Angeles.

The CHAIRMAN. Thank you very much. We welcome you gentlemen. You have a prepared statement, Mr. O'Brien. You may proceed.

Mr. O'BRIEN. Thank you, Mr. Chairman.

Members of the committee: It is an honor to appear before you today to discuss a problem which is of critical importance to California law enforcement.

The peace of our State, the safety of our citizens, and the functions of our government are severely imperiled by the growth of bombing as an instrument of terror, anarchism and revolution.

If any citizen should consider this matter lightly, if there is any tendency to label this concern as official hysteria, I would simply note that figures collected by our office indicate that almost 20—I repeat, 20—bombings have occurred each week in California for the past 2 months.

Homes, automobiles, government buildings, schools, and businesses have been bombed. The loss of life, thankfully, has been minor. But the basic fact and the rapidity of these attacks indicate an alarming trend—a trend which demands effective governmental response.

Bombs as a means of private revenge and as a tool of organized crime are not new to this Nation. The bearded anarchist with a bomb under his long black coat is a familiar figure in old political cartoons. Private revenge and organized crime still contribute substantially to the bombings which occur in this Nation. But what we are concerned about today is the politically motivated bombing which threatens not only life and property—but also our system of Government.

And, most importantly, I think we must also be concerned about the social malaise, the growth of violence, the diminishing respect for life which have contributed to all sorts of bombings.

It is almost as though life in the United States has become such a fiction for some young people that they see a movie like "The Battle of Algiers" and then walk out of the theater to replay the scenario with real bombs in a sort of grisly street theater—unmindful of the terrible threat they are to themselves, their friends, and their neighbors.

California law enforcement first became concerned with this bomb problem in recent years, when political rightists—especially the Minutemen—began to bomb liberal and left-wing offices.

During the first 5 months of 1962, there were five such politically inspired bombings of homes and offices. Such bombings have continued until the present—the most recent targets being SDS offices.

Last year, a rightist group in the Menlo Park area of the San Francisco peninsula was arrested. Police believe they were responsible for more than 30 bombings and other acts of terrorism—including a "free university," a left-wing bookstore and offices of an antipoverty group.

When arrested, police took from them 75 pounds of black powder and bomb-making paraphernalia.

These bombings by the ultraright have been overshadowed, however, in the past 2½ years by bombs from the left. Primarily, these bombings have involved loose associations of individuals tied to the SDS-Weatherman faction, the new "Affinity Groups,"—and by that I mean people who espouse a militant leftist philosophy, Marxism, Maoism, who believe in terror and sabotage, and the overthrow of government as legitimate pursuits of their activities—and the traditional small groups of anarchists and acid heads—more about the

relationship that we are finding increasingly between narcotics, bombings and terror later—and violently disassociated youths.

A separate source of bombings has been black militant organizations, especially the Black Panthers and the Los Angeles-based U.S. organization. These groups have been involved in bombings aimed at both the Government and at each other.

Certain militant "Brown Power" Chicano groups have also indulged in bombing activities—most notably an incident involving fires at the Los Angeles Biltmore Hotel on the night of a speech by Governor Reagan.

In Los Angeles a particular problem has come from anti-Castroite Cubans who have directed bombing activities against business and government offices which represent entities which deal with Cuba.

Finally, there are strange individuals such as the wealthy William E. Thoresen III who was recently killed by his wife in Fresno. Thoresen assembled a 70-ton arsenal in his San Francisco mansion in 1967 and was convicted in Federal court of violating Federal firearms regulations.

At the time of his death, he had assembled another arsenal in Fresno—after foreswearing any interest whatsoever in weaponry and bombs, and so forth—including land mines, hand grenades and dynamite.

The role played by such disturbed individuals in this world of private munitions is particularly puzzling to law enforcement.

Let me depart from the text, if I may, to talk a little more about this Thoresen incident, which is deeply disturbing to us.

The arsenal was discovered and appropriate action taken by both California and Federal authorities, the first arsenal, 70 tons, which was located in a house in a prime residential district of San Francisco.

What could have happened to the house and houses for blocks surrounding it if there had been any kind of explosion there, I will leave to your imagination.

What I do not leave to your imagination is the fact that pursuant to the order of the Federal District Court for northern California, weapons and ammunition were confiscated and given to the U.S. Army for safekeeping.

On April 17 of this year, an ambush occurred in Oakland, an ambush planned and carried out by members of the Black Panthers. A police car was fired upon.

The CHAIRMAN. An ambush against whom?

Mr. O'BRIEN. Against Oakland Police Department, four prisoners and two officers who were taking prisoners into custody downtown.

We believe this was a planned ambush. When other units, Oakland police units, responded to the appeal for help by the units under fire, they pursued a vehicle which contained people who had attempted this ambush.

During the course of this chase, hand grenades were thrown from the Panther vehicle injuring a black mother and small child on the sidewalk and, in addition, automatic weapon fire was encountered. The men were captured. The weapon was found to be an automatic weapon which fired on the Oakland Police—it was found to be one that had been turned over to the U.S. Army for safekeeping.

(At this point Senator Metcalf entered the hearing room.)

The CHAIRMAN. Out of the first material that was captured?

Mr. O'BRIEN. The first encounter we had with the weapon—yes, it was from the first seizure, sir, the San Francisco seizure.

The CHAIRMAN. That had been seized in your first raid.

Mr. O'BRIEN. Yes, sir. It was among the 70 tons of weapons and munitions removed from the San Francisco residence. It was given to the Army for safekeeping. It was put in a deactivated post called Fort Cronkhite in the San Francisco area, in the county of Marin.

We discovered that the Army deactivated post had been burglarized by the Black Panthers who had gone through there and taken their choice selection of weapons and explosives which had been confiscated.

The CHAIRMAN. Had that been known prior to this time?

Mr. O'BRIEN. No, sir.

The CHAIRMAN. About the burglary?

Mr. O'BRIEN. No, sir.

More disturbingly, this past weekend we discovered that the Presidio of San Francisco had been burglarized.

The CHAIRMAN. The what?

Mr. O'BRIEN. The Presidio, the Army post, headquarters for the 6th Army in the Western States. The Presidio of San Francisco had been burglarized and a bunker entered. In that bunker was a half case of dynamite, again going back to Thoresen and the first seizure, and 300 separate sticks of dynamite which had been turned over to the FBI by a minister who had received them from a member of his congregation.

Again, we had weapons and munitions turned over to the Army for safekeeping which have now disappeared again, sir. Frankly, we are terribly afraid of a number of Thoresen weapons, weapons which were taken from Thoresen in both of these seizures, which had been confiscated pursuant to court order, which were turned over to the military for safekeeping and which thereafter have been found in the hands of revolutionaries.

The CHAIRMAN. What is that indicative of? That there is laxity or lack of adequate protection provided by the military for its weapons, ammunition and so forth in its charge?

Mr. O'BRIEN. I would say, sir, we had a meeting last spring with the appropriate military authorities in the Pentagon and brought to their attention that California law enforcement was concerned with two things: One, we were concerned about the thefts from military bases at the present time, from bases in California, Fort Ord, Camp Pendleton, the regular training bases of the Army, that we believed there was a tremendous leakage of ammunition and weapons from those bases; and secondly, California is the prime supply State for the war in Vietnam and we were concerned about, again, leakage of war material bound for Vietnam.

The hand grenades that were used in the Panther shootout, we are still not sure where they came from, but we are quite sure that the only companies that make hand grenades make them for use by the military personnel.

So far we have not found any legitimate civilian use for hand grenades. Both Port Chicago and the Port of Oakland have been, frankly, the subject of undercover investigations by law enforcement

authorities in northern California because of suspected stealing from those ports of war materials for the troops in Vietnam.

Senator GURNEY. Has there been any prosecution, Mr. O'Brien, from your investigations into these Army thefts?

Mr. O'BRIEN. The men who use the weapons have been charged, sir, and are either awaiting trial or have been tried.

What we are concerned with even more is with persuading the military authorities that they have a much more serious problem than they had recognized in terms of the safekeeping of confiscated weapons and in terms of the security of those ports.

Senator GURNEY. I was inquiring about that latter aspect of it.

Mr. O'BRIEN. We are in communication with the Office of the Legal Counsel in the Pentagon about this. We have been assured by the Office of the Legal Counsel and by the appropriate security people for the armed services that they are concerned with the problem.

We wrote them further and submitted lists of materials and informed them of investigations which are being conducted by California law enforcement now on thefts from military bases in the immediate past and at the present time.

The CHAIRMAN. Have you met with the commander of the post out there?

Mr. O'BRIEN. Yes, sir.

The CHAIRMAN. What seems to be his answer?

What is his explanation of it?

Mr. O'BRIEN. I don't think, sir, from conversations there, that they frankly had any notion that there was such a demand for such weapons and for such munitions. I think it came upon the Armed Forces as a great shock that they were losing what they were losing.

The CHAIRMAN. Do you know whether they have tightened up security or not?

Mr. O'BRIEN. We are told they have, sir. But, again I point out that this past weekend there was yet another theft from another Army base of material that had been turned over to the military for safekeeping.

The CHAIRMAN. This Chair will direct the staff to make immediate inquiry into that situation out there and contact the proper Army officials, the commanding officer, and others.

Let us ascertain what the problem is about the security. I think it is greatly disturbing to hear that confiscated weapons were turned over to the Army and that the Army can't protect them or keep them. That is something that needs explanation.

I think the top people of the Defense Department should give it immediate attention. If they have a leak in security, as you indicate, it should be tightened up. You say that is a source for many, many weapons—the ammunitions and armaments that go from the United States to Vietnam. That ought to be tightened up immediately.

Senator METCALF. I couldn't agree with you more.

Yesterday in the hearings, a recommendation was made that a user of dynamite be subject to prosecution and penalty if he didn't provide adequate security and was the victim of a theft of dynamite.

It seems to me that it is much more important for the U.S. Army and military officials that have much more deadly weapons to be re-

sponsible for the care and the security of these weapons than a prospector in a remote area that has a few sticks of dynamite.

Mr. O'BRIEN. That is exactly our conclusion, sir. As I shall refer to in my prepared testimony a couple of pages from now, we have drafted, and I am confident the California Legislature will pass strict new rules in terms of the purchasing, selling, storing, and the security of dynamite.

When we went out with California law enforcement, when we meet regularly to talk with them about this, it became apparent to us immediately there was widespread concern among California law enforcement not only about dynamite intended for civilian use, but even more military material, like hand grenades and land mines bound for Vietnam as well as the tremendous supplies of weaponry in California military bases.

Senator METCALF. How about a machinegun with a silencer and things of that sort?

Mr. O'BRIEN. Yes, sir.

Senator METCALF. No ordinary civilian should have that in his possession. When that happens, it is because of the negligence of the military.

Mr. O'BRIEN. If you will, sir, let me give you a couple of illustrations of the kind of problem we are dealing with.

The CHAIRMAN. Tell us a little about this fellow Thoresen before you proceed further. You made mention of it, that he is now deceased?

Mr. O'BRIEN. He is now deceased, sir, by the hand of his wife, allegedly. At least, she is charged with the murder.

The CHAIRMAN. When did that occur?

Mr. O'BRIEN. Approximately a month ago.

The CHAIRMAN. About a month ago?

Mr. O'BRIEN. Yes, sir.

The CHAIRMAN. Were any charges pending against him for the possession of this material?

Mr. O'BRIEN. Yes, sir.

The CHAIRMAN. Had he been tried or convicted?

Mr. O'BRIEN. He had been convicted. He was in Fresno, since the case had been moved from California because of the "adverse" publicity.

The CHAIRMAN. He was convicted on charges relating to the first quantities that you discovered?

Mr. O'BRIEN. Yes, sir.

The CHAIRMAN. How about the second seizure? Were any charges pending against him on the second seizure?

Mr. O'BRIEN. No, sir; because those came to light after his demise, when the officer went in and examined the premises. He got, incidentally, for possession of the 70 tons, 6 months and a \$4,000 fine.

The CHAIRMAN. That is a terrific punishment for him.

Mr. O'BRIEN. Yes, sir.

Senator METCALF. Was that Federal or State court?

Mr. O'BRIEN. Federal court.

The CHAIRMAN. That is a very severe punishment.

Mr. O'BRIEN. We thought so.

The CHAIRMAN. That is one of the things wrong with law enforcement in this country. We have people saying, "Don't punish anybody." Punishment has become a dirty word in this land. Murder, rape, robbery, bombing—it seems that we have to tolerate all of it. Some people believe we have to tolerate and hope for the best. I don't agree. I think these people who are convicted ought to be incarcerated for a longer period of time than 6 months. I am talking about anybody who would amass such an arsenal as that, obviously for no purpose except to destroy his fellow man and carry on sabotage and support guerrilla warfare.

It seems to me that that is a disgraceful sentence. I didn't know what the law provides. Maybe the court did what it could do under the law.

Mr. O'BRIEN. That is one of the difficulties, Senator.

The CHAIRMAN. Sir?

Mr. O'BRIEN. We couldn't agree with you from a point of view of law enforcement more. It seems to us where a man has a record of violence—and Thoresen did—where you have someone who is prone to violence, who has demonstrated his almost complete acceptance of violence as a means of expression, and when you have dangerous weapons, when you have munitions in the background, it seems to us that one should deal with this kind of individual much more strictly than a person who steals in order to get money for his family, this sort of thing.

It seems to us a clear line that you can draw in terms of violence and doing harm to your fellow man.

The CHAIRMAN. I have one further question to clear it up further. Did he serve the sentence of 6 months?

Mr. O'BRIEN. It was on appeal, sir.

The CHAIRMAN. It was on appeal.

Was his appeal pending when he amassed the second arsenal?

Mr. O'BRIEN. Apparently he went back to his collecting again, sir; yes, sir.

The CHAIRMAN. He went right back. So that the little sentence he received didn't serve as a deterrent at all. One of the purposes or objectives of punishment is not in the spirit of revenge but as a deterrent, not only to the person who may be convicted, but to others who may contemplate criminal activities. They should know that there will be punishment meted out, and swift punishment. That knowledge would serve as a deterrent to others who might be inclined to do the same.

But with that kind of law enforcement, it seems to me that people who are inclined to be criminals, professional criminals, certainly, become emboldened, rather than deterred.

If that is all the law amounts to, they can take the chance. Maybe they will never get caught, or maybe the sentence will be 6 months and they get out on bond and go right back to their transgressions. I think that is one of our problems in law enforcement, a very serious problem.

You had some exhibits you wanted to put in. Let us put them in the record now. What did you have there that you have covered so far?

Mr. O'BRIEN. I had a summary which I was going to give to the committee at the conclusion of my testimony, relating to—

Senator GURNEY. Mr. Chairman, I wonder if I could pursue a point?
The CHAIRMAN. Certainly.

This information becomes so intriguing and also disturbing that you have to allow Senators to make some further inquiry.

Mr. O'BRIEN. Yes, sir.

Senator GURNEY. Back to the line of questioning I started on the sources of supply from military reservations, do you have any concurrent jurisdiction in California with military reservations as far as crimes are concerned?

Mr. O'BRIEN. No, sir.

Senator GURNEY. So with the stealing from these military reservations your hands are tied unless the Armed Forces themselves give cooperation and get on top of the problem, is that correct?

Mr. O'BRIEN. That is correct, sir. There is exclusive jurisdiction on this sort of offense on a military base to the Federal authorities. I may say and should say that we have had excellent cooperation from the western commands of the Armed Forces.

I may also say that I am of the impression, sir, that this caught them totally by surprise, just as the civilian users of dynamite were astonished to learn that there was regular stealing of dynamite.

In fact, they have been unaware of it for some time. The market opened up all of a sudden for explosives, for munitions, for weaponry, and on both the civilian and the military side I think, frankly, we were caught with a tremendous lag. We simply did not appreciate what was going on. I don't think the military appreciated what was going on until a great deal had been taken.

Senator GURNEY. Has the military, to your knowledge, taken steps to tighten up on security?

Mr. O'BRIEN. We met with them, as I indicated, Senator, in Washington last April.

Senator GURNEY. I recall that.

Mr. O'BRIEN. We have had correspondence with them since then. I would say at the present time there is some indication that they have become more cognizant of the problem. They have, frankly, I would gather, a real inventory problem in terms of shipments of war supplies.

They do not have such an inventory problem in terms of the weapons on military bases. I can say as an old infantryman who went through combat in Europe who was always worried if I lost my M-1 I would wind up owing the Army a debt at the end, I found it astonishing that such a collection of weapons in this amount could disappear from a military base without the military coming to realize it.

Senator GURNEY. What about the local command out there? Have you any indication from them that they have instituted security measures?

Mr. O'BRIEN. Yes, sir. Our criminal agents, CII, Criminal Intelligence Investigation Agents, from our State Department of Justice, and the Army CIC and CID people are working on these now. We have joint endeavors with the Western commands in terms of stopping this.

We do have jurisdiction if there is a sale, if there is a violation of a State law on sales. I don't want to infer that we don't. But in terms of inventory, weaponry, and so forth, that is exclusively a Federal concern.

The CHAIRMAN. All right, proceed.

Mr. O'BRIEN. If this catalog of bombers—running from the Minutemen to the "Los Subversivos" Cuban Power Group and William Thoresen seems to be all encompassing—it is.

There is hardly a segment of American society: White, black, brown, poor, rich, middle-class, educated and uneducated, right and left, native and immigrant, urban and rural—which is not represented among the bombers.

It is a phenomenon which does not speak well for our Nation, and which should make us all uneasy. It is a phenomenon which demands massive social response.

But, most immediately, we must make it more difficult, much more difficult for people to obtain bombs and the materials to make bombs. And, we must have realistic penal laws to deal with those who bomb.

The sources of bombs are as varied as the bombs themselves. The most primitive, and perhaps the most familiar—the molotov cocktail—may be obtained from a trash can (an empty bottle), a service station (gasoline), and a supermarket (soap and a female sanitary tampon). The latter ingredient is an example of American ingenuity—and also affluence—replacing the traditional rag or rope, as a fuse.

I describe this particular item since its construction seems now to be a matter of folk knowledge. I am not going to describe how it is put together. And, I do not intend to describe the other bombs which may be made from readily obtainable material, lest I add to the lore of some of our misguided youths.

I will simply say that hardware stores, supermarkets, and pharmacies are easy sources of bomb ingredients.

For more exotic devices, chemical companies can supply the materials. In one recent northern California case, militants associated with the SDS robbed a chemical company to obtain bomb ingredients. When arrested, they were making 25 pounds of nitroglycerin—enough explosives, we are informed, to destroy 10 city blocks.

Dynamite and black powder may be obtained over the counter or stolen from construction sites. California law enforcement was concerned a few years ago to discover that California Minuteman leader Troy Haughton—now a Federal fugitive—purchased 50 pounds of dynamite, 500 feet of explosive primacord and blasting caps, using a fictitious mining company as a ruse. The purchase only came to the attention of authorities when he failed to pay his bill.

Another Minuteman, Keith Gilbert, stole 1,400 pounds of dynamite from a construction site in 1965. Luckily, it was recovered. When found in Gilbert's apartment, cases of the dynamite were stored next to the water heater.

An investigation of California leftists determined that more than 5 tons of explosives were stolen from a massive northern California dam construction site over a period of years and the contractors had no idea the explosives were missing. Some of these explosives were being sold for \$200 a box in the bay area.

The CHAIRMAN. What is the usual price?

Mr. O'BRIEN. For dynamite?

The CHAIRMAN. Yes.

Mr. O'BRIEN. This, as a matter of fact, happened to be a mixed box. We have the records on it here. I should explain, too, the reason it was not brought to the attention of the proper people at the construction

site was that it was the kind of project where on any working day at least 30 tons of explosives were used, and they were using it for a gigantic dam construction project. It simply did not come to their attention.

This box contained malleable gelatinate, which is a substance heavier than water used for underwater demolition. They picked up both dynamite and the other materials. So it is difficult to say what the market price is.

The CHAIRMAN. Well, that is all right. Go ahead.

Mr. O'BRIEN. Finally, the Government itself, as I indicated a minute ago, is supplying the militants through thefts from military installations.

One case I thought might interest you is we have been having our difficulties in the Santa Barbara area. In April, we arrested individuals in the Isla Vista area of Santa Barbara for illegal sale of destructive devices. We recovered 94 pounds of C-4 military plastic explosive and 39 grenades, 12 smoke bombs, 12 bazookas, 1,000 feet of primacord, and blasting caps.

The anti-Castro group I mentioned earlier, their leader, Hector Cornillot, was arrested for five bombings in October 1968. He claimed his C-4 explosive came from CIA caches dating back to the Bay of Pigs invasion.

Bombings in California have involved all these various materials—homemade, stolen dynamite, and military explosives.

And, I assure you, regardless of the source, the result can be equally devastating and deadly.

The sources of information on how to make bombs are as varied as the sources of materials for bombs. Much of the basic information comes from various military manuals and from public libraries.

Commercial enterprises also deal in treatises on terrorism and destruction, most notably an outfit called Panther Publications in Boulder, Colo.—which, I should note, is not connected with the Black Panthers and is apparently nonpolitical in its solicitation of customers. It goes from the extreme left to the extreme right.

Some so-called dealers in military weapons, Nazi uniforms and other Third Reich artifacts also offer publications for the homefront guerrilla. And, a few gun shops in Los Angeles and San Francisco have carried this material—apparently catering to their more militant clients, and often referred to as “survival information.”

“The Militant's Formulary” is the product of California commercial enterprise which purports to provide formulas for any kind of product.

This particular publication devotes itself to bomb formulas—pipe bombs, fire bombs, tear gas bombs, and even stink bombs.

The author denies responsibility for any of his formulas and readers should be warned by his admission that he lost all the fingers of one hand during an experiment with one of his formulas. That is the price of creation.

The CHAIRMAN. I think I should state for the record that these two people are under subpoena to appear before the subcommittee, the two you just identified. We hope to get some information from them and to give them the opportunity, at least, to be helpful.

Mr. O'BRIEN. I think they will be interesting witnesses.

Most organized militants seem inclined to create their own mimeographed manuals—often illustrated with crudely drawn diagrams and reprinted charts from official publications.

I have a sampling of nine of these with me.

The CHAIRMAN. The first one may be submitted and made exhibit No. 801.

(The document referred to was marked “Exhibit No. 801” for reference and may be found in the files of the subcommittee.)

Mr. O'BRIEN. The most recent is simply a half-page instruction for making a Molotov cocktail which appeared in an underground San Diego newspaper called the Street Journal.

This is the simplest sort of militant instructional material on bomb manufacture—and perhaps one of the most dangerous because of its wide circulation.

The CHAIRMAN. We will make that document exhibit 802.

(The document referred to was marked “Exhibit No. 802” for reference and may be found in the files of the subcommittee.)

Mr. O'BRIEN. Then, there is a four-page broadside distributed by a San Francisco “Affinity Group.” That is a leftist revolutionary movement which I cannot quote from very much because of the language.

The CHAIRMAN. That will be received and marked exhibit 803.

(The document referred to was marked “Exhibit No. 803” for reference and may be found in the files of the subcommittee.)

Mr. O'BRIEN. This contains information on making Molotov cocktails and other devices.

Besides instructional material, it urges, “By joining the struggle—by starting armed struggle—the international war comes home, right to the heart of the pig empire.”

A 1969 Black Politics publication from Berkeley contains an article on terrorism and sabotage with detailed information on blowing up bridges, derailing trains, downing power lines, and destroying computers.

We have had examples of the destruction of computers at the California campuses.

The CHAIRMAN. We have the author of that material also under subpoena.

That will be numbered exhibit 804.

(The document referred to was marked “Exhibit No. 804” for reference and may be found in the files of the subcommittee.)

Mr. O'BRIEN. Mr. Chairman, this publication, which is “Black Politics,” carries an ad from the outfit I mentioned in Colorado, Panther publication, which has explosives and demolitions.

An old issue of—

The CHAIRMAN. Is that the case of the right-wing selling to the left-wing?

Mr. O'BRIEN. The new left cribbing from the old right on how to do damage, yes, sir. It is a very strange world. You see ties that you would not dream at any other level.

The CHAIRMAN. They do actually bomb each other, don't they?

Mr. O'BRIEN. Yes, they do. We have instances of this group in San Francisco, the neo-Nazi group on the peninsula in San Francisco. They were bombing new left bookstores. Unfortunately, also some legitimate peace groups. And the new left occasionally takes on the old right.

Unfortunately, I think most of us in the middle get caught more often than not.

Here is another publication. This is an SDS, an old issue.

The CHAIRMAN. Let it be received as 805.

(The document referred to was marked "Exhibit No. 805" for reference and may be found in the files of the subcommittee.)

Mr. O'BRIEN. It provides various points on explosives including their use against tanks.

The CHAIRMAN. Since we emphasized that they sometimes bomb each other, they do have one common target, the police; do they not?

Mr. O'BRIEN. The police, that is the government, government buildings.

The CHAIRMAN. "The Establishment," as they term it.

Mr. O'BRIEN. This is something we were talking about before the hearing opened this morning, Senator. The situation in some California police departments, the fear of finding an explosive in an automobile, is such that a double check is now made by the maintenance men in the yard and again by police personnel before that car is allowed to cruise.

When you think of young policemen who traditionally have to work the graveyard shift when they first come to work in law enforcement, when you think of the task we are putting on the police today in terms of the load they are having to carry in an increasingly militant country, when you think, I believe, frankly, the lack of an adequate salary structure for most police, in most jurisdictions—when you think of everything they have to carry and then they can't step into an automobile without personnel having to crawl underneath it to make sure they are not going to be blown up, then I think you have some notion of the situation that law enforcement is faced with.

This publication and the previous one, the New Left Notes, this outfit, the Student Liberation Front, shows homemade napalm and chemical fire bombs, were both found in the possession of young militants in California.

The CHAIRMAN. That will be exhibit 806.

(The document referred to was marked "Exhibit No. 806" for reference and may be found in the files of the subcommittee.)

Mr. O'BRIEN. An older publication, used by rightist groups, was "The Guerrilla's Saboteur's, and Terrorist's Handbook of Explosives, Primers and Boobytraps."

This mimeographed 56-page manual carries the caveat:

Nothing in this handbook is by any stretch of the imagination safe. This handbook should be considered only as interesting reading.

The anonymous author then goes on to tell the reader in detail where materials can be obtained to construct the bombs he describes.

The CHAIRMAN. They were trying to camouflage their motives a bit at that time, but now they are wide open and no longer have to resort to that subterfuge.

Mr. O'BRIEN. That is correct. At that time—

The CHAIRMAN. That will be exhibit 807.

(The document referred to was marked "Exhibit No. 807" for reference and may be found in the files of the subcommittee.)

Mr. O'BRIEN. At that time they were concerned about our ability to infiltrate, to get intelligence and then arrest and prosecute them

Both the old right and the new left have now become much more security-conscious and efforts at infiltration frankly are much more difficult than they were 5 years ago.

This document 5 years ago was distributed at a 1965 Minuteman training session in California. It virtually is identical in parts to material now in use among leftists. The similarity, as I stated earlier, undoubtedly results from the fact that much of this information comes from official government manuals.

And, 7 years ago, at a training session in 1963, the Minutemen were discussing material which detailed the use of explosives in cutting steel, incendiary weapons composition and the construction of grenades.

The CHAIRMAN. These documents will be received as exhibits 808 and 809.

(The documents referred to were marked "Exhibit No. 808" and "Exhibit No. 809" for reference and may be found in the files of the subcommittee.)

Mr. O'BRIEN. These cover a 7-year period and form a virtual encyclopedia of destruction.

Our office has surveyed approximately 400 bombing incidents which have occurred in California during the past 2 years. These are not all the incidents, but simply those susceptible to some analysis by our office. It is this survey which indicated the startling figures of 20 bombings each week for the past 2 months.

Senator GURNEY. Do you have pretty accurate figures on bombings?

Mr. O'BRIEN. We are starting to get them. Frankly, we did not, initially. We are now gathering the information correctly on our computers. We are punching it out, identifying it as the type of bombing, type of material used, what it was used against, what kind of individual, if possible, who used it.

I shall submit to you a computer punch-out with an accompanying computer keying with the kind of information we are now getting in California.

The CHAIRMAN. That will be received as Exhibit 810.

(The document referred to was marked "Exhibit No. 810" for reference and may be found in the files of the subcommittee.)

Mr. O'BRIEN. This survey indicates that while homes are the most frequent targets of bombs in our society, the costliest bombings—both in terms of lives and property—have been politically motivated.

I cite these two facts because, in our considerations here today, I believe we must recognize that bombs are playing a larger role in our society than simply as the deadly tools of political terrorists. Many Americans seem to use bombs just to get even with their enemies.

Let me go to a peripheral problem but one of great concern to us. Figures supplied to me by the Los Angeles Fire Department also underscore this problem. Total fires in the city of Los Angeles have risen 55 percent since 1965. Incendiary fires have risen 291 percent.

The CHAIRMAN. That is in a 5-year period of time?

Mr. O'BRIEN. Yes, sir.

A portion of these are politically motivated but many involve crime coverups, revenge and maliciousness, and juveniles. Among the juveniles there is the burning of schools, and I think that is a question

of interpretation, whether they are the acts of juveniles or politically inspired.

The CHAIRMAN. Can you give us any illustration, any figures, indicating what percent of these fires and of the bombings are politically motivated?

Mr. O'BRIEN. We are just beginning to get this kind of information from California law enforcement, sir. We cannot at the present time.

One of the difficulties, for example, is in the fire department in Los Angeles where any school fire has been generally classified as an act of a juvenile.

It is a serious question in our minds, however, when you circulate materials talking about taking on the Establishment, about burning buildings and so forth, and you circulate it among the young, whether, in fact, it isn't a politically revolutionary inspired act.

It has been very difficult for the arson people, frankly, to draw a clear line and say this was some misguided psychotic kid who was disturbed and so forth.

The CHAIRMAN. Generally, those are incendiary bombs, are they not?

Mr. O'BRIEN. Some of them are, and sometimes they simply go in and pile up whatever trash they can find and try to burn the school down.

The CHAIRMAN. I think it would be of interest if we can get any information as to what percentage are politically motivated. I know that is not easy to get.

Mr. O'BRIEN. I think we can get more information on this, Senator.

The CHAIRMAN. If you get anything on it any time soon, would you let us have it for our record here?

Mr. O'BRIEN. We certainly shall.

The general tendency toward blowing things up and burning things up in our society involves an acceptance of violence and destruction which is virtually endemic.

Before I discuss some of the thoughts developed by California law enforcement about what we can do to halt this trend, I will elaborate briefly on a few of our cases to attempt to illustrate some of the specific problems with which we deal.

Among the more spectacular targets in California have been P.G. & E. towers—eight separate incidents, the Alameda County Court House, the Van Nuys National Guard Armory, a Shell Oil pipeline in Contra Costa County, Durkee Foods Plant in Berkeley, a 44,000-gallon Standard Oil storage tank in San Francisco, U.S. Naval Reserve Armory in Compton, the Los Angeles Sheriff's office parking lot, any number of police vehicles, and Selective Service offices in North Hollywood, Los Angeles, and Hollywood.

The CHAIRMAN. Have you had any religious institutions bombed, the facilities of any religious institutions?

Mr. O'BRIEN. Not to our knowledge, sir, no.

Yes, I take that back. There was an incident by this Menlow Park group of acts against a church which had allowed various peace groups to meet there. Where the church premises was used as a meeting place, there were acts.

(At this point, Senator Percy entered the hearing room.)

Mr. O'BRIEN. Perhaps the most famous or infamous Californians associated with bombings are Anthony and Susan Tankersley. They returned last February from Canada to face charges in Alameda and Contra Costa Counties, after being sought by authorities for almost a year and a half.

When they fled, law enforcement officials discovered explosives, revolutionary propaganda and a list of potential targets—including utility installations and industrial plants—in their home.

They were associated with Daniel C. Guirkins, an Army deserter, who was convicted of bombing the Alameda County Court House and the University of California at Berkeley ROTC headquarters. Other associates included William Brent, a Black Panther—who was engaged in a shootout with police—who hijacked an airplane to Cuba, and an Iranian student, Haj Razam, who fled to Algiers.

These individuals were considered to be keys to major Bay Area bombings, including Pacific Gas & Electric transmission towers.

Anthony Tankersley pled guilty to bombing of a P.G. & E. tower in Alameda County and is awaiting trial on illegal possession of explosives in Contra Costa County.

The CHAIRMAN. Has he been sentenced on the plea of guilty?

Mr. O'BRIEN. I don't think so. At the present time, they are awaiting for compilation of probation reports.

The CHAIRMAN. Is that in Federal or State court?

Mr. O'BRIEN. It is in State court.

The CHAIRMAN. Let us hope that he gets a little heavier sentence on his guilty plea than 6 months given by the Federal judge in the Thoresen case.

Mr. O'BRIEN. I think on this one we have enough information, sir.

This case is extremely interesting in revealing a close connection between illegal drugs and explosives. The Tankersleys' supplier was willing to take LSD, speed (methamphetamine), marijuana, and hash—instead of money—in payment for explosives. He then made more money by selling the drugs.

Senator GURNEY. Is this Tankersley a member of any organized group or did he have a bombing venture on his own?

Mr. O'BRIEN. He was associated with the leftist element, Students for a Democratic Society.

A substantial quantity of dangerous drugs was found in the apartment of Tommy Harper, who died on July 2, while apparently attempting to blow up the Compton, Calif., police station. Also found was another manual on bomb-making which I will submit to you. This was taken from his apartment after his death.

The CHAIRMAN. Let it be received and marked.

(The document referred to was marked "Exhibit No. 811" for reference and may be found in the files of the subcommittee.)

Mr. O'BRIEN. From what we can gather from the evidence, and it was a rather gruesome thing, it is that he was carrying a bomb with a timing device to the police station when the bomb went off in front of the station. It blew out windows in the station and damaged the front of the station. It killed Harper.

Last year, our Bureau of Narcotics Enforcement Agents, encountered narcotics dealers in the Santa Barbara area who were anxious to obtain machineguns for narcotics. These dealers planned to parlay

the machineguns into more money. This is a new manifestation to us.

I can remember the first case we had about 21½ years ago, in the Haight-Ashbury, when we encountered an acid head who was walking down the street pushing speed with one hand and C-2 plastic, an earlier form of plastic. It is the kind of stuff that is in such an unstable state that the maddest RIA bomber or the wildest of people would flee in terror.

This guy was so drugged up he was walking down the street pushing speed with one hand and that with the other. He led us, in turn, to more people who were in the trade of exchanging guns, which they would steal, explosives, for narcotics, and made a markup on both.

This relationship between narcotics and bombs and guns is especially disturbing. An acid head possessing an unstable explosive is enough to make any law enforcement official lose sleep at night. And that is what we have in California right now.

At the other end of the scale from these incidents are the school bombings. Let me briefly cite the incendiary incidents—not all of which were bombs—in the city of Los Angeles in the first 3 months of 1969; 112th Street Elementary School, George Washington Carver Junior High School, (Audubon Junior High School, Western Avenue School, again Audubon Junior High School, University of Southern California, Manual Arts High School, Grape Street Elementary School, Los Angeles City College, Metro College, again Los Angeles City College, Los Angeles High School, Valley Junior College, Los Angeles Trade Tech College, Jordan High School, Fremont High School, Gompers Junior High School, again Jordan High School, again Carver Junior High School, Trinity Street School, San Fernando High School, 111th Street School, Horace Mann Junior High School, UCLA, Jefferson High School, 102d Street School, and Audubon Junior High School, for the third time.

Twenty-seven school incidents in 90 days.

I doubt if there were that many fires in schools in Saigon during the Tet offensive.

What do we do about all this?

In California, we have before our legislature a bill to provide for strict controls on explosives. It would strictly control those who sell explosives and those who buy explosives. It also provides for strict inventory controls.

We are confident of the passage of these bills.

These are the bills now before the California Legislature which would make our State law realistic.

The CHAIRMAN. Let them be received and marked "Exhibit 812."

(The documents referred to were marked "Exhibit No. 812" for reference and may be found in the files of the subcommittee.)

Mr. O'BRIEN. We believe that such restrictions must be made a national policy. It does not protect California if the militants can still purchase explosives with ease in neighboring States. A system of identifying explosives so that they can be traced must also be developed.

The CHAIRMAN. We can all agree that this situation is such that the Federal Government must go to the full limit of its capability under the Constitution to deal with the bombings, and that the States take it from there and implement whatever the Federal Government cannot do. They should undertake to provide adequate State laws to deal with it.

Mr. O'BRIEN. California law enforcement is in emphatic agreement with you, Senator.

The CHAIRMAN. I think first the Federal Government must go just as far as it possibly can under the Constitution. Then it is imperative also that the States legislate in the same field, taking over where Federal jurisdiction leaves off in order to meet this situation.

As we hold these hearings, as we hear you and other witnesses come in here and tell us what is really happening over the country, in municipalities and metropolitan areas, the picture is more distressing than I anticipated it would be when we started these hearings.

This becomes a very urgent matter for Government and for law enforcement, if we are going to protect society.

Mr. O'BRIEN. There is no question about it, Senator. Six months ago we certainly wouldn't have been here underscoring with urgency our petition to this committee. A year ago, we were becoming aware that there was a problem, but we certainly had no notion that it constituted what we think now is a clear and present danger to the Government of the United States.

The CHAIRMAN. Proceed.

Mr. O'BRIEN. Furthermore, we should consider penal laws which will take into account the ingredients for making explosives and the sort of manuals which I have described.

If a person is found with all the makings of a bomb and a book which tells him how to make it, some legal action should be possible.

I believe that we should consider a strong law which would bar the manufacture of explosives without a permit. It is comparable to our efforts in the machinegun field.

Originally, we outlawed machineguns. Then we discovered that militants were carrying around disassembled machineguns and we passed a law to cover machinegun parts. I think we must do the same with bomb components.

A new explosive has been developed which comes in two containers—like epoxy glue. One part is a liquid; the other is similar to rock salt. When separated they are completely stable and can be shipped anywhere. When mixed together, they are highly explosive.

I will submit information on this explosive to the committee. I believe that such separable explosives must be covered by law.

The CHAIRMAN. Let the material be received and marked "Exhibit 813."

(The document referred to was marked "Exhibit No. 813" for reference.)

The CHAIRMAN. That is not for publication.

Mr. O'BRIEN. This is an essential area for Federal action. We have watched this situation grow in California, as I have described. It is clear today that many militants prefer bombs to guns.

The danger from such bombs is unbelievable—whether it is a park police station's tragedy such as occurred in San Francisco—on the 16th of February this year, where the life was taken of a police sergeant, Brian McDonnell, and eight other officers were injured.

Frankly, we are all extremely grateful that only one officer lost his life.

A situation occurred on the 13th of February, at the Berkeley Police Department during a shift change. Three automobiles were destroyed, eight officers were injured, and six required treatment.

If it had occurred at the time we think the bomb was set for, it would have caught both squads and no telling how many men would have been hurt.

I can't describe to you again my own personal conviction that, frankly, we are asking particularly the police to go out and lay it on the line, and to carry out, frequently in an unpleasant atmosphere, frequently taking some kind of abuse, working long hours and not overly compensated—I think we owe them some kind of assurance that Government will act to protect them in the performance of their duties.

For an apartment house bombmaker who mixes the wrong ingredients—I have here from the Los Angeles Fire Department photographs of a building which was gutted when the US group in Los Angeles were making Molotov cocktails and apparently had an accident.

The CHAIRMAN. It will be received as exhibit 814.

(The photographs referred to were marked "Exhibit No. 814" for reference and may be found in the files of the subcommittee.)

Mr. O'BRIEN. Consider the results of such a fire in a crowded apartment house.

We are dealing with people who singly or in very small groups—threes and fours—plot the overthrow of this Nation through physical terror and destruction. I urge you to consider thoughtfully and act forcefully to overcome this threat.

I am grateful for the opportunity to appear before you.

The CHAIRMAN. Thank you for an excellent presentation.

At this time I will ask you one question and then I will let my colleagues proceed. I may have a few other questions.

As I consider your testimony, with testimony which already has been received by the committee, and more that I know is yet to come, I am wondering what your comments would be in trying to describe the extent of the wave of bombings, together with other activities of these militant groups of the extreme right and extreme left.

Has it reached proportions that could be correctly described in your judgment as a form of or possibly the beginning of guerrilla warfare in this country?

Mr. O'BRIEN. I don't think there is any question, Senator, but that those who have written the manuals and those who have written the ideological tracts which form the half-mad motivation for these people are without question intent upon overthrowing the Government of the United States, of disrupting the entire processes of Government through terrorism, and they are conducting guerrilla warfare.

I recently met with California law enforcement around the State. There is not a department out there—and these are not men who are paranoids. These are pretty cool, professional men, who are gravely disturbed about all kinds of security measures during the day and at night on police installations.

Further, the acts against governmental buildings have led to a great deal of security by their custodians. There is an atmosphere, frankly, of disciplined terror. People are very, very afraid. People are very concerned.

I think they are aiming at what they call the establishment. They are attempting without any question to push us into a kind of non-

responsive action which would give further justification to this kind of mad ideology they have.

It seems to me it is an opportunity for Government to respond in a creative and intelligent fashion and to act simply to take away the ingredients of their terror campaign through the passage of such legislation as you are considering here this morning.

The CHAIRMAN. A great deal is said about attempts to deal with crime, and we hear our efforts described often as repressive action. That is, when we are trying to legislate, the charge is made that what we are trying to do is unconstitutional, that it constitutes repressive action against individuals.

Without arguing the point, I am sure there could be situations where the action of the Congress on legislation would be repressive and would possibly be unconstitutional because the Constitution does provide great protection for the individual. Those protections are rights that we observe.

I believe we must take action that is constitutional to deal with this problem, to incarcerate guilty persons and keep them incarcerated for substantial periods of time. I speak of those who are dedicated to overthrowing this Government by violence, by bombing, and by assaults, deadly assaults upon constituted authorities and upon the police forces of our country. Any action we can take to incarcerate those persons within the Constitution, to me, is not repression.

It is absolutely necessary, in my judgment, for the defense of our country and for the safety of our citizens. I want to go that far, just as far as we can, within the Federal Government. I hope the States will do likewise, State governments and municipal governments—go just as far as they can possibly go—within the framework of the Constitution to deal with this problem.

If it is not done, we are going to be compelled to go beyond the Constitution some day to deal with it. You will have to have martial law. You will have to go to much greater effort and to deprive people temporarily of rights and liberties that can be protected now if we deal with it effectively and aggressively within our constitutional power.

Mr. O'BRIEN. I don't think there is any question but that you are right, sir, and I don't think there is any question but that the people who are trying to commit this revolution are trying to push us not into taking effective, quick, prompt action, such as this committee is considering today, but into a suspension of constitutional guarantees.

Their slogan is "First the Romanoffs and Then the Revolution."

It seems to me, frankly, that the Constitution and the long history of liberties in this country does not include the right to assemble the ingredients for a bomb, to get the materials for a bomb in your apartment, and to go out and get manuals for a bomb.

I think if you have those in your possession, I think you should be subject to prosecution.

The CHAIRMAN. I am going to yield to my colleagues.

Have you any questions, Senator?

Senator GURNEY. Yes.

Mr. O'Brien, have your investigations found what the greatest source of supply of dynamite is to these bombers, where it comes from, from stealing or buying?

What are the major sources?

Mr. O'BRIEN. Chiefly, until recently, Senator, I would say it has come almost without exception from stealing. Traditionally, both the Federal and State laws have been drawn up where the main concern was the safety of the person who was using it. You were concerned when he was using it that he did no damage to himself and no damage to his neighbors.

In California, we said that the fire marshal would have authority, not the police, not the local law enforcement, the sheriff's office, or any State authority in the law enforcement field, but the fire marshal.

As a consequence of this, frankly, the security as far as storing dynamite is concerned, was nonexistent. You could walk up, as they did, to a shed used on a construction site, fill up the trunk of their car and drive off.

Senator GURNEY. So one of the great problems is to plug this security leak in the custody today.

Mr. O'BRIEN. That will be provided for under State law. It will be responsible for the storing of that. It will give police the ability to visit premises and check on the person using it, and the security measures he is taking to make sure the dynamite is not stolen.

Senator GURNEY. From the statistics you have managed to acquire so far, have they given you any clue as to what organizations are most active in this bombing business?

Mr. O'BRIEN. Yes. The Weatherman faction, SDS, and what we call the "Affinity Groups," the people who are wildly disarranged in their ideology. Politically, they span the spectrum, as I indicated, from the extreme right to the extreme left.

I would say at the present time the two groups we are most concerned with as groups, not as individuals but as groups, are some of the black groups, the Panthers and the US, but even more I think the Weatherman faction of the SDS.

Senator GURNEY. How many of the "Affinity Groups" do you have in California, would you say?

Mr. O'BRIEN. I don't know. They breed like amoeba.

Senator GURNEY. Is there any connection between the Black Panthers and the US groups?

Mr. O'BRIEN. No. On the contrary, they would appear to be competitors and frequently their destructive action is taken against each other.

Senator GURNEY. Is there any evidence among the bombings that occur—and I know this is rather difficult unless you catch somebody in the act—is there any connection between bombings and being under the present influence of drugs when the bombings occur?

Mr. O'BRIEN. In a few cases, but they are very few. The phenomenon of narcotics use and the bartering of narcotics for explosives is a relatively new one. I have been in the office, as I say, for 11 years. People in the department for 20 years have never heard of it until the last 18 months to 2 years.

Part of the revolutionary environment package is the use of drugs and hard drugs, and the recourse to explosives to express a grievance.

Senator GURNEY. You mentioned, of course, this is a revolutionary movement or an anarchistic movement.

Do you see this in your investigations as being just plain general anarchy or do you see any connection financing a direction from outside sources, foreign governments?

Mr. O'BRIEN. It is not that I don't have information, sir. I would be pleased to discuss it with you later. We are obviously concerned with that right now.

I think I would rather answer that in executive session.

Senator GURNEY. This is part of your investigation, to determine that fact?

Mr. O'BRIEN. Yes, sir.

Senator GURNEY. On a couple of these groups that you mentioned, one on page 3, what is the Brown Power Chicano groups?

Mr. O'BRIEN. They are a group primarily of Mexican-American citizens, of disaffected young Mexican-Americans who form a very, very small percentage of the total Mexican-American youth in our State.

We are a State that is proud to be of Spanish heritage. We are almost a bilingual State. This group is a very small group that, frankly, disagrees with the overwhelming majority of Mexican-American citizens in California, in saying that only through revolution and terrorism can they go forward.

Senator GURNEY. What about the group on page 4, the Los Subversivos, the Cuban Power Group?

Mr. O'BRIEN. They were responsible for a series of bombings in Los Angeles against businesses which had connections in Cuba, against oil companies that still had facilities there, against airlines which flew there, against the Mexican tourist office because Mexico and Cuba enjoy close relationships.

They, frankly, have been a bother to law enforcement not only in California but across the country.

Senator GURNEY. This is an anti-Castro group?

Mr. O'BRIEN. Yes, sir.

Senator GURNEY. Thank you.

Senator PERCY. I have just returned from Chicago where we buried, yesterday, two policemen who were shot in the back by snipers in a public housing project last Friday. Four suspects have now been apprehended.

Is there a "kill a cop" movement among these known groups? Do you see evidence of it in California? How many policemen have you lost not necessarily as a result of animosity toward that particular individual but just because the man wears a uniform?

Mr. O'BRIEN. I think any objective person would come to the conclusion that the policeman, because he is a visible 24-hour uniformed presence of the system or the establishment, has become a target for those who disagree, and violently disagree, with the tenets and philosophy of the establishment.

We have lost officers, too. The officers were singled out not simply because they were suspected of any hostile act, but simply because they were the uniformed presence of the establishment.

I cannot but believe that all this rhetoric of the way to achieve a just and more democratic society is to kill a cop—I think this kind of rhetoric does work its deadly disease upon deranged minds, Senator, yes, I know.

CONTINUED

2 OF 3

Senator PERCY. I noticed your reference to "The Battle of Algiers" film. I was surprised that neither the police chief of New York nor any of the men with him had seen the film.

I saw it because I understood it was a bible for revolutionaries. In that film, of course, they depicted one way to break into the establishment and gain their independence was to kill police officers.

Yesterday in talking with a number of police officers, including the brother of one of the murdered patrolmen, he mentioned the great antagonism he finds as a patrolman among young people, particularly blacks, who constantly goad the police, calling them "pig," and so forth.

What in your judgment is the origin of this animosity? Who is behind it? Are militant groups engaged in an intensive educational campaign to serve their own purpose of creating animosity between law enforcement officials and the community?

Mr. O'BRIEN. Yes, sir. There are efforts, we think, here. We acknowledge in part that we are paying a certain price for a lag ourselves in not doing better police-community relations, particularly with minority people.

I think we are suffering now from that.

We also believe that there is a campaign of hatred being preached against police. There is another aspect of this that bothers me just as much, Senator.

There is a new phenomenon which is bothering us, too, which is coming to be generally recognized. I don't think police departments are going to be unique in the near future.

We now are picking up materials that refer to "fire pigs," that it is a perfectly legitimate form of revolutionary expression to turn in a false alarm and when the fire department answers to take a shot at the firemen.

While we might deplore it with police, at least the police have the weapons to fire back. This is where I think we have reached the point you indicated, Senator, taking action against the visible symbols of authority of the system.

They are totally symbolic acts. There is no personal animosity felt toward the individual. It is just hatred of the system as expressed by acts of terror and violence upon the uniformed presence of those symbols.

Senator PERCY. Do you happen to know whether or not the "Battle of Algiers" as a film has been shown in the high schools or colleges in California.

Mr. O'BRIEN. Not that we are aware of, Senator, no, although, obviously, as you indicated, it was ideologically for the terrorist groups.

Senator PERCY. Do you have information as to whether this film has been distributed by the SDS outlets?

Mr. O'BRIEN. No, sir; I do not.

I would say that a disproportionate number of young people of new left persuasion attended, but I do not have any notion of any organized campaign to circularize it.

Senator PERCY. On page 5 of your statement, you say the Government itself is supplying militants through thefts from military installations.

What do you think the Government can do, that it is not now being done at military installations, to prevent thefts of explosives and arms?

Mr. O'BRIEN. I testified, Senator, to a meeting that we had in April of this year with the office of the legal counsel at the Pentagon, and with the security representatives of the Armed Forces about two things, about the stealing of military weapons from regular training bases and about the stealing of war materials bound for Vietnam, since California is the major source of supplies for Vietnam.

We frankly think that just as the civilian side was very slow to appreciate that dynamite was going to be used for something other than construction or legitimate destruction, the military did not come to an appreciation of the fact that they were targets of the militants, that there is a particular ideological kick in fighting a war against Uncle Whiskers while you are getting the war material from Uncle Whiskers himself.

Senator PERCY. I noticed you were very careful and restrained yourself in giving us instructions on how to put together bombs from some of these materials.

I have noticed newspaper reports that the Federal Government distributes pamphlets apparently to anyone who writes in for them, which describe precisely how explosives can be constructed.

Do you feel any controls should be placed on the distribution of Government materials? In other words, should the agency be certain from the return address that it is a party that is using the information responsibly, for construction purposes or whatever it may be, rather than for some unlawful and destructive end?

Mr. O'BRIEN. I think, frankly, in all candor, it is a bureaucratic nightmare compounded by Frank Hafia and Mack Sennet.

What earthly use is there for the Government to put out materials on how to compose bombs, except in a very restricted sense to our military forces?

It frankly bothers my underdeveloped mind to understand, except as a self-serving bureaucratic function, what the devil they are doing.

Senator PERCY. Senator McClellan has been here a lot longer than Senator Gurney, Senator Metcalf, and myself. I don't think we can be held responsible for trying to explain some of the contradictions.

Senator METCALF. Would the Senator yield?

Senator PERCY. Yes.

Senator METCALF. One of the pamphlets to which Senator Percy referred tells how to turn ammonium nitrate into a very high explosive by the mixture of a certain percentage of oil.

I looked at the pamphlet and it simply says, "Warning: If you put as much as 6 percent of oil into the mixture it becomes a highly volatile explosive."

I am really not sure whether you should put that warning in or not. Somebody might decide, "Well, I will put a little oil in there," and all at once they end up with an explosive.

On the other hand, there is an invitation to anybody to go out and buy ammonium nitrate, which is available in any fertilizer store, and buy a little oil down at the service station, and have a tremendously volatile and inexpensive explosion.

This is one of the things that is very difficult to ascertain.

I examined that pamphlet, Senator Percy, and it tells, by a warning, how to prepare a tremendously easily obtained explosive.

Do you leave out the warning and take a chance that nobody will ever do that?

Mr. O'BRIEN. I would like first, before I try to answer it, to inquire as to whether the person who prepared it, who put the warning on there, had ever done any research and whether there had been any spontaneous combinations before.

Senator METCALF. I have no way of knowing.

Mr. O'BRIEN. If I were putting out the pamphlet, I would say, "Wait a minute, what am I doing?"

Senator METCALF. I certainly agree with you.

Mr. O'BRIEN. If you could show that there had been 14 serious accidents from people not being warned in the legitimate use for it, sure, I would go ahead and put it on.

Senator METCALF. People do put oil into sprays, you know, as a fixative to keep it on.

Mr. O'BRIEN. It seems to me why don't they simply say "extremely dangerous" or "a combination of this could result in a hazard to the user" instead of saying "explosive"?

Senator METCALF. A mixture of as much as 6 percent fuel oil. That is just an invitation to somebody if they want to fix an explosive to mix 6 percent of fuel oil with their ammonium nitrate and they can set it off with a firecracker.

Mr. O'BRIEN. This character with his formulary in the materials I submitted has exactly things like this all the way through.

Senator METCALF. Thank you very much.

Senator PERCY. I have just three more short questions.

You mentioned some of the radical groups on the left and the right, the Minutemen on the right, the SDS and the Black Panthers on the left.

From your own experience in California, can you grade these groups as to their potential danger to society, their present danger to society, from the standpoint of violence?

Which, to you, stands out as the most dangerous in California?

Mr. O'BRIEN. That is extremely difficult to answer. For example, these new affinity groups. Yesterday, in California, we had a meeting and we were discussing this and we were talking about some people who are under surveillance in the State right now, who have explosives.

Frankly, we hope to get them but we are much more interested in their source of supply. They were all hooked up with affinity groups. They are not that definitely Maoist, new Marxist groups. It is difficult to answer in that I think in terms of a sustained, disciplined action, the Panthers would be more dangerous, but they would not undertake something without a very careful evaluation of what they were doing and without review and coordination. Then they would go and do it.

With the Weathermen, there is not that kind of review, there is not that kind of discipline. It is just a "Let's go have a happening and blow up the courthouse." There is no control.

They have broken their terror squads into small enough groups so that we can't get anyone in there anymore. We find it extremely difficult to get in. Most law enforcement does.

In breaking down the groups, there is no formal control over them. If a group decides to blow up a transmission line or a police car, no one says, "Is that tactically sound? Will that aid the revolution?"

I am more afraid of the Weathermen than the Panthers, where you take discipline and devotion.

Senator PERCY. Is there a chance that these extremist groups on both the left and the right have a common denominator or common thread in that they are trying, through their guerrilla warfare, their killings, their bombings, to use these tactics as a deliberate means of bringing about repressive measures which then could lead to class warfare and the destruction of society as we know it?

Mr. O'BRIEN. I don't think there is any question that that is a goal shared by the extreme left and the extreme right. I think it is a fact that they are doing these outrageous things hoping to invoke us into an irrational response.

I don't think there is any question about it, goading the establishment to lose its cool. But, on the other hand, I feel very strongly if we don't take effective steps on a reasonable basis, to curtail this activity, so that they can be charged with the possession of this kind of material, then I think we are in danger.

Senator PERCY. Lastly, I would like to get back to the point where I started: the killings in Chicago of the two policemen. Both of those men were engaged in a program of "walk-and-talk." They had volunteered for the program.

As I lived yesterday through the tragedy of these two families, the story I pieced together was that two patrolmen, unusually sensitive to the problems of the community, had volunteered to engage in a program of improved communication in the black community. They were shot in the back by a sniper.

The community, the black community, led by Jesse Jackson, cooperated in getting the suspects to turn themselves in. It was a total reversal of what we have experienced sometimes before where the community was hostile to law enforcement officers.

Yesterday, the Chicago Police determined they would go ahead with this program despite the fact that they lost three out of 40 men in the program.

Is it possible that the very presence of the uniform itself endangers these men? We have in the crime bill of 1968 a provision for hiring community workers who might not qualify as police officers, perhaps returned GIs who would want to help. They know how to handle firearms and how to handle themselves, and they know the cities they have lived in all their lives.

They could be equipped with two-way radios. They could be the eyes and ears of the police in the community, who would just be there in the community to help interpret the police department to the citizens.

Is this in your judgment a viable possibility which we perhaps ought to promote more actively than we have to date? There are already 50-percent matching funds for any community which wants to hire such personnel.

Mr. O'BRIEN. Yes, sir, I think it is a possibility. It ought to be experimented with and pragmatically the results evaluated.

In California, we have experimental programs in which we are putting police officers into blue blazers or green jackets and flannels. They carry an identifying seal and a gun. Frankly, I think you can make an argument both ways, that also, frequently in a minority area where some crime has been committed, and somebody wants a police-

man immediately, they want to see where is that guy, where is the uniform, and if he is in the blue blazer and jacket, he stands out in the crowd.

But I think there is no question but what we need more experimentation in this area.

Senator PERCY. Thank you.

Senator GURNEY. On that point, we have a project going on in one of the universities in Florida, financed by the National Institute of Law Enforcement and Criminal Justice, as to what effect a uniform has upon the public at large, and how we may perhaps substitute other means for doing the job better.

So it is under experimentation, at least in one university in Florida.

Mr. O'BRIEN. Our Los Angeles Police Department is doing it, and one of our largest counties is doing this. We are attempting to see what the results will be, too, sir.

Senator PERCY. I would be grateful if the distinguished Senator from Florida could furnish that report to me when it is available. I am delighted to hear my native State is once again in the leadership.

Senator GURNEY. I have one final question to ask you. I wonder if there is any possible connection between some of these groups and outside sources, perhaps foreign governments. You indicated that you would prefer not to testify here.

I talked to the chairman and it will be difficult, with the schedule of the subcommittee, to have an executive session. Would you furnish that information to the committee in a statement, written in affidavit form?

Mr. O'BRIEN. Yes, sir.

Senator GURNEY. It would be kept confidential, of course.

The CHAIRMAN. The Chair would suggest you do that. We have scheduled these hearings for a given time. It is not convenient for us to hold hearings in the afternoon. Each member has other work to do.

I would appreciate it if you would give us a statement, in affidavit form, so we can keep it and it would be inserted along with any executive testimony we may take later as part of the executive record.

If you do that, we would appreciate it very much. We could go into executive session, but we have other witnesses we will be trying to accommodate this morning.

If you do that, that will meet the situation.

Mr. O'BRIEN. I certainly shall.

The CHAIRMAN. I want to thank you for your cooperation and for an excellent statement. There are many things in your statement and in other evidence we have heard that are very distressing and very disturbing.

One of the things that strikes me is that this evidence should jar us into an appreciation of what is happening. Now we have bombings in high schools, not just colleges. We are getting down to the high school level. I don't know where it will go next.

Mr. O'BRIEN. If we don't do something, Senator, we will have an epidemic. We have the start of one right now.

The CHAIRMAN. I think it has already reached that stage. We are probably going to have a great increase in the problem.

Thank you very much for your assistance. We appreciate your cooperation.

The next witness will be Richard C. Turner, attorney general of Iowa, and his group.
Senator Miller, we are glad to welcome you.
Senator MILLER. Thank you, Mr. Chairman.

STATEMENT OF HON. JACK MILLER, SENATOR FROM THE STATE OF IOWA

The CHAIRMAN. You are recognized.

Senator MILLER. Thank you, Mr. Chairman and members of the committee.

I am very pleased to present before the committee our attorney general from Iowa, Richard Turner; his deputy, Ben Cullison, who, incidentally, was the former legislative counsel on my staff; Chief Wendell Nichols of the Des Moines Police Department; Sgt. Albert Gladston, in charge of Intelligence Units of the Des Moines Police Department, and Patrick Tighe, who is associated with the Bureau of Criminal Investigation in the State of Iowa.

Mr. Chairman, I am proud to say that these are among the finest law-enforcement officers at both the State and local level that you will have the privilege of having before your committee.

At the same time, I must say I regret deeply that the chart on the wall shows that Iowa has had a large, very large, number of bomb activities in recent months.

I would supplement what is on that chart, which runs through April 15, 1970, by pointing out to the committee that on May 22, I stated to the Senate that at 9 o'clock that morning, nine people were injured, one critically, in a bomb explosion in Ames, Iowa, which damaged the municipal building which houses the police department; and that on May 13, the police station in Des Moines, Iowa, was seriously damaged by a dynamite blast, with one person injured.

So the personal injury statistics which show zero as of April 15, in Iowa, should at least be updated to 10.

The CHAIRMAN. We had to draw the line somewhere in preparing the chart. We are glad to have that additional information. I am sure the Attorney General will also give us information that would update the chart.

Senator MILLER. I might add, Mr. Chairman, that in the course of that statement I called attention to the fact that the President's proposals to strengthen the laws concerning illegal use, transportation or possession of explosives, were pending before the House and Senate Judiciary Committees.

I expressed the hope for prompt action.

I want to commend you, Mr. Chairman, and your committee, for taking cognizance of this very important problem.

It is now my pleasure to turn these witnesses over to you.

The CHAIRMAN. Thank you very much, Senator.

I may say for the record and for the information of these distinguished citizens from Iowa who are here this morning to testify, that it is very gratifying to have you here, Senator, and you can be reassured sirs, that your very able Senator Miller does cooperate with this committee.

I have been very happy at times to have his able assistance on the floor when we were trying to pass crime legislation.

I might make this further comment: Last night I read your prepared statement, Mr. Attorney General, and it does seem, apparently, that your State needs to update its laws. I am sure mine needs to give some attention also to the same area, and probably all States of the Union.

I remarked earlier this morning that the Federal Government should go to the full limit of its jurisdiction, in enacting all laws that would enable the law enforcement officials to deal with this problem.

Where the Federal jurisdiction ends, then the State should pick up and enact the necessary legislation to blanket this field, to make certain that every tool, every legal weapon, is provided within the framework of the Federal Constitution to deal with this problem, because it actually means dealing with our internal security in protecting the whole Nation and all citizens in the Nation from these depredations.

Thank you very much, Senator.

Very well, Mr. Attorney General. We welcome you and your associates.

You have a prepared statement.

Would you like to read it? Some parts of it can be inserted into the record—any part you do not read we will insert in the record in its proper place.

Under the rules of the committee, you will have to be sworn.

Will you stand and be sworn, please?

You and each of you do solemnly swear the evidence you shall give before this Senate subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TURNER. I do.

Mr. CULLISON. I do.

Mr. NICHOLS. I do.

Mr. GLADSTON. I do.

Mr. TIGHE. I do.

TESTIMONY OF RICHARD C. TURNER, BENNETT CULLISON, WENDELL NICHOLS, ALBERT GLADSTON, AND PATRICK TIGHE

The CHAIRMAN. Very well. Now you may proceed with your statement.

Mr. TURNER. Mr. Chairman and members of the subcommittee—

The CHAIRMAN. I beg your pardon.

I would like to insert in the record at this point the biography of Attorney General Turner. Let it be printed in the record at this point. (The document follows:)

BIOGRAPHY OF RICHARD C. TURNER, ATTORNEY GENERAL OF IOWA

Richard C. Turner, Republican, age 42, was elected Attorney General of Iowa in 1966 and re-elected in 1968. He now resides at 1054 21st Street, West Des Moines, Iowa, with his wife, two sons and a daughter. But Council Bluffs is his permanent residence.

Mr. Turner was born and raised in the small town of Avoca, in Southwest Iowa, where his father and grandfather practiced law before him.

After service in the 20th Air Force on Guam following the Second World War, Mr. Turner entered the State University of Iowa where he received his BA degree in 1950 and his JD in 1953.

In the interim he attended George Washington University law school one semester while working for the Federal Bureau of Investigation.

He has been a trial and appellate court lawyer for 17 years; an assistant county attorney at Council Bluffs for 2½ years and a State Senator for four years.

In addition to numerous criminal and civil jury trials he had argued nearly three dozen appeals before the Iowa Supreme Court prior to taking office as Attorney General in 1967.

He is presently Chairman of the Midwest Conference of Attorneys General and a member of the executive committee and the criminal law committee of the National Association of Attorneys General.

The CHAIRMAN. Now you may proceed.

Mr. TURNER. Thank you.

I appreciate the opportunity to speak with you this morning concerning the bombings which have occurred recently in the State of Iowa.

Terrorism and coercion through the use of bombs and incendiary devices has been a serious problem in Iowa for several years. The problem has increased dramatically in the past 12 months.

According to the Alcohol and Tobacco Tax survey, which was conducted at the request of this committee, there were 75 explosive devices and 105 incendiary devices illegally detonated in the State of Iowa between January 1, 1969, and April 15, 1970.

These fires and explosions caused an estimated property damage of 1½ million.

Since April 15, 1970, there have been five additional explosions and four additional fire bombings. These explosions and fires caused additional property damage of approximately \$1 million.

Although there have been some personal injuries, no deaths have yet resulted. There is every reason to believe that this, too, will occur if those responsible are not apprehended.

On June 21, a boobytrap was set for the specific purpose of killing a member of the Des Moines Police Department. The boobytrap consisted of a toolbox containing a large quantity of dynamite. The dynamite was wired to a simple but diabolically clever device which would detonate the bomb electrically when the lid of the box was lifted.

This device was placed under a bridge in Des Moines, and an anonymous caller directed the police to its location, expecting them to open it at the scene. Through no fault in the bomb, it did not explode. Fortunately, the officer was able to peek inside without triggering it. He saw the dynamite.

Until recently, most bombings and many fires in Iowa have been the result of labor disputes. My office recently completed the prosecution of a business agent of the Iron Workers Union for a series of fires and explosions between 1966 and 1968. These incidents were directed against a number of employers with whom the union had labor disputes.

I wish to add that the jury which convicted the business agent was made up almost entirely of union members or wives of union members. This demonstrates that rank and file union members do not condone violence and coercion in settling labor disputes.

The CHAIRMAN. Would you state what sentence has been imposed.

Mr. TURNER. I am not sure that sentence has been imposed. I believe the sentence will be 3 years. The case is now on appeal to our Iowa Supreme Court, or there is a motion pending for a new trial, something to that effect.

The CHAIRMAN. From earlier testimony this morning, we find many times the punishment or sentence that is imposed is not the maximum in these cases at all.

In fact, such sentences often are not commensurate at all with the gravity of the crime. I think this should be emphasized, and our judiciary should awaken to the need for sentencing that which is commensurate with the seriousness of this kind of lawlessness.

You may proceed.

Mr. TURNER. Unfortunately, in this particular case, some of the charges against the man who was convicted were dismissed, and he was convicted only of the crime of conspiracy.

The CHAIRMAN. Of what?

Mr. TURNER. Of conspiracy. But it arose out of the bombing.

The CHAIRMAN. I don't mean to be critical. There are always circumstances. There may be mitigating circumstances that do not appear when testimony is given here.

But I do know there are many, many instances that we hear of all the time, where confirmed criminals, with records of previous felony convictions get off with minimum sentences.

Mr. TURNER. More recently, Iowa Beef Pack in Sioux City, Iowa, experienced a long strike by the Amalgamated Meat Cutters Union. The company and its officers and nonstriking employees suffered an unprecedented series of bombings, fires, and other forms of violence which caused hundreds of thousands of dollars in property damage and personal injuries.

These acts occurred during the strike, were directed against the company, and the home of the company's attorney, and those who are being prosecuted as a result are associated with the union.

Finally, the violence ended with the conclusion of the strike. It is clear from this alone that a small group of criminals believed that violence and coercion was an acceptable means of settling the dispute.

(At this point Senator Metcalf withdrew from the hearing room.)

Mr. TURNER. The most recent and dangerous series of bombings have occurred during the past few months. They have been perpetrated by a group of criminals whose dispute is with society itself.

On October 10, 1968, some of these individuals set fire to a large lumber yard, which was completely destroyed, with a property loss of more than half a million dollars.

On May 5, 1970, a large quantity of high-powered dynamite and electrical blasting caps was stolen from a dynamite supplier in Des Moines.

On May 13, 1970, they exploded dynamite against the Des Moines Police Department building, causing approximately \$250,000 property damage.

On May 23, they exploded dynamite against the Ames, Iowa, Police Department building, causing approximately \$50,000 damage and personal injuries to persons inside the building, including serious injury to a prisoner in jail and a police officer who lost the sight of one eye.

On June 13, they dynamited the Des Moines Chamber of Commerce building causing property damage of more than \$150,000.

On June 21, they set the boobytrap which I mentioned earlier. This contained the same type of dynamite and blasting caps stolen on May 5.

On June 29, the Science Building at Drake University in Des Moines was bombed with property damage of approximately \$300,000.

The same individuals were probably responsible for all of these bombings, and the dynamite they used was probably all part of the quantity stolen on May 5.

The identities of the central figures who have planned and perpetrated these bombings and fires are known. They are known through the sworn testimony of witnesses before grand juries and trial juries. They are known as the result of statements made out of court by persons who are unwilling to testify. They are known by circumstantial evidence satisfactory to the commonsense of the most skeptical layman.

Yet, only two individuals responsible for any of the bombings and fires since 1966 have been convicted and sentenced to prison. Three others have been tried and found guilty by juries, but they have not been sentenced.

The CHAIRMAN. You say they are known by persons who are unwilling to testify. Do you find a great deal of that? Do you have problems getting people to testify in these cases?

Mr. TURNER. Yes, we do.

The CHAIRMAN. Is it out of fear?

Mr. TURNER. I think partly out of fear and partly out of the fact that they are coconspirators and involved themselves.

The CHAIRMAN. I am talking about persons other than those who may be involved. Certainly, those who participate or are coconspirators would not want to testify and wouldn't, if they could avoid it at all.

I am talking about people in the community who may have knowledge about it. Do they hesitate to testify out of fear?

Mr. TURNER. I am not sure of the extent to which they do hesitate to testify. I think they do cooperate to a large extent with the chief of police, and that they do give him leads and tips often.

The CHAIRMAN. I am talking about going into court and testifying. I know that there are informers. They say, "Keep my name out of it, I don't want to get involved, but if you talk to so and so—"

They give you leads.

I am asking if there has been such fear instilled into the community that people are afraid to testify, afraid of retaliation, and afraid that they would probably be the next victims.

Mr. TURNER. I will have to defer to Chief Nichols on that.

The CHAIRMAN. Would you give us a comment on that?

Mr. NICHOLS. I definitely agree that they are afraid to testify, and certainly people in the business world would be afraid to testify.

The CHAIRMAN. I thought that would be true. I don't know that there is anything so strange about that. People try to protect themselves and don't want to become targets, invite reprisals if they can avoid it. So it is a problem when you are dealing with a matter like this, involving persons who would resort to such heinous crimes. You know they wouldn't hesitate to retaliate against you.

Mr. NICHOLS. That is right.

The CHAIRMAN. I can appreciate that fear not only exists but that it is justified.

Mr. NICHOLS. That is right.

Senator GURNEY. Mr. Attorney General, is this bombing group identified with some militant organization that is well known?

Mr. TURNER. Yes, it is.

The CHAIRMAN. Which one?

Mr. TURNER. The Black Panthers.

The CHAIRMAN. All right, go ahead.

Mr. TURNER. All of those responsible for planning and instigating these incidents, except the business agent of the Iron Workers Union remain at large, free to pursue their deadly activities. Most of the actual perpetrators are free to strike again when the occasion arises.

Why?

We do not have the evidence necessary to convict them in a criminal trial. Our tools for obtaining it are inadequate. The prospects that we will convict a substantial number of those criminals in the near future under present conditions are poor.

The CHAIRMAN. That means they commit these crimes almost with impunity, does it not?

Mr. TURNER. Unless we have eyewitnesses and unless we are able to get evidence which we have been unable to get, they can do that, yes.

The CHAIRMAN. That is why we are searching for new tools, additional tools, to work with.

Mr. TURNER. Electronic surveillance is denied to law enforcement in Iowa. It is the most promising tool for obtaining the evidence necessary to convict these individuals in a court of law.

Senator GURNEY. You are talking about State law?

Mr. TURNER. Yes, sir.

The CHAIRMAN. You do have now under title III of the Omnibus Crime Control-Safe Streets Act of 1968 the authority to enact such laws.

Mr. TURNER. Yes, sir.

The CHAIRMAN. Has your State declined to enact such a law? Have they considered it?

Mr. TURNER. Yes. As I will point out in my testimony—

The CHAIRMAN. Well, we will wait. Proceed.

Mr. TURNER. These bombers use specific telephones to communicate with each other concerning their criminal activities. Ample evidence now exists to obtain court orders to wiretap these telephones. I believe wiretapping would soon produce legal evidence upon which these individuals could be prosecuted in a court of law.

There is an excellent possibility that the dynamite now in their possession could be located and recovered. There is an excellent possibility that we would have knowledge of their plans for further violence, and be in a position to prevent it.

The Iowa Legislature enacted an electronic surveillance bill last session which was patterned after Federal law. Although it contained many more safeguards than the Federal law, it was vetoed by the Governor, who stated it was not necessary to law enforcement and constituted an invasion of privacy.

The CHAIRMAN. I would make this comment for the record: We had in the past administration an Attorney General who took the same position. Under the past administration, the Attorney General would not use the Federal statute. He refused to use the instrumentality, the weapon, the tool that Congress provided.

This administration is using electronic surveillance and wiretapping under the act as authorized by that act.

I may say, from reports I get, they are having marked success with it. I will not here burden the record, since I don't have all the information before me, but I am in frequent contact with the Department of Justice with respect to the success they are having under that law. I would call it marked success.

Mr. TURNER. I understand they have broken up several big drug rings with it.

The CHAIRMAN. I might point out this: More than 90 percent—90-some odd percent—of the wiretaps and surveillances that they have used have been productive. That includes over 100 applications that have been approved by courts. I won't give the exact figure. Over 100 have been approved by courts, and more than 90 percent of them have actually been productive. They obtain the evidence they were seeking.

In some instances, they obtained evidence of other crimes being planned. They were able to save the life of one person who was marked as a victim. They were able to capture some bank robbers immediately after they had robbed a bank.

In case after case, instance after instance, it is proving not only workable; it is proving very potent, very helpful. I think we are going to find more and more that it is an indispensable instrumentality in law enforcement.

I think I can say that up to now there hasn't been one charge, one allegation, of any abuse of the practice, of the invasion of anybody's privacy other than legitimately so. I think that message should get to the State legislators and to the Governors of the States. I am sure it will.

I think the results have been very reassuring and should encourage State authorities, State legislators and Governors, to give serious consideration to wiretapping as an instrument to be used in their States, in their jurisdictions, for enforcing the law. It could be abused, but that is not likely when a court supervises it.

It is like the issuance of a search warrant. Search warrant authority has been abused; we know that. Most any law can be abused. Most any power can. A policeman with a gun on his hip can abuse the power the gun gives him. Of course he can. He can kill somebody who was innocent, who ought not to be killed.

But we have to use these tools, in my judgment, if we are going to compete with sophisticated crime today and with sophisticated criminals.

Very well, proceed.

Mr. TURNER. Mr. Chairman, I would appreciate receiving a copy of your statement just now made to take back home with me.

The CHAIRMAN. I will give you full information about it, if you want it.

I don't mean I know everything about the results, but what I give you will be accurate.

Mr. TURNER. I hope that in addition, recent events have demonstrated that electronic surveillance is necessary. It is necessary in the same way it is necessary to have two legs to run the 50-yard dash; not absolutely necessary, but necessary if we hope to win.

The privacy invaded, of course, is the privacy of criminals, privacy used to conceal their destructive activities.

Uncooperative witnesses may refuse to testify before grand juries and in criminal trials upon mere claim that their testimony might tend to incriminate them. Iowa should have legislation enabling grand juries and trial courts to insure that testimony elicited from witnesses will not later be used against them, and the witnesses having been granted such assurance would be obliged to testify despite any claim that the testimony might incriminate them.

If they refused they could be prosecuted for contempt. If they testified falsely, they would be subject to prosecution for perjury.

I proposed legislation along these lines during the last session of the Iowa Legislature. It passed the senate, but there was insufficient time to take it up in the house. I will support it again during the next session. I consider it an extremely important tool.

Skilled investigators are overworked and underpaid in Iowa. The State Bureau of Criminal Investigation, which is responsible for investigating the bombings, as well as all other crimes on a statewide basis, has only 24 full-time agents. Their beginning salary is only \$8,400 per year, and maximum salary for an agent having 20 years of service is only \$13,200 per year.

The salary range for detectives in the Des Moines Police Department is \$7,619 to \$9,198 per year, plus 1 percent for each 5 years of service completed.

These men are primarily responsible for investigating and obtaining the evidence necessary to prosecute those responsible for the bombings and fires I have mentioned this morning. The information at my disposal comes from them. If there are criminal prosecutions, the evidence will be the result of their efforts. Their work requires the highest degree of sophistication, initiative and industry. Yet, they are paid a salary which is less than would be required to hire a good truckdriver.

There are notable exceptions—and these men here are the exceptions—but as a general rule, you get what you pay for, and this is as true for law enforcement as it is in any other area.

Dynamite is easier to purchase in Iowa than firecrackers. It is ironic that it has been illegal to sell fireworks for 30 years, but there is no regulation whatever of the sale of dynamite and other powerful explosives.

I have proposed a bill for the consideration of the Iowa Legislature which would require that dealers in explosives be licensed by the State and purchasers and users of explosives obtain permits therefor from their local sheriffs or chiefs of police.

Purchasers would be required to show the purpose for which the explosives are to be used and the amount required. Unused amounts would be returned to the dealers, and dealers would be required to keep accurate inventories of explosives sold and on hand.

Strict security and safety standards for the storage and handling of explosives would be prescribed by the State department of public safety.

I have here the proposed bill and I am prepared to offer it to the committee as an exhibit.

The CHAIRMAN. It will be received as exhibit 815.

(The document referred to was marked "Exhibit No. 815" for reference and may be found in the files of the subcommittee.)

Mr. TURNER. Of course, I realize that it won't stop the theft of dynamite or the interstate transportation thereof.

Federal legislation which would give State authorities notice of explosives being shipped into their States would be of great benefit in the enforcement of local regulations.

Interstate suppliers of explosives might also be required by Federal law to comply with State statutes and regulations. They are virtually beyond the reach of State authorities now.

I find it most difficult to make other suggestions concerning how the Federal Government might help us. It has already been most generous with grants under the Omnibus Crime Control and Safe Streets Act of 1968. In fact, Iowa is now in the process of organizing its first statewide intelligence unit with Federal funds received pursuant to this program.

It is primarily the responsibility of the State of Iowa to make the changes which are so sorely needed by law enforcement in our State. Only the Iowa Legislature, with the Governor's approval, may authorize electronic surveillance of dangerous criminals.

Only the Iowa Legislature, with the Governor's approval may authorize our courts to compel unwilling witnesses to testify.

It is the primary responsibility of the Iowa Legislature and local governments to raise the taxes necessary to adequately finance the salaries and equipment necessary for effective criminal investigations.

If we are unable to do this, if we abdicate our responsibilities, organized violence and terrorism will continue and confidence in society's ability to defend itself will be increasingly shaken. The hue and cry for vigilante countermeasures will be increasingly appealing, and I might add, deplorable.

If the States cannot respond effectively, law enforcement will be left more and more to Federal authorities. We will thus violate another of our basic precepts; that law enforcement is a local responsibility.

There are some things I believe Congress should consider in assisting the States. First and foremost is abolishing the exclusionary rule of evidence which frequently turns loose criminals who have voluntarily confessed or been found in possession of the most damning evidence.

The CHAIRMAN. Title II of the Omnibus Crime Control Act of 1968, if its constitutionality and legality are sustained by the courts, will partially remedy what you have complained of here.

Mr. TURNER. I am aware of that, and I think that is an excellent law. I don't know, though, whether the Federal Government is putting that into force. I am afraid that the States are not allowed to do so.

The CHAIRMAN. That is a matter we are going to find out about pretty soon. There should be, and there will be, I feel assured, a test case at some appropriate time, not too far away, to let the court pass on it.

If that Title is upheld as being constitutional, then it would meet about half of the problem here that you identify.

Mr. TURNER. While constitutional—

The CHAIRMAN. It does not deal with the other aspect of this problem, where persons are found in possession of property used in committing crimes, or evidence is obtained that would establish guilt, such as goods found in their possession without benefit of a search warrant. It does deal with confessions.

You may proceed.

Mr. TURNER. While constitutional rights must be protected, the absolute exclusion of illegally obtained evidence is much too high a price for society to pay. Let the policeman and the prosecutors take the risk of criminal or civil liability, or both, for obtaining evidence unlawfully.

I do not advocate nor do I condone illegal searches or seizures, nor the obtaining of confessions unlawfully, nor do I suggest that any person's rights be deliberately violated.

But for over 100 years, until *Mapp* and *Miranda*, illegally obtained evidence was admissible in State courts.

A return to that rule, with new safeguards to protect rights (which may now require a constitutional amendment), will greatly benefit the public and, at the same time, make law enforcement officers better, more effective and respected men.

Second, prosecutors should be permitted to comment upon a defendant's refusal to testify.

Third, consideration should be given to making the Federal wiretap law available to all State law enforcement officials under present guidelines, unless proscribed or further restricted by the States.

I think no one in the Federal Government understands the problem of combatting sophisticated and organized criminals better than the chairman of this subcommittee, nor has anyone done more to assist law enforcement to deal with it. Congress has already been most generous. Whether or not Congress considers my suggestions, I believe it is time for the States to assume their responsibility.

Thank you.

The CHAIRMAN. Thank you very much.

The Chair appreciates your complimentary references to his efforts here in law enforcement.

We say primarily that law enforcement is the responsibility of local officials. That is particularly true with customary street crime.

There are areas where the Federal Government does not have jurisdiction. But I think I would emphasize again, now that the Federal Government has adopted the wiretap and the electronic surveillance statute, I think its constitutionality is going to be upheld. Responsible persons feel that we now have met all the requirements and standards that were set forth in court decisions.

I think States should follow suit now and enact comparable statutes so that this weapon may be made available to local law enforcement officials.

As you said, perhaps you can run the race on one leg but you would find it difficult to win it, with that kind of handicap. So law enforcement, in my judgment, is handicapped in any jurisdiction where this weapon is not available to law enforcement officials.

I hope your State will soon enact such a law, and that other States will do likewise.

I appreciate very much your cooperation.

Who is the next witness?

Mr. TURNER. Chief Wendell Nichols, I believe.

The CHAIRMAN. Chief, do you have a statement?

Mr. NICHOLS. Yes, Mr. Chairman. In the interest of timing, I think I will simply read my statement and digress from it shortly.

I certainly appreciate the concern shown here by the Senators about the problems of police, and I suspect from the questioning I have heard in this chamber, at least yesterday and today, that they are not altogether ignorant of the fact of what our problems are.

I think they simply want clarification of what the police problems really are.

Gentlemen, I will proceed with my statement and then I will entertain any questions you may have, together with Sergeant Gladston, about our recent bombings.

The CHAIRMAN. All right.

Mr. NICHOLS. First of all, gentlemen, the ease with which the criminal element and dissident groups can transport weapons, ingredients for Molotov cocktails and explosive devices, has been one of the most frustrating affairs thus faced by our department.

Certainly, I would recommend strengthening the laws to begin with, some easing of the restrictions placed upon police officers when searching for such devices.

Chances of solving such crimes as these are very slim. It is a very simple matter to throw a gasoline-filled incendiary which will do millions of dollars of damage.

By the same token, explosives which are even more devastating, are now being set with time devices, thus, the criminal has the opportunity to flee from the scene. At the time our police station was bombed the building was occupied.

I believe local law enforcement, either through new Federal legislation, or through the Law Enforcement Assistance Act, could get some assistance in training of intelligence and undercover police officers.

Officers that are qualified in proper police investigative procedures should be allowed to operate in their own locales and after disclosure in trial at court be allowed to travel inter or intrastate to other locales on reimbursable arrangements.

True, we can train our own people, however, once a man is trained properly, it is almost certain that his usefulness in this capacity will be limited after exposure at the trial.

These officers would be of great help and due to their training would be much more reliable in such investigations than general informants.

Also, through their training, factual information could be received and the danger of entrapment would be nil. Therefore, there would be more success in the prosecution of the organized rabble-rousers and bomb-planters.

As to the legislation regarding dynamite and explosive devices, I recommend certification or registration under a Federal agency of all manufacturers, wholesalers, retailers, storage handlers, and general dealers of dynamite and explosive devices.

I recommend that permits to buy such explosives would first have to be on a certification by a local police or local sheriff's office describing the purpose or use of such explosive.

Also, that all unused explosives or dynamite be returned to the original dealer with a certification that the dynamite that was used for the purpose for which it was originally purchased.

It would also be the responsibility of the above handlers of dynamite to keep an inventory report of all transactions in dynamite and said report to be submitted to the Federal agency governing same.

As to identification of dynamite, I would recommend that the manufacturers have some coding established either on the individual sticks or on the cases to indicate when and where the dynamite was produced which would be of some assistance in identifying the dynamite if recovered after a theft.

Gentlemen, as I noticed the board, I saw that Iowa is quite high in explosives and incendiaries, that type of disturbance.

I think that up to now, Des Moines, at least, has had about three to four significant bombings. The bombings that really began to shake Des Moines to its very foundation, began with the bombing of our police station. Certainly, there was, we estimate, something like 50 pounds of dynamite that was exploded in that police station.

At that time, it was occupied by personnel in the dispatcher's office about 3 o'clock in the morning.

The next explosion which rocked Des Moines, of course, was the Ames Police Department.

And finally, the third explosion, of course, was the one at the chamber of commerce.

These are all establishment-type explosions. It did a vast amount of damage, not only to the station and to the particular area where the bomb was set, but the area around it.

As Mr. Turner mentioned, we did make an arrest of some people with dynamite caps. These were known associates of the Black Panthers. Two of them, at least, were confirmed Black Panthers in their original charter.

Today, somewhere in Des Moines, in the vicinity of Des Moines, we still have something near 15 cases of dynamite, somewhere in our city, or believed to be in the very near vicinity of our city.

So, gentlemen, I predicted and I still predict we will have more explosions in Des Moines.

Now I will turn this over to the next witness.

The CHAIRMAN. Have you any questions, Senator Gurney?

Senator GURNEY. No, Mr. Chairman.

The CHAIRMAN. Thank you very much, Chief.

I hand you here a chronological survey of arsons and bombings in the city of Des Moines and ask you to identify it, and also a summary of arsons and bombings in the city of Des Moines.

These are two separate dates.

The first one I referred to is 1969-70, and the second one I referred to is January 1969-June 1970. If you will, identify those. I will have them then received as an exhibit.

(Documents handed to the witness.)

The CHAIRMAN. Do you identify them?

Mr. NICHOLS. Yes, Mr. Chairman, I identify them.

The CHAIRMAN. They will be received and appropriately marked.

(The documents referred to were marked "Exhibit Nos. 816A and 816B" for reference and follow:)

EXHIBIT No. 816A—CHRONOLOGICAL SURVEY OF ARSONS AND BOMBINGS, CITY OF DES MOINES, IOWA POLICE DEPARTMENT, 1969-70 (JANUARY TO JUNE) PLUS TWO SELECTED CASES IN 1968

DES MOINES POLICE DEPARTMENT CASE NUMBER AND DESCRIPTION

68-10609, June 13, 1968: Police Officer Terry Lunder's residence 3308 E. 41st St. 0230 hrs. Three firebombs (2 ignited)—Damage \$2,000. No suspects at this time.

68-19128, Oct. 10, 1969: Jewett Lumber Company, 615 E. Walnut Bombing attack utilizing incendiary device. Building totally destroyed. Est. damage in excess of \$500,000. A conviction obtained on one subject.

69-5036, March 22, 1969: Attempted arson at Wesley Foundation, 2718 University at 2100 hrs. It is believed that two phosphorous type devices approximately 2'x8' were used. Presently, there are no suspects in this case.

69-5854, April 3, 1969: Bombing of Soul Village at 1407 Forest at 2244 hours. It is believed that three or four sticks of 2x16' dynamite was used. There presently are suspects in this case.

69-6603, April 14, 1969: At 0151 hours, a power pole at 720-15th St. was dynamited. There are no suspects at this time in this case.

69-7550, April 26, 1969: Black Panther Headquarters dynamited. This building was totally destroyed. It was located at 1207-11th St. There presently are suspects in this case.

69-7698, April 28, 1969: Prior to 2200 hours, an arson occurred at a facility of the Des Moines Public School system located at 13th Place and Forest. This fire was started by the use of one or more molotov cocktails. There are no suspects in this case at this time.

69-7769, April 29, 1969: An arson occurred at the Harper Furniture Repair Store, 1814 Easton at 2253 hours. One or more molotov cocktails were used in this arson. There are no suspects at this time.

69-7771, April 30, 1969: An arson at Statewide Construction Co., 1544 E. University at 0027 hours. At least four molotov cocktails were involved in this arson. There are no suspects at this time.

69-7968, May 2, 1969: At 2300 hours, the Robert Alexander residence, 1429-18th St., suffered an arson. One or more molotov cocktails were involved in this arson. There are no suspects at this time.

69-9258, May 21, 1969: At 0210 hours, there was an arson at the Des Moines School Board facility at 3122 Cambridge. There are no suspects in this case at this time.

69-9559, May 24, 1969: An arson occurred at the Iowa Power and Light Company, in the 1300 block of 15th Street at 2343 hours. This arson involved a power pole. There are no suspects at this time.

69-12009, June 28, 1969: An arson at Vernon Moore residence, 1235 E. 16th St., at 0430 hours. A gasoline can was involved. No suspects at this time.

69-12976, July 11, 1969: Attempted arson at Richard Stroud, 2228 Garfield at 0010 hrs. involving a fire bomb. No suspects at this time.

69-14566, July 28 to July 19, 1969: An arson at Ralph Smith, Inc., 1339 2nd Ave., 1700 hrs. to 0730. Molotov cocktail used. No suspects at this time.

69-22409, November 1, 1969: Attempted arson at John Cunningham res., 6211 Boston in the early morning. Molotov cocktail used. No suspects in this case.

69-23528, November 15, 1969: Attempted arson at Junis Abolins, 1716-E. Walnut at 1530 hrs. Molotov cocktail used. There presently are suspects in this case.

70-6935, April 9, 1970: Attempted arson, Stella Mitchell, 1334-13th St., 2200 hrs. Two molotov cocktails involved. No suspects at this time.

70-9509, May 13, 1970: Bombing of the Des Moines Police Department, East 1st and Court Avenue. Dynamite used. There are suspects in this case.

70-11718, June 10, 1970: Arson, M.V. 1967 Chev. Total Loss. Victim Marguerite Beeler, 1002 Des Moines St., 0015 hrs. 1833 Hubbell—fire destroyed entire interior of vehicle. No suspects.

70-11719, June 10, 1970: Arson, M.V. 1970 Chev. Front seat damage unk. Same as 70-11718, owner Lavern Prigge, 1815-9th St.

70-11720, June 10, 1970: Arson, M.V. 1962 PLY 2-DR. Total loss. Same as 70-11718. Owner, Kenneth R. Kasper, 1608 SE 38th St.

70-11721, June 10, 1970: Arson, M.V. 1962 Inter. Tractor, \$650; 64 GMC Tractor, \$250; 62 GMC Tractor, \$300; 1 Street Sweeper on Flat Bed, \$300. Committed at 2006 Hubbell; at 0155 hours; victim Lewis Albaugh, Elkhart, Iowa. All vehicles suffered extensive interior damage—unknown liquid substance found inside.

70-11723, June 10, 1970: Arson, M.V. 1954 Buick, \$100; 1949 Chev. Pickup, \$100. Located at 2025 Easton, 0155 hours. Victim: Cress Standard Station, 2025 Easton. Interior damage—two juveniles seen running from area.

70-11982, June 13, 1970: Bombing on the Des Moines Chamber of Commerce Building, 800 High Street, at 0414 hrs. Dynamite used. There are suspects in this case.

70-12232, June 16, 1970: Arson at Leo Reha residence, 726 E. 26th St., at 2400 hrs. No suspects.

70-12673, June 21, 1970: Explosive device at 2300 block of Cottage Grove, 0330 hrs. booby trap; two sticks of dynamite. Suspect in this case.

70-13323, June 29, 1970: Bombing of Drake University H. I. Hall, 2850 Forest, at 0346 hrs. No suspects in this case at this time.

EXHIBIT No. 816B—SUMMARY OF ARSONS AND BOMBINGS, CITY OF DES MOINES
POLICE DEPARTMENT, 1969 AND JANUARY TO JUNE 1970

During 1969, there were a total of sixty-six (66) cases of arson in the City of Des Moines. During the same twelve month period, sixteen (16) bombings occurred within the City of Des Moines. These bombings were effected utilizing both gasoline fire bombs and dynamite or other explosive materials. A breakdown of the various types of property attacked during these arsons and bombings is as follows:

Arson cases for 1969

Vehicle arson-----	15
Residence arson-----	31
Commercial arson-----	17
Other arson-----	3
Total -----	66

Bombing cases for 1969

Dynamite bombings-----	4
Fire bombings-----	12
Residence bombings-----	7
Commercial bombings-----	5
Other bombings-----	4
Total -----	16

During the first six months of 1970, a total of twenty-seven (27) arson cases have been reported within the City of Des Moines. During this same period, 11 bombings have occurred, utilizing both explosive materials and fire bombs.

Arson cases for 1970 (January through June)

Vehicle arson-----	1
Residence arson-----	16
Commercial arson-----	2
Other arson-----	8
Total -----	27

Bombing cases for 1970 (January through June)

Dynamite bombings-----	4
Fire bombings-----	7
Residence bombings-----	1
Vehicle bombings-----	6
Public buildings (governmental)-----	3
Other bombings-----	1
Total -----	11

SUMMARY OF BOMBINGS—1970

Of the eleven bombings mentioned above, three of them were directed against public or governmental buildings. On May 13, 1970, the Des Moines Police De-

partment was dynamited in the early morning hours. No personal injury was suffered during this bombing, however, the damage to the building and facilities was in excess of \$250,000.

On June 13, 1970, the Chamber of Commerce building in the City of Des Moines was dynamited causing damage in excess of \$150,000. On June 29, 1970, the Science Hall, classroom structure at Drake University, was dynamited causing extensive damage to the building and major damage to the facilities. Estimated damage on that bombing was in excess of \$200,000.

Investigation has shown that the dynamite utilized in the above bombings and the blasting caps were from a supply stolen from a local construction supply company within the City of Des Moines on May 5, 1970. Further investigations and activities by the Department resulted in the recovery of part of this supply of dynamite, blasting caps, and the actual explosives and the arrest of four subjects, all of whom are either known members of the Black Panther organization or are affiliated with that organization. These individuals were charged with possession of destructive devices and their trial is currently pending in county district court.

At 0330 hrs., June 21, 1970, the Police Department received a phone call from an unidentified person who stated someone had placed an object under a freeway overpass. This turned out to be a workman's tool box which contained a booby trap made up of dynamite similar to that stolen from the Quick Supply Company.

In conclusion, we feel the explosive material stolen May 5, the recovered dynamite caps, the dynamite taken from the home of one Archie Simmons, the three buildings which were blasted, and the booby trap are all related. Persistent rumors are prevalent that some of this material has now reached other points in the midwest.

SUMMARY OF BOMBING—1969

Although not in the calendar year 1969, one bombing in 1968 should be noted at this point. This bombing attack, utilizing an incendiary type device, was directed against the Jewett Lumber Company. This business facility was totally destroyed, and estimated damage was in excess of \$500,000. In the investigation of this persons were arrested and charged with conspiracy to commit this crime. These persons were known members or affiliates of the Black Panther Party within the City of Des Moines. A conviction, however, was obtained on only one of the subjects.

During the 1969 period, certain of the bombings utilizing explosives were directed against two buildings which were used as the Headquarters for the Black Panther Party and a meeting place for the Black Panther Party. On April 26, 1969, the Black Panther Party Headquarters was bombed with an explosive type device. This building was totally destroyed. On April 3, 1969, "Soul Village" building was attacked with an explosive device. The building suffered extensive damage but was not totally destroyed. Both of these attacks can be attributed to efforts against the Black Panther Party.

It should be noted that soon after both of these bombings, investigations conducted by the Des Moines Police Department brought about the confiscation of three semi-automatic rifles, 800 blasting caps, seven cases of dynamite (50# cases—100 sticks to a case), a wooden-electric dynamite plunger and 500-1000 foot fuse. There were rumors that this could be connected to the Minute Men but there was no proof to substantiate the rumors. Parties were interrogated, but no persons arrested. No one appeared to claim the confiscated merchandise.

Mr. NICHOLS. We have some pictures of dynamiting of the station which I will submit for the record, also.

The CHAIRMAN. They may be received as exhibit 817.

(The photographs referred to were marked "Exhibit No. 817" for reference and may be found in the files of the subcommittee.)

Mr. TURNER. Mr. Chairman, I believe Chief Nichols also has some photographs and synopsis of those individuals we believe to be responsible which he would like to introduce with the understanding that they not be made public.

The CHAIRMAN. They may be received and they will be held for the executive record if we have an executive record. Otherwise, they will not be placed in the record. They will be properly identified but not as an exhibit to this hearing.

Mr. TURNER. I would like to offer House File 720, which was our wiretap bill, which was passed by the Iowa Legislature but vetoed by the Governor.

The CHAIRMAN. It will be received as reference information.

Senator GURNEY.

Senator GURNEY. As I understand it, Mr. Turner and Chief Nichols, the chief bombings or one of the chief bombing episodes involved the Black Panthers.

Is it also true that there was a poverty war or Office of Economic Opportunity grant to these Black Panthers? Is that correct?

Mr. NICHOLS. The question was if there was a poverty grant to the Black Panthers?

Senator GURNEY. An OEO grant to them.

Mr. NICHOLS. As I understand it, part of their money is derived from OEO, yes.

Senator GURNEY. Was that involved in any bombing at all?

Mr. NICHOLS. Again, I think at this point I don't wish to discuss this. At least as far as we are concerned, we think that their money is coming from areas through OEO and finally finding its way to the Black Panthers, and it is being supported through OEO grants yes.

Senator GURNEY. In other words, the organization was sustained by Government grants, by OEO money.

Mr. NICHOLS. That would be my suspicion, at least.

Senator GURNEY. Certainly the activities of the organization, whatever they may have been, including bombings, were certainly not hindered by this grant of OEO money.

Mr. NICHOLS. As far as I am concerned, in the city of Des Moines, the persons connected with the OEO have not contributed one single iota to the peace of that community.

The CHAIRMAN. Mr. Tighe, you have a summary of the bombings that occurred in connection with the meatpackers strike, have you?

Mr. TIGHE. Yes, sir.

The CHAIRMAN. Have you a summary of any other?

Mr. TIGHE. I have a summary of the dynamiting of the municipal building in Ames, and dynamiting of construction-type equipment within our State.

The CHAIRMAN. We will let these summaries be received as Exhibit No. 818.

(The documents referred to were marked "Exhibit No. 818" for reference and may be found in the files of the subcommittee.)

The CHAIRMAN. I find also you submit recommendations. You have submitted a list of recommendations following your summary of the bombings.

Mr. TIGHE. Yes, sir.

The CHAIRMAN. Do you wish to read that into the record, or shall I just place it in the record at this point?

Mr. TIGHE. It would be all right with me, sir, to place it in the record.

The CHAIRMAN. In view of the lateness of the hour, I would like to do that, if it is agreeable with you. I will place it in the printed record.

Mr. TIGHE. I would like to point out that maybe some of the items that I have recommended do not seem to be germane, but when we are talking about the loss—

The CHAIRMAN. You are talking about the overall problem?

Mr. TIGHE. Yes. When we are talking about the loss of explosive equipment, dynamite and such, in the State of Iowa, when they say Des Moines, Iowa, it was not Des Moines. It was rural Polk County, Iowa. When they say Fort Dodge, it was not the City of Fort Dodge. It was rural Webster County.

This is the reason that I set forth in the recommendations how thinly spread we are in rural Iowa as far as the officers are concerned.

The CHAIRMAN. I read this last night. I read it with some interest. I don't want to file it away as an exhibit. I want to have your recommendations printed in full in the record.

It is so ordered.

(The recommendations follow:)

RECOMMENDATIONS

Give us access to federal statutes. Allow the local law enforcement officer to approach the United States District Attorney and the United States District Court and petition for the use of federal laws and then permit the admissibility of the evidence gained in state courts.

Admit evidence on the grounds of the guilt or innocence of an individual and not by arguing the technicalities of the legal instrument.

Better still, let's conduct our criminal trials by the rules of civil procedures so the jury can view the entire picture.

I believe that the rights of the individual must be protected but not at the expense of the rights of the people not being protected.

Confidential radio frequencies must be issued to law enforcement officers. Books are available that list all the law enforcement frequencies.

Our frequencies are being constantly monitored by some areas of the criminal element, news media, private citizens and it is common to find a police monitor in a cafe or service station in the state of Iowa.

For approximately twenty dollars any individual in Iowa can purchase a crystal that is activated by a commercial radio. This allows the monitoring of local law enforcement frequencies by anyone who owns a commercial radio. We know that this type of monitoring system is being used by some of our petty thieves and youths involved in drag racing, beer parties, etc.

Through the use of LEAA money, we in law enforcement are in the process of purchasing radio frequency scanners. This will allow us to converse with other law enforcement agencies on frequencies different from ours.

With the use of federal money, other than LEAA, the Black Panther Party of Des Moines, Iowa purchased one of these scanners a year ago. We must have a way of communication with each other without the whole country monitoring us.

Give us a law reference monitoring police frequencies that has some teeth in it and has realistic elements of proof of violation.

The Supreme Court should be more explicit in establishing guide lines for the law enforcement officer to follow rather than each individual judicial jurisdiction interpreting the Supreme Court decisions for themselves.

The Supreme Court decisions allow the ultimate in protection to the individual citizen. The criminal, as he is a citizen, has the absolute benefit of these decisions. He finds himself protected in the utopian area called legal admissibility.

This same Supreme Court makes no distinction in the ability of a peace officer. To the Supreme Court a police officer is a peace officer in regardless of the fact that he may have the finest education or that he may be a town marshal with little or no formal education in law enforcement. Many times we find that some

of our marshals have additional duties such as fire watchman, water meter reader, street maintenance men, etc.

The Bureau of Criminal Investigation, the Iowa Highway Patrol and major Police Departments in the state have instigated programs in which future peace officers must successfully complete a period of schooling prior to being allowed to enforce the law.

Our State Law Enforcement Academy is in its second year of operation and does not have the capacity for the rapid basic education of our local officers.

Can you visualize that most of the peace officers in the state of Iowa are put to work without any formal training in the law enforcement field. It is inconceivable to me that the people of the State of Iowa can expect us to be able to properly enforce the laws when officers have not been trained in the basic procedures of what constitutes a violation of each individual section of the law.

Give us legislation along with the LEAA money that requires the training of any person wishing to be a law enforcement officer prior to the time that he is actually appointed. This training should be at least for a period of three months and could be conducted in the Iowa Law Enforcement Academy or other approved law enforcement academies within our state.

Let us require that each peace officer be trained and then give him civil service status so that politics cannot interfere with the performance of his duty.

Individuals and groups have suggested that law enforcement officials should be more tolerant—I say to these groups, the peace officer enforces the law. The courts of our land and the attorneys who practice law are the only individuals permitted to interpret the law.

In all probability some of our laws are so archaic that it is difficult to apply them to present day standards. However, the peace officer took an oath to enforce all of the laws and I don't think that each individual peace officer should be allowed to make a personal decision on what laws he will enforce or not enforce.

It is recommended that there be a certain number of peace officers per thousand population. This is fine for the cities but not for the rural areas.

Iowa is predominately a rural state. Of the ninety nine counties, approximately eighty have less than fifteen thousand population. About one half of each county population will be located in the county seat town, and will be policed by five to ten men. This county seat town will encompass approximately five to eight square miles. The other six hundred plus square miles of the county will be usually policed by one Sheriff, one or sometimes two deputy Sheriffs, and maybe one or two town marshals in some of the smaller towns in the county.

Basically we are stating that five to ten officers patrol five to eight square miles of territory while three to five other officers patrol more than six hundred square miles of territory.

Gentlemen, the burglar, and the thief are literally carrying away our small towns and are stealing almost at will from the farmer.

It is not uncommon for every store in a small town to be forcibly entered on the same night.

It is also not uncommon for the farmer to return to his farmstead after attending church services or the likes and find his livestock or grain or farm machinery stolen.

We must have a recommendation for a set number of peace officers based on area as well as population.

Ease the restrictions of officers in such areas as surveillance and use of surveillance equipment. I say this because even though there are many times we arrest a person responsible for the crime, we are unable to do anything about the other criminals who conspired to have the individual commit the crime.

We request more monetary assistance so that we can increase manpower, purchase information from informants, purchase necessary law enforcement equipment, and obtain not only electronic surveillance equipment but the ability to properly employ this equipment.

The crime rate in the state of Iowa continues to increase at a rate of ten to twenty percent a year. The sophistication of the criminal has also increased tremendously.

There is a severe shortage of law enforcement officers in Iowa. The replacements of out moded tools of the trade and acquisition of new equipment has reached the critical stage.

The acquisition of this equipment is paramount and it must be available to the officers in order that they might properly perform their duties.

It is recommended that the punishment for any person involved in a bombing to be extremely severe and that the conviction for this type of crime is a non-paroleable offense.

It is necessary that we have more federal and/or state units that possess the necessary expertise in the proper handling of military and civilian type ordinance.

It is recommended that storage facilities for explosives be secure and of good construction, preferably re-inforced concrete.

The storage area should be enclosed with a chain link fence.

Have these areas properly illuminated.

Installation of a good silent alarm system connected to a twenty four hour enforcement agency.

Storage facilities should be situated in an area that grants access to patrolling police vehicles.

It is suggested that in areas where the law enforcement budget is so critical that it will not permit the use of local funds on a matching basis to obtain federal funds, but the federal government consider financing these areas on a non-match basis.

In many areas of our state it is extremely difficult for the local law enforcement officer to attend a university on a regular basis even though LEAA money may be available to help finance this. Therefore, the expansion of state and federal law enforcement training programs is a pre-requisite so that each officer develops the ability of a qualified peace officer as quickly as possible.

The CHAIRMAN. Let us return to Mr. Tighe's testimony. Your report, I believe, covers 29 separate bombings, is that correct?

Mr. TIGHE. Twenty-nine separate bombings just in regards to the Iowa Beef strike alone, sir.

The CHAIRMAN. That alone?

Mr. TIGHE. Yes, sir.

The CHAIRMAN. I hand you another piece of material. The title of it is "New Left Notes, SDS."

Will you examine that and identify it for me, please, sir?

(Document handed to the witness.)

Mr. TIGHE. Yes, sir. It is material that is presently being circulated on the campus of the State University of Iowa, or Iowa University at Iowa City, Iowa.

The CHAIRMAN. That material is being circulated on the campus?

Mr. TIGHE. Yes, sir.

The CHAIRMAN. What is the source of that material?

Mr. TIGHE. We have not been able to absolutely and critically identify the source. However, from our sources of information, and from the pamphlet itself, we believe it is SDS material.

The CHAIRMAN. It says SDS on it.

Mr. TIGHE. Yes, sir.

The CHAIRMAN. Of course, someone could be operating under the cloak of that organization, so to speak.

This material, whatever the source, does contain instructions on how to make bombs, and many other suggestions about the way to bring about anarchy, does it not?

Mr. TIGHE. Yes; it does.

The CHAIRMAN. Is it distributed openly on the campuses?

Mr. TIGHE. No, sir; it is not being distributed openly. This is the reason the copy is very difficult to read. It was necessary to obtain it through underground channels.

The CHAIRMAN. To what extent is it being distributed?

Mr. TIGHE. To the extent that we feel the activity of the SDS organization in the Iowa City area is becoming more militant.

The CHAIRMAN. Were there just two or three of these passed out or do you think they were passed out by the dozens?

Mr. TIGHE. I do not know, sir.

The CHAIRMAN. How many did you get hold of?

Mr. TIGHE. We have this one copy which we managed to get after weeks of work through one source.

The CHAIRMAN. How long has it been since you got it?

Mr. TIGHE. About 3 weeks ago, sir.

The CHAIRMAN. About 3 weeks ago. What is your information about it? Is it being passed out to anyone who will receive it at the university? Or is it passed out to a select number, a select few, who might make use of it and guarantee its secrecy?

Mr. TIGHE. I would think it was passed out to a select few, sir.

The CHAIRMAN. How about on other campuses in the State? Do you know of any others?

Mr. TIGHE. There are rumors of similar material to this, not necessarily connected directly with the SDS. However, I do not have any, nor have I seen any.

The CHAIRMAN. All right.

Have you any questions, Senator?

Senator GURNEY. No questions, Mr. Chairman.

The CHAIRMAN. That pamphlet will be made exhibit 819.

(The document referred to was marked "Exhibit No. 819" for reference and may be found in the files of the subcommittee.)

The CHAIRMAN. Have you anything further, Mr. Attorney General?

Mr. TURNER. No, sir.

The CHAIRMAN. Do the other gentlemen have any comments?

Mr. TIGHE. Senator, I would like to make one statement in reference to the bombing of the municipal building at Ames and placing the incendiary bomb in the judge's home in Ames.

I think we are into an element of a mixture, a working together of our Black Panthers, our black militants, and our white militants.

The CHAIRMAN. You think they are cooperating?

Mr. TIGHE. At the time of the trial of two black subjects in Ames, Iowa, which was the morning of the evening the bomb was found in the judge's home, we had a white radical student—several of them, but one in particular—picketing with the black students. The placard he was carrying said: "Kill a pig. Satisfaction. Kill some more pigs. More satisfaction. Kill all pigs at all levels. Complete satisfaction."

The CHAIRMAN. Was that a placard being used in a picket line while a case was in progress, in trial?

Mr. TIGHE. Yes, sir.

The CHAIRMAN. What did you do about it? What was done about it?

Mr. TIGHE. Nothing, sir.

The CHAIRMAN. What have we come to in this country? People go to a courthouse where trial is being held and advocate killing a policeman.

Mr. TIGHE. In fact, the same judge was involved in the trial and they refused to let him enter his own courtroom.

The CHAIRMAN. Was his home later bombed?

Mr. TIGHE. Not bombed. He found an incendiary bomb in his garage at 9:30 at night set to go off at 2 o'clock in the morning.

The CHAIRMAN. Was that the night before the trial?

Mr. TIGHE. No, sir; that was the night of the trial.

The CHAIRMAN. The night of the trial?

Mr. TIGHE. The picketing, the refusing to let him go into his courtroom took place that morning, and the bomb was placed in his home that night.

The CHAIRMAN. Were these people arrested or was anything done?

Mr. TIGHE. No, sir; there was an arrest of the two individuals who refused to let him enter the courtroom.

The CHAIRMAN. What was that?

Mr. TIGHE. There was an arrest of the two individuals who refused to let him enter his courtroom. However, he later released them from arrest.

The CHAIRMAN. They should be glad I wasn't the judge. That is all I have to say about it.

Mr. TIGHE. Senator, I have a number of pictures depicting the damage to property, injuries to persons, and bombings across the State of Iowa.

The CHAIRMAN. They will be received and marked exhibit 820.

(The documents referred to were marked "exhibit No. 820" for reference and may be found in the files of the subcommittee.)

Mr. CHAIRMAN. Gentlemen, I thank you very much.

Mr. Attorney General, we appreciate your cooperation, and we hope that you folks in your dedicated efforts out there to combat this situation will meet with better and better success in the future.

Mr. TURNER. Thank you, sir.

The CHAIRMAN. The committee will be in recess until next Wednesday, at 10 o'clock, July 29.

(Whereupon, at 12:45 p.m. the subcommittee recessed, to reconvene at 10 a.m., Wednesday, July 29, 1970.)

(Members of the subcommittee present at time of recess: Senators McClellan and Gurney.)

RIOTS, CIVIL AND CRIMINAL DISORDERS

WEDNESDAY, JULY 29, 1970

U. S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met at 10 a.m., in room 3302, New Senate Office Building, pursuant to Senate Resolution 308, agreed to February 16, 1970, Senator John L. McClellan (chairman of the subcommittee), presiding.

Members of the subcommittee present: Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; Senator Lee Metcalf, Democrat, Montana; and Senator Charles H. Percy, Republican, Illinois.

Also present: Senator Warren G. Magnuson, Democrat, Washington.

Members of the professional staff present: Jerome S. Adlerman, general counsel; Philip W. Morgan, chief counsel to the minority; Philip R. Manuel, investigator; Walter S. Fialkewicz, Department of Justice; and Ruth Y. Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

(Members present at time of convening: Senators McClellan, Jackson, and Metcalf.)

The CHAIRMAN. Call your witnesses.

Mr. ADLERMAN. Mayor Uhlman and Major Moloney.

The CHAIRMAN. Will you be sworn?

Do each of you solemnly swear that the evidence you shall give before this Senate subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. UHLMAN. I do.

Major MOLONEY. I do.

The CHAIRMAN. Please be seated.

The Chair recognizes the Senators from Washington; first, Senator Jackson, who is a member of the committee.

Senator JACKSON. Mr. Chairman, Senator Magnuson and I are very pleased to have the mayor of the city of Seattle, Mr. Wesley Uhlman, and Maj. Neil Moloney, who is chief of the detectives of the Seattle Police Department. Mayor Uhlman spoke to Senator Magnuson and me shortly after he took office, about the situation in Seattle, pointing out the number of bombings. I might mention that in 1968 there were only four; there were 42 in 1969; and from January 1 of this year to June 22 there were 30 bombings.

Mayor Uhlman has been most diligent in trying to find a solution to this reign of terror. He took office just a few months ago and has been

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extremely active in pursuing all possible avenues that could lead to an end to what is indeed, at times has been, a reign of terror. I personally want to commend Mayor Uhlman for all he has done in this regard.

The CHAIRMAN. Senator Magnuson, the committee welcomes you this morning. We will be glad to have you make some comment and also remain with us during the proceedings today.

Senator MAGNUSON. I thank the committee chairman for inviting me here today. I am not a member of this very distinguished committee. Some days I wished I might have been a member and other days I am not so sure I wanted to be. But I want to join with Senator Jackson in his statement about our mayor. He has been very diligent in his attempt to do what he can to stop this bombing that has been going on. I want to commend the committee for going into this. I am sure this committee will be able to determine how much of this is involved not only in interstate commerce but involves people going around the country and agitating these things. I have been long convinced, Mr. Chairman, that many of these things are not local; that they come from people from the outside who come in and stir them up. I am glad you people are looking at this.

I want to welcome the mayor here. He has done a real good job, and the chief of detectives. It is an impossible job for those people. We need Federal cooperation in this field.

Thank you.

Senator JACKSON. Mr. Chairman, one other thing. I want to express for Senator Magnuson and myself our appreciation to you. You will recall that I had spoken to you about this problem. We put Seattle high on the list because in relation to the number of bombings that we have had this year and last year, it is one of the highest in the country, something that we have never witnessed before. I want to express for Senator Magnuson and myself our appreciation for the expeditious way you have proceeded to move on this.

The CHAIRMAN. Thank you very much.

Again, Senator Magnuson, we welcome you.

The committee, so far as it operates under my authority, will make a thorough investigation of these things with the idea of ascertaining if and where additional legislation is needed that might be required or valuable to law enforcement officials trying to combat this tremendous evil. We will continue to pursue this for several days so that we may get a picture or a cross section of events all over the country as to what is happening.

Senator METCALF, do you have a statement before we proceed?

Senator METCALF. I am delighted this morning to have my colleagues from what is almost my neighboring state. There is just a peninsula of Idaho running between us.

I am delighted to have the mayor of Seattle, which is one of the cities that we go to from Montana for most of our administrative activities in the Federal Government. I am looking forward to your testimony.

The CHAIRMAN. I note, Mayor, that you have a prepared statement. If you care to, you may read it. I believe you also have Inspector Moloney with a prepared statement. Mayor, we will hear your statement first and then we will let Mr. Moloney read his and then the com-

mittee will interrogate you. Of course, as you read your statements, gentlemen, there may be some small matters of clarification we may want to ask you about as you proceed but, overall, we will undertake to refrain from questioning you at length until you have completed your statements. So you may proceed, Mayor.

TESTIMONY OF WESLEY UHLMAN

MR. UHLMAN. Thank you, Mr. Chairman, and members of the committee. I am pleased to have been asked to testify on the subject of bombings in the city of Seattle. Bombings have become an increasingly disturbing fact of life in our city. The public fear created by these bombings has become even more disturbing.

Apparently, Seattle has the dubious distinction of being No. 1 in the Nation in bombings per capita and No. 3, behind only New York and Chicago, in total number of bombings. Frankly, this is honor we would be happy to relinquish.

All major cities look to this committee to assist us in solutions to this increasing menace. Law enforcement officials, citizens, judges and, to be sure, mayors, badly need your early and decisive action. We face one of the most serious national problems in many years of law enforcement, as we see the bomber strike at everything from a police precinct station to a university building.

It has been easy for Seattle citizens to distinguish between "dissent" and "terrorism"—at least when it comes to the use of explosives to express this "dissent." During the past 18-month period, from January of 1969 to June 30 of this year, there have been 31 bombing incidents resulting in property damage in excess of \$400,000. There have been 35 additional explosions which resulted in little or no damage. Since January of 1968, we have experienced a total of 115 bombing incidents.

Of the major incidents, over one-half occurred on the premises of public buildings, such as churches, schools, university buildings, post office, and related public service institutions.

An equally frightening feature of bombings in our city is the number of bomb threats. During this same 18-month period, there were 347 bomb threats, delivered in almost every case by telephone. About 73 percent of these threats were made to retail business establishments, 14 percent to schools and 13 percent to residential dwellings.

I cannot state too strongly that I consider the bomb threats to be just as dangerous to the life of a great city as an actual bombing. Such threats are the catalyst to a vicious cycle of fear and distrust. A bomb threat generates fear of a danger which often becomes more pernicious than any real possibility of bomb damage. A bomb threat creates suspicion where there was none; it creates racial tension where there was none; it creates a pervasive fear throughout the city, and that fear creates an abrasive and ugly life style within the city.

Our city has been forced to make a major commitment of law enforcement resources in an attempt to control bombing activities. Since I took office 8 months ago, we formed a special arson squad in the fire department and a special bomb squad in the police department. We have assigned six patrolmen and two sergeants specifically to respond to bombing incidents. We have made specific efforts to improve our bombing incident information-gathering capability—even to the ex-

tent of developing an informational reward system. Special attention has been given to training all personnel in identification and handling of various bombing devices; and our police department is desperately looking for additional funds which would finance more effective training and essential equipment purchases.

Major Moloney will be going into that in some detail.

Our police force has made seven arrests in connection with bombings. Two suspects were killed in connection with bombing incidents. One was killed when a bomb exploded in his hands. The other was fatally wounded by a police officer as he was fleeing from the bombing scene.

Several of the arrested suspects were known to be associated with violence-prone organizations, such as the Seattle Liberation Front, Students for a Democratic Society, and the Black Panthers. These organizations have repeatedly advocated bombing activity and may possibly be a source of bombing materials. However, there is no substantial evidence that the bombings or threats were a part of an overall program by any of these groups. Our best information indicates that the bombings are most probably being perpetrated by individuals acting on their own initiative, in connection with a small group joined together for a single criminal act. It would appear that any analogy to systematic, organized crime, Mafia style, is not supported by available facts.

The site of most bombings in our city has been in the central areas, which has a predominance of minority groups. The University of Washington district and adjacent business and residential areas are the second district of significant incidents. Most bombs, about 80 percent, are simple dynamite with multiple fuses attached to three to five dynamite sticks. Two efforts have been more ambitious, one was an explosion at the University of Washington in June 1969, in which approximately 100 pounds of dynamite was used, severely damaging the main administration building.

I believe the time has come to treat the rash of bombings and bomb threats across the country as a major national problem.

It is not sufficient to measure the destruction of a bomb by property loss alone, for the damage to society by the fear burned into the minds of people when a bomb explodes far exceeds mere loss of property.

There can no longer be an avuncular tolerance of a bombing as merely an expression of frustration with the ills of our society. We can no longer explain away dissent that is expressed with a bomb explosion. And we can no longer ignore the fact that a bombing is a despicable criminal act which cannot be permitted in an organized society or that society will fail.

I would propose the following action to the committee:

(1) I propose the development of a national policy, by Congress, to wage a concerted effort against the conditions in our cities which create and exacerbate the tension and frustration encouraging some persons to engage in violence of bombing. The task of improving the conditions and opportunities of life for all citizens in our urban areas seems to me the most important precondition for dealing effectively with bombings in our great cities.

Recently, I visited the Seattle Opportunities Industrialization Center, our city's most successful manpower development effort. Over 400 young people were involved in some phase of training there. I asked

each of the instructors where the trainees would find jobs. The instructors replied that there were no jobs for this group of 400, and in the coming 12 months there is little hope of change. For each in this group of 400 there is little hope and no promise of opportunity. This situation, Mr. Chairman, is a breeding ground for a bomber.

(2) I propose the creation of a new Federal criminal offense to apply when the mere communication of a bomb threat is attempted or completed. The favorable experience with the airlines of United States Code, title 18, section 35, certainly should be considered as a model in dealing with the problem of the bomb threats.

(3) I propose legislative action by this committee to insure that the telephone industry provides electronic facilities capable of quickly tracing calls when bomb threats are communicated. This is now technically possible and this committee should provide the major force in achieving that goal. The advantages to local law enforcement are obvious, for there is no question that the apprehension of suspects would be greatly enhanced.

(4) Bombing incidents have become a nationwide phenomenon, and it is known fact that the leadership of various organizations involved in such bombings utilize interstate facilities to further their unlawful activities.

Parenthetically, I might state Major Moloney will be telling about some explosives that were stolen recently in our neighboring State of Oregon, which we know will be finding their way into our own State.

I believe the FBI and other appropriate Federal investigative agencies should be directed to investigate under the same guidelines as in the cases of kidnaping, under the aegis of a presumption of interstate activity.

(5) Registration of explosives and permits for both the purchase and possession of explosives should be legislative requirements on both State and local levels, and I would add it should be considered on a Federal level. In addition, by similar legislative means, an owner of dynamite should be required to register the same.

(6) Mandatory sentencing without possibility of parole should be considered as the penalty for criminal use of explosives. Although I am generally opposed to mandatory sentences, I believe in extreme circumstances that they may be warranted. I believe the criminal use of explosives is extreme enough to be such an exception. There should be a mandatory sentence of 10 years without possibility of parole whenever, through the unlawful use of explosives, a human life is threatened. In the case when the unlawful use of explosives does not endanger a human life, the mandatory sentence should be 5 years, without possibility of parole.

(7) Local resources and training are neither available nor adequate to enable local governmental units to recruit, equip, and train specialists for assignment in this highly technical and dangerous field. It is imperative that local governmental units receive Federal assistance and funds to adequately cope with this increased problem.

The last six recommendations are control measures. They are necessary, but I must emphasize that I believe they are only a part of the full solution.

Many of the bombings in our city spring directly from the well of hopelessness—the American dream may be unattainable for many

members of our society. This frustration and hopelessness leads directly to the violence of bombing.

In the words of the National Commission on Crime and Violence:

Violence is like a fever in the body politic; it is but the symptom of some basic pathology which must be cured before the fever will disappear.

I believe we must have both the controls for the symptoms and the commitment to cure the causes of the bombings sweeping our country. Thank you.

The CHAIRMAN. Thank you, Mayor Uhlman.

We will defer questions until we have heard now from Chief Moloney.

Chief, you may proceed to read your prepared statement, if you like.

TESTIMONY OF MAJ. N. W. MOLONEY

Major MOLONEY. Thank you, Mr. Chairman.

I will omit some paragraphs.

The CHAIRMAN. Any part of your prepared statement that you do not read may be inserted in the record at the appropriate place.

Are you going to read from your statement now—

Major MOLONEY. I am going to read from the statement, Mr. Chairman.

The CHAIRMAN. Very well. Any part of it omitted in the reading will be placed in the record.

Major MOLONEY. Bombs, explosive devices, and even threats of bombings, have become matters of increasing concern to the Seattle Police Department. Since January 1969, incidents reported to the Seattle police involving bombings, bomb threats, and found explosive devices have mounted steadily. In 1969 there were 36 bombings, 128 recorded threats, and 15 incidents where explosive devices were recovered. In just the first 6 months of 1970 there have been 30 bombings in Seattle, 219 recorded bomb threats, and 29 incidents of found explosives.

Not all of the bombings have resulted in serious damage or injury, for example, deliberate and serious efforts were made to bomb a municipally owned swimming pool under construction in the predominantly Negro central area of Seattle in November 1969, and again in January 1970. In both instances only superficial damage was done to the pool's foundation.

Several deliberately set explosions in the past year in Seattle have caused considerable damage; an explosion at the University of Washington in June of 1969, in which an estimated 100 pounds of dynamite was used, caused at least \$300,000 damage \$15,000 damage was done to an apartment under construction on December 1, 1969. It is almost impossible to assess the actual value (in terms of wages and lost production) due to these bombings or of the time expended in evacuating the many businesses and numerous schools which received bomb threats. In 1969 approximately 3,000 persons had to be evacuated until threatened premises could be searched or explosive devices removed. During the first 6 months of 1970 approximately 1,200 persons were similarly inconvenienced.

Prior to 1969, bombs and related explosions were a relatively infrequent occurrence in Seattle. During the 5-year period from 1955

to 1960 only two dozen cases were reported to the Seattle Police Department. Of those, a series of four in less than 3 years was related to a business rivalry between a local association of coin machine operators (pinball and music machines) and certain individuals who wished to wrest from the association more machine locations. Even a city mayoralty candidate's car was damaged by one of these bombs. However, all of these bombings had certain characteristics in common; the explosive used was dynamite, the explosion resulted from a lighted fuse, rather than from a mechanical detonating device, there appeared to have been care exercised in order that no lives be lost or endangered, comparatively small amounts of explosives were used, the bombs were hurriedly placed and no attempt was made to cause extensive damage or great monetary loss. Many investigative hours were expended in the investigation of these occurrences, but there was insufficient evidence on which to base a criminal prosecution.

It cannot be denied that a number of local bombings and related incidents have been politically motivated. It is known that several of the persons responsible are, or have been, active participants in radical groups such as the Black Panthers, the Students for a Democratic Society, and the Seattle Liberation Front.

Building contractors engaged in federally funded projects have been prominent in the suspicions raised by the bombing activities involving construction sites. An injunction was in effect for a period of time early in 1970 enjoining the contractors from engaging in any violence or disrupting in any way the federally funded model cities program. "Minuteman" literature was left at the scene of a pipe bomb explosion at the Seattle Civic Center in February of 1969. A homemade black powder bomb complete with a timing device was detonated in May of 1969, just outside a building housing a military display at the Seattle Civic Center; damage (mostly glass breakage) was limited to about \$600.

It is unknown what motivated the persons responsible for the bombing at the University of Washington Administration Building on June 29, 1969, the suspects have not as yet been identified. However, the university, like many others around the country, has been a target of very active antiwar activity because of the ROTC program and recruiting on campus by corporations with defense contracts.

A Seattle City Light substation was damaged by a dynamite explosion on November 12, 1969. That same night a five-stick dynamite bomb, which did not explode was found just outside a telephone company building, six blocks from the City Light station.

On November 19, 1969, three dynamite explosions in a half-hour period occurred during the night in Seattle's predominantly Negro central area. Approximately \$3,000 damage occurred in a building housing the Central Branch of Seattle Community College; earlier there had been demonstrations led by the Black Student Union (BSU), protesting policies of the community college. A Safeway store was damaged appreciably and two employees were injured slightly; Safeway Stores, Inc., had refused to contribute money and food to the Black Panthers. A municipally owned swimming pool under construction was damaged slightly, local building contractors had criticized the project because an insufficient number of Negroes were being employed on the construction.

In December 1969, considerable damage from a dynamite bomb occurred to an apartment, intended for low-income persons, which was under construction in the predominantly Negro central area of Seattle. Also in December 1969, an office housing a division of the model cities program was severely damaged by a dynamite explosion.

In January 1970, a young activist couple, Silas and Judith Bissell, both known SDS members, were apprehended placing a bomb under the steps of an Air Force ROTC building at the University of Washington. This couple later forfeited \$25,000 bail each on charges of endangering life and property with explosives. Bench warrants are now outstanding for both. On March 3, 1970, four young men, two of them SDS members, the other two SDS sympathizers, were arrested after setting a dynamite bomb which damaged a U.S. Post Office branch building and vehicle. These same persons had been active in local political demonstrations with the SDS and Seattle Liberation Front. Some of these people were involved in the 1968 riots in Chicago at the Democratic Convention.

On January 19, 1970, a dynamite bomb exploded at the Liberal Arts Building on the Seattle University campus. The damage amounted to \$2,200. Witnesses observed three Negro males running from the scene. This private Catholic University has been the object of disturbances lead by the Black Student Union.

On January 28, 1970, a synagogue, the Temple DeHirsch, sustained \$3,000 damage as a result of a dynamite bomb placed at the front doors.

On March 20, 1970, a pipe bomb filled with marbles was exploded at the Helen Bush School which is a private girls' school located on the edge of the central area. No threats had been made prior to the explosion and no reason for the bombing has ever come to light.

The University of Washington was the victim of another explosion on February 20, 1970; two dynamite bombs, only one of which exploded, were placed at a construction site of the new School of Architecture building; fortunately, there was little damage. Three days prior to this, a citizen found an unexploded gasoline bomb under a corner of the Armory on the University of Washington campus and the following month two homemade dynamite bombs loaded with 1 inch nails did considerable damage to some parked vehicles belonging to the University Security Police.

The homes of two State legislators, both white and both living in the predominantly Negro central area of Seattle, were damaged by separate dynamite bomb explosions during the spring of 1970. Approximately \$1,000 damage was caused to the home of a State senator who has since moved to another area of the city but plans to run for election in his new district. On April 19, 1970, a dynamite bomb placed at the front door of a State representative's home did considerable damage. He does not plan to resume his political career as a result of this act.

Following these two bombings police personnel were assigned to guard the homes of other political leaders, both State and local, over a period of several weeks.

On the same night of the bombing of the State representative's home, three other serious bombings, all believed to have been caused by dynamite, occurred in Seattle's predominantly Negro central district in a

period of 15 minutes. Approximately \$2,000 damage was inflicted on the Japanese Presbyterian Church; \$4,000 damage was inflicted on a real estate office owned by a white businessman handling property primarily in the Negro residential area of the city; and about \$2,000 damage was done to a white-owned drive-in restaurant under construction.

The telephone company again suffered about \$2,000 damages when another of its buildings was damaged by a dynamite explosion in June of this year. An attempt was made to damage another telephone company building during the same month by means of an incendiary device. The month before two public telephone booths were completely destroyed in south Seattle by dynamite bombs detonated 12 minutes apart.

Two cases in particular have been of special significance to the Seattle Police Department in the first half of 1970. The first of these involved the bombing of Fuson's Department Store on January 13, 1970. The store had been owned and operated by the same white business family, at the same location in the predominantly Negro central area of Seattle for 50 years. On January 8, 1970, Fuson shot and killed a 19-year-old Negro male while this person was attempting to commit a robbery. The deceased's accomplice was wounded and later charged and convicted of attempted robbery. Mr. Fuson received telephone threats following the incident and police units were detailed to keep a surveillance on his store. The surveillance was discontinued after a few days, and on January 13 the store was bombed during the night. Damage to the store and to neighboring establishments was estimated at approximately \$17,000. Police protection of Mr. and Mrs. Fuson, their store and home, was continued until the end of February. 2,000 man-hours were expended in this effort. On May 18, 1970, Mr. and Mrs. Fuson filed suit against the city of Seattle, charging that insufficient effort was made to protect their property. Later, the Seattle Police Department was advised that Mr. Fuson was moving his remaining stock and business out of the city of Seattle.

Seattle police received information in early May that another bomb would be detonated at the Hardcastle Realty. This same white-owned realty had been bombed on April 19, 1970. Officers were watching the premises when a young Negro male was seen to approach the building; the man set an object down at the front door and the officers could see the reflection of a flame as he attempted to light the fuse. He was ordered by the officers to stop, but ran from the scene. One of the officers ordered him to stop again and when he refused, the suspect was killed. He succeeded in lighting the fuse, but the bomb did not detonate. The device was found to consist of three sticks of dynamite, taped together with a fuse and blasting cap.

Further investigation of this case identified the deceased as Larry Eugene Ward, age 22, a discharged serviceman who had served in Vietnam, but who had also been arrested for burglary in Tacoma, Wash., on March 19, 1970. He had admitted his complicity in this crime and on May 11, just 4 days before his death, he was convicted of burglarly and sentenced to 3 years in prison, deferred on condition he not engage in further criminal activity.

The CHAIRMAN. Do I understand he was out on probation? He had pled guilty to burglary?

Major MOLONEY. He pled guilty to burglary and received a deferred sentence.

The CHAIRMAN. Is that probation?

Major MOLONEY. In effect, it is, yes.

The CHAIRMAN. Deferred for how long?

Major MOLONEY. I don't know, Senator, the period of time.

Senator JACKSON. The deferral is for a period of years?

Major MOLONEY. Yes, I believe it is.

The CHAIRMAN. Tantalizing to being out on probation.

Major MOLONEY. That is right.

The CHAIRMAN. At the end of the year if he has committed no further crime, what can occur?

Senator JACKSON. They wipe it off the books.

Mr. UHLMAN. If I might interject, there is a difference between probation and a deferral. A deferral, if the individual successfully completes whatever conditions there are, the charge is stricken from his record, it no longer exists at all.

The CHAIRMAN. In other words, there will never be a record of his burglary?

Mr. UHLMAN. There will be no conviction on his record under a deferral. On probation, the record would be there.

The CHAIRMAN. After 1 year's time?

Mr. UHLMAN. After whatever period to time. It could be any time, I suppose, from a week to 3 years.

Senator JACKSON. That probation can be revoked.

Mr. UHLMAN. That is right.

Senator JACKSON. But that is on the record.

A deferred sentence, the completion of the deferred period with good behavior, the entire record can be and is removed under our State law. So that no offense would appear on the record if the individual had complied with the order of the court.

Mr. UHLMAN. That is right.

Senator JACKSON. Do they expect a promise from the individual, is there any pledge given by the individual before he gets the deferral?

Mr. UHLMAN. That is the condition of the deferral, Senator, that the individual promises that he will not engage in any criminal activity.

The CHAIRMAN. This one evidently promised in order to get the deferral.

Mr. UHLMAN. He promised, 4 days later he was out trying to bomb.

The CHAIRMAN. He was trying to bomb what kind of institution?

Mr. UHLMAN. This particular one was a real estate company.

The CHAIRMAN. Trying to bomb a real estate office?

Mr. UHLMAN. That is correct.

The CHAIRMAN. Very well. I was just trying to get the picture here.

Mr. UHLMAN. At the risk of not sounding, and I hope I am not being demagogic, this is certainly one difficulty we have had in terms of dealing with these problems by the courts. We apprehended a young man with dynamite in the trunk of his car. He publicly stated his mission in life was to blow up the military recruiting station inside our city limits. This is what he stated his life purpose to be. He was convicted of possessing this dynamite, having been found in the trunk

of his car and was given 6 months deferred sentence. He is on the streets again.

The CHAIRMAN. Did he make a little promise, too?

Mr. UHLMAN. I suspect he did, Mr. Chairman.

The CHAIRMAN. Yet notwithstanding he was dedicated to that objective, he was released.

Mr. UHLMAN. He stated this publicly, that it was his object in life to blow up—

The CHAIRMAN. What happened after that?

Mr. UHLMAN. He has not accomplished that object yet.

The CHAIRMAN. But he is still out?

Mr. UHLMAN. He is.

The CHAIRMAN. That speaks for itself.

All right, go ahead.

Major MOLONEY. Continuing the reference to this particular case, Mr. Chairman, the feelings among the younger, more militant black citizens have run very high since the Ward shooting, and large numbers of them filled all available space at the coroner's inquest which followed. The coroner's jury, with a split decision of three to two, found that the would-be bomber died by criminal means. Considerable criticism has been leveled at the King County prosecutor because no criminal charges were filed against the officer who shot Ward.

On July 3, 1970, a dynamite bomb accounted for more than \$3,000 damage to the University Federal Savings and Loan Building in Seattle. Information received by the Seattle Police Department indicated that this was in retaliation for the shooting of Ward. This case is still under investigation.

Incidentally, since this statement was prepared, we have been supplied with a clipping from the Berkeley Bear, and underground newspaper in Berkeley, that a group of the Seattle Liberation Front in Seattle are taking credit for this last particular bombing.

The CHAIRMAN. A little later, not now, I want you to tell us what this Seattle Liberation Front is.

Go ahead.

Major MOLONEY. It is difficult to categorize the various bombings which have occurred in Seattle during the past year and one-half. Suspicions based both upon information from confidential informants and logic direct attention to certain conclusions but it is difficult to prove these suspicions. The attacks have seemed indiscriminate in some respects, yet certain types of establishments have emerged as more likely victims: businesses which have refused the extortion attempts of the Black Panthers; school such as the University of Washington which has an extensive ROTC program; and construction firms engaged in Federal contracts which do not employ Negroes—all have been targets.

Banks, as visible signs of "the establishment" have sustained considerable damage as a result of everything from rocks to dynamite. Public buildings seems particularly vulnerable, and, as a result of a possible threat earlier this year, security measures had to be taken at the public safety building housing the Seattle Police Department. During civil disturbances, these security forces have been increased considerably.

Certain laws are in effect in the State of Washington regarding explosives: possession of an explosive device with intent to use it for an unlawful purpose, endangering life and property by explosives, and damaging buildings or vehicles by explosives are all felony offenses, though the maximum penalties for these offenses vary. Keeping or transporting explosives in a manner prohibited by law is a gross misdemeanor. Since early this year there has been stricter control regarding the purchase of explosives; licensed dealers are now required to keep careful records of amounts sold and to whom.

However, it is felt that much of the dynamite illegally used in Seattle has been obtained by criminal means, usually stolen from construction sites outside the city. Such dynamite has often been stored improperly or inadequately protected from such thefts. We recommend that the burden of responsibility be placed upon the legal owners of explosives to store them in the most secure manner possible and that certain minimum standards be set by law for such storage.

Of special concern to law enforcement is the delay in the "speedy trial process" which allows a subject to post bond and remain at large over a period of several months or to continually receive postponements in the trial date. The Seattle Police Department has expended several thousand dollars recently to provide protection for witnesses of bombings, because of threats made upon their lives. We realize that it will be a long time before this problem is resolved. However, of immediate need to law enforcement is a secure place to house witnesses who have been threatened, and we recommend that local military bases which have adequate housing facilities be made available for this purpose.

In addition, legislation in the State of Washington relative to wire-tapping and "bugging" is more restrictive than at the Federal level. Law enforcement officers are prohibited in this State from intercepting private conversations or communications unless, "there are reasonable grounds to believe that national security is endangered, that a human life is in danger, that arson or riot is about to be committed." We recommend legislation at the State level which will allow law enforcement officers to intercept communications with the consent of one of the parties involved. This could provide direct evidence in telephone bomb threat cases and enable law enforcement to maintain contact with undercover operators who have infiltrated criminal groups.

Another area of concern is the interstate dissemination of literature by radical groups on how to make explosive devices and where to place these devices in order to disrupt or destroy legitimate business and governmental facilities.

Of obvious benefit to all law enforcement agencies is proper training for at least a portion of its personnel in the detection, handling, and disposal of explosive devices. Such training schools as do exist, be they military or civilian, should be available to State and local police agencies for specialized instruction on a regional basis. The cost of such training should be borne by the Federal Government under the Law Enforcement Assistance Act.

Special equipment is needed by police to identify and deactivate explosive devices. Specially built vehicles are needed to safely transport explosives from where they are discovered, often in crowded

metropolitan areas, to safe areas where the device can be disposed of. Engineering studies are needed to design and build such equipment.

Thank you, Mr. Chairman. The police department is prepared to turn over to the committee some literature, pictures of damage to property in the city and pictures of devices that are currently being used by these groups.

The CHAIRMAN. We will try to place those in the record now or receive those officially. I have here a statistical report, apparently prepared by you. Would you examine that and identify it and I will receive it in evidence.

Major MOLONEY. Yes, sir; that was prepared by my office.

The CHAIRMAN. That may be received and made exhibit 821A. (The document referred to was marked "Exhibit No. 821A" for reference and may be found in the files of the subcommittee.)

The CHAIRMAN. You say you have some material there you would like to submit?

Major MOLONEY. Yes, sir.

The CHAIRMAN. Will you identify each one so that they may be properly received and numbered?

Major MOLONEY. Yes; I will.

One is the pictures of the bombs and explosive devices that are currently being used.

The CHAIRMAN. Let that be made exhibit No. 821B.

(The photographs referred to were marked "Exhibit No. 821B" for reference and may be found in the files of the subcommittee.)

Major MOLONEY. The next one is background information on suspects that have been arrested and charged with criminal offenses relative to bombing.

The CHAIRMAN. Let that be received and made exhibit 821C. I don't know whether that should be made available to the public, let us hold that until we examine it. But it may be made a part of the record with restrictive use at the moment.

(The documents referred to were marked "Exhibit No. 821C" for reference.)

Major MOLONEY. The next one is material relative to making bombs that is published by several different radical groups.

The CHAIRMAN. That may be received and made exhibit 821D.

(The documents referred to were marked "Exhibit No. 821D" for reference and may be found in the files of the subcommittee.)

Major MOLONEY. The next one is local laws and ordinances relative to explosives.

The CHAIRMAN. That may be made exhibit 821E.

(The documents referred to were marked "Exhibit No. 821E" for reference and may be found in the files of the subcommittee.)

Major MOLONEY. The last one, Mr. Chairman, is pictures of destruction of property as a result of bombings in the city of Seattle.

The CHAIRMAN. That may be made exhibit 821F.

(The photographs referred to were marked "Exhibit No. 821F" for reference and may be found in the files of the subcommittee.)

The CHAIRMAN. Do you have any other material?

Major MOLONEY. No, sir.

The CHAIRMAN. Any further statement by either of you at the moment?

TESTIMONY OF MAYOR WESLEY UHLMAN AND MAJ. N. W.
MOLONEY—Resumed

Mr. UHLMAN. The only further statement I would make, Mr. Chairman, and members of the committee, is that in the regular session in 1969 of our State legislature I sponsored legislation making it an additional crime and felony for the possession of firebomb material or firebomb, itself, and also included mandatory sentencing.

Since that time, firebombings have decreased in our city. I don't think there can be any question but what a proper piece of legislation will have a deterrent effect. But our problem basically is one of inability on the local level, inability on the State level, to cope with this particular problem. It is greater than any single State can cope with. It is an interstate problem, a national problem, in my opinion. We cannot pass sufficient legislation to have that deterrent effect on the use of bombs, bombing devices, explosives, dynamite, that we have had our success with on the local level with firebombs.

The CHAIRMAN. Thank you very much.

I am confident that there is an area where the Federal Government can act legislatively and possibly we can have action in the executive branch of the Government, too, in the enforcement area of the executive branch of the Government.

I will say to you so far as the chairman of this committee is concerned, not only with respect to this particular type of crime but with regard to the whole general lawlessness situation that prevails in America today, I have repeatedly stated that I think it is the duty of Congress to fashion every tool that can be made available within the framework of the Constitution to combat the criminal activities that are occurring in our country today. I think it is serious and certainly it is true with respect to this senseless bombing, this terroristic revolutionary type of crime. I shall personally support anything that I think is constitutional to strengthen law enforcement in this field.

What I can't understand—maybe you can tell me, and I am not talking just about Seattle but other places as well—what good is it going to do to enact more laws if upon a plea of guilty the courts turn them loose? Can you answer that for me?

Mr. UHLMAN. Mr. Chairman, and members of the committee, as a fellow lawyer, I find it very difficult to answer that.

The CHAIRMAN. There has to be cooperation on the part of the courts and on the part of the local communities in these fields. I don't agree that the mere fact that Congress appropriates a billion dollars or two billion dollars will solve this problem. Under the Safe Streets and Crime Control Act, we are making money available as fast as they say they can use it.

I am willing to support any amount that the administration says it can use expeditiously and that can judiciously be made available under plans submitted and approved by the States and local communities and municipalities—I am willing to vote to make available all funds that they say they can judiciously spend and expeditiously use to help equip our police establishments throughout the country. I am perfectly willing to do that. But I cannot see how we can stop this kind of crime, if after they are convicted—after they plead guilty—if you have enough on them that they are convicted, as in the two cases

you illustrated—they continue to commit the crimes. One of them happened to get caught and was killed in the act of bombing; the other one is out now with the publicly announced objective of further bombing. Am I correct?

Mr. UHLMAN. That is his statement.

The CHAIRMAN. I don't care how many laws we pass and how much Congress appropriates. If we are going to turn them loose when they are caught, they will still be on the street to carry out their nefarious deeds. I think if we are going to have law enforcement, if we are going to have the right laws and provide for penalties, the penalties will have to be imposed. Otherwise we are not going to deter those who are revolutionarily bent in this country and whose objective is to destroy the Establishment. I think it is just that simple.

Now, you mentioned here some kind of front you have, the Liberation Front of Seattle. What is that? I know something about these other organizations. We have heard about them before, but, what is this Seattle Liberation Front?

Mr. UHLMAN. The Seattle Liberation Front is simply another name for an organization associated with the SDS, the Students for a Democratic Society.

The CHAIRMAN. It is a branch or offspring of the SDS; like the Weatherman faction, something on that order?

Mr. UHLMAN. That is basically it. It is a little broader in that it is an amalgam of SDS members and other types of radical groups.

The CHAIRMAN. Are they affiliated in some way with SDS?

Mr. UHLMAN. I suppose so, one would say they are affiliated.

The CHAIRMAN. Do they claim to be; do you know?

Mr. UHLMAN. In terms of any type of legal affiliation, no. In terms of ideological affiliation and physical affiliation, "yes," would be my answer.

The CHAIRMAN. Just one other thing and then I will yield to the distinguished Senators from your State and let them interrogate you. You have given very excellent statements, both of you, and your recommendations merit every consideration all the way across the board. But one of the causes you speak of, in relation to this kind of violence, is that people are being disillusioned, believing that they will never achieve the American dream. Isn't that what you said; in substance?

Mr. UHLMAN. In substance; yes.

The CHAIRMAN. If that is a justification, I wonder—you made reference to one lawmaker who has abandoned his ambition to go any further now because of threats and intimidation. Am I correct?

Mr. UHLMAN. That is correct.

The CHAIRMAN. We have many people who aspire to become President of the United States. They cannot all succeed. If it is justification for a fellow to say, "I am not able to realize my American dream, therefore I am going out to destroy the Establishment, I am going to resort to bombing, to revolution, to destroy it, because I cannot have my dream"—if they are justified, then every fellow who aspires to become President of the United States and cannot achieve his dream, and every legislator, every public official, everyone else who finds it difficult or impossible to achieve his ambition would be equally warranted in resorting to the same tactics as retaliation or revenge for his failure or his disappointment. Now, I don't think we can tolerate that

and "I don't think we can say, "Well, that is an excuse, we have to take that into account." If we say that, there is not much deterrent we can offer to such activities, because everybody will feel that we ought to sympathize with this fellow because he did not realize his dream or because he did not feel it possible to achieve this goal. If that becomes the pattern, we cannot ever have law and order in this country. Everybody has disappointments in life, disappointments in ambitions. I think we have to take a harder line than that. I don't believe we should try to alibi for them.

Mr. UHLMAN. Mr. Chairman, it certainly was not my intent, nor is it found in my statement, a justification for bombing. I think there is no justification for it or no excuse, nor am I condoning or suggesting that bombings are condoned. It is, I believe, however, a fair and accurate statement to say that a part of the American dream to which I was referring is the right to hold a job. I think that is a very basic right in this country.

The CHAIRMAN. You think it is the responsibility of Government to guarantee everyone a job?

Mr. UHLMAN. I think each person ought to have an opportunity to have a job.

The CHAIRMAN. Well, we all have opportunities. I didn't have many when I was young. I knew people who had much greater opportunities than I had. Whenever we say we are going to give everybody an equal opportunity and that it is the Government's responsibility to do that, then Government transcends private enterprise. We would have to abandon that system certainly. Government would take over, Government would create jobs, Government would determine the wages, our private enterprise system would be destroyed.

Mr. UHLMAN. It is not my intention to get into an economic confrontation here, but the instance I mentioned a moment ago, Mr. Chairman, where we are training some 400 people, raising their expectations, training them in some vocation or skill and then in our area where we have a 10-plus percent unemployment ratio, those individuals are then discharged into the community with no hope of ever obtaining a job. Certainly that is not a justification or condoning but it certainly is a very ripe condition for persons who become frustrated.

The CHAIRMAN. The point I am making is that there is no system in where there do not come times of disappointments. I read about other systems failing abroad—different systems entirely from ours. I hear about the problems they are having. I don't think there is any perfect system—any system of complete domination and control or of private enterprise or anything else that can guarantee absolutely every person equal opportunity at all times under the same circumstances. I don't think it is possible for human beings to achieve this. We always strive toward it, to give more opportunities and better opportunities and to reach such goals, but I don't think human ingenuity can ever reach perfection in that field. If we say that because somebody is disappointed in that area, that is the reason why he goes out to do these things—and it may be a contributing factor, I agree—but I don't think we can in any sense condone it. If we do we are going to invite many, many others to join in this crusade of violence. I know we don't want to do that. I do not mean you meant to imply it, but it is true that you do have a problem.

They have it in many other places. Maybe a year from now you won't have the problem at all. All those people may then well be employed. But somewhere else there will be a certain group which doesn't have the same opportunity immediately. That has happened throughout human affairs and will always happen to some extent irrespective of the system of government we have.

Now, I yield to my distinguished colleague.

Senator JACKSON. I will make a brief comment. Senator Magnuson is scheduled to chair a committee and will have to leave and I will defer to him. Before I do that, I just want to say that I think what the mayor—I don't want to put words in his mouth, but I think what the mayor is saying in connection with the social problems is that it is a factor. It is not to be condoned that anyone, even if they are in an area of adverse circumstances may commit violence, but it is one of the causes, only one of the causes. As he has pointed out the major causes stem from organized groups. I think not elaborated upon one of the violent acts committed out there was done by a young couple, the son comes from a wealthy family. They immediately put up \$50,000.

The CHAIRMAN. No excuse in the world for that.

Senator JACKSON. That is what I say. I think I state the mayor's position correctly that he has given this one as one of the causes, not the sole cause, because it is right across the board.

As a matter of fact, the violence committee out there runs all the way from the extreme left, the Black Panthers, SDS, Seattle Liberation Front, to the Minuteman, which was a group that dynamited a bank, a far-out right crime, that dynamited a bank out in Redmond.

Mr. UHLMAN. They were robbing the bank.

Major MOLONEY. They were convicted.

Senator JACKSON. They were convicted and they were involved in the use of explosives as well; is that not correct?

Major MOLONEY. Yes.

Senator JACKSON. I defer to Senator Magnuson.

The CHAIRMAN. Let me make this observation. You wish to defer to Senator Magnuson. It has not been the practice of this committee to permit Senators who are not members to come in and interrogate witnesses. The Chair is going to take the liberty today to make an exception to that general rule. If we did it normally, we would have problems. But this is an instance where we are considering and receiving testimony of conditions in the home State of the two Senators, one of whom happens to be a member of the committee. I am going to welcome Senator Magnuson to ask any questions he likes or make any statement he cares to. But I want to state for the record I don't want this to be a precedent that we cannot exercise some control over in the future.

Senator JACKSON. Seattle is an exception.

Senator MAGNUSON. I will try to reciprocate some day with my committee in the same way.

As the mayor knows, I have to run to another hearing. The Secretary of Labor is waiting down here for his appropriations hearing.

I was impressed with your putting great emphasis on the threats of bombing which you point out sometimes cause much more trouble than the actual thing. They are both bad. Then you mentioned that

technological electronic know-how exists. I just want to suggest that I hope the Seattle Police Department in combination with the sheriff and police department will get together an application for a grant under the Safe Streets Act to see if you cannot do something about this. Seattle could well be a pilot operation. I think getting these telephone calls quick and picking up the people does more about this sometimes than 3 months later you will find a fellow that bombed some place. I hope you will get that grant going because the technical know-how is there. If you grab a few of these people quickly, you will do a lot to dispel the psychological fear that exists by these threats. I know the major will tell the committee this, you only get reported about half of them.

Major MOLONEY. That is true.

Senator MAGNUSON. There is probably double or triple the number. I hope you will pursue this as something very practical that you can do. I am hopeful that the Department of Justice and the rest of them will aid you in this because it could well be a pilot operation to run down these threats.

I thank the chairman again very much. I appreciate it.

The CHAIRMAN. Thank you, Senator. We are glad to have you.

Before I call on anyone else, I wish to proceed further in this matter. Does your State have a wiretapping law?

Mr. UELMAN. Our State has a very basic act. It is very restrictive. It does permit wiretapping under certain circumstances, when a life is in danger or arson.

The CHAIRMAN. I wonder if that could be helpful in any way, a wiretapping statute?

Mr. UELMAN. There is one liberalization that I would hope we would be able to attain in the next legislative session. That is when one of the two parties to a telephone conversation consents that the conversation could then be tapped. I don't believe there are any civil liberties problems there. Let me go back, if I might, just one moment to what Senator Magnuson mentioned concerning this question of obtaining from the telephone company or from the telephone companies on an interstate basis the necessary technological assistance. There is, of course, no—

The CHAIRMAN. Are they permitted to do that now?

Mr. UELMAN. Yes.

The CHAIRMAN. Under the law?

Mr. UELMAN. It is my understanding that they are, Mr. Chairman.

The CHAIRMAN. If not, that would be another area where the Federal Government might legislate.

Mr. UELMAN. The real problem at the present time is that there is a very real reluctance by the telephone company to even bother with this because there is no profit involved. They are interested in making money.

The CHAIRMAN. Well, they might expose themselves to lawsuit also; might they not?

Mr. UELMAN. It is possible, I suppose.

The CHAIRMAN. It is possible. Persons get sued for everything these days.

I just thought about it because you made some reference to it, the chief did, I believe, in his statement. Didn't you make some reference to wiretapping in your statement?

Major MOLONEY. Yes, sir. It is fairly restrictive.

The CHAIRMAN. The Federal statute apparently is working very successfully. I had a letter which I placed in the appropriations hearing record, the Justice Department appropriations hearings. I had a letter from the Attorney General just a few days ago. My recollection is that this administration has applied for 137 orders. One was denied, 136 were granted. Of the 136, three of them were not executed because circumstances changed from the time the order was received—the parties moved out of the apartment or moved away, or something. There was some reason why they did not attempt to execute the orders. Out of the 133 that were executed, 121 were successful and productive, resulting in over 400 arrests and 378 indictments. Of course, this has just been in operation since this administration came into power.

The last administration did not use the power. There are many instances where its fruits are already apparent. In one instance, law enforcement officials overheard a bank robbery being planned and also the planning of a murder. By reason of this interception, they were able to save the life of the intended victim, protect him and prevent the murder from occurring. They went to the bank and staked it out, to be ready for the robbers when they come to rob the bank. But they did not come at the appointed hour, at the time they had planned it over the telephone. Evidently they had changed the time. The officers left after waiting awhile. Within 30 minutes after the officers left, however, the criminals did hit the bank and the officers, knowing who the culprits were, were able to make the arrests immediately and recover the money. So, I think the law is very fruitful. I think States might pattern their laws somewhat after the Federal law and they would be very helpful in many instances. That is a matter, of course, that addresses itself to each State. Some States may not need such laws, but certainly in areas where they have organized crime—when I say organized I do not necessarily mean the so-called Mafia or Cosa Nostra but I refer generally to organized groups—I think this instrumentality can be very helpful. Incidentally, contrary to the predictions that were made when the bill was discussed, so far as I know there hasn't been a single complaint of abuse because the power is under strict court control. I haven't heard of any abuse.

Another thing that has happened is the curtailment of the promiscuous wiretapping that was being done by private detectives and others. They were able to get by with it because the old statute required not only that you had to prove the intercept but to prove a disclosure of what was heard in order to convict. We changed the law in title E of the Omnibus Safe Streets and Crime Control Act. Now we don't have to prove disclosure. I think it has put the private wiretapping practically out of business. In other words, the innocent people have more protection than they had before from the promiscuous invasion of privacy.

Senator JACKSON?

Senator JACKSON. I just have a couple of questions. First, I want to compliment Mayor Uhlman and Major Moloney for two very fine statements. I want to especially commend the mayor for the legislative recommendations that he has made in his statement. The legislative recommendations run both to the Federal Government, I take it, and the State, because I could not agree with you more, for example, on

the mandatory sentencing provisions which I believe you intended to apply to both State and Federal statutes involved in the use of explosives. Am I correct in that?

Mr. UHLMAN. That is correct.

Senator JACKSON. I want to ask you and probably Major Moloney on recommendation No. 7 with reference to the assistance that the Federal Government could give to you in helping to train specialists and equip appropriate governmental units in dealing with the technical problems in this area, could you elaborate a little bit on that and what advantage you see in it with the Federal Government providing both individuals and money?

Mr. UHLMAN. Senator, in one of the exhibits which has been submitted to this committee, I have forgotten which one it is, there are substantial exhibits included there in showing the type of equipment that is necessary to deal with explosives. You will note that it requires a special vehicle and all these other accoutrements that are necessary to deal with this very dangerous explosive material that is being dealt with by the personnel involved.

Frankly, given the financial circumstances of all the great cities across this country, it is impossible for us to equip ourselves with this kind of highly sophisticated equipment. There are probably, and I am sure the major will respond, too, there are probably four or five departments across the country that really have equipment of this nature available. We need it because of the large incidence of bombings in our area. We do not have it so we are not dealing with the problem as we ought to be and, frankly, we are not solving the problem as well as we could because of the lack of equipment.

Then there is the second aspect of training. We have a potential problem every time a patrolman comes across the bomb because he is not adequately trained to deal with it in the first instance and, of course, this is no reflection at all on Major Moloney and his very fine men, but we don't have adequate training in our department, nor probably does any other major city have adequate training across the board on this specialized work.

Senator JACKSON. Does the military service give some assistance in the case of defusing, disarming bombs?

Major MOLONEY. They have been very helpful to us, Senator, but one of the problems we face in this area is that the military are used to and they are experts in military explosives.

Senator JACKSON. They are not used to the revolutionary type of explosives?

Major MOLONEY. We have as many different types of explosives as we have nuts making them. That is one of the problems. We are doing a lot of flying by the seat of our pants in deactivating these things.

Senator JACKSON. So that there is a specialized area here of training that is needed that actually transcends the conventional knowledge that is available through the military services in handling as they are accustomed to, manufactured explosives and devices?

Major MOLONEY. Yes. Some of the cities, the larger cities, Los Angeles, New York, Dade County, Fla., do have rather elaborate training programs and rather elaborate equipment. The problem with this is that it is so far removed from so many other police departments in need of this particular type of training.

Senator JACKSON. What you need within the Seattle Police Department, I assume, is a unit that would be highly trained in dealing with all possible situations that might arise in connection with the defusing of explosives or disposal of them as well as the identification and training of such devices; is that correct?

Major MOLONEY. Yes, that is correct. In addition, this particular unit would have to provide a training device or a pool of men available to the smaller police departments throughout the metropolitan area because they are faced occasionally, not as often as we are, but occasionally, with the same type of problem, so that we ought to have trained people.

Senator JACKSON. So there is a need for expertise here that would be available statewide. Obviously, as you point out, you can have incidents that occur in the suburbs outside the corporate limits of the city of Seattle.

Major MOLONEY. Yes, sir.

Senator JACKSON. Mayor Uhlman, I was interested in item No. 2 about the communication of a bomb threat, making that a Federal offense. I do believe that this would have a real deterrent effect on the calls that are being made. As you point out, the threat can be just as devastating as an actual bombing incident. We know that in many of the large metropolitan areas some offices, especially in New York, have not been able to function because threats go on all day long and you can't ignore the telephone threats. I think this is certainly an excellent suggestion and with the item No. 3 pertaining to means of tracing these devices. Do you have any indication as to what the cost might be for the electronic equipment?

Mr. UHLMAN. I do not. I have personally been told at one point when I went into this last year and when I was in the State senate, that it is technically impossible. We have done some extensive subsequent checking and we now find that in fact it is technologically possible, that the equipment is such that it can be done. It is a question, I understand now, of money. This is something that we will have to go into in some depth with the telephone company.

Senator JACKSON. Right, and possibly some Federal authorization would give it more credence, more acceptability, and more cooperation from the telephone companies, if that were true.

Mr. UHLMAN. I suggest directive rather than authorization.

Senator JACKSON. Now, one other question on No. 5, registration of explosives and permit for purchase and possession of explosives should be a legislative requirement both State and local level. I am wondering if this could not be a Federal requirement as well. In other words, through the taxing and licensing power of the Federal Government as established in the narcotics cases, the Harrison Antinarcotics Act, that this could be an added penalty for failure to comply. What would be your feeling on that?

Mr. UHLMAN. I would thoroughly agree. In fact, when I read the statement I added in "on the Federal level" because it seems to me that making it an additional crime simply is that much greater deterrent. Certainly where jurisdiction does occur on the Federal level, I think it would be extremely effective to have a Federal possession type of legislative enactment.

Senator JACKSON. Now, at the risk of something happening, I wonder if you have anything that you can tell the committee here that will give us a clue as to a period of calm the last 30 days in the Seattle area compared with the previous period? Is there any indication of the reason for this? We are glad to see it. Would either one of you like to comment on that? I realize something might happen later today.

Mr. UHLMAN. That thought crossed my mind, when the newspapers are delivered at home and their finding out that I am back here appearing on bombing. I suspect that the only possible reason might very well be the recent killing of a person involved in the act, and I suspect this might be somewhat of a deterrent.

The Seattle Police Department has been instructed to take every possible means to end this very dangerous activity in our city. That is undoubtedly one of the factors. I certainly would underline that fact.

Senator JACKSON. One last question about Federal cooperation. Do you have any comment that you would like to make in that regard to improve the situation between the problems of your people, the Seattle Police Department, police officers generally at the non-Federal level, and at the Federal level?

Mr. UHLMAN. The major, I am sure, will want to respond to this, too, but I will simply say this. As you know, Senator, we had some considerable problem before, feeling that we could not solve this on an intrastate basis. You will recall I called specifically on you in your office and on Senator Magnuson and his office to obtain some FBI involvement.

Through your efforts we did receive some FBI involvement and, frankly, it was very helpful in one specific instance. I would hope that in the future whenever we would like to obtain FBI involvement we would not have to bother or harass our U.S. Senators. I think this is one area that perhaps we could work more closely together.

Senator JACKSON. You feel that some progress has been made in this regard?

Mr. UHLMAN. I believe it has. I think, of course, in our instance it was as a result of the direct intervention of your office.

Senator JACKSON. Major Moloney?

Major MOLONEY. The cooperation now is excellent.

Senator JACKSON. You are getting excellent cooperation?

Major MOLONEY. Very much so. I have talked with the special agent in charge before I left there and we have been exchanging information on these people right along in the last period of a few weeks.

Senator JACKSON. You are building up a pretty good intelligence organization within the city?

Major MOLONEY. Yes, we are.

Senator JACKSON. And you have a pretty good arrangement between your operation and that of the Federal Government?

Major MOLONEY. Yes, we have.

Senator JACKSON. That is all, Mr. Chairman.

I again want to commend both gentlemen for fine statements.

The CHAIRMAN. Senator Metcalf?

Senator JACKSON. Thank you for your patience.

Senator METCALF. I am delighted when I look up the row. You know, the State of Washington as well as the State of Arkansas are two of the States that have both of their Senators as committee chair-

men. I was rather overawed, as I looked to my right and saw the chairmen of both the committees of which I am a member and which control much of the power of the Senate.

I am delighted by your statement. I am pleased that you have appeared here and given us the benefit of your experience both as a lawmaker and as executive and mayor of a large and important city, certainly important to those of us in Montana. I know many of your colleagues out there are people who moved out from Montana and some of them are moving back with some of the loss of that American dream you are talking about because they are out of a job and they are coming back home.

I was glad that you included that because in our groping to find out the cause of these bombings, especially by affluent members of society, perhaps some of the things we have done in our generation—for example, denuded the forest, polluted the waters and so forth—have given them a feeling of frustration. We may be doing about as much to help the bombing situation in another subcommittee of the Government Operations Committee that is holding hearings on pollution as we might be in this subcommittee.

I concur with both of you that there is nothing more horrible than bombing or assassination and we have to do something about it. I am pleased that you have outlined from your experience some of the legislation that will have to be put into effect.

I notice that you, Mayor Uhlman, left out, but Major Moloney included in his statement, remarks about penalties on the user for lack of security in storing dynamite or explosives.

We have had testimony before this committee that there should be criminal penalties against a user for negligence or laxity in storing. My own feeling is that that would be too rigorous. Perhaps a permit system and withdrawal of the permit for failure to comply with requirements would be sufficient. However, I have none of the experience that each of you has had and I would like you to comment on criminal penalty for user negligence in storing dynamite and having it stolen or appropriated by these terrorists.

Mr. UHLMAN. Senator, I would respond very, very strongly as follows, that dynamite in the hands of a wrong person is as dangerous as a pistol in the hands of a wrong person. Thus, I would say that certainly criminal sanctions should be considered and I would heartily back such a criminal sanction against any individual who permits that dynamite to fall in the wrong hands through his negligence. For example, in your State, the State of Idaho, and Oregon, where there is extensive use of dynamite, perhaps more so than in the other States of the Nation, that certainly dynamite is extremely easy to obtain. As I mentioned a moment ago, some dynamite was stolen recently in our neighboring State of Oregon and it surely will find its way into our State. We know that from some of our own intelligence. This is a problem that we are faced with. One of the very real answers would be to look at the user, the individual who buys it and uses it to mine or whatever he may be doing, and who permits it to fall in the wrong hands through his negligence.

Senator METCALF. We have the situation at times where a man is in jail for negligence in storing the dynamite but the man who stole it is at large.

Major MOLONEY. That problem may be solved, Senator, because many of these people who are stealing the dynamite are transporting the dynamite and the caps in the same vehicle. Sooner or later—

Senator METCALF. I am not talking about the thief, the person who steals the dynamite. I am talking about the prospector, the farmer, or the construction man who perhaps has his dynamite stolen. Now, we have had testimony here, and I know from examining your exhibits your experience has been that a good many of these people who are bombing are using actual military handgrenades, military bombs, and so forth that are stolen from arsenals. I would much prefer seeing the commanding general put in jail for failure to protect a military arsenal than I would a prospector or a farmer put in jail for failure to have the security for a couple of sticks of dynamite. What are we going to do about the theft from military installations?

Major MOLONEY. I don't have the answer to that one, Senator. If I could make one comment on the theft of this dynamite, we have in effect large bombs on our highways that possibly we are not aware of because of the ignorance on the part of the man who steals the dynamite. He steals the dynamite and transports the dynamite and blasting equipment in the same vehicle. It is a serious thing.

Senator METCALF. I am as concerned as you are about people who read some of these items that have been put in the record, and just from that bare information try to make themselves some expedient sort of bomb. They are walking torches, they are living bombs themselves, and they blow up themselves and everybody around them.

Mr. UHLMAN. Senator, that may solve some of our problems.

Senator METCALF. It won't solve your problem to have them blow up all your neighbors, too. But I am concerned, too, about the fact that it would seem to me that a registration, a minimum security standard system and a civil penalty of withdrawing the permit to use dynamite at least should be regulations that we should try on legitimate users and legitimate purchasers instead of resorting to criminal sanctions.

Thank you very much. I think your testimony has been very helpful. Your experience in one of the major cities in my own region has brought home the need for some Federal participation.

I concur with my Washington friends that a great deal of the needed Federal assistance is not just in legislation but is in training, in assistance to police departments, and in all the other assistance that we can give you from the Federal level in addition to Federal legislation, grants in aid, and things of that sort.

Thank you very much.

(At this point, Senator Percy entered the hearing room.)

The CHAIRMAN. I have one or two other questions and I want to yield to the Senator from Illinois who just came in.

Did I understand that one of you, possibly you, Chief, testified regarding some law that provided for mandatory sentences for incendiary bombing?

Was it you, Mayor?

Mr. UHLMAN. Yes, that is correct.

The CHAIRMAN. Was that a city ordinance or State law?

Mr. UHLMAN. A State law.

The CHAIRMAN. How long has it been in effect?

Mr. UHLMAN. Since May of 1969. I might add that we have had a dropoff in firebombings.

The CHAIRMAN. I think you said incendiary bombing had decreased about 90 percent.

Mr. UHLMAN. I don't believe it is that high. I don't believe I used that figure.

The CHAIRMAN. What was the percentage?

Mr. UHLMAN. It was down about 50 percent.

The CHAIRMAN. Would you attribute that to the enactment of this law?

Mr. UHLMAN. In part I would, Mr. Chairman, very definitely.

The CHAIRMAN. I thought you also said that the killing of the man who was attempting to bomb the real estate office may have also had some impact on the slowing down of the bombing.

Mr. UHLMAN. I suspect it did have some impact, yes.

The CHAIRMAN. We do find that possibly swift and certain punishment is a deterrent?

Mr. UHLMAN. I am quite certain that punishment promptly applied and uniformly applied is a deterrent, yes.

The CHAIRMAN. I don't know whether it is being properly and uniformly applied out here. Certainly it is serving as a deterrent there by the very fact that the prospects are that if they are apprehended they are going to get a sentence, a mandatory sentence. Apparently that has had some effect and caused a diminishing of this particular type of crime; is that correct?

Mr. UHLMAN. That would be my prognostication that it will in fact defer to an extent, yes.

The CHAIRMAN. I think so. I am persuaded by the fact that, not everyone, but many who would ordinarily commit crime do not do so because of the possibility of apprehension, of prosecution, of conviction. In some places it may be weak, in some jurisdictions the probability may be strong, but the probability of punishment does deter some people from committing crime. You would agree with that?

Mr. UHLMAN. Yes, sir.

The CHAIRMAN. So we need to strengthen that deterrent to make it a little more certain that if one commits crime the probabilities are much stronger that he will be ultimately punished for it.

Now, you said something about outsiders being responsible in your jurisdiction for some of this; didn't you?

Mr. UHLMAN. I think Major Moloney did. I certainly would concur. Several in each of the groups apprehended from the Bissels on to the four apprehended at the post office and others who have been apprehended in various types of civil confrontations in our city have to a large extent been from outside the city.

The CHAIRMAN. I have just been handed a note by a member of the staff. I will read it and you may comment on it, if you like, if there is any relation here. He said the Seattle group of SDS, the Seattle coalition group—I recognize that is the Liberation Front—are composed, and they get this from our records here, I understand, of previous hearings—are composed of the same troublemakers that caused part of the trouble at Cornell University during the armed takeover of one of the buildings. Also, one of the three recently arrested in dynamite bombings was arrested in the Chicago riot and

was one of the rioters in Chicago that was wounded by gunfire. He was a fugitive at the time of his arrest in Seattle from a charge of assault on a police officer in Chicago. Was he convicted?

Major MOLONEY. At the time he was arrested, Mr. Chairman, he was a fugitive. Since that time, he has been in our county jail and is being held in lieu of bond for the bombing of the U.S. Post Office in Seattle.

Senator JACKSON. He is confined now.

The CHAIRMAN. This confirms what you said that some of it at least is attributable to people coming in from outside.

Major MOLONEY. Yes, sir.

The CHAIRMAN. Apparently some of them are just professional troublemakers going around over the country. Wherever they can find a climate that is favorable or productive, they latch on or they initiate these activities, these criminal activities. That confirms what you said earlier that many of them were from the outside. One of these was named Charles Marshall and another named Kelly; is that correct?

Mr. UHLMAN. He is known as Chip Marshall.

The CHAIRMAN. There are two or three items in this exhibit 821D. One is apparently a wanted-for-murder circular put out by—it does not seem to be signed—referring to the policeman that shot the man that was undertaking to bomb the real estate office.

Mr. UHLMAN. Yes, sir; he is.

The CHAIRMAN. Then I have another one which I would like you to identify, "The world is in your revolution and the high school is in the middle of it." Will you identify that pamphlet?

Major MOLONEY. Yes, sir. These were passed out at Queen Anne High School of the city of Seattle.

The CHAIRMAN. Do you know who passed them out? Who was responsible for it?

Major MOLONEY. Members of the Seattle Liberation Front.

The CHAIRMAN. It is signed "SLF, Power to the People." I am not going to read this filth in the record, but it is available.

I want to get into the record that this filthy circular was distributed to high school students.

Major MOLONEY. Yes, sir.

The CHAIRMAN. On the campus of the high school?

Major MOLONEY. Yes, sir.

The CHAIRMAN. Very well. I just wanted to identify it so that we could, if we needed to, to refer to it later.

I want to thank you. I think your testimony has been very helpful. I want to say again to you that this Senator will vote for any Federal legislation that comes within the framework of the Constitution that gives promise of being helpful and productive in aiding, not only strengthening the Federal arm of the law in this field, but also in giving aid to State and local authorities in their efforts to try to combat this menace.

I am going to excuse myself for just a little while. If you two Senators will take over until I get back. If you get through with this witness, call the next one and I will be right back just as soon as I can.

(At this point, Senator McClellan left the hearing room.)

Senator JACKSON. The mayor has an appointment at noon.

Senator PERCY. I have a short statement I would like to make.

First of all, we appreciate your being here. I am pleased that my son, out of the whole United States if he could not choose Illinois, would then select Seattle as his future home. It is a wonderful city. He is looking forward very much to having a fine career up there, but I am distressed to learn that Seattle on a per capita basis has so high a record of bombing incidents, standing only third after New York and Chicago. It shows that a city can have everything—climate, the atmosphere of friendship that Seattle has—yet have terrorism inflicted upon it by elements which are trying to disrupt society. I agree that we need swift prosecution and sure justice and prompt trials. This is why I am cosponsoring Senator Ervin's speedy trial bill.

I think one of the great problems is the length of time that exists between the commission of crime and the time the criminal is brought to justice, the indefinite delays that some are able to get enabling them to go out and commit more crime while they are awaiting trial. I think this is wrong and we must alter it. It is a procedure that we can and must and will take to bring justice to criminals.

I would like to comment on your concluding remark that the American dream may be unattainable for many members of society, that frustration and hopelessness lead directly to the violence of bombings. I do realize that there is a frustration and a bitterness felt by many people when they sense that the American dream is for everyone but them. But I also feel that there is a strong tendency now among some young people, particularly among some members of the minority groups, to feel that because there has been injustice in America in the past and because there continues to be some injustice, which we are trying to eradicate there is nevertheless an excuse for their taking the law into their own hands. In the last week, in Chicago, we have had crimes committed en masse and singly that have shocked the city of Chicago and our whole community. I went to the funeral of two police officers, law enforcement officials who had signed up for a "Walk and Talk" to try to communicate with the community. They were shot in the back and suspects are now in custody. Perhaps if we could have had speedier justice these crimes would not have been committed.

I visited a young Japanese-American girl, whose family is from California, whose throat had been slit by an assailant while she was in her hotel room in the Palmer House. She also had to endure the tragedy of seeing her companion lying in front after having been brutally murdered just before that. The day before yesterday when the city of Chicago tried to reach out an understanding hand to the young by having a rock concert with a band of their own selection, 35,000 to 40,000 people turned it into a total disorder, wreaking civil disorder and violence on the community, wounding a hundred people, among them 29 law enforcement officials. Three people were shot, untold damage was wreaked on property, as a result of people taking the law into their own hands and saying, "This is the way we are going to show our frustration for a slight delay" or something else that occurred during that particular event. I think really what we are doing by the acts of violence of people is driving society toward more and more repressive measures. Maybe this is what some of them want. Maybe some of the extremists on the left and extremists on the right want to create a condition where anarchy will prevail, repression will

follow and the civil liberties that this country was founded for will be destroyed and we will end up with what might be considered class warfare. I just say a plague on both their houses. I think we have to find a way, and I beg private citizens to help find a way, to exercise their rights and voice their great disgust for these kinds of actions where people take the law into their own hands.

I think we must do everything possible to support our law enforcement officials who, as I see them in Chicago, are now doing everything they can to rectify some of the ills of the past, and really become more compassionate and understanding. But it is mighty bad if you are a police official and you have five children at home and are trying to remember your training program when rocks are being thrown at you, when your car is turned over and set on fire and when you are being abused physically as well as in other ways.

I want to thank you for your testimony and for coming here to reveal once again that this is not just a problem of Chicago, it is not just a problem of New York; it is a problem reaching into many, many other cities in America. I commend you for everything you are trying to do to stop this kind of violence and for helping us enact legislation, without being repressive to ordinary citizens, that will help stamp out this kind of violence in American life.

Thank you, sir.

Senator JACKSON. Thank you, Senator Percy.

Mayor Uhlman and Major Moloney, in behalf of the committee we want to express to you our deep appreciation for an excellent statement, your forthright responses to the questions. I think all of this has been very helpful in connection with the work this committee is trying to do in the area of violence and the bombings of our great cities. Thank you very much.

Mr. UHLMAN. Thank you.

Major MOLONEY. Thank you, gentlemen.

Senator JACKSON. The next witness is Jose Enrique Sanchez.

Are you going to be the interpreter?

Mr. RODRIGUEZ. Yes, sir; if one is needed. I think Mr. Sanchez can take care of himself. My name is Antonio J. Rodriguez. I am on the staff of the Resident Commissioner from Puerto Rico.

Senator JACKSON. If both of you will rise and be sworn.

Do you solemnly swear the testimony you are about to give before the committee will be the truth and nothing but the truth?

Mr. RODRIGUEZ. I do.

Mr. SANCHEZ. I do.

Senator JACKSON. Mr. Sanchez, you have a statement. You may proceed in your own way at this time.

TESTIMONY OF JOSE ENRIQUE SANCHEZ AND ANTONIO J. RODRIGUEZ

Mr. SANCHEZ. Mr. Chairman, my name is Jose Enrique Sanchez. I am presently deputy director of the tactical command of the Puerto Rico Police Department, and I hold the rank of captain. I have served as the deputy commander of my department's intelligence unit until May of 1970. I have had a total of 11 years in the police department of Puerto Rico. Most of my service in the department has been con-

cerned with investigations concerning the character, nature, and activities of terrorist and subversive groups which operate in the Commonwealth.

I want to express my appreciation for having the opportunity to appear before this distinguished subcommittee to relate some aspects of the problem of bombing and terrorism as it applies to Puerto Rico.

We have experienced in Puerto Rico a total of 59 separate incidents of bombings, both explosive and incendiary, since January of 1969. This activity has caused an estimated \$4½ million in damage.

I would like to offer as an exhibit a study done by the police department which describes each of these incidents.

Senator JACKSON. If you will identify the exhibit, that will be marked as exhibit 822. Will you state what that exhibit is?

Mr. RODRIGUEZ. I will be glad to do that, sir. It is a study prepared by the Police Department of Puerto Rico. It is entitled "Arson and Explosive Cases in Puerto Rico from January 1, 1969, to June 28, 1970."

Senator JACKSON. That was prepared by your department, Mr. Sanchez?

Mr. SANCHEZ. Yes, sir.

Senator JACKSON. It will be received as exhibit No. 822.

(The document referred to was marked "Exhibit No. 822" for reference and may be found in the files of the subcommittee.)

Senator JACKSON. You may proceed.

Mr. SANCHEZ. In addition, Mr. Chairman, my department has prepared a study on the bombings in Puerto Rico for the years 1967 and 1968 which I also offer as exhibits to the subcommittee.

Senator JACKSON. I understand that they are attached to exhibit No. 822.

Mr. RODRIGUEZ. That is correct.

Senator JACKSON. You may continue.

(At this point, Senator McClellan entered the hearing room.)

Mr. SANCHEZ. I would like to note that in the year 1968, Puerto Rico recorded 39 separate bombing incidents and as compared to 13 for the year 1967. Not all of these bombings are caused by political terrorists, some have occurred during labor disputes and some are the result of ordinary criminal activity. However, the overwhelming majority of these incidents have been caused by organized terrorist groups operating with the aid and assistance of the Cuban Government. In other words, members of these groups have either traveled to Cuba to get instruction on urban guerrilla warfare, or they have used instructions from Cuba which have come into Puerto Rico on these types of terrorist operations. As an example, we know that all terrorist groups in Puerto Rico use a manual on how to prepare the different explosives. The manual itself was prepared in Cuba.

At this point, Mr. Chairman, I would like to submit for the record examples of this type of literature which I have just described, and which all terrorist groups in Puerto Rico use as instruction on making bombs and firebombs.

The CHAIRMAN. Let it be received as exhibit 823.

(The documents referred to were marked "Exhibit No. 823" for reference and may be found in the files of the subcommittee.)

The CHAIRMAN. You speak of this coming from Cuba. Does the mate-

rial itself indicate that it comes from Cuba?

Mr. Interpreter, you may assist him.

Mr. SANCHEZ. I can answer that in a closed session.

The CHAIRMAN. What did he say?

Mr. RODRIGUEZ. He said he could answer that in a closed session.

The material itself does not indicate that it comes from Cuba, though.

The CHAIRMAN. I see, the material itself does not indicate but you have ways of knowing, you can assure us that it does come from there.

Mr. SANCHEZ. Yes.

The CHAIRMAN. So far as the public record is concerned, is that correct? I will ask you this way. You have no doubt that it came from Cuba?

Mr. SANCHEZ. No, I have no doubt, sir.

The CHAIRMAN. That is sufficient. Go ahead.

Mr. SANCHEZ. I want to state at this point, Mr. Chairman, that we are willing to cooperate with this subcommittee in any way. However, since this is a public session, I want to advise the subcommittee that many of these cases are still under active investigation. In addition, we are in the process of bringing some of the members of these terrorist groups to trial in Puerto Rico for acts of sabotage. Therefore, I do not want to reveal in public too many of the details of these cases which will jeopardize our position in the courts. We can provide in executive session details of this terrorist activity as disclosed to date by our investigations.

The CHAIRMAN. Very well. Thank you, sir. If we do not have an executive session, I would urge you to prepare a statement giving us in confidence any information that the staff considers material that might be helpful to us and that statement, I direct now, will be received as if given in executive session and it will be so treated and will not be released except upon order of the committee. So any further evidence that you can give us, any further details that you are willing to give us, if you will prepare that, let the staff work with you and prepare that in a statement, we will receive it and let it be filed as a document received in executive session and, therefore, retained in confidence until such time as the committee might vote to release it.

Another thing I want to assure you that it is not the purpose of the committee and we try in every way to avoid doing anything that will interfere in any way with your continuing work and the program that you have of trying to deal with this problem. We want only to be cooperative and helpful and we only ask you and other witnesses who appear before us to do the same, just be as cooperative and as helpful as they can so that we can all make some contribution to an improvement in the unhappy and regrettable situation that now prevails.

I wish to thank you very much for your testimony.

I am sorry, I thought you had concluded your statement. You may proceed.

Mr. SANCHEZ. II—Sources, Nature, and Distribution of Literature on Explosive and Incendiary Devices:

Upon his return from a trip to Cuba, early in the year 1967 brought to Puerto Rico a pamphlet containing instructions on the manufacture of incendiary and explosive devices. This pamphlet was used to teach

the members of the "Partido Socialista Obrero" (PSO) and "Movimiento Independentista Revolucionario Armando" (MIRA) on this matter.

It is divided in three sections, as follows:

1. Tools, materials, and implements used in the manufacture of incendiary and explosive devices.
2. Blasting caps used to activate different explosive compounds.
3. Some ideas on how to carry out sabotage acts, without devices.

The "Partido Socialista Revolucionario (PSR)" distributed among its members a pamphlet entitled "Manual de Instruccion Guerrillera" as a guide for the manufacture of incendiary and explosive devices. It contains the same literature as the one used by the "Partido Socialista Obrero" and "Movimiento Independentista Revolucionario Armando."

On May 16, 1969, a booklet titled "Movimiento 26 de septiembre" was distributed in the Social Science College of the University of Puerto Rico. This booklet explained in detail how to attack the police officers with pipes, slingshots, et cetera. This booklet contained no reference as to its source.

The CHAIRMAN. Do you want to make this book an exhibit?

Mr. RODRIGUEZ. It has already been included as an exhibit, Mr. Chairman. It is part of the illustrative literature that we submitted before.

The CHAIRMAN. I see, it is already an exhibit?

Mr. RODRIGUEZ. Yes, sir.

The CHAIRMAN. Very well, you may proceed. This material was distributed, as I understand you, in the curriculum in the college.

Mr. SANCHEZ. Yes, sir.

Mr. RODRIGUEZ. No, sir; not in the curriculum as such. It was distributed among the students.

The CHAIRMAN. That is what I mean, it was distributed.

Senator PERCY. Mr. Chairman, may I ask our witness whether in addition to the groups in Puerto Rico he has mentioned, there are other groups that are also active in the United States such as the SDS, Weatherman, the Black Panthers?

Mr. RODRIGUEZ. MIRA is a group that operates in New York and in Puerto Rico.

(At this point, Senator Jackson left the hearing room.)

Senator PERCY. I wondered whether or not the groups working in this country called the SDS, Weathermen, or the Black Panthers, or any other such extremist groups operate in Puerto Rico, also.

Mr. RODRIGUEZ. Just MIRA is the only one who has a group in New York and in Puerto Rico.

Senator PERCY. Could I ask this question? Do you know if the terrorist groups in Puerto Rico are in active communication with terrorist groups in this country?

Mr. RODRIGUEZ. No, sir; MIRA is a group, is the only group that works in both countries.

Senator PERCY. Thank you.

The CHAIRMAN. Very well, you may proceed.

Mr. SANCHEZ. MIRA (Movimiento Independentista Revolucionario Armando):

Organized during the latter part of the year 1966 and the beginning of 1967 in Havana, Cuba, by Narciso Rabell Martinez, Roberto Todd

Pagan, and a third unknown person. It is believed that Dr. Fidel Castro participated in the organization of MIRA together with Todd and Rabell.

Early in the year 1967, Roberto Todd Pagan and Narcisco Rabell Martinez arrived from Cuba and joined a Workers Socialist Party (PSO). The PSO was headed by Wilson Cortes Burgos with central headquarters located in the city of Aguadilla. In 1968 they started training their members in explosives, terrorism, and sabotage techniques. Later Rabell and Todd incorporated MIRA into the PSO.

In February 1969 MIRA planted explosive devices at Government Development Bank, Howard Johnson Hotel, and Police Traffic Division Station of Police of Puerto Rico. A week later, an explosive device went off at the Selective Service Office in Isabela, P.R. In connection with these incidents were arrested Wilson Cortes Burgos, David Feliciano Feliciano, Pablo Louis Gonzalez Arce, Ramon Vargas Perez, Rafael Capella Rivera, Narciso Rabell Martinez, and Roberto Todd Pagan. Rabell, Todd, Cajigas and Lopez were charged with conspiracy and the others were charged with violations of the explosives law of Puerto Rico.

Recently Rafael Capella Rivera, Wilson Cortes Burgos, David Feliciano Feliciano, Ramon Vargas Perez, Billy Cajigas, and Manuel Lopez Lopez were tried and convicted in superior court in Aguadilla, P.R., and no sentence has been imposed as yet.

The CHAIRMAN. What is the delay in sentencing?

Mr. SANCHEZ. It is supposed to be this month, the 3d of August.

The CHAIRMAN. I didn't understand.

Mr. RODRIGUEZ. He said the sentence is supposed to be given this month on the 3d of August.

The CHAIRMAN. Very well.

Mr. SANCHEZ. No date has been set on the trial of Narciso Rabell Martinez and Roberto Todd Pagan to be held in San Juan. Todd Pagan, while free on bail, went underground and his whereabouts are unknown. Pablo Louis Gonzalez Arce became a witness for the prosecution and was granted immunity.

MIRA has organized cells in Bayamon and Rio Piedras, P.R., and in New York City. At the end of 1969 they planted explosive devices in different hotels in the metropolitan area of San Juan, P.R.

At the beginning of 1970 a series of explosions and fires occurred in the metropolitan area of San Juan as well as in the eastern area of Puerto Rico. Confidential informants indicated these incidents were instigated by Todd and Ojeda who were operating clandestinely in Puerto Rico. At the beginning of 1970, police discovered persons who were operating a sabotage network in Puerto Rico which included lawyers and other persons who were providing the network with hideouts, money, and legal advice.

During the police investigations, arms, explosives, and a mimeograph machine were seized from discovered hideouts.

Mr. RODRIGUEZ. At this point, Mr. Chairman, Captain Sanchez has brought photographs of different explosive materials that were picked up and they are available and have been submitted to the committee.

The CHAIRMAN. Let them be received as exhibit 824.

(The photographs referred to were marked "Exhibit No. 824" for reference and may be found in the files of the subcommittee.)

Mr. SANCHEZ. It has been determined that the MIRA group planned to assassinate government functionaries, destroy electric power stations, and assault radio stations, with the help of some members of the Nationalist Party of Puerto Rico.

The main purpose of MIRA is to overthrow the legally constituted government of Puerto Rico, through force and violence, in order to establish in Puerto Rico a Cuban-type Communist form of government.

I thank the subcommittee for the opportunity to appear here this morning to give this statement. I am now prepared to answer any questions you may have.

The CHAIRMAN. Thank you very much, Captain Sanchez. I am going to defer to my colleague here and then to the counsel of the committee who may have talked to you and who has fuller information about your testimony than I have and can probably ask you the more pertinent questions for clarification and explanation than I can. I will first yield to the distinguished Senator from Illinois.

Senator PERCY. Thank you, Mr. Chairman. I have no questions. I express appreciation to our witness for being with us.

Mr. SANCHEZ. Thank you.

The CHAIRMAN. Now I will ask Mr. Adlerman to ask any questions that he thinks will further clarify or amplify your statement.

Mr. ADLERMAN. Captain, do you know whether your investigation established that the Castro government in Cuba is aiding the terroristic groups in the United States as well as those in Puerto Rico?

Mr. SANCHEZ. Yes, sir.

Mr. ADLERMAN. Can you expand on that, sir?

Mr. SANCHEZ. Yes, sir.

Mr. ADLERMAN. Will you explain it?

Mr. SANCHEZ. The man who organized the terrorists in Puerto Rico is the same one who organized MIRA in New York.

Mr. ADLERMAN. And the MIRA in New York has been engaged in bombing?

Mr. SANCHEZ. Yes, sir.

Mr. ADLERMAN. That is, very recently?

Mr. SANCHEZ. Yes, sir.

Mr. ADLERMAN. Are you working in cooperation with the New York Police on this?

Mr. SANCHEZ. Yes, sir.

Mr. ADLERMAN. How many members of the MIRA were arrested in the bombings in New York?

Mr. SANCHEZ. Just one, sir.

Mr. ADLERMAN. Who was that? Is that Feliciano?

Mr. SANCHEZ. Yes, sir; it is the same one.

Mr. ADLERMAN. Is there any doubt in your mind that the bombings that occurred in Puerto Rico are supported by the Castro government?

Mr. SANCHEZ. No, sir.

Mr. ADLERMAN. Do you have evidence of that, even though you might not be able to say so in a public session?

Mr. SANCHEZ. Yes, sir.

Mr. ADLERMAN. Do you know whether members of the terrorist groups operating in Puerto Rico, whether they regularly travel to Cuba?

Mr. SANCHEZ. Yes, sir.

(At this point Senator Percy left the hearing room.)
 (The letter authorizing the subcommittee to conduct hearings without a quorum follows:)

U.S. SENATE,
 COMMITTEE ON GOVERNMENT OPERATIONS,
 SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
 Washington, D.C., July 23, 1970.

Pursuant to Rule 5 of the Rules of Procedure which was amended by the Committee on Government Operations for its Senate Permanent Subcommittee on Investigations on June 3, 1965, and reaffirmed on March 4, 1970, permission is hereby granted for the Chairman to conduct hearings in open session without a quorum of two members for the purpose of taking testimony in connection with bombings and terrorism in the United States as part of the over-all investigation of riots, civil and criminal disorders on July 29, 1970.

JOHN L. McCLELLAN,
Chairman.

KARL E. MUNDT,
Ranking Minority Member.

Mr. ADLERMAN. Do they go to any other places other than Cuba?

Mr. SANCHEZ. Yes, sir.

Mr. ADLERMAN. Where do they go?

Mr. SANCHEZ. They go to China or Russia.

Mr. ADLERMAN. To China?

Mr. SANCHEZ. Yes, sir.

Mr. ADLERMAN. Or Russia?

Mr. SANCHEZ. And Russia.

Mr. ADLERMAN. I have no further questions.

The CHAIRMAN. Thank you very much. If you will, confer with the chief counsel or other members of the staff with respect to any confidential statement that you wish to prepare and leave with the committee.

Thank you very kindly for your cooperation.

Mr. SANCHEZ. Thank you, sir.

The CHAIRMAN. The committee will stand in recess until Friday morning at 10 a.m.

(Whereupon, at 12:20 p.m., the subcommittee recessed, to reconvene at 10 a.m., Friday, July 31, 1970.)

(Members present at the taking of the recess: Senator McClellan.)

APPENDIX

EXHIBIT No. 796

[Prepared for the office of the General Counsel, General Services Administration]

BOMB THREATS, FISCAL YEARS 1969 AND 1970

	Bomb threats	Evacuations
Fiscal year 1969.....	46	(1)
Fiscal year 1970:		
July through December.....	57	(1)
January through June 23.....	326	130
Total, fiscal year 1970.....	383	130+

¹ Unavailable.
 Note.—Estimated cost, fiscal year 1970, \$2,224,235. Cost based on 130 evacuations since Jan. 1, 1970, at an average of 1,801 persons per evacuation and 2 hours lost time per each evacuation at \$4.75 per hour (GS-9, step 1).

ARSONS, BOMBINGS, AND VANDALISM AT GSA-CONTROLLED FACILITIES, FISCAL YEARS 1969-70

	Incidents		Estimated damage	
	Fiscal year 1969	Fiscal year 1970	Fiscal year 1969	Fiscal year 1970
Arsons.....	3	15	\$550	\$162,964
Bombings.....	11	23	6,700	449,605
Vandalism.....	41	98	3,195	115,650
Total.....	55	136	10,445	728,219

(5557)

ARSONS, FISCAL YEAR 1969
REGION 5 (KENTUCKY, OHIO, INDIANA, MICHIGAN, WISCONSIN, ILLINOIS)

Date	Location	Personal Injury	Method or type service	Persons involved	Estimated dollar damages	Disposition
Sept. 24, 1968	Selective Service, Brumder Building, Milwaukee, Wis.	None	Fire	14 persons unidentified	(1)	Local police arrested suspects.
May 4, 1969	Federal building, building No. 12-0511, Chicago, Ill.	None	do	Unknown	\$50	Chicago Fire Department investigated.
May 25, 1969	Gaynor Building, building No. 12-1174, Chicago, Ill.	None	do	18 persons	500	Local police and FBI arrested 18 who destroyed Selective Service records outside building.

BOMBINGS, FISCAL YEAR 1969
REGION 2 (NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, PUERTO RICO, AND VIRGIN ISLANDS)

May 12, 1969	U.S. post office and courthouse, Newark, N.J.	None	Stinkbomb	4 persons unidentified	None	Guard tour expanded. New locks on doors
May 20, 1969 (attempted)	Selective Service, Carlisle, Pa.	None	5 bombs (Molotov cocktail) failed to ignite.	Unknown	\$100	Unknown.

REGION 5 (KENTUCKY, OHIO, INDIANA, MICHIGAN, WISCONSIN, ILLINOIS)

July 2, 1968	Army Recruiting Station, Building No. 21-1369, Detroit, Mich.	None	Large firecracker	3 unidentified persons	\$50	Local police investigated.
July 5, 1968	Federal building, Cleveland, Ohio	None	do	Unknown	50	FBI investigated.
Aug. 7, 1968 (attempted)	Federal building, Building No. 12-0511, Chicago, Ill.	None	Firebomb	3 unidentified persons	None	Local police investigated.
Aug. 23, 1968	Selective Service Office, Alton, Ill.	None	Unknown type of bomb	Unknown	(1)	Do.
1st week of September 1968 (attempted)	Cadillac Towers Building, Detroit, Mich.	None	Dynamite	2 unidentified persons	None	Suspects admitted at trial to placing dynamite, which didn't go off in building.
Sept. 4, 1968	Selective Service Building No. 21-1308, Roseville, Mich.	None	Unknown-type bomb	Unknown	1,000	Local police and FBI investigated.
Sept. 10, 1968	Army Recruiting Station Building No. 21-1533, Detroit, Mich.	None	do	do	(2)	Local police, Army, and FBI investigated.
Sept. 29, 1968	CIA Building No. 21-1111, Ann Arbor, Mich.	None	do	do	5,000	FBI investigated.
Oct. —, 1968	122 Capitol Court, Building No. 48-1143, Madison, Wis.	None	Firebomb	do	500	Local police investigated.

5558

VANDALISM FISCAL YEAR 1969

REGION 3 (WASHINGTON, D.C., MARYLAND, VIRGINIA, WEST VIRGINIA)

July 22, 1968	Agriculture South, Washington, D.C.	None	Blind stand was vandalized	Unknown	(1)	
July 26, 1968	500 C St. NW, Washington, D.C.	None	Obscene literature on walls	Miss Tallye	(1)	Unknown.
Sept. 23, 1968	42d and I Sts. SE, Washington, D.C.	None	Windows in Government vehicle	Unknown	(1)	Do.
Sept. 24, 1968	Agriculture Annex, Washington, D.C.	None	Doors broken	do	(1)	Do.
September —, 1968	Commerce Building, Washington, D.C.	None	Rock through office window	do	(1)	Do.
Nov. 7, 1968	Tempo 7, Washington, D.C.	None	Building defaced by writing	do	(1)	Do.
Feb. 13, 1969	Pension Building, Washington, D.C.	None	Writings on restroom walls threatening President	do	(1)	Do.
Mar. 28, 1969	Prince Georges Plaza, Prince Georges County, Md.	None	Rock through window	do	(1)	Do.
May 26, 1969	Ford plant, Alexandria, Va.	None	Building vandalized	do	(1)	Do.
June 12, 1969	Main Navy, Washington, D.C.	None	Desks vandalized	do	(1)	Do.
June —, 1969	U.S. post office	None	Scissors used to damage desks	3 persons	(1)	3 persons charged with malicious destruction of Government property.
June 26, 1969	Jessup Blair Building, Silver Spring, Md.	None	Files, furniture, and fixtures damaged	5 persons unidentified	\$1,800	Unknown.

REGION 4 (NORTH CAROLINA, SOUTH CAROLINA, GEORGIA, FLORIDA, ALABAMA, MISSISSIPPI, TENNESSEE)

Sept. 24, 1968	Federal building, Miami, Fla.	None	Rocks thrown at building entrance	1 person	(1)	Arrested and charged.
Nov. 23, 1968	Federal building, Memphis, Tenn.	None	Derogatory signs placed in recruiting office	5 persons unidentified	(1)	Do.
Dec. 21, 1968	2729 Salzedo St., Coral Gables, Fla.	None	Bottle through window	Unknown	(3)	Unknown.
Jan. 9, 1969	Federal building, Miami, Fla.	None	Writing on door card	do	(1)	FBI investigating defacement of property.
Jan. 2, 1969	Federal building and courthouse, Gainesville, Fla.	None	Stone through window	do	\$50	FBI investigating damage to Government property.
Feb. 10, 1969	Federal building, Tampa, Fla.	None	Furnishings damaged	do	(1)	FBI investigating.
Apr. 16, 1969	Post office and courthouse, Charleston, S.C.	None	do	1 person unidentified	100	Arrest by local police.
Apr. 27, 1969	Federal building, Thomasville, Ga.	None	Broken paneling in phone booth	do	50	Do.

REGION 5 (KENTUCKY, OHIO, INDIANA, MICHIGAN, WISCONSIN, ILLINOIS)

Sept. 18, 1968	Federal building, building No. 12-0220, East St. Louis, Ill.	None	Paint sprayed on building	Unknown	\$50	Local police investigated.
Sept. 22, 1968	Selective Service Office, building No. 12-1641, Marion, Ill.	None	Brick through door	do	100	Do.
Oct. 28, 1968	Federal building, U.S. post office, Grand Haven, Mich.	None	Gas to part of city cut off	do	(1)	Do.
Mar. 2, 1969	Federal building, building No. 34-0189, Cincinnati, Ohio.	None	Unknown	1 person unidentified	100	Do.
Apr. 17, and 21, 1969	Federal building, U.S. post office, and courthouse, building No. 21-072, Kalamazoo, Mich.	None	Paint thrown on building	Unknown	700	FBI and local police investigated.

5559

VANDALISM, FISCAL YEAR 1969—Continued
 REGION 6 (IOWA, KANSAS, MINNESOTA, MISSOURI, NEBRASKA, NORTH AND SOUTH DAKOTA)

Date	Location	Personal injury	Method or type service	Persons involved	Estimated dollar damages	Disposition
Oct. 14, 1968	Federal building, 2d Ave. and East Oak St., Sisseton, S. Dak.	None	Windows broken	Unknown	\$200	Local police investigated.
Dec. 31, 1968	Selective Service, 7 South Florissant, Ferguson, Mo.	None	Rock through windows	1 person unidentified	(1)	Police apprehended juvenile boy's parents paid for damages.

REGION 7 (TEXAS, OKLAHOMA, LOUISIANA, ARKANSAS)

April 3, 1969	Federal building and courthouse, Harrison, Ark.	None	Debris scattered	Unknown	(1)	FBI and U.S. marshal investigated.
June 27, 1969	Federal Center, San Antonio, Tex.	None	Paint on interior wall	Military inductee	\$7	Inductee released to custody of marshal.

REGION 9 (CALIFORNIA, NEVADA, AND HAWAII)

Oct. 14, 1968	Federal building, 450 Golden Gate Ave., San Francisco, Calif.	None	Paint on building	Unknown	(1)	Local police investigated.
Oct. 17, 1968	do	None	Dye in plaza pool	do	(1)	Do.
Jan. 20, 1969	do	None	Dye or paint thrown in pool and on floors and walls	4 persons unidentified	(1)	4 arrested by U.S. marshal.
Jan. 30, 1969	U.S. Court of Appeals and Post Office Building, 7th and Mission, San Francisco, Calif.	None	Pictures torn from walls	1 person unidentified	(1)	Unknown.
Feb. 10, 1969	do	None	Pictures damaged	Chas. R. Trip, Edith Bailey, Barbara Taylor.	(1)	FBI and U.S. attorney took necessary action.
Mar. 22, 1969	do	None	Burning newspapers put in mail chute.	1 male unidentified	(1)	Postal inspector and FBI investigated.
Mar. 27, 1969	Federal building, 450 Golden Gate Ave., San Francisco, Calif.	None	Flagpole tampered with	2 persons unidentified	None	Local police investigated.
Apr. 13, 1969	49 4th St., San Francisco, Calif.	None	Window broken	Unknown	(1)	FBI investigated.
June 4, 1969	1575 Sherman Way, Van Nuys, Calif.	None	Shed vandalized	do	(1)	Do.
June 1, 1969	390 Main St., San Francisco, Calif.	None	Pictures damaged	do	(1)	Do.

5560

REGION 10 (WASHINGTON, OREGON, MONTANA, IDAHO, ALASKA)

Mar. 11, 1969..... U.S. Department of Interior, BPA, Portland, Oreg. None Kicked glass from door..... 1 unidentified boy..... \$38 GSA secured payment for damage from boy's parents.

ARSONS, FISCAL YEAR 1970

REGION 3 (WASHINGTON, D.C., MARYLAND, VIRGINIA, WEST VIRGINIA)

Mar. 10, 1970..... HEW (south), 330 C St. NW., Washington, D.C. None Small trash fire set..... Unknown..... (1) Unknown.

REGION 4 (NORTH CAROLINA, SOUTH CAROLINA, GEORGIA, FLORIDA, ALABAMA, MISSISSIPPI, TENNESSEE)

Aug. 11 1969..... 901 Peachtree St., Atlanta, Ga..... None Molotov cocktail..... Unknown..... (1) FBI investigated.

REGION 5 (KENTUCKY, OHIO, INDIANA, MICHIGAN, WISCONSIN, ILLINOIS)

Sept. 26, 1969..... Selective Service, Building No. 34-1000, Akron, Ohio. (1) Fire..... Unknown..... \$35,000 FBI and local police investigated.
 Oct. 21, 1969..... Selective Service, Building No. 34-1660, Lorain, Ohio. None ..do..... do..... 10,000 FBI investigated.
 Oct. 22, 1969..... Selective Service, Building No. 34-1551, Painsville, Ohio. None ..do..... do..... 30,000 Local police investigated.
 Nov. —, 1969..... Selective Service, Building No. 13-1385, Lafayette, Ind. None ..do..... do..... 13,000 Local fire department and police investigated.
 Jan. 27, 1970..... Selective Service, Norwalk Building Norwalk, Ohio. None ..do..... do..... 8,800 FBI and local police investigated.
 Mar. 30, 1970..... Selective Service, Old State Bank of Biggsville, Ill. None Files and building destroyed by fire..... do..... 10,500 Do.
 May 12, 1970..... Selective Service Office, 14225 Schaeffer Rd., Detroit, Mich. None Fire..... do..... 50,000 Unknown.
 June 8, 1970..... Selective Service Office, Hill Arcade Galesburg, Ill. None ..do..... do..... (1) FBI secured the area.

5561

ARSONS, FISCAL YEAR 1970—Continued
 REGION 6 (IOWA, KANSAS, MINNESOTA, MISSOURI, NEBRASKA, NORTH AND SOUTH DAKOTA)

Date	Location	Personal injury	Method or type service	Persons involved	Estimated dollar damages	Disposition
Apr. 28, 1970	Selective Service, U.S. post office, Iowa City, Iowa.	None	Files ransacked and set on fire.	Unknown	\$75	FBI and local authorities investigated.

REGION 9 (CALIFORNIA, NEVADA, AND HAWAII)

Apr. 15, 1970	AFEES, 1830 H St., Fresno, Calif.	None	2 molotov cocktails tossed at windows.	Unknown	\$500	Local police and fire department and FBI investigated.
Do	Berkeley Post Office, Berkeley, Calif.	None	Flammable liquid poured on floors and ignited.	do	900	Local police and fire department investigated.
May 26, 1970	1729 Seabright Ave., Santa Cruz, Calif.	None	Rocks through door and firebombs.	do	(1)	Unknown.

REGION 10 (WASHINGTON, OREGON, MONTANA, IDAHO, ALASKA)

Feb. 1, 1970	811 Northeast Oregon Building, Portland, Oreg.	None	Records burned with gasoline.	Unknown	\$4,189	Local authorities investigated.
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BOMBINGS FISCAL YEAR 1970

REGION 1 (MAINE, NEW HAMPSHIRE, VERMONT, MASSACHUSETTS, RHODE ISLAND, CONNECTICUT)

Feb. 20, 1970	Federal building and U.S. courthouse, Hartford, Conn.	None	Molotov cocktail.	Unknown	\$450	FBI, local police, and fire department investigated.
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5562

REGION 2 (NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, PUERTO RICO, AND VIRGIN ISLANDS)

Sept. 19, 1969	Federal building and U.S. Custom Court, New York City.	None	Dynamite timed device.	Samuel Melville, John D. Hughey, Patricia Swinton, Jean Alpert.	\$180,000	Arrests and prosecution of guilty parties Melville sentenced to 10 years State court; 3 years Federal Court; 5 years probation Federal court; Hughey sentence pending; Alpert, forfeited bail believed to be in Canada; Swinton, fugitive.
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REGION 4 (NORTH CAROLINA, SOUTH CAROLINA, GEORGIA, FLORIDA, ALABAMA, MISSISSIPPI, TENNESSEE)

May 5, 1970	Executive Building, Orlando, Fla.	None	Firebomb	Unknown	(1)	Fire department extinguished fire.
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REGION 5 (KENTUCKY, OHIO, INDIANA, MICHIGAN, WISCONSIN, ILLINOIS)

Sept. 26, 1969	Federal buildings, U.S. courthouse, Building No. 48-0044, Milwaukee, Wis.	None	20 to 30 sticks of dynamite detonated via timing device.	2 suspects	\$100,000	FBI investigated.
Oct. 11, 1969	Armed Forces Recruiting Station, Building No. 12-1763, Chicago, Ill.	None	Firebomb	Unknown	2,000	Local police investigated.
Do.	Air Force Recruiting Station, Building No. 12-1489, Chicago, Ill.	None	do	do	500	Do.
Jan. 4, 1970 (attempted)	1220 Capitol Court, Madison, Wis.	None	Firebomb missed building damaged building next door.	do	None	Do.
Jan. 9, 1970	DCASR, Packard Properties Building, Detroit, Mich.	None	Firebomb	do	100	Local police and FBI investigated.
Mar. 9, 1970	Federal building, Champaign, Ill.	None	do	do	2,500	FBI and local police investigated.
Mar. 11, 1970	101 Race St., Urbana, Ill.	None	do	do	150,000	Local police and FBI investigated.
Apr. 22, 1970	Schmidt Building, Milwaukee, Wis.	None	do	do	100	FBI investigated.

5563

BOMBINGS, FISCAL YEAR 1970—Continued

REGION 6 (IOWA, KANSAS, MINNESOTA, MISSOURI, NEBRASKA, NORTH AND SOUTH DAKOTA)

Date	Location	Personal injury	Method or type service	Persons involved	Estimated dollar damages	Disposition
Apr. 23, 1970	Federal building, 1500 East Bannister, Kansas City, Mo.	None	Military ordinance	Unknown	None	Devices found and disposed of.
May 19, 1970	Selective Service Offices, 9901-9907 Grahois Rd., Afton, Mo.	None	Firebomb	do	\$1,600	FBI and local police investigating.

REGION 7 (TEXAS, OKLAHOMA, LOUISIANA, ARKANSAS)

May 4, 1970	Selective Service Office, Merchants Security Building, Norman, Okla.	None	Bricks through window and firebombs.	Unknown	\$250	Unknown.
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REGION 8 (ARIZONA, NEW MEXICO, COLORADO, WYOMING, UTAH)

Jan. 6, 1970	Army Recruiting Station, 2033 East Colfax Ave., Denver, Colo.	None	Molotov cocktail	Unknown	\$305	FBI, local police, and military investigated.
Jan. 16, 1970	New Custom House, Denver, Colo.	None	Stinkbombs	do	100	FBI investigated.
Feb. 23, 1970	Selective Service Headquarters, 155 East Alameda, Tucson, Ariz.	None	Dynamite	do	(1)	FBI and local police investigated.
Mar. 1, 1970	Selective Service Headquarters, Colorado Springs, Colo.	None	Firebombs	do	(1)	Local police investigated.

REGION 9 (CALIFORNIA, NEVADA, AND HAWAII)

May 6, 1970	Selective Service Office, 1515 Clay St., Oakland, Calif.	None	Firebomb	Unknown	\$200	Unknown.
May 9, 1970	Selective Service Office, 5050 Hollywood Blvd., Hollywood, Calif.	None	Time bomb	do	10,000	Do.
May 27, 1970	Selective Service Office, 7412 South Broadway, Los Angeles, Calif.	None	Unknown-type bomb	do	(1)	FBI and local police investigating.

5564

REGION 10 (WASHINGTON, OREGON, MONTANA, IDAHO, ALASKA)

Mar. 2, 1970	University Post Office, Seattle, Wash.	None	Nature of explosive unknown	4 persons unidentified	\$500	4 suspects apprehended on the scene by local police.
May 6, 1970	811 Northeast Oregon St., Portland, Ore.	None	Firebomb	Unknown	1,000	FBI investigating.

VANDALISM FISCAL YEAR 1970
REGION 2 (NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, PUERTO RICO, AND VIRGIN ISLANDS)

Feb. 7, 1970	Selective Service, 1421 Cherry St., Philadelphia, Pa.	None	Files destroyed	2 or more unidentified persons.		(1) Arrests made by local police.
Mar. 2, 1970	U.S. custom house, Wilmington, Del.	None	Paint on doors and brick thrown through door.	Unknown	\$200	Unknown.
Mar. 19, 1970	Federal building, Rochester, N.Y.	None	Rocks thrown through windows	do	100	Do.
Apr. 13, 1970	Federal building, Plattsburg, N.Y.	None	do	do	40	Do.

REGION 3 (WASHINGTON, D.C., MARYLAND, VIRGINIA, WEST VIRGINIA)

Sept. 23, 1969	Longfellow Building, Connecticut and Rhode Island, Washington, D.C.	None	Threat against President and Vice President written on walls.	Unknown		(1) Secret Service investigated.
Sept. 24, 1969	do	None	Threat against Vice President written in telephone booth.	do		(1) Unknown.
Sept. 26, 1969	Vanguard Building, 810 Vermont Ave. NW., Washington, D.C.	None	Ink on walls, trash, desk vandalized.	do		(1) Do.
Sept. 28, 1969	Pentagon Building, Arlington, Va.	None	Pornographic pictures posted on walls.	do		(1) Do.
Oct. 3, 1969	U.S. District Court, Constitution Ave. and J. Marshal, Washington, D.C.	None	Flag lowered to half staff.	do		(1) Do.
Oct. 5, 1969	Federal Building 10B, 600 Independence Ave., Washington, D.C.	None	Vending machine vandalized.	do		(1) Do.
Oct. 6, 1969	Munitions Building, 19th and Constitution Ave., Washington, D.C.	None	do	do		(1) Do.
Oct. 25, 1969	Crystal Plaza No. 5, 2211 Jefferson Davis Highway, Arlington, Va.	None	Ink thrown on door.	do		(1) Do.
Oct. —, 1969	Navy Yard Building 159, 10th and M Sts. SE., Washington, D.C.	None	Typewriter vandalized.	do		(1) Do.
Nov. 11, 1969	Montgomery County Selective Service, Maryland.	None	Office vandalized.	2 persons unidentified		(2) Local police investigated.
Nov. 19, 1969	Munitions Building, Washington, D.C.	None	Portions of building interior vandalized.	3 persons unidentified		(2) Appropriate officials notified.

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VANDALISM, FISCAL YEAR 1970—Continued
 REGION 3 (WASHINGTON, D.C., MARYLAND, VIRGINIA, WEST VIRGINIA)—Continued

Date	Location	Personal injury	Method or type service	Persons involved	Estimated dollar damages	Disposition
Feb. 5, 1970	HEW, Washington, D.C.	None	Paint sprayed on building	Unknown	(3)	Unknown.
Feb. 6, 1970	Federal Trade, Washington, D.C.	None	Paint sprayed on monuments outside building.	do	(3)	Do.
Do	Archives Building, Washington, D.C.	None	Paint on building	do	(3)	Do.
Feb. 22, 1970	State Department, Washington, D.C.	None	Small caliber bullet holes in windows.	do	(3)	Do.
Apr. —, 1970	Tariff Building, 701 E St NW., Washington, D.C.	None	Phone booths vandalized	do	(3)	Do.
Apr. 17, 1970	GAO, 441 G St. NW., Washington, D.C.	None	Restroom dispensers vandalized	do	\$400	Do.
Apr. 20, 1970	GSA Building, 18th and F Sts. NW., Washington, D.C.	None	Vehicle vandalized	do	(1)	Do.

REGION 4 (NORTH CAROLINA, SOUTH CAROLINA, GEORGIA, FLORIDA, ALABAMA, MISSISSIPPI, TENNESSEE)

Sept. 15, 1969	Don CeSar Building, St. Petersburg, Fla.	None	Windows broken	6 persons unidentified	\$50	Local police made arrests.
Oct. 24, 1969	Federal building, Charleston, S.C.	None	9 Government cars vandalized	Unknown	400	FBI investigated.
Jan. 17, 1970	Federal building, Charleston, S.C.	None	Desk vandalized	do	(1)	FBI and local police investigated.
Mar. 11, 1970	Federal building, Jacksonville, Fla.	None	Door locks vandalized	do	(1)	FBI investigated.
Apr. —, 1970	Federal building, Columbia, S.C.	None	Door locks soldered	do	50	Unknown.
Apr. 18, 1970	VARO Building, Columbia, S.C.	None	Window and door smashed	do	50	FBI investigated.
May 7, 1970	Federal building and courthouse, Jacksonville, Fla.	None	Paint on fence	do	(1)	Unknown.

REGION 5 (KENTUCKY, OHIO, INDIANA, MICHIGAN, WISCONSIN, ILLINOIS)

Sept. 2, 1969	Building 324-1664, Social Security Office, Cleveland, Ohio.	None	Office vandalized	Unknown	\$600	FBI and local police investigated.
Sept. 12, 1969	Federal building and courthouse, Building No. 12-0205, Chicago Ill.	None	Lobby windows destroyed	1 person unidentified	1,000	Arrest made by GSA guard and local police.
Sept. 24, 1969	AFEES, Building No. 48-1000, Milwaukee, Wis.	None	Concrete on doors	Unknown	(1)	Unknown.
Oct. —, 1970	Federal building, U.S. post office and courthouse, Flint Mich.	None	Paint sprayed on building	do	100	FBI investigated.
Oct. 12, 1969	IRS Office, Building No. 12-1464, Mount Vernon, Ill.	None	Office vandalized and 5 weapons taken.	do	200	Do.
Oct. 26, 1969	U.S. post office, Building No. 12-0095, Highland, Ill.	None	Building vandalized	do	50	Local police investigated.
Nov. 1, 1969	Rockford, Ill., Building No. 12-1713	None	Building vandalized, office equipment taken.	do	(3)	Local police and FBI investigated.
Do	Wulsin Building, Building No. 12-1362, Indianapolis, Ind.	None	Office records vandalized	Unknown organization involved "Beavers 55"	100	Local police investigated.

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Nov. 3, 1969	Center Trust Building, Sterling, Ill.	None	Building vandalized some equipment taken.	Unknown	(*)	Local police and FBI investigated.
Nov. 10, 1960	Charlotte Building No. 13-1302, Columbus, Ind.	None	Office vandalized, offensive odors left by vandals.	3 persons unidentified	(*)	Local police investigated.
Nov. 24, 1969	AFEES Building, Building No. 48-1000, Milwaukee, Wis.	None	Rock thrown through window.	Unknown	100	Do.
Nov. 25, 1969	Woody Stogsdill Building, Building 13-1312, Bloomington, Ind.	None	Paint sprayed on building.	do	50	Do.
Nov. 28, 1969	Federal building, U.S. courthouse, Building No. 48-0044, Milwaukee, Wis.	None	Door glass damaged by air gun pellets.	do	50	Do.
Dec. 12, 1969	Federal building, Champaign, Ill.	None	Pipe thrown through window.	do	50	Do.
Dec. 15, 1969	Federal building, U.S. post office and courthouse, Flint, Mich.	None	Paint sprayed on building.	do	50	Do.
Jan. 1, 1970	United Com. Ser. Building, Building No. 12-1739, Evanston, Ill.	None	Objects thrown through plate glass windows.	1 person unidentified	1,000	Do.
Jan. 2, 1970	U.S. post office and courthouse, Building No. 21-0029 Detroit, Mich.	None	Paint sprayed on building.	Unknown	100	Unknown.
Jan. 2, 1970	Selective Service, Wisconsin INS Building, Madison, Wis.	None	Records scattered, furniture destroyed.	do	3,200	Local police investigated.
Jan. 3, 1970	Selective Service, Monument Square Building, Racine, Wis.	None	Records scattered.	do	25	Do.
Jan. 16, 1970	Federal building and U.S. courthouse, Grand Rapids, Mich.	None	Recruiting signs damaged by paint.	do	50	Unknown.
Jan. 29, 1970	Federal building and U.S. courthouse, Detroit, Mich.	None	Building vandalized, office machines taken.	do	(*)	FBI investigated.
Feb. 9, 1970	Selective Service, Clinton, Ill.	None	Empty bottle thrown through window.	do	50	Local police investigated.
Feb. 10, 1970	Federal building, Building No. 12-0511, Chicago, Illinois.	None	Wall damaged in Selective Service area. Trash cart deliberately pushed into wall.	do	300	FBI and local police investigated.
Feb. 16, 1970	United Com. Serv. Building, Building No. 12-1739, Evanston, Ill.	None	2 plate glass windows broken.	do	700	Local police investigated.
Feb. 26, 1970	AFEES Building, No. 48-1000, Milwaukee, Wis.	None	Pellet holes in front window.	do	100	Do.
Feb. 28, 1970	Federal building, U.S. courthouse, Port Huron, Mich.	None	Bricks thrown through window.	do	50	Do.
Mar. 1, 1970	Federal building, U.S. courthouse, Milwaukee, Wis.	None	do	do	125	FBI investigated.
Mar. —, 1970	1544-66 East Jefferson, Detroit, Mich.	None	Building vandalized.	do	25	Local police investigated.
Mar. 13, 1970	Fritz Building Ann Arbor, Mich.	None	Door and window broken, records disturbed.	do	50	FBI investigated.
Mar. 21, 1970	Federal building, Anderson, Ind.	None	Damage to building, lockbox, area.	do	25	Do.
Mar. 25, 1970	Federal building, U.S. courthouse, Milwaukee, Wis.	None	Drain stopped up.	do	25	FBI informed.
Apr. 21, 1970	Federal building, Medinah, Ohio.	None	Glass doors broken.	do	50	FBI investigated.
Apr. 27, 1970	Federal building, U.S. courthouse, Grand Rapids, Mich.	None	Selective Service files searched.	do	25	FBI and local police investigated.

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VANDALISM, FISCAL YEAR 1970—Continued
 REGION 6 (IOWA, KANSAS, MINNESOTA, MISSOURI, NEBRASKA, NORTH AND SOUTH DAKOTA)

Date	Location	Personal injury	Method or type service	Persons involved	Estimated dollar damages	Disposition
Sept. 26, 1969	Armed Forces Building, 2420 Broadway, Kansas City, Mo.	None	Paint damage to building exterior.	Unknown	(1)	Local authorities notified.
Oct. 15, 1969	7 South Florissant Rd., Ferguson, Mo.	None	Window damaged	do.	(1)	Damage reported to lessor.
Nov. 10, 1969	Selective Service Boards 102 and 234, 75 Florissant Rd., Ferguson, Mo.	None	Plate glass window broken	do.	\$482	Local police investigated.
Jan. —, 1970	Federal Building, 215 North 17th St., Omaha, Nebr.	None	Glass at entrance broken	do.	(1)	Local police and FBI investigated.
Feb. 13, 1970	Selective Service, 7 South Florissant Rd., Ferguson, Mo.	None	Plate glass window broken	do.	150	Local police investigated.
Feb. 28, 1970	Hennepin County Selective Service, 215 South 11th St., Minneapolis, Minn.	None	Records sprayed with paint, some burned; windows and fixtures damaged.	do.	1,150	Local police, State crime bureau, and FBI investigated.
Do.	U.S. post office and custom house, 180 East Kellogg Blvd., St. Paul, Minn.	None	Windows broken, paint sprayed on records and equipment in office.	do.	2,000	Local police investigated.
Mar. —, 1970	U.S. post office and custom house, Selective Service Offices, St. Paul, Minn.	None	Records and office machines damaged extensively.	None	100,000	Local police and FBI investigated.
Apr. 13, 1970	Selective Service Boards 102 and 234, 7 South Florissant Rd., Ferguson, Mo.	None	Plate glass window broken by shot from pellet gun.	Unknown	100	Local police investigated.
Weekend May 2, 3, 1970	Selective Service Office, Brinc Building, Sedalia, Mo.	None	Rocks through windows, paint on building.	do.	(1)	Unknown.
Apr. 22, 1970	Selective Service, Brinc Building, Sedalia, Mo.	None	Bullet hole in window, bottle thrown through window.	do.	(1)	Local police investigated.
Apr. 28, 1970	Federal building, 1520 Market St., St. Louis, Mo.	None	Rock through main entrance glass.	do.	1,000	Local police picked up suspect but could not establish guilt.

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REGION 7 (TEXAS, OKLAHOMA, LOUISIANA, ARKANSAS)

Nov. 4, 1969	Selective Service, 207 West 9th St., Austin, Tex.	None	Pellet holes in front door glass	Unknown	(1)	Local police investigated.
Nov. 15, 1969	Selective Service, 9th and Lavaca, Austin, Tex.	None	Glue in keyway of entrance	do.	(1)	Do.
Nov. 18, 1969	Federal Building, 201 Fannin, Houston, Tex.	None	Youth attempted to seize Selective Service records.	1 male unidentified	None	FBI investigated.
Dec. —, 1969	Selective Service, No. 073-6197, Norman, Okla.	None	Concrete thrown through window.	Unknown	(1)	Local police investigated.
Mar. 10, 1970	Selective Service, 707 Washington Ave., Waco, Tex.	None	Glass panel destroyed	do.	\$100	do.

REGION 8 (ARIZONA, NEW MEXICO, COLORADO, WYOMING, UTAH)

Dec. 1, 1969	New customhouse, Denver, Colo.	None	Bricks thrown through windows.	Unknown	\$8	
Jan. 18, 1970	Recruiting Station, 2033 East Colfax, Denver, Colo.	None	Bricks thrown through 3 plate glass windows.	do	(1)	Local police and FBI investigated.
Jan. 27, 1970	do	None	do	do	(1)	Do.
Jan. 31, 1970	New customhouse and the Federal building and courthouse, Denver, Colo.	None	Bricks thrown through window, windows and paint sprayed on building.	do	(1)	Local police investigated.
Feb. 3, 1970	Census Bureau Office, Tucson, Ariz.	None	Swastika drawn on building.	do	(1)	FBI investigated.
Mar. 19, 1970	Selective Service, Lakewood, Denver, Colo.	None	Glass broken, files, office machinery furniture vandalized.	do	(1)	Sheriff and FBI investigated.

REGION 9 (CALIFORNIA, NEVADA, AND HAWAII)

Sept. 18, 1969	Federal building, 450 Golden Gate Ave., San Francisco, Calif.	None	Rifle shot broke section of spandrel glass.	Unknown	\$200	FBI investigated.
Oct. 10, 1969	49 4th St., San Francisco, Calif.	None	Garage door damaged by vandals.	do	500	Do.
Dec. 31, 1969	300 North Los Angeles St., Los Angeles, Calif.	None	Windows broken.	do	(1)	Do.
Jan. 1, 1970	400 Los Angeles St., Los Angeles, Calif.	None	Broken window.	1 person unidentified	50	No action taken.
Jan. —, 1970	U.S. post office and courthouse, 7th and Mission, San Francisco, Calif.	None	Papers scattered in judge's office.	Unknown	None	Do.
Jan. 28, 1970	1031 South Broadway, Los Angeles, Calif.	None	Brick thrown through window.	1 person unidentified	200	Suspect arrested by Los Angeles police.
Feb. 9, 1970	U.S. post office and courthouse, Santa Barbara, Calif.	None	Paint on wall.	Unknown	20	No action taken.
Feb. 10, 1970	Federal building, Fresno, Calif.	None	Tacks thrown on driveway.	do	None	Do.
Mar. 9, 1970	50 Fell St., San Francisco, Calif.	None	Flagpole bent and rope cut.	do	do	Unknown.
Mar. —, 1970	312 North Spring St., Los Angeles, Calif.	None	Metal statue of clenched fist placed on lawn.	do	do	Statue removed.
Apr. 10, 1970	AFEES, 1830 H St., Fresno, Calif.	None	Bottle thrown at windows.	do	do	Local police investigated.
May 7, 8, 1970	U.S. post office, Lajolla, Calif.	None	Paint on vehicle and walls.	do	do	Unknown.

REGION 10 (WASHINGTON, OREGON, MONTANA, IDAHO, ALASKA)

Mar. 9, 1970	U.S. courthouse, Portland, Oreg.	None	Paint on building exterior.	1 person unidentified	\$150	Suspect apprehended.
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- 1 No estimate.
- 2 Damage to Army vehicle. No estimate.
- 3 Unknown.
- 4 Fireman overcome by smoke.

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END