



Policy Options in Offshore Crisis Situations

*A Case Study by Alan E. Brody, CIA,
Roger T. Castonguay, FBI,
Captain Paul E. Versaw, USCG*

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Alan E. Brody, CIA

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SUMMARY AND PRINCIPAL CONCLUSIONS

Concern over the possibility of a serious incident involving offshore oil platforms or vessels carrying petroleum products has risen in recent years as terrorist activity has increased. The response of oil and shipping companies to the perceived threat has been uneven. Some confusion appears to exist among government authorities and industry officials regarding the options for action available in the event of an offshore crisis situation.

We undertook to clarify and codify those options. Our research was conducted in February 1983 and included a review of written material on the subject; visits to offshore platforms in the waters off the California and Louisiana coasts; and interviews with industry representatives and local, state, and federal government officials in Washington, D.C., California, Texas, and Louisiana. Based on that research, we have reached the following principal conclusions:

- That ample legal authority exists for local, state, or federal action to resolve crisis situations off our shores.
- That the Federal Bureau of Investigation and the U.S. Coast Guard are the key federal agencies with responsibility for the initial response to maritime terrorist incidents within our coastal waters and that jurisdiction has been clearly spelled out in memoranda of understanding between them on both the national level and within the local command structures.
- That the use of military force under certain conditions to resolve situations that have exceeded the capabilities of federal civilian law enforcement agencies is adequately provided for and that appropriate procedures exist for exercising that option.
- That appropriate state, local, and industry officials should be briefed on the desirability of resolving maritime terrorist incidents through the use of civilian law enforcement capabilities and on the absolute requirement for Presidential authorization before the military option can be exercised.
- That periodically renewed efforts at education are needed to insure that constantly changing cadres of managers in federal, state, and local agencies as well as in the affected industries are kept advised of existing procedures for responding to offshore crisis situations.

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• That meetings and exercises on a local level are desirable as often as resources permit and in keeping with the perceived level of the threat, and that through these meetings and exercises local managers are able to work out oral or written agreements on the expected response to the most likely incidents.

• That managers who will actually man the command posts in the event of a serious maritime terrorist incident should participate in exercises to the extent possible, recognizing that the claims on the time of such officials may preclude their participation more than once every year or two.

• That equipment shortages do exist. Appropriate air and sea transportation and operating platforms need to be made available to the agencies responsible for offshore incidents, and this equipment needs to be centrally located and available on each coast.

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POLICY OPTIONS IN OFFSHORE CRISIS SITUATIONS

Introduction

This study was undertaken to clarify and codify the options for action now available to federal, state, and local officials and to industry in the event of crisis situations involving offshore facilities. The situations envisioned include actual or threatened takeover or destruction of offshore oil platforms or vessels within U.S. coastal waters by terrorists, extortionists, or others resorting to violence or the threat of violence to achieve their goals. The study touches only in passing on the vulnerability of potential targets. The U.S. Coast Guard, the Federal Bureau of Investigation, the Federal Emergency Management Agency, and the General Accounting Office, among others, have recently been concerned with that aspect of the problem.

The impetus for the study came from the experience of two of its authors who have first-hand knowledge of offshore crisis situations handled successfully by their respective agencies working in close cooperation. In view of the worldwide prevalence of incidents of violence for political purposes, it was felt that a limited survey of the mechanisms and procedures in place to deal with such situations immediately off our shores would serve a useful purpose in a field often clouded with contradictory perceptions of jurisdiction and practical concerns regarding capabilities to take effective action.

Background

Concern over the possibility of a serious incident involving offshore oil platforms or vessels carrying petroleum products has increased in recent years. Massive accidental oil spills, the increase in international and domestic terrorist activity, and media hype in general have raised the level of public consciousness of a potential threat. Professional security consultants with much to gain from an increased level of anxiety about this subject in commercial and industrial circles have added their own dire predictions. To an uneven degree, oil and shipping companies have begun to respond to the perceived threat.

Articles in newspapers, magazines, and industrial journals reflect a gamut of attitudes about and perceptions of the threat. These range from total complacency because no serious incident has yet occurred in U.S. waters to considerable alarm at the perceived vulnerability of oil platforms in particular and the assumed inadequacy of federal, state, and local security and law enforcement organizations to prevent or resolve a serious incident. A discussion of oil platforms in the Gulf of Mexico which appeared in a security trade publication in 1980 exemplifies the alarmist approach:

Many platforms are in remote locations, unmanned and unvisited for days at a time and, according to many experts, lacking adequate protection against assault.

Serious damage can be caused at or below a platform water line by a single swimmer equipped with only an outboard boat and the right tools. A more ambitious team effort could collapse an entire platform by cutting its support legs with explosive charges, causing immense pollution and a probable fire which could spread to adjoining wells...The still uncapped well that blew off the coast of Mexico on 3 June 1979 has dumped a world record five million or more gallons of oil into the Gulf. The great slow-moving slicks threaten increasing damage to the multi-million dollar shellfish industries and the \$300 million a year tourist industry on the coast of Texas. 1/

A more sanguine view of the potential threat to offshore installations is reflected in an article on terrorism which appeared in the trade journal Drilling in November 1981 in which Dr. Robert K. Mullen is quoted. Dr. Mullen is a sometime consultant to the Department of Energy, the U.S. Nuclear Regulatory Commission, and Congress's Office of Technology Assessment:

I have yet to see a terrorist group claim to have attacked a rig or even a refinery. I have yet to see an actual attack on a refinery by insurgents, what you usually see hit are product storage tanks or crude oil tanks...I just don't see the U.S.A. being threatened by terrorist action against rigs in the foreseeable future. Of course, it would be wise to have contingency plans, just in case. Planning doesn't cost that much... You know, there is a big business in counter-terrorism. There are people who have a vested interest in scaring the pants off companies. 2/

In the same article, Brian Jenkins who directs the Rand Corporation's program on political violence is also quoted:

...I would say right now that attacks on rigs represent a rather specialized form of terrorism. While it may fit the objective of some groups and certain groups have the capability, the historical record suggests rigs are not a target terrorists would pick... The biggest area of danger for us, I think, is not the international terrorist but from criminals. What we see is an increasing number of what I call "extraordinary extortion" attempts. Things like that State Line, Nevada incident, at the casino; the bomb threats against the California rigs, or the multimillion dollar threat against Imperial Oil's refinery in Edmonton, Alberta.

...There is cause for concern here. The U.S. has a rich history of ordinary extortion. But what I'm talking about is the increase of super extortion -- it is the biggest threat to us. 3/

Jenkins is further quoted as describing the terrorist threat to rigs off shore and on land as "low probability, high consequence": i.e., it is unlikely to happen, but the consequences would be very serious if it should occur.

Perceptions of the ability of federal, state, and local authorities to deal promptly and efficiently with an incident off our shores are not as varied as the perception of the threat itself. Newspaper and journal articles and some fairly recent studies of the subject depict our ability at any level to field an effective response to the type of threat under discussion as meager at best and as plagued with unresolved problems of legal jurisdiction, "turf" battles, and lack of operational capability.

The above view does not coincide completely with the experience of the representatives of the Coast Guard and the FBI who collaborated in this study. This project was undertaken, in concert with a Seminar Member from the Central Intelligence Agency, to sort out fact from ill-based assumptions regarding jurisdiction; cooperation among federal, state, and local authorities; operational capabilities; and strategy. For, to quote Brian Jenkins once again:

The fight against terrorism...requires what is most difficult to attain and sustain: energetic and imaginative efforts of preparation in times of "lull" when there is no crisis, and when everything else seems to command priority of the government's efforts and funding. A prerequisite to the development of effective measures is a comprehensive strategy to deal with the various forms of terrorism as it is likely to affect the United States. 4/

Scope of Research

The project was undertaken in fulfillment of a requirement for each Member of the Executive Seminar in National and International Affairs of the Department of State to complete a case study of his or her choice. The month of February, 1983 was devoted to research, including travel and preparation of a draft report. The views expressed in this paper are those of the authors and not of their respective agencies unless otherwise indicated.

A bibliography and selected articles on the subject were obtained from the library of the FBI's Academy in Quantico, Virginia. 5/ Pertinent articles from the bibliography as well as other reading material used in the preparation of this report are listed in Annex I, Bibliography.

A number of interviews were conducted in Washington, D.C.; Quantico, Virginia; Los Angeles/Long Beach, and Santa Barbara, California; Corpus Christi and Austin, Texas; and New Orleans and Baton Rouge, Louisiana. Those interviewed include officials of the U.S. Coast Guard, Federal Bureau of Investigation, Department of State, Department of Defense, Central Intelligence Agency, Federal Emergency Management Agency, Rand Corporation, Los Angeles Olympic Committee, Los Angeles Police Department, Occidental Oil Company, Exxon Corporation, Marine Drilling Company, Texas Department of Public Safety, Louisiana State Police, the Louisiana Offshore Oil Port (LOOP), and the Ayers Steamship Company. A list of those interviewed appears in Annex II, Interviews.

We also visited Exxon's "Hondo" platform off the coast of Santa Barbara and the Off Shore Tanker used there by Exxon to process and transship oil to other locations without becoming subject to California's three mile environmental jurisdiction. Our visit to the Gulf Coast included a tour of the LOOP platform 19 miles from shore and an air tour (helicopter) of numerous platforms, pipelines, pumping stations, salt dome storage facilities, and connecting pipelines. The visits to the platforms included landings and departures by both helicopters and boats to experience at first hand the complexities of these alternate methods of gaining access to platforms and ships.

The Roles of Private Industry and State and Local Authorities

Despite the increased attention in the media to the threat of maritime terrorism and despite the sounding of alarms on this subject by professional security interests, it is fair to say that the threat is still unevenly perceived in those sectors of the energy industry most likely to be adversely affected should an incident occur: i.e., the elements servicing and operating offshore platforms and rigs. The fact that there has been no serious terrorist attack on a U.S. platform or vessel to date accounts

partially for the sanguine view of some industry officials. It is also reasonably argued that offshore platforms, because they are remote, make rather unattractive targets for terrorists who seek publicity for their activities -- preferably with a maximum of television and press coverage on the scene. Moreover, targetting an offshore platform for the purposes of extortion presents its own set of "get-away" problems. Thus, there are a number of convincing arguments to account for the lack of immediacy with which some in the industry view the potential threat of maritime terrorism.

There is, nevertheless, general recognition that a terrorist attack on an offshore platform is at least a possibility in today's environment. This awareness is coupled with concern over the damage that could result from labor unrest, demonstrations by single issue groups (e.g., environmentalists), or employees under the influence of liquor or drugs, and the like. Taken together, these concerns have given birth to some increase in security measures and, in some cases, useful contingency planning on the part of company officials with security responsibilities.

Most of the company officials interviewed for this project realized that the primary responsibility for the protection of a privately-owned facility or vessel rests with the owner or operator. Companies are responsible for physical and procedural security arrangements to protect their facilities. Access control, the identification and logging of visitors, the control of material permitted in certain areas, and determinations regarding the reliability of employees are all clearly within the purview of the companies or of the private security organizations hired for these purposes. Fairly rigorous steps are taken by the companies to prevent the transport to offshore platforms of alcohol, drugs, explosives, or firearms. None of the companies contacted during our research, however, performed routine checks on the background or reliability of people hired to work on the offshore platforms.

Company responsibility extends to the initial actions in the event of a bomb threat. The companies themselves must conduct the search for a bomb to the limit of their capabilities before calling on local, state, or federal authorities for assistance. The logic of this position is sound. Company employees most familiar with the physical layout and technical peculiarities associated with a facility would be most likely to spot potentially dangerous anomalies. Once a questionable object is located, responsibility for examining and disposing of it shifts to appropriate local, state, or federal authorities with experience in handling explosive devices. Responsibility may also be shifted from the company to the appropriate authorities after a company's capabilities to carry out a search have been exhausted, e.g., should an underwater search be required on a vessel or offshore platform. Here, too, the logic of the position is sound; the division of labor is based on what each party may most reasonably be expected to do best through training and experience.

Private industry's contingency planning for maritime terrorism varied considerably, in our experience, from quite good to non-existent. We found that a number of major companies on the West Coast have pooled knowledge and contacts to produce a very useful written contingency plan which they share among themselves and with government authorities in the area. The plan outlines procedures to be followed in case of an incident. It includes the names, telephone numbers and/or other contact instructions for industry officials as well as contact points with state and local law enforcement authorities and with the FBI and the Coast Guard.

We reviewed a similar plan in use at the Barnstable Municipal Airport on Cape Cod, Massachusetts which services the Mid-Atlantic Drilling Project in which Exxon U.S.A. and the Shell Oil Company are engaged. The purpose of the plan is to establish and maintain control procedures for people and material being transported to offshore drilling rigs and to restrict access to the airport facilities used by those companies to company employees or to others having legitimate business with the companies. The plan is a good reference manual which provides guidance for access control, baggage inspection, personal searches, package and material control, bomb threats, evacuation of the area, law enforcement liaison, labor disturbances and group demonstrations, and Coast Guard responsibilities. It includes contact instructions for company officials as well as for the Coast Guard, the FBI, local and airport police, and private security services.

In contrast with the above, top officials at a drilling company on the gulf coast expressed little immediate concern about the threat of maritime terrorism. They did have some concern, however, about the potential for violence connected with labor problems, unbalanced acts by individuals, and possible extortion attempts. Following our discussion, the owner of the company took steps to contact oil company officials on the West Coast to obtain a copy of the contingency plan in use there. The company appears to be taking a sensible better safe than sorry course.

The Louisiana Offshore Oil Port (LOOP) is a special case. It is considered a key facility by the Coast Guard because of its strategic importance to our oil import capabilities. LOOP is the only deepwater port in the United States capable of offloading tankers up to 700,000 deadweight tons. Located 19 miles off the coast of Louisiana and connected by pipeline to pumping and storage facilities ashore, the LOOP platform has an elaborate safety and security system. LOOP's Supervisor of Fire, Safety, and Security is in close contact with the Coast Guard's Captain of the Port in New Orleans and with FBI, state, and local law enforcement officials. In the event of a terrorist incident involving the LOOP platform or vessels moored to its offloading buoys, LOOP officials will look to the FBI to handle negotiations with the terrorists while the Coast Guard coordinates the activity and provides the required transportation and communication facilities. Exercises involving federal and state civilian forces as well as a military option have been conducted with the LOOP platform as their focus.

The initial response to a terrorist attack involving the onshore portion of the LOOP will be handled by local and state law enforcement officials in the first instance. They will work with the FBI as needed. Indeed, it is understood that force adequate to the situation will be added progressively as escalation occurs from the local/state level through federal civilian capabilities. A military option may be added as a last resort with Presidential authorization. Throughout the civilian phase, however, it is generally understood that succeeding levels of response from local to state to federal law enforcement authorities will mean a progressive succession of lead agency responsibility. Local agreements provide a means for establishing the level of response appropriate for each situation.

The situation outlined above concerns the area within the three mile limit in which shared or concurrent jurisdiction exists for law enforcement purposes among local, state, and federal authorities. As discussed in more detail in the section of this report concerning jurisdictional issues, state and local jurisdiction for law enforcement purposes ceases beyond the three mile limit. Among those interviewed, common sense prevails both within and beyond the three mile limit. We were given to understand that the capabilities of the lower level agencies will be made available to the new lead agency -- usually the FBI or Coast Guard -- as the escalation of command authority progresses. State and local officials do not intend to "pick up their marbles and go home" when federal authorities take command. We encountered the general feeling that getting the job done was the most important thing, not who was in charge at the time it was accomplished.

What we have said thus far about the nature of the cooperation between local, state, and federal officials in the event of a serious terrorist incident represents the principal thrust of what we were told by the majority of those interviewed. Divergent views were expressed, and it is not our intention to give the impression that the procedures to be followed to cope with a terrorist incident in the future are clearly understood and agreed to by all.

Several of those interviewed expressed concern that the question of jurisdiction was still in need of clarification. They urged us to address it, and we have done so at some length. It was also pointed out to us, however, that certain practical considerations serve to reduce the problem of jurisdictional squabbles, particularly between state and local authorities. Budgetary and political considerations may inhibit local chiefs of police or sheriffs who must stand for reappointment or reelection from being overly eager to take the lead in what could easily turn out to be thoroughly nasty, no-win situations for them. Local law enforcement officials must deal on a daily basis with individuals who may become involved in violence, sabotage, and the like. They are usually not reluctant to turn over action involving such people

to state or federal authorities, thus avoiding the buildup of local resentments. Perhaps for the wrong reasons, then, jurisdictional difficulties at the state and local level are minimized.

There are no real disputes between state and federal authorities over jurisdiction in situations involving maritime terrorism. What problems there are center on the need to clarify the difference between jurisdiction for law enforcement purposes and jurisdiction for the purposes of exploiting mineral rights. State law enforcement officials interviewed expressed ready willingness to relinquish the lead agency role in terrorist situations to federal authorities whenever it was appropriate for them to do so. They are also quite prepared to put their not inconsiderable resources at the disposal of a federal lead agency if asked to do so. This would include men trained in special weapons and tactics (SWAT teams), some helicopter support, a small number of vessels capable of deep water operation, bomb disposal experts, and explosive sniffing dogs.*

A number of exercises involving maritime terrorism scenarios have been run in the Gulf area in recent years. They involved joint participation by state, FBI, Coast Guard, and, in some cases, military participants. (The military has also conducted separate exercises without state or federal civilian participation.) Our state police respondents outlined a number of considerations that emerged as a result of these exercises:

- The specifications of offshore platforms should be readily available in case of an emergency.** The Louisiana State Police has issued requirements to the various companies involved and has received good response. The companies have allocated the manpower to produce the needed information. One State Police official reported setting up a seminar to discuss this and other matters related to maritime terrorism. He said he was "overwhelmed" with responses: about twenty large oil and drilling companies attended.

*One of our respondents, a recognized explosives expert, noted that dogs are relatively useless in the Gulf area in hot weather. According to our source, the presence of solvents, pollution, etc., on vessels and offshore platforms deadens a dog's senses in 15-20 minutes in the heat of the day, and one strong sniff of a solvent can neutralize a dog's explosive sniffing abilities for at least two hours.

** The Coast Guard's Captain of the Port has available to him plans for all offshore oil production facilities.

● There is a tendency among state law enforcement officials to look to military capabilities to resolve situations involving the need for fast moving logistical support and a high rate of firepower. This tendency is understandable in view of the high level of cooperation and effectiveness demonstrated by the military in the course of the exercises referred to above. This attitude on the part of state officials sharpens the need for a more uniform understanding of the conditions and the procedure for passing the lead responsibility from civilian to military control as well as for a clear understanding regarding the devolution of control back to civilian hands following active military involvement.

● The development of the FBI's new enhanced hostage rescue capability -- described in the following section concerning the federal response -- may help to reduce state officials' seeming dependence on the military. There should be a clear understanding by both state and industry officials that Presidential authorization based on advice from the Attorney General is required before military force could be committed and that every effort must be made to resolve situations through the use of civilian law enforcement means before such action is taken.

● Both state and industry respondents mentioned the need for repeated realistic exercises with senior officials from both government and industry as participants. Concern was expressed that those who would actually be involved in the event of a real incident now rarely participate directly in the exercises. This lack of realism was cited to us on a number of occasions as a serious weakness in preparations to handle fast moving, highly volatile situations.

The Role of the Federal Government

In this section we will discuss the overall role of the federal government in responding to maritime terrorist incidents. First, we will look at the initial federal response at the inception or shortly after the inception of the incident. We will examine where the responsibility lies and how this responsibility is translated into actions and decisions. We will report comments made by federal participants in several recent exercises and incidents.

In addition to the agencies primarily responsible for the federal response, the lead agencies, we will discuss the role of other federal agencies whose expertise or resources could be called upon to assist in serious maritime crisis situations. We will include several comments about the nature of responses to crisis situations. Finally, we will conclude the section with a discussion of the military response option. Going beyond the considerations discussed in our section on jurisdictional issues, we will look at

the implementing mechanism: the procedure that will be used for the recommendations and ultimate decision for the use of the military in a maritime crisis. We will touch on how control will pass from civilian to military authorities and back again and on which agency will be the civilian contact point for the military.

The Federal Response

The responsibility for the management of the federal law enforcement response to acts of terrorism in the United States rests with the Attorney General. As the chief law enforcement officer of the Federal Government, he coordinates federal activities during a terrorism crisis and advises the President whether or not military forces will be needed to resolve the situation.

This responsibility of the Attorney General was reaffirmed by a Presidential directive issued in 1982. In executing this responsibility, the Attorney General is charged with resolving jurisdictional disputes that may arise among law enforcement agencies. He is also charged with defining the proper federal role. There are nearly 20,000 separate police agencies in this country, each reporting to a different political master. The federal role does need to be clearly delineated, and we deal more at length with the legal jurisdictional question in the section on "Jurisdiction" which concludes this study.

Within the Department of Justice, the lead agency for the operational response to a terrorist incident is the FBI. The Director of the FBI has overall responsibility for ongoing operations to contain and resolve the incident. The Criminal Investigative Division is responsible for managing the FBI's response to the incident. The chain of command progresses from the FBI Special Agent in Charge (SAC) on the scene through the Criminal Investigative Division via its Emergency Operations Center to the Director. If necessary, the Director then reports through the Attorney General to a National Command Authority which was established by the above mentioned Presidential directive. This procedure would apply as well to maritime crisis situations except that the United States Coast Guard would play a lead role. Communications between the SAC, the Director of the FBI, the Attorney General, the Coast Guard, and the National Security Council Crisis Manager are assisted by established communications procedures between command centers and emergency operations centers serving those respective organizations. Although direct communications are established between these decision makers when time and

circumstances permit, top level managers on each of their staffs also maintain contact throughout a crisis situation. This ensures that there is no delay in furnishing details to the highest command level involved and in being prepared to respond to critical developments immediately.

FBI and Coast Guard respondents, both at headquarters and in field commands, showed a clear understanding of each other's roles and capabilities. National level memoranda of understanding between the two agencies were approved in 1979 and 1980. Field offices and local commands have worked out their own agreements. In the Los Angeles/Long Beach area, for example, a new agreement has recently been implemented which details working arrangements and roles of each agency for most of the West Coast.

The FBI and the Coast Guard have agreements and contingency plans to respond if a maritime crisis situation develops which cannot be handled by corporate security officials or local or state authorities. If local and regional FBI and Coast Guard forces prove inadequate, there is now an intermediate response available, short of exercising the military option. In January 1983, the FBI began training a full time Hostage Rescue Team (HRT) which will be equipped and trained to resolve terrorist/hostage situations with as little violence as possible. The HRT will train and exercise continuously and will have the mobility to respond to terrorist situations anywhere in the country. Team members will be trained in the maritime environment, including offshore platforms. This will enable the HRT to supplement the efforts of coastal offices and commands. There was a consensus among those interviewed, however, that a major terrorist incident offshore involving the necessity to board a ship or platform from the sea against strong opposition would most likely require a force specialized and equipped to operate in a difficult maritime environment: i.e., the military option discussed in the following section.

FBI and Coast Guard offices on all coasts have prepared memoranda of agreement and contingency plans and have conducted maritime crisis exercises in the recent past. One exercise off the coast of Florida involved the recapture of a cruise ship from simulated terrorists; the FBI, the Coast Guard, and components of the Department of Defense participated. Another exercise took place in Santa Barbara, California in May 1982; the FBI, the Coast Guard, and corporate security officers participated in a joint activity code named "Operation Blackjack." Federal resources were used in response to a simulated extortion attempt (Hobbs Act violation) at a Santa Barbara Channel oil company drilling platform in federal waters. FBI SWAT teams were moved by air and sea transportation furnished by the Coast Guard in the course of the exercise.

We interviewed officials from the FBI and Coast Guard who had participated in the above exercise. Some of their observations seem more generally applicable. They noted that an appropriate response to incidents in the maritime environment requires special expertise and special equipment. In Santa Barbara, this equipment was not immediately available. Helicopters used by the Coast Guard for rescue work are not armor plated nor suited to landings on platforms in bad weather conditions. It was suggested that appropriately equipped helicopters should be pre-positioned by either the Coast Guard or the FBI in strategic locations along the U.S. coast where maritime terrorism is likely to occur.

Stealthy approaches to platforms and ships at sea for the purpose of boarding while remaining undetected or boarding under adverse weather or sea conditions cannot be made with boats and watercraft currently available in most locations. Such craft do exist; they should be acquired, pre-positioned, and used in exercises to insure optimum results. Several people interviewed commented on the difficulties which arise in communication when multiple agencies are involved and no common frequency or equipment is available. In "Operation Blackjack", Coast Guard and FBI communications were pooled. The exercise demonstrated the need for voice privacy communications equipment.

An incident which illustrates the efficacy of existing mechanisms for responses to maritime terrorism occurred in May and June 1982. It involved the successful boarding of an oil tanker, the YPAPANTI, which had been taken over by its crew off the U.S. coast. We interviewed both the FBI SAC and the commander of the Coast Guard vessel who were involved in the YPAPANTI incident. The YPAPANTI, a tanker of Liberian Registry, owned by Greek interests and crewed by Greek officers and a multinational crew, was refused entry into the port of Philadelphia because of safety violations. The ship, loaded with 290,000 barrels of Light Arabian crude oil, then positioned itself in international waters, 17 miles off the coast of Delaware on 24 May. Dissension arose aboard the vessel, and the ship's master reported that a dissident faction of the crew had mutinied and that the situation posed a threat to the U.S. coast. An attempt by the owner to use private forces to "retake" the YPAPANTI was aborted by Coast Guard action because of the unnecessary risk to life and property it entailed. Negotiations between owners and crew broke down, the country of registry requested assistance through the State Department, and a decision was made to take the ship back from its mutinous crew. There were a number of legal considerations and operational decisions made in the course of resolving the incident without loss of life, without a major explosion of gases or oil spillage, and with no damage to the YPAPANTI or to the Coast Guard vessel involved in retaking it.

It was on a Saturday night, May 29, that Coast Guard Headquarters became aware of the mutinous and potentially dangerous takeover of the tanker. A call was made to the Assistant Director of the FBI's Criminal Investigative Division requesting FBI assistance if it became necessary to board and retake the vessel. That official, acting for the Director of the FBI, contacted an official of the Justice Department for concurrence in a decision to assist the Coast Guard. The concurrence was immediately given by an official acting for the Attorney General, and instructions were telephoned promptly to FBI and Coast Guard elements on the scene. The entire process from original request to concurrence and instructions to the field required only about one hour. The Coast Guard became the lead agency in this maritime situation. An immediate attempt to board was not deemed necessary.

The YPAPANTI remained in its position in the hands of the mutinous crew members for several weeks while discussions took place among the State Department, the Liberian Government, the Greek owners, and -- through the trained hostage negotiators of the FBI and Coast Guard -- the mutinous crew members on board the vessel. These discussions occurred against the background of the perceived threat of destruction, death, and pollution which could have been caused if the fumes present on and around the YPAPANTI from the tanker's cargo were to ignite. Ultimately, decision makers and crisis managers at the NSC level were involved in the decision to proceed with the final offer and the assault if it became necessary.

Although not a terrorist incident, the YPAPANTI affair had many elements similar to those that would be encountered in an offshore oil tanker terrorist/extortionist situation. A number of factors contributed to the successful resolution of the incident:

- The Coast Guard and the FBI worked together smoothly, both at the local and national levels. Proper training and planning and the ability of these two agencies to work so well together on the scene and at the national level were the keys to this very successful operation.

- Trained hostage negotiators were available to negotiate and renegotiate until the mutinous crew members were lulled into accepting their presence on board the vessel without taking violent action which could have resulted in a terribly destructive explosion. The signal for the assault teams to board the YPAPANTI was given by a Coast Guard Commander already on board the vessel in the process of negotiation.

• Architectural drawings from the YPAPANTI were available for study, and a sister ship was available for exercises by the boarding party before the actual operation.

During the weeks of negotiation, the dissident members of the YPAPANTI's crew posed very real threats of pollution. They threatened to flood the engine room with cargo oil, to release the cargo into the sea, and to ignite the fumes from the cargo and cause the vessel to explode. Because this situation might have constituted a grave and imminent danger to resources of the United States, the Coast Guard's Regional Response Team was activated. This mechanism is part of the National Oil and Hazardous Substances Pollution Contingency Plan in which the Coast Guard is the lead agency for incidents of maritime origin involving pollution. Several persons interviewed commented that a Regional Response Team for maritime terrorism could be modeled after the existing Regional Response Teams. Such a mechanism could use some of the same resources and communication arrangements with different key players participating. A framework for a national contingency plan for maritime terrorism exists in two memoranda of understanding between the Coast Guard and the FBI. One is a memorandum prepared in 1979 and entitled "A Policy of Mutual Assistance in Support of Coast Guard/FBI Operations to Counteract Terrorist Activities in a Maritime Environment." A memorandum prepared in 1980 is both broader in scope and more specific in the detailed responsibilities it describes for each agency. These memoranda serve as the authority and basis for field commands to enter into agreements for operational planning and execution of most enforcement and intelligence efforts.

The role of the Federal Emergency Management Agency (FEMA) in response to terrorist crisis situations is not always clear to representatives of state and local government who have not had frequent contact with that agency. The difference between incident management by a designated lead agency and management of the consequences of an incident, which is FEMA's responsibility, needs to be made clear to local and state agencies and private corporations. FEMA has been directed by the President to be responsible to plan for and to manage the public health and safety aspects of a terrorist situation. This responsibility is clearly outlined in an excellent article by Mr. David L. Marvil which appeared in a publication of the Rand Corporation dated December 1982. Mr. Marvil discusses the development of a federal preparedness program to meet all of the conditions of national emergency that may be produced by disruptive terrorism. He notes:

It is an auspicious time for the FEMA to ensure that vulnerability studies of all major resource areas are conducted expeditiously as a basis for writing a National Emergency Plan for the Federal Response to the Consequences of Major Terrorism. The plan will be coordinated and published by the FEMA to provide a uniform federal effort for responding to the consequences of major disruptive acts of terrorism within all areas of our nation. 7/

One person interviewed, a reserve Coast Guard Captain, is currently involved in a study with FEMA concerning potential maritime targets.

FEMA would have certain responsibilities in an ongoing terrorist situation of great magnitude, e.g., a situation that could necessitate displacement of whole area populations or the shutting down of major utilities for whole areas. In such cases, FEMA will follow on-scene developments closely with the tactical managers and be prepared to implement FEMA emergency preparedness contingency plans. On a national level, the Director of FEMA is responsible to the national level crisis manager to delineate the types of damage that could be caused by specific terrorist actions and/or responses to that action. FEMA is a regular member of the Regional Response Teams previously mentioned. The National Crisis Manager, with the advice of his staff representing involved agencies, will decide whether or not the consequences of an incident of great magnitude are such that consequence management plans should be implemented.

We take note of a matter raised in a classified report we reviewed in the course of our research. The point was made that there was too much "ad hoc" evident in the response to crisis situations. It is true that differing interests must be sorted out during the initial stages of an incident. However, this should not be confused with a reaction characterized by "ad hoc." As a crisis initially develops, there is bound to be momentary confusion while contingency plans are set in motion, including the implementation of the provisions of pertinent memoranda of agreement. In an address to a workshop of the International Association of Chiefs of Police at its annual convention in October 1982, Chief Maurice T. Turner, Jr., Washington, D.C. Metropolitan Police Department, made recommendations for planning for and handling disaster situations. He offered a number of points to be considered when forming contingency plans. He noted that initial response to a disaster (crisis) situation will be charged with energy and seemingly chaotic activity. Chief Turner counseled recognition and acceptance of the fact that the initial response will be emotional and disorganized. He described the tendency to design elaborate and complicated plans which will not be followed. 8/ The initial confusion and natural hyper-reaction described by Chief Turner are usually quickly resolved; they should not be mistaken for ineffective, ad hoc responses.

In addition to the federal civilian agencies already mentioned, the U.S. Marshal's Service also maintains a Special Operation Group which can be used to enforce court orders offshore. In Long Beach, California we learned of a takeover of an offshore oil platform by dissatisfied Union employees. The Coast Guard assumed jurisdiction but required other federal law enforcement assistance. The United States Attorney decided to use the U.S. Marshal's Service to board the platform and remove the workers because there was a violation of a court order involved. The Coast Guard transported the Marshals to the platform, and the violators of the court order were removed without incident.

Finally, Treasury Department's Bureau of Alcohol, Tobacco and Firearms is able to provide technical expertise in bombing investigations and in tracing firearms and explosives. This Bureau should be viewed as a supplementary force for crisis incidents; it has no assault or special operations capabilities. The United States Secret Service would only become involved in an offshore crisis incident if one of its protected persons was threatened or endangered. The lead agency in a serious terrorist incident would be able to call upon the assistance of any of the federal agencies mentioned above. Consultations with top local or state political leaders concerned about dangers to their coastlines or facilities would be handled by the national level crisis management team.

The Military Option

The Department of Defense, the Department of Justice, and the FBI have recently cooperated in the preparation of a memorandum of understanding regarding the use of federal military force in domestic terrorist incidents. This agreement spells out procedures for using military force based on the Interdepartmental Action Plan for Civil Disturbances, dated April 1, 1969. It is clearly stated in the agreement that all military preparations and operations, including the employment of military forces at the scene of a terrorist incident, will be the primary responsibility of the Secretary of Defense. In discharging these functions, the Secretary will observe such law enforcement policies as the Attorney General may determine. Military planning and operations must be consistent with this policy and the requirements of law.

Military observers may be dispatched to the site of an incident to appraise a situation when the Department of Defense and the FBI agree it is necessary. In addition, prepositioning of military response teams near an incident site may be undertaken with the approval of the Justice Department, normally with the concurrence of the Special Agent in Charge (SAC) on the scene. A request for approval for use of military force will normally originate with the tactical commander on the scene, the FBI's SAC. The SAC will notify the Director of the FBI who will, in turn, advise the Attorney General. After consulting the Director of the FBI and the Secretary of Defense regarding the gravity of the situation, the Attorney General will advise the President whether and when conditions warrant employment of military forces.

The officials mentioned above operate in a well staffed system with extensive communications facilities. The SAC on the scene will have an appropriately manned command center which will have communications links with other involved agencies on a local level and with the Emergency Operations Center (EOC) run by the Criminal Investigative Division at FBI Headquarters. In Washington,

there will be multilateral exchanges between the FBI's EOC, the Attorney General's Emergency Program Center, the National Military Command Center, and the headquarters of any other involved agency. The White House Situation Room will also become involved when a situation escalates to that level. When a crisis situation involves maritime terrorism and the Coast Guard is a lead agency, the Commandant of the Coast Guard and the Secretary of Transportation will participate in decisions at the national level. A new crisis management structure at the NSC level under the Vice President and the Assistant to the President for National Security Affairs was instituted in 1982. In a serious maritime terrorist situation, this group would be convened promptly and would include appropriate senior level officials from involved agencies.

The memorandum of understanding prepared by the Departments of Defense, Justice, and the FBI provides for the Attorney General, through the FBI, to remain responsible for 1) coordinating the activities of all federal agencies assisting in the resolution of an incident and in the administration of justice in the affected area, and 2) coordinating these activities with those state and local agencies similarly engaged. The memorandum spells out the procedure for transfer of responsibility between the FBI and the military task force commander and details the post incident responsibilities of each.

To be prepared for maritime terrorist situations within the U.S. as well as for possible overseas deployment against terrorists, military components participate with other federal agencies in training exercises within the U.S. They also work unilaterally with state and local agencies as well as security officers of private corporations. In our visits with several of these agencies and corporations with maritime interests, we learned of informal working relationships with military groups. We encountered considerable knowledge of the capabilities of these groups, and some officials indicated they would not hesitate to contact the military directly in a crisis situation. We understand that exercises by military units off the U.S. Coast are indispensable to their overall training and mission preparation, particularly with regard to possible crisis situations in the future involving the site of the exercise. There remains, however, the need to insure that all agencies involved in these responses to maritime crisis situations are aware of the graduated response options which exist and of the fact that escalation to the military option requires specific Presidential authority. It is a last resort to be used only after very careful deliberation by national level decision makers.

Jurisdiction

Many of the managers and operators of offshore facilities we interviewed did not have a clear understanding of the maritime law enforcement responsibilities which have been assigned to various federal civilian agencies and to the military for combating threats or attacks against offshore facilities. The written material and presentations to which they have been exposed have provided few if any answers, and they seemed generally confused regarding international and domestic law authority. We will attempt to remove some of the confusion and answer questions which we have been asked concerning terrorism and law enforcement jurisdiction. Some of the matters covered in this section have been touched upon previously in this paper. They are enlarged upon here in order to include all matters pertaining to the jurisdictional question under one heading.

A basic understanding of the historical development of the law and the relationship among local, state, and federal governments is needed if one is to understand the existing laws which would be used for maritime law enforcement. These laws were written at various times for various purposes. Some, for example, date back to the early Enabling Acts of the Continental Congress and have remained basically unchanged. Rarely have legislators examined the body of existing law before enacting new laws to ensure clear lines of law enforcement authority. As a result, the Executive and Judicial branches of government have had to determine which agencies of government will enforce the law. For the past several decades, the legislative practice of naming an enforcement agency within the body of the law has become more common. Without reform or reference to existing laws, however, this practice has resulted in the involvement of numerous agencies in duplicative enforcement activities. Eleven different federal agencies, for example, could have some enforcement involvement with a single offshore structure. ^{9/} Moreover, the involvement of state agencies varies according to individual state laws.

From our early school days most of us have an appreciation of the compromises which were necessary to bring about the adoption of our Constitution. What is not generally understood is the enabling legislation which brought the various states into the United States and, in particular, those aspects of the legislation pertaining to the maritime water boundaries of our coastal states. Early land boundaries were described in Colonial Charters, Spanish and French land grants, and various other purchase agreements. There is no common water boundary for the coastal states described within these documents. Early English doctrine recognized a three mile territorial sea. This concept has been recognized and claimed by the U.S. in international agreements which have been signed and ratified. Since 1947, questions concerning the authority of the individual states to regulate activities off their shores have been

submitted to the U.S. Supreme Court. The Court's decisions and several Acts of Congress have clearly stated that individual states own mineral rights to the seabed within the present three mile territorial sea, except for Texas and Florida where state ownership extends to three marine leagues (approximately nine miles). 10/ The federal government retains all control over navigation and national defense in the areas as well as concurrent jurisdiction over commercial activities. A later decision of the Supreme Court determined that while Florida and Texas own seabed minerals out to three marine leagues, these states do not have enforcement jurisdiction over the water column beyond the three mile territorial sea. 11/ Implicit within this determination is recognition of the fact that the United States is signatory to international agreements and claims a three mile territorial sea. The Convention on the Territorial Sea and the Contiguous Zone provides that within the territorial sea, each State has complete sovereignty except for the right of innocent passage for foreign vessels. The word "State" or "Coastal State" as used in this and other international conventions means a nation and should not be interpreted as meaning an individual State of the United States. A key point to remember is that international agreements signed and ratified by the United States become part of the federal laws, not the laws of the individual states.

There is no one law specifically dealing with terrorism. By its very nature, terrorism covers a broad spectrum of criminal activity including such crimes as murder, abduction, extortion, and mutiny to name a few. In testimony before the Subcommittee on Civil and Constitutional Rights of the Judiciary Committee of the U.S. House of Representatives, Attorney General Benjamin R. Civiletti stated:

The government's capabilities to meet the kinds of terrorist acts likely to occur inside the United States are sound and they are sufficient...and the plans and procedures for meeting and effectively handling such incidents do not involve any infringement, dilution or disregard of civil and constitutional rights.

Assessing the antiterrorism capabilities of the federal government, Mr. Civiletti continued:

It is well to remind ourselves that under the Constitution and laws of the United States, the protection of life and property and the maintenance of public order are primarily the responsibilities of state and local government. The federal government

has authority to assess these responsibilities only in certain limited circumstances. Acts constituting "terrorism" as we define it, are crimes already prescribed by state statutes. Most major acts (of terrorism) are also violations of federal criminal statutes...Since most major acts of terrorism are violations of both state and federal law, concurrent criminal jurisdiction is the rule. Accordingly, the federal government can either act or defer to state jurisdiction and actions, depending on the nature of the incident and the capabilities of local authorities. I might add that even where state jurisdiction provides, the federal government provides law enforcement assistance and support to local authorities upon request. Conversely where federal jurisdiction is exercised, state and local agencies provide assistance.12/

The Federal Criminal Code, Title 18 of the U.S. Code, is applicable within the "special maritime and territorial jurisdiction of the United States," which includes:

the high seas, and any other waters within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or any State, Territory, District or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State. 13/

Federal criminal statutes are, therefore, applicable to all U.S. citizens and all vessels owned by persons within the jurisdiction of the United States even though the person or vessel may be at sea, many miles from United States territory.

Title 18 of the U.S. Code also applies to all structures on the outer continental shelf. The Outer Continental Shelf Lands Act provides that the Constitution and Laws and civil and political jurisdiction of the United States apply to all artificial island and fixed structures which may be erected for the purposes of exploring for, developing, and transporting resources from the outer continental shelf. 14/ Another statute, the Deepwater Ports Act, extends the law and jurisdiction of the United States to "activities connected, associated or potentially interfering with the use or operation of such port." 15/ This statute was enacted for facilities such as the LOOP. As a result of both statutes, the civil and criminal laws of each adjacent state apply to these same structures, 16/ but they can only be enforced by the federal government beyond the three mile limit.

The Outer Continental Shelf Lands Act specified that the President would promulgate lines running out from shore to establish which state's laws would apply in a given area. Because the states have never agreed on the seaward extension of their boundaries, the President has never promulgated these lines. Since all states have an irregularly shaped shoreline, a small error in determining the point of departure for the seaward boundary line of an adjacent state will magnify as the line is extended to the terminus of the continental shelf. Without a definitive determination of a state's seaward boundary, law enforcement personnel are uncertain concerning the law of which adjacent state to apply when an incident occurs close to an assumed boundary. The problem is compounded when the adjoining states do not have similar civil or criminal laws. From this brief discussion of several statutes which broadly apply existing civil and criminal laws to facilities located within waters adjacent to the United States, Mr. Civiletti's comment concerning the sufficiency of existing law, can be appreciated more fully. The problem is not that existing laws are insufficient, but that laws such as the Outer Continental Shelf Lands Act have not been fully implemented.

Primary Federal Responsibility for Maritime Incidents: One of the primary duties of the United States Coast Guard is to enforce or assist in the enforcement of all applicable Federal law on or under the high seas and waters subject to the jurisdiction of the United States. 17/ The Coast Guard has authority to "make inquiries, examinations, inspections, searches and arrests upon the high seas and waters over which the United States has jurisdiction for the protection, detection, and suppression of violations of laws of the United States. 18/ In addition to this broad law enforcement authority, the Coast Guard may render aid to persons and protect and save property at any time and at any places its facilities and people are available and can be effectively used. 19/ Further, the Coast Guard may use its people and facilities to assist any federal agency, state, or political subdivision thereof, or it may avail itself of officers and employees of any federal agency, state, or political subdivision thereof as may be helpful in the performance of Coast Guard duties. 20/ Thus, the broad law enforcement authority of the Coast Guard in the marine sphere has been established.

The Department of Justice has responsibility for enforcing a wide range of U.S. laws. 21/ Within this department, the FBI is the primary investigator for violations of U.S. law. The FBI has developed substantial enforcement, forensic, and teaching techniques which have become a model for civil law enforcement. We have already seen that there is no all encompassing U.S. law dealing with terrorism; criminal activities usually associated with terrorism are violations of existing law. Having had the experience and having developed the expertise for dealing with assassination (murder),

hijacking, kidnapping, bombings, extortion, hostage holding and negotiation, arson, armed attack, and the like, the FBI has been designated as the primary investigative authority for federal criminal matters related to terrorism within the U.S. Moreover, the FBI has primary authority for the investigation of violations of law at facilities located on the Outer Continental Shelf. 22/

While the Department of State is not responsible for domestic terrorist incidents, it would become an active participant should a situation involving a foreign flag vessel occur. State's participation would consist primarily of advising foreign governments of the situation if the vessel is within the territorial waters of the United States or if it becomes a threat to resources or facilities on the outer continental shelf. In addition, State would coordinate a request for assistance from a foreign government if the vessel in question is upon the high seas and not subject to existing U.S. Law.

The Federal Emergency Management Agency (FEMA) was discussed in a previous section. It is broadly charged with managing the consequences of national and civil emergencies. FEMA is, therefore, involved in the planning and preparation stages of incident management in order to enable it to perform its responsibilities.

Numerous other federal agencies have some involvement within the regulatory or permit processes dealing with offshore structures or vessels. They will not be discussed here because they have neither the resources nor frequent contact with local enforcement or industry officials concerning criminal activity. 23/

Use of Military Forces: The capabilities and authority of the various local, state, and federal law enforcement agencies are quite extensive. Nevertheless, an incident could occur which would exceed their capabilities. As noted in the section on the military option, the President is empowered to provide for this contingency by authorizing special military forces to respond and resolve the situation. 24/

When discussing the use of military forces in the civil context, a question normally arises regarding the Posse Comitatus Act. 25/ In common law, this Act refers to all those over the age of fifteen whom a sheriff may recruit to assist him in preventing civil disorder. This Act was a reaction against the abusive use of the military during the period of reconstruction after the Civil War. The Act makes it a felony except in cases and under

circumstances expressly authorized by the Constitution or Act of Congress to use any part of the Army as a posse comitatus or otherwise to execute the laws. The Air Force was included under this prohibition in 1956. While not mentioned within the Act, the Navy Department promulgated regulations directing Navy and Marine Corps personnel to comply with this law. 26/ The Coast Guard is not covered by the Act 27/ as members of the Coast Guard are also officers of the Customs Service and authorized to execute civilian law. 28/ While no one has been charged or prosecuted under the Posse Comitatus Act since its enactment, there have been court cases in which the act has been judicially interpreted. These cases fall primarily within the areas of (1) jurisdiction of the courts, 29/ (2) exclusion of evidence, 30/ and (3) challenge of indictment. 31/

The decisions of the courts and the Act itself have been sufficiently ambiguous to cause some military commanders to deny aid to law enforcement agencies, even when such assistance would in fact be legally proper. 32/ Recognizing the important policy issues involved, the mechanical application of posse Comitatus, the confusion resulting from a variety of court decisions, and the sensitive balance necessary when using the military to assist civil law enforcement, Congress held extensive hearings on these issues in 1982 as part of the Department of Defense Authorization Act. 33/ From the testimony, legislative history, and specific provisions of this legislation several important principles concerning the use of military equipment and personnel have been clarified. The Report of the Committee on the Judiciary of the House of Representatives states:

This legislation will provide material assistance to law enforcement by setting forth clear legal principles regarding effective cooperation between the military and civilian law enforcement. Currently, the defense establishment provides information, equipment and training to civilian authorities. This legislation will ensure that these practices continue.

While questions concerning Posse Comitatus remain, the following principles are clear:

1. The Act applies to direct involvement of military personnel in a civil search, seizure, or arrest unless this activity is otherwise authorized.
2. The Act does not apply to the use of military equipment by civil authorities.

3. Military personnel retain the authority to defend themselves or to protect federal property.
4. Military assistance can not be granted if assistance will have adverse consequences on military preparedness.
5. The recognition of existing statutory authority authorizing the use of military personnel and equipment for certain law enforcement functions within the U.S. has been affirmed. 34/

We have limited our study to responses to situations where U.S. law applies. We have not dealt with options available to U.S. policy makers in the event of terrorist incidents occurring abroad. Responses to the latter situations would be primarily the concern of the Departments of State and Defense, with State as the original lead agency.

- 1/ M. MacBain, "Will Terrorism Go to Sea?" Security Management (August, 1980), XXIV, 8, p. 87.
- 2/ Charles H. Booker, "Terrorism," Drilling, p. 70.
- 3/ Ibid., pp. 79-82.
- 4/ Brian Jenkins, Combatting Terrorism: Some Policy Implications (August, 1981), p. 11. This paper was prepared in May 1981 for a State Department conference on "Terrorism in the 1980's."
- 5/ The authors are indebted to Ms. Sandra Coupe, the Librarian at Quantico, for her thoughtful and efficient assistance.
- 6/ Deleted.
- 7/ David L. Marvil, "The Role of the Federal Emergency Management Agency in Response to the Consequences of Terrorism", Terrorism and Beyond: An International Conference on Terrorism and Low-Level Conflict, R-2714-DOE/DOJ/DOS/RC, The Rand Corporation, December 1982, p. 272.
- 8/ See The Police Chief, March 1983, for a complete version of Chief Turner's remarks.
- 9/ Depending upon circumstances these agencies could include: Bureau of Land Management, Corps of Engineers, Department of State, F.B.I., Federal Emergency Management Agency, Federal Power Commission, Nuclear Regulatory Commission, Office of Pipeline Safety (D.O.T.), Occupational Safety and Health Administration, U.S. Coast Guard, U.S. Geological Survey.
- 10/ U.S. v. California 332 U.S. 19, U.S. v. Louisiana 339 U.S. 699, U.S. v. Louisiana et. al. 363 U.S. 1, U.S. v. Florida et. al. 363 U.S. 121, U.S. v. Maine et. al. No. 35 Original March 17, 1975. Statutes include 43 USC 1301, 42 USC 1331.
- 11/ U.S. v. Florida & Texas No. 54 Original, October Term 1977.
- 12/ Benjamin C. Civiletti, "Terrorism, the Government's Response Policy", F.B.I. Law Enforcement Journal, January 1979.

- 13/ 18 U.S.C. 7
- 14/ 43 U.S.C. 1333 (a)(1)
- 15/ 33 U.S.C. 1518 (a)(1)
- 16/ 43 U.S.C. 1333 (a)(2) as amended.
- 17/ 14 U.S.C. 2
- 18/ 14 U.S.C. 89
- 19/ 14 U.S.C. 88
- 20/ 14 U.S.C. 141
- 21/ 28 U.S.C. 531 et. seq.
- 22/ Attorney General Memo.
- 23/ Ibid at 9.
- 24/ 10 U.S.C. 331-336
- 25/ 18 U.S.C. 1385
- 26/ Sec. Nav. Inst. 5820.7 of 15 May 1974.
- 27/ Jackson v. State 575 P 2d 87
- 28/ 14 U.S.C. 143 and 19 U.S.C. 1401
- 29/ Chandler v. U.S. 171 F 2d 921
- 30/ Huber v. State 504 P 2d 1245, Hildebrand v. State 507 P 2d 1323, U.S. v. Walden 490 F 2d 372, U.S. v. Wolffs 594 F 2d. 77.
- 31/ U.S. v. Jaramillo 380 F. Supp. 1375, U.S. v. Banks 383 F. Supp. 368, U.S. v. Red Feather 392 F. Supp. 916, U. S. v. Caspar 541 F 2d. 1275.
- 32/ Some existing statutes authorizing use of the military include: 10 U.S.C. 331-336, 16 U.S.C. 23, 16 U.S.C. 78, 18 U.S.C. 112(f), 18 U.S.C. 116, 18 U.S.C. 351, 18 U.S.C. 1751, 18 U.S.C. 3056, 22 U.S.C. 408, 22 U.S.C. 461-462, 42 U.S.C. 1989, 42 U.S.C. 3756, 43 U.S.C. 1065, 50 U.S.C. 220. Also see 42 U.S. 4401-84 and 1855.
- 33/ P.L. 97-86, 10 U.S.C. Chapter 18 "Military Cooperation with Civilian Law Enforcement Personnel."
- 34/ For a review of P.L. 97-86 and a background of the legislative history see House Report No. 97-921, October 1, 1982, Forty-Second Report by the Committee on Government Operations.

ANNEX I

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In addition to the above, we also reviewed a number of contingency plans, memoranda of understanding, and studies, both classified and unclassified.

ANNEX II

INTERVIEWS

Our list of individuals interviewed would be much longer were we to name each member of every organization with whom we discussed these matters and to whom we owe a debt of gratitude. Our abbreviated list follows:

Federal Bureau of Investigation:

Oliver B. Revell, III, Assistant Director, Criminal Investigative Division (CID), FBI Headquarters

Special Agent James Price, Assistant Section Chief, Terrorism Section, (CID), FBI Headquarters

Special Agent Norman Hope, Chief, Terrorism Research and Analytical Center, (CID), FBI Headquarters

Special Agent Robert Taubert, Special Operations and Research Unit, FBI Academy, Quantico, Virginia

Special Agent in Charge Richard Bretzing, Los Angeles Office of the FBI and members of his staff

Special Agent Edmund Pistey, New Orleans FBI Office and members of his staff

Special Agent John Newton, Senior Resident Agent, FBI, Corpus Cristi, Texas

Special Agent Robert Ryan, Senior Resident Agent, FBI, Santa Barbara, California

Special Agent Stanley Los, FBI, Santa Barbara, California

U.S. Coast Guard:

District Commander Eleventh Coast Guard District and Staff
Long Beach, California.

Captain of the Port, Long Beach California.

Staff of Commander Eighth Coast Guard District, New Orleans,
Louisiana.

Chief, Intelligence and Security Division, Washington, D.C.

Chief, Port and Environmental Safety Division, Washington, D.C.

Other Federal Government:

Assistant Administrator John Lawn, Drug Enforcement Administration, Washington, D.C., formerly head of the San Antonio Office of the FBI.

Ambassador Robert Sayre, Director of the Office to Combat Terrorism, U.S. Department of State and Chairman of the Interdepartmental Group on Terrorism and Mr. Frank Perez, Deputy Director.

Captain Dave Michael, U.S. Coast Guard Reserve, employed by FEMA.

We also interviewed several officials in the Department of Defense knowledgeable about possible military responses to maritime crisis situations as well as officials in the Central Intelligence Agency with knowledge of terrorist matters.

Other:

Brian Jenkins, Rand Corporation, Santa Monica, California

Mr. Ed Best, Director of Security, Los Angeles Olympic Organizing Committee and members of his staff

Mr. Ed Birch, Assistant Director of Corporate Security, Occidental Petroleum Co., Los Angeles, California

Ms. Susan Orr, Special Assistant to Mr. Birch

Mr. Ken Gillespie, Special Agent, Headquarters Law Department, EXXON Company, USA, Los Angeles, California and other officials of the EXXON Company, USA

Mr. James Jay, James Jay and Associates, a consultant in Maritime Security Matters, Corpus Christi, Texas

Mr. James C. Storm, President, James C. Storm Company, and Marine Drilling Company, Corpus Christi, Texas and members of his staff

Colonel James B. Adams, Director of the Texas Department of Public Safety, Austin, Texas

Captain W. T. "Billy" Poe, Hazardous Substances Section, Louisiana State Police, Baton Rouge, Louisiana

Commander Vince DiPasqua, Supervisor Fire Safety and Security, Louisiana Offshore Oil Port, LOOP INC., Harvey, Louisiana and members of the LOOP management staff

Mr. Joseph B. Werling, Executive Vice President, Ayers Steamship Agency, Inc., New Orleans, Louisiana