

4132

In fact, nearly all the witnesses who testified said that they expected these incidents to increase in the future and the problem to grow in the future. The fact that we are a highly sophisticated society that assiduously protects individual rights and democratic principles places added responsibility on us to assure that measures taken to effectively control terrorism in this country must meet standards that are judicially acceptable and, in addition, must meet standards that do not abridge such traditional rights as free press, assembly, and travel.

It was in this vein that the committee, 1 week ago, invited four distinguished representatives from the news media to give their views on the role and responsibility of the mass media in this important field.

Today, we have two witnesses from the Department of Justice who will tell us about the policies and procedures used on the Federal level. The witnesses today are Mr. W. Vincent Rakestraw, Assistant Attorney General of Legislative Affairs, and Mr. Richard W. Velde, Deputy Administrator of the Law Enforcement Assistance Administration (LEAA).

Gentlemen, it is a pleasure to welcome you to the committee. I understand that you both have prepared statements.

Mr. VELDE. Yes.

Chairman ICHORD. If the members have no contribution at this time I will recognize you to proceed.

# **STATEMENT OF W. VINCENT RAKESTRAW AND RICHARD W. VELDE**

Mr. RAKESTRAW. Thank you. Mr. Chairman and members of the committee, it is a pleasure for Mr. Velde and I to appear here today on behalf of the Department of Justice to participate in your study and investigation of terrorism as it relates to the national security of this country.

My statement is very short and I want to present it now prior to Mr. Velde's prepared text. Basically, my appearance here today is because this problem has such breadth and scope in the Department, and it is the Attorney General's feeling that perhaps the Office of Legislative Affairs could coordinate and assist the committee wherever possible in finding and coordinating information for the record and the legislative history of any legislative direction that comes from the hearings, which we stand ready to do.

Before we discuss this timely and vitally important subject, I would like to pause to commend you and the members of the committee for your outstanding work on this most difficult and complex matter.

The Department, of course, does stand ready to assist you in whatever manner possible regarding information within our expertise.

Regarding the concept of regional study/action teams with special expertise that could be sent to the site of terrorist crimes to take charge of the investigation, we do not believe it is acceptable to dilute the authority of the operational agency having jurisdictional responsibility at the scene of such a crime.

We would state that as a general proposition, domestic terrorist activities, including kidnaping, are not at this time of such a magnitude as to require or justify the creation of such study/action teams.

However, terrorist or related incidents involving such crimes as

4133

kidnaping or assassination threats have involved, on an ad hoc basis, coordinated or collective decisions often involving Federal, State, and local officials and their staffs.

These officials frequently have on their staffs or available for advice, personnel trained in criminology, sociology, psychology, and psychiatry. To illustrate, the recent D.C. jail breakout attempt involving two prisoners and seven hostages involved officials such as the Deputy Attorney General, the Acting U.S. Attorney, the Chief of the U.S. Marshals Service, the Chief of the Metropolitan Police Department, and members of the news media.

While the breakout was not per se a terrorist act, it did, as a result of the prisoners' use of hostages, bring into play an ad hoc team of public officials and representatives of the media to effectuate a safe and sensible solution.

Since terrorist acts necessarily involve State as well as Federal crimes, study/action teams, if created, would necessarily raise important jurisdictional problems between Federal, State, and local law enforcement bodies.

In fact, many terrorist crimes may fall exclusively within State jurisdiction, with the consequence that any Federal interference would be inappropriate. Such study/action teams would, in most all cases, have to coordinate their activities with competing Federal, State, and local law enforcement agencies and officials, which would inevitably raise serious practical problems, as well as jurisdictional problems.

It is our belief at the present time that the crimes committed by terrorists do not present sufficiently unique problems as to warrant the creation of regional study/action teams, although this proposal does deserve further serious study and consideration by Congress, as well as the appropriate Federal, State, and local Government authorities.

Mr. Chairman, this concludes my prepared statement. I would like now to turn the discussion over to Mr. Velde.

Chairman ICHORD. Mr. Velde has testified before the committee previously. Are you going to touch upon the matter of the study/action team concept that was recommended to this committee, Mr. Velde?

Mr. VELDE. Yes, sir.

Chairman ICHORD. Let's go ahead and hear from you and we will go back to that.

Mr. VELDE. Before beginning, Mr. Chairman, I would like to note that I attended a conference held at the FBI National Academy at Quantico, Va., recently, a conference of State correctional officials on the subject of disorders in the correctional setting.

I had the privilege of hearing your address at that time. I was very impressed by it. We are making those remarks available through our reference service for dissemination to correctional officials throughout the country.

So, I did get the opportunity to hear that and, of course, this committee has previously supplied to the Department its report on this matter. We have also put that into our reference service.

Mr. Chairman, I appreciate the opportunity to once again appear before your committee to discuss the activities of the Law Enforcement Assistance Administration which have an effect on terrorism.

63451

As you will recall, I appeared before the committee in April of this year at a public hearing at which time I spoke about the subject. I indicated at that time that LEAA efforts in the fields of intelligence, civil disorders, and organized crime could have an indirect effect on the operations of terrorists.

Examples of such efforts are the LEAA-funded Hazardous Devices Course conducted at the Redstone Arsenal in Huntsville, Ala., and the National Bomb Data Center, operated by the FBI.

I believe, Mr. Chairman, we did supply information for the committee consisting of course outlines of this Redstone program, and also of a riot control course conducted by the Army and run by the State of California.

The Hazardous Devices Course teaches police how to recognize, render safe, or remove and finally dispose of explosive or incendiary devices. The National Bomb Data Center provides up-to-date statistics on bombing incidents and disseminates technical information.

On July 24, 1974, determination was made by LEAA to commit an additional \$456,000 to the National Bomb Data Center to continue and improve its operation. And, in fact, an interagency transfer of funds to the FBI has been effected to continue our support for this program.

LEAA's National Criminal Justice Reference Service (NCJRS) presently operates an information search and retrieval service capable of functioning as a clearinghouse for material relating to terrorism.

The facilities of the Reference Service are available without charge to any individual or organization with such information needs. An award of \$137,000 was recently made to the United Nations Social Defense Research Institute to extend the operation of the Reference Service overseas. Thus, the Reference Service would have an increased capacity to collect information on international terrorism.

I might add, Mr. Chairman, at this point this would not include any operational intelligence information but rather research and studies done on terrorist acts and groups.

The recent spate of terroristic-type domestic crimes has led to an increased demand by businesses and individuals for both public and private security services. Only recently has the important relationship of private security to public law enforcement been fully appreciated. It is expected that professional private security officers and companies will play an increasing role in the effort to combat such crimes.

LEAA recognizes the need to explore and define the relationships between private security and law enforcement, to understand the importance of private security in crime prevention, and to define the nature of contacts between private security and the general public. Accordingly, a major study was commissioned in 1971, to be performed by the Rand Corp.<sup>1</sup> of Santa Monica, Calif., for the purpose of describing the industry, its problems, and the existing regulations under which it operates. An attempt was also made to evaluate the costs and benefits of private security and to develop some policy recommendations.

The study disclosed that the annual budget for private security and

<sup>1</sup> The Rand Corp., according to their Articles of Incorporation, is "a nonprofit corporation formed to further and promote scientific, educational, and charitable purposes, all for the public welfare and security of the United States of America." At the committee's request, Brian M. Jenkins of the Rand Corp. made available for publication studies prepared by him on terrorism. They are reproduced in app. C, pp. 444S-447T.

the number of personnel involved equaled or exceeded that of public law enforcement in the United States. When it is realized that most of the private security effort is directed at protecting members of the public from criminal acts, the importance of private security as a crime prevention resource can be fully appreciated.

As a result of this study and the interest expressed by the private security industry itself, LEAA chartered and appointed a Private Security Advisory Council in 1972. The current chairman of the council is Leighton Wood, director of security of the IBM Corp. Arthur Bilek, director of security for Hilton Hotels, is cochairman. Members of the council and its committees include qualified representatives of public law enforcement agencies, private security contract firms, the alarm industry, and various other industries which rely heavily on private security for protection against crime.

Services of private security may frequently be applicable to prevention of terrorist activity. Protective systems design, guard services, and alarm systems are examples of such services. Corporations and institutions often employ trained in-house personnel or contract with specialized firms for protective and investigative services. Recently, these activities have been significantly concerned with protection of executives and their families from kidnaping, assassination, and other acts of violence. In addition, special efforts have been undertaken to prevent bombing, arson, and related attacks upon persons and premises.

Crime prevention in places of large public concentration, such as housing developments, hospitals, office buildings, museums, recreation centers, and railroads, is frequently entrusted to private security personnel, who may be confronted with situations involving terrorists. Corporations with extensive international interests also contract with private security firms which have developed specialized competence in protection against acts of terrorism.

Because of this potential for private security involvement with terrorists, the Private Security Advisory Council, at the request of LEAA, has initiated a review of the problems associated with terroristic crimes. The special council committee considering this issue will be joined by representatives of the various Federal agencies concerned with the prevention of terrorism.

Efforts to prevent terrorist crimes against U.S. citizens and interests must be thought of in terms of both cost and effectiveness. Models drawn from the wealth of experience of agencies presently responsible for protecting heads of state and diplomats will be useful, but may not be economically feasible to protect executives or prevent acts of terrorism in public areas. Private industry has been performing this type of service for some time and it is LEAA's intention to review existing practices thoroughly. In this way efforts of both public and private agencies to protect against crimes of terrorism can be significantly improved.

Since my previous remarks were mainly directed to LEAA activities in a domestic context, I would like today to give the committee an overview of LEAA's authority and efforts to deal with international terrorism.

LEAA was established in 1968 to deal with the rising rate of crime in the United States. The Crime Control Act of 1973, which extended

LEAA's authorization, confirmed the continued concern of the Congress "that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens."

To meet this problem, it was declared that "law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of government."

Criminal justice in this country is primarily the responsibility of State and local governments. Of all the employees in the criminal justice system, only 8½ percent are employed by the Federal Government.

It was natural and logical, therefore, for Congress to approach the problem of crime reduction by the authorization of assistance to State and local governments in order that their criminal justice efforts could be reinforced, coordinated, and better brought to bear on the millions of serious crimes committed annually.

LEAA has the responsibility to render that financial and technical assistance. Its mission is focused on support of State and local officials and agencies. It exists to administer funds for which State planning agencies present plans, to provide educational assistance, to exchange information, to transfer knowledge and provide technical assistance, and to engage in research.

In contrast to other agencies engaged in the reduction of criminal activity, LEAA has no operational agents with arrest or investigatory authority. I might add, Mr. Chairman, no agents of any kind.

These factors must be borne in mind, Mr. Chairman, as the role of LEAA in the international arena is considered. Initially, one may question the appropriateness of any international role for an agency whose purpose is so directly focused on domestic matters, particularly domestic matters as sensitive to this Nation's traditions as the exercise of police power.

However, the Congress had given LEAA authority to concern itself with international crime. This is an indication of the realization that all crime with which State and local authorities deal is not solely domestic in its origin.

The Crime Control Act of 1973 broadened LEAA's international authority in three significant ways. First, the National Institute of Law Enforcement and Criminal Justice was made an international, as well as national, clearinghouse for the exchange of information.

It is under this authority that the recent grant to the Social Defense Research Institute was made. Secondly, the collection and dissemination of statistics on the progress of law enforcement outside the United States as well as within the country was permitted. Finally, LEAA was authorized to render technical assistance to international agencies.

The areas of technical assistance specifically identified in floor debate as appropriate for LEAA participation were narcotics interdiction, skyjacking, and terrorism. These three areas of criminal activity have an obvious and direct effect on U.S. Federal interest, and also on State and local law enforcement.

They are examples of the types of criminal activities which transcend local boundaries and with which all jurisdictions must be concerned under our system of responsibility for law enforcement.

International terrorism has been practiced since before modern times. Recently its impact on American citizens has been felt more

directly as business interests have increased abroad and more Americans travel overseas.

The political and ideological motivation of terrorists has made the wealth, power, and prestige symbolized by the United States a frequent target. American embassies and consulates represent the United States in foreign countries, and hence terrorists actions have been directed against them and their officials.

The reverse is also true. Foreign diplomatic and consular officials in this country have been the targets of extremist groups who wish to draw world attention to their causes. The recent rash of letter-bombs is a case in point.

In 1972 Congress provided for increased security to the foreign diplomatic community in the United States by making certain acts directed against such representatives Federal criminal offenses.

The Federal Bureau of Investigation was given investigatory responsibility, but that responsibility is concurrent with that of local law enforcement authorities. Thus, there remains the necessity of keeping these local authorities well informed as to potential terrorist activities.

International terrorism may also be expected to target on the United States as our country prepares to commemorate the 176 Bicentennial of its founding. The possibility of such terrorist activity will require even more diligent attention from already taxed police personnel.

LEAA plans to commit \$1 million for planning support for the Bicentennial in this fiscal year. This funding will be used to assist in a determination of law enforcement needs during the Bicentennial celebration, and could serve as a means to avoid possible violence and terrorist activity.

Skyjacking is a strategy only recently adopted by terrorists. Though the wave of domestic aircraft hijackings which swept the country a few years ago has largely subsided as security measures and procedures have been placed in effect, the threat of skyjacking of international flights remains a real and growing problem.

I might add, Mr. Chairman, that we certainly have no basis for being complacent as to potential acts against domestic flights either.

International skyjacking, like terrorism, can have its impact on local law enforcement. Ineffective security measures, or none at all, could permit skyjackers to board international flights destined for the United States, either at a last departure point or at a more remote location. Such a flight, landing at a domestic airport, places not only passengers and flight crews at risk, but also the airport and nearby installations and facilities. Hence, reasonable security procedures exercised abroad can have a direct impact on the responsibilities of local and Federal law enforcement in the United States.

The impact of international crimes committed by terrorists can be seen to have a direct effect on State and local law enforcement. This is a significant factor because of the primary role of LEAA in supporting and facilitating the efforts of these agencies to combat crime.

And I might cite, Mr. Chairman, as an example, the acts of terrorism that were committed against several Yugoslavian consulates simultaneously several years ago throughout the United States and Canada by Yugoslavian exiled terrorists. Security for these consulates

at that time was principally a responsibility for State and local enforcement authorities. They now have concurrent jurisdiction.

Of necessity, programs undertaken by LEAA have an impact on many segments of the law enforcement community. Although the Crime Control Act declares that "crime is essentially a local problem," it frequently is not exclusively local.

It is further stated in the act that "to reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of government."

Consistent with these objectives, LEAA's National Institute of Law Enforcement and Criminal Justice engages in and supports research, education, training, exchange of information and knowledge, and evaluation of criminal justice efforts.

In fact, it is charged with the duty "to make recommendations for action which can be taken by Federal, State and local governments and by private persons and organizations to improve and strengthen law enforcement and criminal justice."

The results of research, whether of equipment or techniques, can be applied by law enforcement agencies to fight terrorism. The exchange of knowledge can assist all jurisdictions, and the education of candidates for work in the law enforcement community can improve the proficiency of personnel at all levels of government.

Terrorist activity has no respect for levels of government or their jurisdictions, a situation indicated by the great degree of concurrent jurisdiction exercised by Federal, State, and local agencies in this field.

Recognition by Congress of the fact that LEAA's authority in the international field should not be limited to specific jurisdictions or programs was demonstrated in the Conference Report on our 1973 amendments, as follows:

The conference substitute also accepts the Senate version which adds authority to provide technical assistance to international law enforcement agencies as well as national law enforcement agencies.

In recognition of many law enforcement and criminal justice problems the conferees agreed to give LEAA authority to provide technical assistance in such areas as narcotics interdiction, skyjacking and terrorism.

LEAA is the Federal Government's recognized agency for conducting research and supporting developmental projects pertaining to systems, equipment, and devices to improve and strengthen law enforcement and criminal justice.

While other Federal enforcement agencies do engage in research related to their particular mission, no other Federal agency is likely to be involved in research with such far-ranging international implications.

Appropriate activities also include collecting, evaluating, and disseminating statistics on the condition and progress of law enforcement outside the United States, and serving as a clearinghouse for information pertaining to terrorism and its deterrence.

LEAA is presently involved in a number of activities designed to assist in the fight against terrorism. A number of other possibilities for action in this area are being contemplated.

The Cabinet Committee To Combat Terrorism, as you know, Mr. Chairman, was created on September 25, 1972, by the President. The committee is charged with considering the most effective means of preventing terrorism in the United States and abroad and with taking the lead in establishing procedures to insure that our Government can take appropriate action in response to terrorist acts.

LEAA has a member on the Cabinet Committee Working Group and is keeping alert to possibilities of cooperative action among Federal agencies where we can be of assistance.

Through the United Nations social defense research group, LEAA has been requested to fund a number of regional conferences on international criminal activity. We have tentatively agreed to approve this request subject to coordination and approval by the State Department. These conferences would seek to bring together several nations to discuss possible cooperative action to combat international lawlessness.

LEAA also sits on the Interagency Committee on Civil Aviation Security created by the President in 1970 in reaction to a wave of unprecedented aircraft skyjackings. Over the past 4 years the committee has initiated and coordinated the sky marshal program carried out by the Customs Bureau, the profile identification system, the development of understanding concerning FAA and FBI jurisdiction over hijacked aircraft, the introduction of mandatory screening of domestic passengers and hand baggage, the responsibility of airlines and airports for passenger and airport security, and other measures which have reduced domestic skyjacking to relatively sporadic and ineffectual actions.

In June of 1973, LEAA entered into an interagency agreement to train not less than 500 State and local enforcement officers in airport security techniques at a cost of \$145,000. Funds are used to pay tuition at the Federal Aviation Administration school in Oklahoma City, Okla. and to reimburse officers for travel, lodging, and subsistence. The program includes 40 hours of instruction in such subjects as aviation and airline security, aviation explosives, and special airport law enforcement procedure.

The interagency committee is still working on solutions to problems posed by international air travel. We have under consideration a proposed interagency transfer of funds to the FAA to expand the Oklahoma City course and make it available to law enforcement officials and airport security officers from other nations.

As noted by the President in January 1974, in a letter to Secretary of Transportation Claude S. Brinegar, "while we have made substantial progress in meeting the threat here at home, terrorism involving hijacking continues to be a serious problem in other parts of the world." He further expressed his desire to see future efforts in this area. LEAA expects to participate actively in these efforts.

[Mr. Zion departed from the room.]

We live in a world in which our domestic interests have been increasingly affected by happenings beyond our geographical boundaries. In some instances the United States has led in developments—economic, technical, social, and political—which have sent waves through many

countries. It is not surprising that condition and actions abroad should similarly affect this country. Crime is no exception.

The terrorism which is based in the social and philosophical objectives of foreign groups is let loose on our citizens abroad and on the persons and institutions of foreign governments in this country. Their protection in this country is the responsibility of all aspects of the U.S. criminal justice system—Federal, State and local.

Some of these concerns may have been in the minds of the Members of Congress when LEAA's international authority was included in the Crime Control Act of 1973. Because of these concerns, Mr. Chairman, we are now contemplating a number of additional initiatives which would enhance our ability to assist in international efforts to reduce terrorism. I would like to briefly describe for the committee some of these initiatives now under consideration.

A proposal currently being reviewed and which is receiving serious and final consideration is one by Prof. Murray S. Miron, professor of psycholinguistics at Syracuse University.

The project, entitled "Semantic Analyses of Threat Communications," would seek to achieve an understanding of the personality dynamics of those individuals who employ threats of violence or property damage as the central part of their criminal behavior.

Threats and subsequent behavior would be studied to form the basis for a threat analysis dictionary. Such a dictionary could be used to automatically scan threat communications as they are received in an attempt to identify the predicted outcome and courses of action contained within the threat.

As a result, police responsiveness to particular threatening communications could be improved markedly. And we do have some experience, Mr. Chairman, with this technique to indicate that there is a good likelihood of success.

Another LEAA effort would be the expansion of technical assistance which is supportive of other Federal agencies having direct operating responsibilities for prevention of terrorists activities. This assistance could be coordinated by existing mechanisms. We have had a number of discussions with the FBI in this regard.

LEAA is in a position to provide assistance to operative agencies which would complement, rather than duplicate, their present efforts. The kind of assistance LEAA is equipped to provide suggests the value of such a supportive role.

Grant and contract authority, research expertise, evaluative capabilities, and training and educational experience could all be utilized to provide help in combating terrorism. Through participation in various Cabinet-level committees, assurance would be had that LEAA's activities were both supportive of the operative agencies and consistent with established foreign policy.

I might add, Mr. Chairman, LEAA has provided the Alcohol, Tobacco and Firearms Bureau of the Treasury with an interagency transfer of funds of about \$600,000 to provide support in an explosive tagging research program, and an interagency committee has been formed to coordinate this. I serve as the LEAA representative on this group.

This line of research, which is now into its second year, we feel is very promising in an attempt to identify the source of explosives used in bombing and similar incidents.

In addition to providing assistance to operating agencies, LEAA is also contemplating an increase in services provided to law enforcement personnel. There is great promise in research that would give personnel new insights into techniques for dealing with terrorists that could be applicable to problems which might arise in this country or affect Americans abroad.

Particular law enforcement tactics employed in past situations could be studied in anticipation of similar situations developing. Supportive research into the actions of foreign governments which have had more extensive experience in dealing with terrorism than this country has had could detect techniques that are effective and which would be suitable for domestic application.

This is the purpose of the United Nations application which we have mentioned. These new functions present a real challenge and opportunity to improve the knowledge of criminal justice personnel both here and abroad.

Essential to the success of the program would be a careful monitoring of the information chosen for exchange. A review with knowledgeable professional organizations as to the interests of their members could provide further guidance as to the type of materials which would be most useful in combating terrorism.

If the contemplated program is initiated, LEAA expects annual funding under its international authority at several million dollars. This would permit at the outset approximately 15 to 20 projects to be undertaken.

Future funding would depend on the success of the program, the acceptance of the results in the law enforcement community, and the overall international situation. We feel that the new initiatives would coordinate well with existing LEAA programs, through which a considerable amount of information and expertise has already been developed.

I might add, Mr. Chairman, that we have watched very closely what has happened to the public safety program in the Agency for International Development. This has been a long-range technical assistance effort to police agencies in developing countries.

In recent years it has focused its activity in Southeast Asia, and, as you know, there has been a consistent pattern of communist terrorist activity against established local, State and Federal authorities in Southeast Asia for many years.

The Congress recently discontinued this activity. There is a vacuum that currently exists. LEAA conceivably does have authority to pick up this program but we are being extremely cautious at the present time with respect to an expansion of our program in the area.

The need is certainly there. Whether or not this is an appropriate role for LEAA remains to be seen.

In conclusion, Mr. Chairman, I want to again emphasize the fact that LEAA is a domestic agency with domestic objectives. Its inter-



national role must reflect that objective. While sykj king, letter bombs, kidnaping, and terrorism may at times appear to be foreign problems, their impact can easily be domestic.

In supporting the efforts of law enforcement agencies and personnel to prevent and combat international terrorism, a considerable benefit will inure to the citizens of this country. It is the hope of LEAA that extension of our supportive activity into the area of international crime and terrorism will enhance our efforts to reduce crime and terrorism in the United States.

Thank you, Mr. Chairman. I am sure we would be pleased now to respond to any questions you might wish to ask. --- --

**END**