

AN OVERVIEW OF U.S. COUNTERTERRORISM POLICY AND PRESIDENT CLINTON'S DECISION TO GRANT CLEMENCY TO FALN TERRORISTS

HEARING

BEFORE THE

SUBCOMMITTEE ON WESTERN HEMISPHERE,
PEACE CORPS, NARCOTICS AND TERRORISM

OF THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

—————
SEPTEMBER 14, 1999
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Printed for the use of the Committee on Foreign Relations



Available via the World Wide Web: <http://www.access.gpo.gov/congress/senate>

U.S. GOVERNMENT PRINTING OFFICE

61-361 CC

WASHINGTON : 2000

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**AN OVERVIEW OF U.S. COUNTERTERRORISM
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TUESDAY, SEPTEMBER 14, 1999

U.S. SENATE,
SUBCOMMITTEE ON WESTERN HEMISPHERE,
PEACE CORPS, NARCOTICS AND TERRORISM,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met at 9:15 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Paul Coverdell (chairman of the subcommittee) presiding.

Present: Senator Coverdell.

Also present: Senator Kyl.

Senator COVERDELL. I am going to call the hearing of the Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee of the Foreign Relations Committee to order.

We are still waiting for Congressman Fossella, but I thought I might go ahead and proceed, deal with the opening statement, which is a little longer than normal.

I want to welcome each of you: Mr. Senft, Mr. Rich Pastorella, Mr. Joe Connor, and Mr. Gilbert Gallegos. I appreciate very much your coming. You are going to have to bear with me for just a moment.

First of all, I want to make it absolutely clear that the purpose of the hearing from the outset, going back to August 31, was not to challenge the President's authority, which is clear constitutionally, but to take under advisement and try to understand, given the unique nature of these actions by the White House, what that effect would be on the perception of the world, our law enforcement institutions, and the people in general with regard to the United States policy on terrorism. There has been probably too much written about the politics of the decision. I think the more important and underlying and fundamental question is, does it confuse the world about what our policy is?

Now, as late as 9:30 p.m. last night, the witnesses provided by the Federal Bureau of Investigation were preempted by the White House. In other words, the White House has instructed that there be no presentations from the Federal Bureau of Investigation, and we can only presume, of course, that that is the fundamental and underlying reason that there is no official here from the U.S. State

Department, the Justice Department, the White House, and now the Federal Bureau of Investigation.

I have to say to the White House that these actions, which have been characteristic in the past, have never worked. We are engaged in a public debate and dialog here, and the fact that they have decided to build a fortress around the decision will be of little value in the long run. The House has already expressed itself on this measure and I think importantly so. The Senate will do so probably within 4 hours.

I think it would have been appropriate had the administration, through the State Department or the Federal Bureau of Investigation, come to clarify their view of how this relates to fundamental policy relating to terrorism, but they have chosen not to do so. You have to wonder in the back of your mind what would cause the White House to preempt and foreclose any representation of their administration discussing with the committee that has oversight the policies involved here. They have, in fact, by these actions in my judgment, raised more questions and not contributed at all to giving them an opportunity to explain themselves.

[See correspondence that follows:]

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
OFFICE OF THE ASSISTANT ATTORNEY GENERAL,
Washington, DC, September 13, 1999.

The Honorable PAUL D. COVERDELL,
Chairman, Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism,
Committee on Foreign Relations,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: This responds to your invitations, dated September 7 and September 9, 1999, to representatives of the Department of Justice (including the Federal Bureau of Investigation) to testify at your hearing on September 14, 1999, regarding anti-terrorism policies and the President's recent clemency decision. Although the Department appreciates your invitation to testify on these important matters, we have regretfully concluded that we are not in a position to provide testimony at this time.

As your letter to Director Freeh indicates, the hearing will "focus on the President's [clemency] decision." As you know, under the Constitution the authority to grant clemency rests solely with the President. U.S. Const., Art. II, § 2, cl. 1. *See United States v. Klein*, 80 U.S. (13 Wall.) 128, 147 (1871) ("To the executive alone is intrusted the power of pardon"); *see also Public Citizen v. Department of Justice*, 491 U.S. 440, 485 (1989) (Kennedy, J., concurring) (reaffirming that the pardon power is "commit[ted] . . . to the exclusive control of the President"). We wish, of course, to provide Congress with information to satisfy its oversight needs to the fullest extent possible. In light of the important constitutional and institutional interests implicated by your invitation for testimony and the fact that the hearing may in significant part address the exercise of an exclusive presidential prerogative, we are carefully reviewing this matter and consulting with the White House regarding how most appropriately to proceed.

Until this important issue has been resolved, we are unable to provide the Department (including FBI) witnesses with the guidance they need regarding the areas, if any, with respect to which their testimony would be inappropriate. Accordingly, we cannot authorize their appearance at tomorrow's hearing. We understand the need to resolve the issue promptly and we are endeavoring to do so.

Please do not hesitate to contact me if you would like to discuss this matter.

Sincerely,

JON P. JENNINGS,
Acting Assistant Attorney General.

Senator COVERDELL. So, with that, let me then go to my formal statement, and then we will come to you, Congressman Fossella, for your introduction of these panelists that have given so freely of their time not only here but in other places as well. I apologize again. This is somewhat longer than normal but the uniqueness of these circumstances calls for that.

There are few prospects more frightening and repugnant or more destabilizing to free societies than the use of violence to wreak terror among innocent civilians.

Yet, as we approach the new millennium, the growing threat of terrorism is an ever-present reality. The cowardly and deadly bombings of the two U.S. Embassies just over 1 year ago were a stark reminder of the global threat of terrorism. Over the last decade, the U.S. Government has made significant strides in formulating strategies to counter the threat of terrorism both at home and abroad. Efforts have focused on ways to deter terrorist incidents from occurring and then responding to them, if and when they do occur. At the center of our strategy to deter terrorism has been a consistently tough message that the United States will aggressively pursue, bring to justice, and punish to the full extent of the law those responsible for perpetrating acts of terror.

That is why President Clinton's recent decision to grant clemency to 16 FALN terrorists is so disturbing. It sends exactly the wrong message in my view. It says that the United States does not punish terrorists to the full extent of the law. It says to terrorists that they will not be subject to the swift and severe application of the rule of law. I have called the hearing today because I believe the President's decision represents an abrupt departure from long-standing U.S. policy on terrorism. There is an urgent need for the people's branch of Government to set the record straight and to clarify the administration's mixed signals about its tolerance of violence. There must be a voice in our Government that says to the world that this divergence from policy is not universally accepted.

Current U.S. terrorism policy is crystal clear: No concessions to terrorists. In the State Department's annual publication, *Patterns of Global Terrorism 1998*, U.S. counterterrorism policy is clearly set forth: "First, make no concessions to terrorists and strike no deals. Second, bring terrorists to justice for their crimes."

The policy of being tough on terrorists has been enumerated over and over again during the past several years by various administration officials and through several Presidential decision directives. In June 1995, for example, President Clinton issued Presidential Decision Directive 39, hailing it as the central blueprint for U.S. counterterrorism strategy. At the core of PDD 39 is the continuation of U.S. policy of no concessions to terrorists and application of the rule of law to terrorists as criminals. It also focuses on the need to deter terrorism. To quote from PDD: "To deter terrorism, it is necessary to provide a clear public position that we will vigorously deal with terrorists. In this regard, we must make it clear that we will not allow terrorism to succeed and that the pursuit, arrest, and prosecution of terrorists is of the highest priority."

President Clinton again focused on getting tough on terrorists in a speech before the United Nations General Assembly in Sep-

tember of last year. He had these words to say: "Terrorism is a clear and present danger to tolerant and open societies and innocent people everywhere. The only dividing line is between those who practice, support, or tolerate terror and those who understand that it is murder, plain and simple." Those are the President's own words.

And in several instances, this administration has moved beyond rhetoric and taken action to punish terrorism. After pledging to use all means at our disposal to track down and punish those responsible for the embassy bombings, the President ordered missile strikes against Osama bin Laden's training bases in Afghanistan.

At the core of these policies is the concept that swift and tough action against terrorists will help deter future occurrences. Indeed, I believe the credible threat of reprisal and full punishment under the law remains the best deterrent.

Yet, these policies and our efforts against terrorism were severely undermined on August 11 when President Clinton decided to let convicted agents of terror go free. He made his decision despite longstanding policies of applying the full scope of law and making no concessions to terrorists. With the stroke of a pen, our fight against global terrorism suffered an unmistakable setback.

According to President Clinton, the most compelling argument for clemency is that "even though they belonged to an organization which had espoused violent means, none of them had done any bodily harm to anyone." If we use the President's logic, do we free Terry Nichols who was far away from the bombing in Oklahoma City or the blind cleric who plotted the World Trade Center bombing? Do we stop pursuing Osama bin Laden since he ordered but did not set off the bombs that claimed innocent American lives at our embassies? Or in other words, do we have two classes of terrorists from this point forward: those engaged in the direct destruction and those who plotted and planned it? You are somehow lesser if you were not actually involved with the occurrence.

By using this logic that the 16 individuals are worthy of clemency because they did not actually kill anyone, is the administration setting a new standard that only successful terrorists should be punished?

The bottom line is that 16 individuals were intimately involved in anti-American terrorist activities targeting our Government and innocent American citizens. They were active supporters of terrorism, convicted of crimes that directly supported the bombers and killers. They were an integral part of a conspiracy responsible for 130 bombings, 6 deaths, and dozens of injuries.

Official records from the U.S. Attorney's office in Chicago set forth the FALN history of terror: the actual and planned bombings, the safe houses where bomb-building techniques were practiced, the stashes of ammunition and explosives, the actual conversations between FALN members conspiring to bomb, rob, and break their comrades out of jail. The records demonstrate no sign of repentance—and I have to say I still have seen none—or remorse. Rather, the violent tendencies are confirmed. During court proceedings in Chicago in 1981, for example, one of the terrorists shouted at the judge: "You are lucky we cannot take you right now. Our people will continue to use righteous violence. Revolutionary justice can be

fierce, mark my words.” Another warned the judge to “watch his back.”

One of my questions to the White House, which we will have to now form in writing, are any of these individuals involved with the apprehension or adjudication of these individuals in any danger today? And if so, what steps is the United States taking to protect them?

In the words of a U.S. attorney prosecuting the FALN terrorists, “the FALN has assaulted the American public through bombs and bloodshed. That is what this case is about, pure, unadulterated terror.” In fact, during the sentencing, a Federal judge told one of the defendants: “I am convinced you are going to continue as long as you can.” That is terrorist activity. “If there was a death penalty, I’d impose the death penalty on you without any hesitation.”

It is no surprise then that the FBI, the Bureau of Prisons, the U.S. Attorney’s office who prosecuted the terrorists, and numerous law enforcement organizations have all reportedly opposed the President’s decision. The President should know that this Senator, many of my colleagues in Congress and, I dare say, an overwhelming majority of law-abiding American citizens also oppose the President’s decision.

To conclude, it is sadly ironic that just days before he offered clemency to FALN terrorists, President Clinton issued a statement commemorating the 1-year anniversary of U.S. Embassy bombings and the loss of life in those acts of violence and, I might say, two of my fellow citizens from Georgia. In his message he said the following: “Terrorists murdered these men and women and tore the hearts of those who loved them. We have intensified the struggle against terrorist violence and strengthened security to protect our people. We will not rest until justice is done.”

In light of his most recent action, the President’s words ring hollow. What are we to say today to the victims of the vicious and cowardly FALN crimes and the victim’s loved ones?

The President may have the power to commute the sentences of the terrorists, but that will not restore sight to Mr. Pastorella, restore full health to Mr. Senft, or return the father Joe and Tom Connor missed growing up. Mr. President, terrorism has a human face we cannot ignore.

I also want to recognize, before we go to you, Congressman Fossella, Senator Jon Kyl, who is chairman of the subcommittee on the Intelligence Committee on terrorism and ask if you would have a statement to make at this time.

STATEMENT OF HON. JON KYL, U.S. SENATOR FROM ARIZONA

Senator KYL. Thank you, Mr. Chairman. A very brief statement, and I thank you for the opportunity to sit on this important subcommittee, even though I am not a member, because of my interest in the terrorism issue.

The question before this committee is the effect on U.S. foreign policy generally and terrorism specifically, of course. The FBI and others have always said that the best antidote to terrorism is clear, consistent, and firm policy against it, with emphasis on always tracking down and prosecuting and incarcerating terrorists. In fact, before the Judiciary Committee, we have frequently heard testi-

mony from the FBI that one of the key factors for there not being more terrorism in the United States, as compared with other places in the world, is that all terrorists know that any conduct in the United States will be prosecuted and the people will be held accountable for it. They put it this way: We will track you down and we will ensure that you pay the penalty. And because that happens most of the time, there is less terrorism in the United States.

The question with the President's action here is exactly what Chairman Coverdell stated: Does it confuse our policy, creating ambiguity about our commitment to effectively deal with terrorists?

I have talked with at least one prominent Puerto Rican, Dr. Mary Ramirez, who is in the audience here, who has said that the release of these terrorists has created a very tense atmosphere in Puerto Rico. People feel threatened. The FALN supporters have treated the returning terrorists as conquering heroes. Opponents feel personally threatened by their aggressive actions. This is the unfortunate consequence of the President's actions, not the closing of a chapter, but the opening of a new chapter, perhaps even a new offensive.

The President, of course, has the legal authority to do what he did, but your committee, Mr. Chairman, has the authority to set policy, including anti-terrorist policy. And these hearings are an important step in understanding the consequences of easing up on terrorists as a prelude to doing everything else we can do to fight terrorism with the only effective policy, firmness and resolution.

So, I commend you for holding this hearing and again express to you personally appreciation for being able to sit on the dias, at least until 10 o'clock, when I will have to leave. Thank you, Mr. Chairman.

Senator COVERDELL. I appreciate very much the Senator being here and his work in this area which has been so important for an extended period of time. You are very kind to be present.

Now I am going to turn to you, Congressman Fossella. I appreciate the work you have been doing on this issue on your side of the Capitol. We have not really had a chance to know each other, and I have watched your work with great interest. I appreciate your coming to introduce these very distinguished American citizens that are here today.

**STATEMENT OF HON. VITO FOSSELLA, U.S. REPRESENTATIVE
FROM NEW YORK**

Mr. FOSSELLA. Well, thank you, Mr. Chairman. I thank you for your leadership in the Senate. I know you have been working on this issue since the President offered clemency, and I really commend you for your leadership in the Senate.

And, Senator Kyl, I know your schedule is very busy and for you to take time out is greatly appreciated as well.

Now, Mr. Chairman, I thank you for extending to me an invitation to speak briefly before your subcommittee and introduce several witnesses. I appreciate the opportunity to introduce to you and other distinguished members the human faces, the lives that have forever been changed, who have suffered at the hands of terrorists.

I would also like to commend your swift and forceful action on this issue in the Senate.

I believe the clemency offer by the President is a travesty of justice. Anthony Senft and Richard Pastorella, former New York City Police Department detectives, were permanently wounded by FALN terrorists. They can tell you much better than I what these terrorists have done to their lives. They were innocent targets of an unrepentant military organization that promoted the use of violence to win independence for Puerto Rico. Joseph Connor, who is with us today, can tell you how the FALN terrorists changed his life for the worse. This young man was left fatherless when his father, Frank Connor, just happened to be having lunch in Fraunces Tavern in New York City when an FALN bomb shook the restaurant, killing his father and others. It was 1975. He was celebrating his ninth birthday.

Mr. Chairman, these are the faces, the real faces, behind the FALN tragedies. It is no coincidence, I believe, that there have been no bombings since these 16 FALN terrorists were sentenced to prison. It terrifies me that someone else's father or another police officer could be put in harm's way now that these terrorists are free.

Last week Congress in a loud voice denounced the President's offer of clemency and made it clear that his decision violates longstanding U.S. counterterrorism policy. We also offered the victims a voice in this process, a voice that they never had the opportunity to use until right now.

Releasing the FALN terrorists back on our streets as free men is a complete betrayal of these brave men who are here today and the rest of the victims who they represent.

I trust you agree that this clemency sends a terrible message to the world that the U.S. is soft on terrorism and that FALN terrorists deserve to stay behind bars. It terrifies me that the possibility even exists that we could see FALN victims again. I pray that never comes. According to the promise, we can rest on that promise of convicted terrorists.

Mr. Chairman, in closing I hope history records this act for what it was. We were coddling with terrorists and we set them free; that is, this White House did.

There are others in this town who prefer to talk and toe the line for terrorists. Others like you, Mr. Chairman, Senator Kyl, prefer to be a voice for the victims. History will record that as well.

Senator Kyl, you suggested that there are people who are celebrating the conquering heroes, the release of these terrorists. I think the vast majority of the American people define hero differently. These men are our heroes and I think the American people are disgusted with what the President did by offering clemency, and I hope and pray that their memory is not in any way compromised by the fact that right now terrorists are meeting once again. And I pray and I hope that they never get the opportunity to kill another innocent human being ever again.

That is my statement, Mr. Chairman. Now it is my pleasure to introduce Detective Anthony Senft.

Senator COVERDELL. Detective, thank you for being here and for your service to the people of the United States.

STATEMENT OF ANTHONY SENFT, FORMER DETECTIVE, NEW YORK POLICE DEPARTMENT

Mr. SENFT. Thank you, Senator. Mr. Chairman, Members of the Senate, good morning. My name is Detective Anthony Senft, and I thank you for inviting me to address the committee.

I stand before you today not only as an American citizen but also as a victim of terrorism on American soil, a victim of terrorism at the hands of the FALN. On December 31, 1982, while working for the New York City Police Department as a detective in the bomb squad, I was severely injured by one of five bombs placed by the FALN while my partner and I attempted to render it safe.

On that day, I received a lifelong sentence without the opportunity for parole, time off for good behavior, and no chance of clemency. My sentence included five reconstructive operations on my face, the loss of all my sight in one eye, 60 percent hearing loss in both ears, a fractured hip, severe vertigo, and the hell of post traumatic stress disorder. Since then I received a blood clot in my lung that has been sitting in my hip and almost lost my life 2 years ago.

My only solace was the fact that the 16 members of the FALN were serving prison sentences for crimes committed against American citizens. Now, 16 years later, American citizens and I are victims once again as a result of terrorist acts by the FALN and the pandering of our President.

President Clinton, by this clemency decision, makes a mockery of our Nation's policy for zero tolerance. He speaks out of both sides of his mouth as he denounces terrorist McVeigh for terrorist acts in Oklahoma and says publicly, immediately following the horrible acts against the children in that Jewish community center in Los Angeles, that Americans will not accept terrorism. Yet, he releases 16 terrorists on that same day.

Was it because of political pressure from special interest groups? We do not know that.

Clinton's actions tell would-be terrorists around the world that terrorism against the United States and its people is an acceptable form of demonstrating their political ideology and terrorists need not fear the wrath of the American justice system any longer, for all they need to do, after destroying American property and lives, is to give a half-hearted, almost forced apology, and we will all be forgiving them.

Senators, all is not forgiven. Terrorism against the United States can never be an accepted form of political protest. President Clinton, by his clemency offer, is releasing 16 terrorists back onto the streets of America to commit more acts of terrorism against our families, your children, my children, our grandchildren.

Some of the released convicted terrorists are the same people who, while doctors were working feverishly to save my life and while my family members rushed to my bedside, called New York radio stations to take responsibility for placing all five bombs. This same terrorist group has proudly taken responsibility for placing over 130 bombs in the United States that have killed 6 innocent people and maimed over 100 innocent victims, and now again they have put fear into Americans across our land.

If this band of violent terrorists was so remorseful for their horrific acts, then why did it take over 3½ weeks for them to come

forward and denounce their terrorism on our soil? And now do we trust these terrorists?

This committee must ask itself why the President would grant this clemency against the advice of law enforcement organizations whose job it is to review and give recommendations on the appropriateness of clemency. Was it to gain favor for the Puerto Rican vote in New York City for Hillary Clinton's senatorial bid? Or was it simply an example of our President's lack of moral character?

William Morales, the FALN self-professed leader and convicted terrorist, seeks amnesty from our President. We must take a strong affirmative stand against any amnesty for William Morales. Our duty as police officers and elected officials is to protect our fellow citizens against terrorists like Morales and the 16 terrorists granted clemency.

I have done my best to protect the lives of fellow New Yorkers and I have paid the price for that, with absolutely no regrets. Now I ask this committee and our Senators to take a stand and enforce our Nation's policy of zero tolerance for terrorists. Our President has chosen to ignore policies and the recommendations of the bureaus that oversee clemency requests. It is time for our Senate and our country to protect American citizens against terrorists and to punish those convicted of terrorizing our families and our Nation.

Senators, I thank you for your time and I want to say God bless America.

Senator COVERDELL. Thank you very much, Mr. Senft. Despite maladies you still suffer, we are very pleased to see you looking so well and with us here today.

Now I will ask Mr. Rich Pastorella, former detective of the New York Police Department, if we might hear from you.

**STATEMENT OF RICH PASTORELLA, FORMER DETECTIVE,
NEW YORK POLICE DEPARTMENT**

Mr. PASTORELLA. Thank you, Senator Coverdell, for the honor and privilege of speaking before your subcommittee this morning.

Unfortunately, I do not have a prepared speech. My speech comes from my heart as an American citizen who has been betrayed by his President.

I too, on the day of New Year's Eve 1982, was very seriously injured in a bombing by the FALN. My partner, Tony Senft, and I will have to endure the pain and suffering from that tragic moment for the rest of our lives. On that particular day, I lost all of the fingers of my right hand. I lost the sight of both eyes. I lost 70 percent of my hearing. I had to endure 13 major operations of reconstructive surgery on my face and my hand. My face was shattered in that blast. I have 22 titanium screws holding my face together. I have shrapnel from that device embedded in my stomach, my shoulders, and my head.

I do feel betrayed this day by the actions of a President who has forgotten his oath to protect and to serve the citizenry of America. His release of these 16 terrorists is subjecting every American citizen, every law-abiding American citizen, to the same tragic ends that Tony Senft and I have suffered.

It is incumbent upon you, Senator Coverdell, and your subcommittee this day to look into this to see that it never happens again.

Our President, William Jefferson Clinton, has seen fit to send out throughout the world a terrible message: first, that the law enforcement community is expendable, and second, that terrorists throughout this world will not be pursued, as he has claimed, to the ends of this Earth.

When our embassies were bombed in Africa and we lost American and African nationals, our Secretary of State, Madeleine Albright, said that we would never negotiate with terrorists. We would pursue them to the ends of the Earth. What hypocrisy. What hypocrisy.

We is the true face of what terrorism is, the damage it can do.

Shortly, you will hear from a friend of ours, Joe Connor, whose father died in a bombing at Fraunces Tavern in 1975.

The FALN has, as part of its true manifesto, the violent—and I underscore the violent—overthrow of the American Government. How dare our President, knowing this, release them back into the streets of America once again. I hope and I pray that this organization never raises its ugly head again.

As I said at the outset, I am privileged as an American to speak here before this body. I hope and I pray also that the souls who have lost their lives at the Alfred P. Murrow building in Oklahoma City, and those at the World Trade Center in New York City, and those at our embassies around the world are not forgotten. There is no commutation from this. We will never be free. Never.

I thank you again for allowing me this privilege, and I hope that a true, strong message is sent to our President on what the real face of terrorism is. I thank you.

Senator COVERDELL. I thank you, Mr. Pastorella, for your willingness to be here, to speak out, for the statement you have just given, along with Mr. Senft and of course, we do not want to forget, for your extended service protecting the citizens of New York and the United States when you were on active duty. We appreciate very much the work of all law enforcement officials and particularly yours and those that have confronted personal setbacks and injury as a result, as you have. Thank you very much for being here.

Mr. Connor, we are going to turn to you now, if we might.

**STATEMENT OF JOSEPH CONNOR, SON OF FRANK CONNOR,
FALN BOMBING VICTIM**

Mr. CONNOR. I want to thank you all for inviting me here, Mr. Chairman and Congressman, and particularly Tony and Richie who are true heroes who have made the United States a safer place to live and I thank them from the bottom of my heart.

I am here on behalf of my family and those families who were affected by the murderous spree of the FALN, and I am here on behalf of my dad because I feel that we are doing the right thing in making sure that this does not happen to any other family.

I am going to ask up front some questions I want the committee to investigate and I will explain them as I go along. But my issues really are why the President disregarded the recommendation of

the FBI, Justice Department, and the Bureau of Prisons and released the terrorists.

Why the victims and their families were neither given proper notification of the clemency nor were given a meeting with Janet Reno, as the pro-clemency advocates had received.

What the impact of granting clemency to these terrorists is, and in particular, how it will relate to William Morales, who Richie touched upon before, who is also seeking clemency.

Why the President initiated the clemency process without a formal request from those terrorists.

And whether Hillary Clinton's bid for the Senate seat has made an impact in his decision.

Contrary to the claims of those who have supported the clemency, there is nothing nonviolent about these 16 FALN members. I point to two specific issues on that.

One is four of them were caught while building bombs when they were arrested. The fact that they were not able to detonate them does not make them less violent than if they had. Is an unsuccessful terrorist less of a threat than a successful terrorist?

And second, just this past weekend on one of the news shows on Sunday, one of the terrorists was given the chance to apologize for what he had done and show remorse. He failed to do so. As a matter of fact, he claimed that people were killed as a result of not being prepared or taking the necessary precautions. My father was at a restaurant eating lunch. Is that to imply that the terrorists believe we need bomb-sniffing dogs now when we go to restaurants and it was my dad's fault that he was murdered?

These are the kind of people that the President has released on the American public, and it is an outrage.

Further evidence is the bombing stopped after these 16 were put away.

The FALN killed real people, innocent people, and ruined the lives of many others.

Friday, January 24, 1975 was a beautiful winter's day. I will never forget it. I had just turned 9 and my brother had just turned 11, and it was time for us to celebrate. It was a Friday night. We had gotten home from school. My mom had heard on the radio that there had been an explosion downtown where my dad worked. She knew right away when she called that he had been there. She just had a feeling. As 9- and 11-year-olds, we were called in from playing that day, and told that my dad had been at the bombing. We prayed for hours and hoped and imagined that we would see him again. Within 5 hours or so, we were told that he had been killed.

It is impossible to describe how that affects a 9-year-old. It is devastating.

He was only 33 years old at the time. He was full of life. I have a picture right here of a happier time.

But this is what happened. These were indiscriminate acts of violence and murder. As a matter of fact, I have recently spoken to people who were there that day and they described seeing someone walk in, plant the bomb behind the table, and walk out. These people saw that they were going to kill. They knew that they were going to kill. And my fear is that next time, when either they or someone strikes, feeling they will not be prosecuted to the fullest

extent, it will not be 4 people, it will be 400 people, or it will be chemicals or a biological, and it will be 4,000 people. It is a disgrace.

These people took away my father's life. They never allowed him to see my brother and me play sports in high school or allowed him to take the pride in seeing us graduate from college or get married. They took from him the joy of being a grandfather. They took from my mom the promise of growing old with him, her first love.

His grandchildren will never know their grandfather. They look at pictures, even now, and ask who he was. My wife and I tell them he is in heaven looking down on us. But when they ask why he was killed, what answer can we give? His life has been valued lower than some political agenda of the President of the United States.

My father loved his country deeply and he believed in its greatness. And this is what he gets in return for that.

Not only was this clemency grant immoral, but it also violated some legal conventions, such as the Victims Rights and Restitution Act, where victims are supposed to receive word of any clemency by a responsible official. We never received any word of the clemency. As a matter of fact, we read it in the paper the day after it happened, and if the terrorists in their arrogance had accepted it right away, we probably would not have found out about the clemency act until they were out of jail. And that is outrageous.

The process was also improper. The President was petitioned on behalf of these terrorists, not by the terrorists themselves. And he had the petition for 6 years until he decided to act upon it, basically thrusting the clemency at them, rather than the other way around. You would hate to think that this was connected to Hillary's run at the Senate, but I do not see any other answer to it.

There has also been a disinformation campaign, and it talks about the likes of Cardinal O'Connor and Jimmy Carter and Desmond Tutu acting on behalf of the pro-clemency side. First of all, to set the record straight, I have communicated with Cardinal O'Connor's office, and he never asked for clemency on behalf of these people. He asked for the Attorney General to review their cases. Stop. It is a big difference.

Also, Desmond Tutu and Jimmy Carter—I have tried to contact Carter to no avail, but I have never seen anything that he has written or said about it, nor have I heard anything what Desmond Tutu has said. And quite frankly, I do not know what relevance their opinions have on this issue anyway.

But these are the disinformation that has been put forth by the pro-clemency side and has really been taken up by the White House. It appears as though, when you deal with the White House, if you say it enough times, it becomes the truth. Certainly that is the way they act.

The Department of Prisons, the FBI, and the Justice Department have all recommended against the clemency. The Department of Prisons believes that there is a very good chance that the FALN would take up their criminal behavior again upon release.

And I have heard—and it is unconfirmed—that the Parole Board is giving them the opportunity to still meet face to face on political issues in Puerto Rico, which is astounding and disgraceful, and I hope it is not true.

I have a copy of a Justice Department letter, which is part of the handout, which I received last year. In the letter, it described these 16 as terrorists. The Justice Department's own letter describes them as terrorists. I suggest the President read this letter and understand that they have been classified terrorists from his own people.

Terrorism is one of the major problems that we are going to face in the next century. We thought that we had eradicated the threat from the FALN almost 20 years ago. It is sad when we have made this a real problem or a potential problem again. We have enough problems that we need to deal with. This was over and now it is back, and I am sad to say that the world is a less safe place as a result.

Thank you.

[The prepared statement of Mr. Connor follows:]

PREPARED STATEMENT OF JOSEPH CONNOR

My name is Joseph Connor and I appear before the Committee as a person forever affected by an FALN terrorist act that killed my father, Frank Connor, at Fraunces Tavern 24 years ago and by the recent unconscionable and immoral decision by the President to grant clemency to 16 FALN terrorists.

For the reasons I will explain, I request that the Committee formally investigate the following aspects of President Clinton's clemency grant to the FALN terrorists:

- Why the President disregarded the recommendations by the FBI, Justice Department and Bureau of Prisons that the terrorists not be released?
- Why the victims and their families were neither given proper notification of the clemency nor a meeting with Janet Reno, as pro clemency supporters were granted?
- The impact of granting of clemency to the FALN terrorists will have on future terrorist acts and whether the possible clemency request by William Morales should be granted?
- Why the President initiated the clemency process without a formal request from the terrorists themselves?
- Whether Hillary Rodham Clinton's political aspirations in New York State played a role in the clemency grant?

Contrary to the disingenuous claims of those who sought the terrorists' release, there is nothing nonviolent about these FALN members and there has been no remorse. Four of them were videotaped making bombs just prior to their arrests. Just this past weekend, one of the now released terrorists explained there is no need for him to feel guilt for the Fraunces bombing. Incredibly and shamelessly, he argued that the establishment where people were killed did not take proper precautions to guard against such an attack. My father was killed while eating lunch in a restaurant! These are the people our President has released on society.

The bombings only stopped when these terrorists were put in jail!

The FALN killed real people and devastated the lives of many others. Our family has had to live with the aftermath of their "non-violence" for almost 25 years. It was a beautiful winter's day, Friday, January 24, 1975, when my family was shattered by the bombing of Fraunces Tavern in New York City. My father, Frank Connor, was brutally murdered in the attack; an attack for which the FALN proudly claimed responsibility. Our mother, Mary, had spent much of the day preparing a special meal which we planned to have that night to celebrate my brother's and my recent 11th and 9th birthdays, respectively. (Mourners ate that meal after my dad's funeral.) Shortly after coming home from school that day, we learned that our father had been with clients at Fraunces for lunch. After an agonizing vigil, his colleagues at Morgan Guaranty Bank delivered the final, devastating news to my mother, brother, grandmother and me.

My father was only 33 years old when he was killed. The only child of an elevator operator and a cleaning lady, he was born and raised in Washington Heights, a working-class section of Manhattan, attended City College (where, ironically several of the FALN terrorists also "studied"), graduated from Farleigh Dickinson University, and worked his way from the ground floor up to a successful career at Morgan. Now at 95 years of age, my grandmother, like the rest of my family, has never recovered from his death. Although my mother has remarried and my brother Tom

and I now have families of our own, not a day passes without feeling the void left in our lives. We miss him deeply. My father's death has become a part of me; an indescribable, intangible wound that has been opened and aggravated by this preposterous and disrespectful clemency grant.

These terrorists took away my father's life; never allowing him to see his sons play sports in high school, never allowing him the pride in seeing his boys graduate college, and get married. They took from him the joy of being a grandfather. They took from my mother the promise of growing old with her first love.

His grandchildren will never know their grandfather. They look at pictures and ask who he is. My wife and I tell them he is in Heaven watching over us. But, when they ask why he was killed, what answer can we give? His life been valued lower than the political agenda of the President of the United States. My father loved his country and in whose greatness he believed. Is this what he gets in return?

Not only was this grant of clemency immoral, but it violated several legal conventions. Under the Victim's Rights and Restitution Act of 1990, a "responsible official" was to provide victims with the earliest possible notice of the release from custody of the offender. The law reads at 42 U.S.C. Section 10607(c)(5): "After trial a responsible official shall provide a victim the earliest possible notice of . . . release from custody of the offender." My family read about the grant in the newspaper! We have never been contacted by Janet Reno or anyone at the Justice Department or the White House regarding our views on the clemency. Had we been properly notified, we would have requested the delivery of our opinion on the issue through a personal meeting with Janet Reno, as the pro clemency supporters were granted. God willing, if Ms. Reno had been fully informed, there is a chance, however small, given her own political nature, that she would have vehemently objected to the clemency offer from ever having been made by the President. Because no notice had been provided by the Clinton Administration, had the terrorists renounced violence and accepted clemency right away, they may actually have been out of jail before we ever learned of the offer.

The process through which this clemency was offered was improper. Typically, those incarcerated express remorse and request clemency from the President through a standard process. He then reviews the claims. In 3,039 out of 3,042 prior cases, clemency was denied by the Clinton Administration. In this case, the terrorists did not express remorse or actually request clemency. It was petitioned on their behalf in 1993, and the request sat on the President's desk for 6 years. Was it a coincidence that when Mrs. Hillary Rodham Clinton decided to run for the Senate in New York State, the President suddenly, and without notice, took an interest in the clemency request and then granted it? Perhaps most telling, the clemency request was granted before the FALN terrorists themselves ever made their own request.

Much has been written about the support given to the clemency request by luminaries such as Cardinal O'Connor, Desmond Tutu and Jimmy Carter. This is clearly part of a disinformation campaign. Cardinal O'Connor never supported clemency, but merely asked the Attorney General to review the case—a large difference. (I am attaching a letter from Cardinal O'Connor to me explaining this.) These lies have been proliferated by White House spokesmen since clemency was offered.

Has anyone heard or read the opinions of Desmond Tutu or Jimmy Carter? Even if they had supported clemency, on what factual and legal basis did they do so? And, what is the value of their supposed opinions on this matter in any event, given that clemency was opposed by the FBI, the Bureau of Prisons, and the U.S. Attorney's Office. History teaches us from the Iran hostage crisis that Jimmy Carter, whatever his virtues, is hardly an expert on how to deal with terrorists. In fact, Bureau of Prisons officials concluded that, if released, these terrorists might resume their criminal behavior.

As recently as last year, the Criminal Division of the Department of Justice wrote to our family, describing the arrests and convictions of these people, referring to them in the Government's own reports as "terrorists." Perhaps the President should read this letter, which I am also attaching to this written hearing statement.

Terrorism is one of the major problems facing the world as we enter the new century. While terrorism continues on from many foreign and domestic sources, the nation thought that the threat from FALN terrorists had been at least eradicated almost 20 years ago. Thanks to the President's callous disregard, the threat is now back and the world is a less safe place as a result. I keep hearing the President repeating that we have to protect our children. Is unleashing unrepenting, hardened killers on society the way to do so? It shouldn't "Take A Village" to see that trampling on the rights of victims, and ignoring proven prevention techniques in our criminal justice system for considering and denying clemency applications, is not the way to fight terrorism.

[Attachments]

OFFICE OF THE CARDINAL,
1011 FIRST AVENUE,
New York, NY, April 13, 1999.

DEAR JOSEPH: I received your letter concerning my support for a review of the cases of 15 Puerto Rican federal prisoners. I understand your opposition given the terrible tragedy that your family experienced in the loss of your father. I believe that this kind of terrorist action must be condemned, I am sorry for what you have suffered.

My request to Attorney General, Janet Reno was for a review of these cases. I believe that there are many factors which must be considered, including the renunciation of violence as a means of achieving political ends, as I stated in my letter. I also believe, with you, that an expression of remorse for these crimes, should also be considered in determining humanitarian release.

I appreciate your sharing your views with me.

Faithfully in Christ,

JOHN CARDINAL O'CONNOR,
Archbishop of New York.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, DC, January 6, 1998.

Mr. JOSEPH F. CONNOR

DEAR MR. CONNOR: Your letter to Attorney General Janet Reno, in which you request a greater recognition on the part of the U.S. Government of the terrorist crimes perpetrated by the FALN in the 1970's, has been forwarded to the Criminal Division for response. We apologize for our delay in responding.

In your letter, you express your desire that the crimes committed by William Morales, the alleged leader of the FALN presently residing in Cuba, and by other members of the FALN be publicly condemned by the U.S. Government as crimes of terrorism. William Morales was sentenced in New York to a 29- to 89-year prison term on state charges and up to 10 years in prison on federal charges. However, after escaping from a New York hospital in 1979, he made his way to Mexico. In 1983, he was convicted in Mexico for the killing of a police officer and sentenced to eight years in prison. Mexican authorities released Morales from prison after he had served five years, rejecting a long-pending U.S. extradition request on grounds that Morales was a "political fighter for the independence of Puerto Rico." The United States expressed its disagreement with this decision, stating that the U.S. Government was "deeply disturbed that an individual with Morales' record of criminal behavior . . . [w]ould even be considered for possible political refugee status." Since 1988, the Government of Cuba has apparently provided safe harbor for Morales.

In addition, numerous members of the FALN were arrested in 1980 for their involvement in 28 bombings aimed at gaining independence for Puerto Rico. They were convicted in 1981 on thirteen counts that included seditious conspiracy, auto theft, illegal use of weapons, and plotting to kidnap. Three other FALN terrorists were arrested in 1983 for attempting to bomb U.S. military installations, for auto theft, and for attempted armed robbery. An additional two terrorists were arrested in 1986 on charges of robbery. Thus, in the case of the crimes perpetrated by the FALN, including the 1975 Fraunces Tavern bombing, the United States has pursued its policy of vigorously investigating and prosecuting those acts of terrorism which significantly impact on U.S. interests. In accord with this policy, the Federal Bureau of Investigation remains committed in its investigative efforts to apprehend William Morales. It is our hope that by aggressively pursuing and prosecuting terrorists, we will, deter others who might contemplate committing such crimes.

We extend to you and your family our condolences on the loss of your father, Frank T. Connor, in 1975. We thank you for sharing your concerns with us and hope that this matter may one day be resolved.

Sincerely,

RONNIE L. EDELMAN,
*Principal Deputy Chief,
Terrorism and Violent Crime Section.*

Senator COVERDELL. Thank you, Mr. Connor. We appreciate very much your being here, and I hope you will take some comfort from the fact that there are many who feel deeply about the loss of your father or any other citizen. I think you will see expressions responding to that in the people's branch of Government, and I hope that will be of some comfort to you and your family.

Mr. CONNOR. Thank you.

Senator COVERDELL. The questions that you posed we would like to receive a copy of. There will be other committees of jurisdiction dealing with the subject. Some of the questions you raise deal with the judiciary. So, if we can receive the questions that you pose, we will endeavor to respond to them and also pass those questions on to the Judiciary Committee. Most of them have application there; i.e., proper notification of victims and/or other officials, which I raised in my opening statement as to whether or not somebody is at risk here and were they appropriately notified.

Mr. CONNOR. I have a written statement I can provide to you and your staff.

Senator COVERDELL. OK, very good. We appreciate that very much.

Mr. Gallegos, we will now turn to you for your testimony.

STATEMENT OF GILBERT G. GALLEGOS, NATIONAL PRESIDENT OF THE GRAND LODGE, FRATERNAL ORDER OF POLICE

Mr. GALLEGOS. Thank you, Mr. Chairman. My name is Gilbert Gallegos. I am the national president of the Fraternal Order of Police, which is the largest law enforcement organization in the country, 283,000 members.

I had hoped to appear before you today to urge the President, along with you, to withdraw his offer of clemency for these 16 convicted terrorists, who are members of the Armed Forces of National Liberation. When we talk about liberation, we talk about liberty, and I challenge them and the President to really outline how you can use violence for liberation. It is ironic that these terrorists, or as I really view as simply criminals, are given the opportunity to have clemency, but yet the law enforcement profession, the American people have never been allowed to have a voice. Yet, these criminals, these terrorists, were allowed to have a voice on their own freedom.

Today we join you, the Senate subcommittee, and all concerned Americans about trying to determine why this decision was made in hopes that other murderous criminals will not be released as long as they have vague promises that they are going to abjure violence when they leave prison.

What basically we have done, through this action of the President, is we have opened the door for other inmates across the spectrum of criminals in this country to be able to negotiate their own release because that is exactly what happened in this case. The President of the United States allowed for negotiations with criminals on how and under what conditions they were going to be released.

We in the law enforcement profession have been supportive of Congressman Fossella's efforts in the House, and we supported

Concurrent Resolution 180. It passed last week, and surprisingly, 43 Members of the House voted against it, which I do not understand. While we know that this resolution is not binding on the President and it will not reverse the President's decision, it is important to make clear to the President and to the American people where we stand. And I congratulate the Congress—or at least the House—for the efforts that they have taken in this matter. Political considerations should never be a reason to offer clemency to any criminal or any terrorist, especially when the public safety is at risk.

We can make no mistake that the FALN is a militant terrorist organization with violent and separatist goals. And we will see them again. We have heard the things that they can do.

The claims from the White House that there was no violence, that they were not directly involved in the death of anyone or injuries of these fine officers or anybody else, I think is a slap in the face to the families of the victims, to these officers themselves, and to the American people. Anytime that we release terrorists in this manner it is a slap in the face.

It is a slap in the face to law enforcement because, after all, we have to deal on the front lines with terrorists and criminals throughout this country. We know that violence is a serious problem in this country, and the release, the clemency has added to that problem.

It is ironic that they were given the opportunity to negotiate and to talk about and to have a joint conference call on how they were going to handle this. I do not think other inmates are given that opportunity. They had to agree to send a letter requesting commutation, and then they have to abide by the rules, as are set out by the Parole Commission.

It is really kind of weird again when we really stop to think about it, but they were given all these opportunities and still they did not react immediately. Why? Because we know that they are committed to continuing their violence, and some day I am afraid that they will be out again to bomb and to terrorize not only the people of Puerto Rico, but also the people of the United States.

It was mentioned before about the Secretary of State and her words about the deadly U.S. Embassy bombings in Africa where she vowed to wage an all-out war against terrorism. That was a week before this clemency took place. So, now should our Secretary of State go out and be saying we are going to wage an all-out effort to get terrorists to promise to renounce violence? To put it just very straightforward, how lame can we as country be that we are going to deal with terrorism in such a weak manner?

We are sending a message to not only foreign terrorists, but domestic terrorists, and the wrong message that we are sending is that one of these days we will forgive you for those acts of violence that you may commit or conspire to commit.

The President would have us believe that the sentences for the terrorists were unjustly harsh. Mr. Chairman, I reject that notion. There was justice in the sentences that they received by the courts, and I reject any suggestion that we ought to free those who wage a war of terror to achieve political ends. This is what puts us at a different path than the President of the United States, and if I

have to differ with the President or anybody else on this issue, I certainly will.

So, the question that we have before us today—and we will for many days—is, why was this done?

Mr. Joe Lockhart, who is the Presidential spokesman, said this was a painstaking decision. Again, how lame can they be? If you are righteous, you do not have a painstaking decision. You make the decision based on the facts and on the correct issues. There should not have been anything painstaking about this decision. They knew that they were wrong.

So, that is why you have to question whether this was done for political reasons. There are a lot of theories about that as to whether this was done for political reasons, as to whether this was done to enhance the senatorial campaign of the First Lady. She in fact, as we all know, has retreated from her original position and advised the President to rescind his act of clemency, and I applaud her for that. She finally saw the light and she knew that something was wrong by this clemency act, but a little bit too late I think. So, perhaps this decision was all made in the act of a political patronage approach to how they were going to deal with this issue.

There are other issues out there regarding clemency. Let me give you an example in how this differs from those that are out there, those others that are under consideration.

There is a former police officer named Robert Couch who was formerly from the Covington, Kentucky Police Department. In 1989, he was involved in a high speed chase. Anyway, there was a confrontation, struggle. The person was arrested. The person ultimately was convicted. A year and a half later, after three grand juries, this officer was indicted for civil rights violations. He was convicted, went through the appeals process, and currently is serving 63 months in the Federal penitentiary.

Thousands of people, including law enforcement organizations, across this country have asked the President to give this officer clemency. His acts did not amount to terrorism or extreme violence. He used necessary force to make an arrest, but they made an example out of him. But yet, we can get it for terrorists, but we cannot get it for a police officer who acted within the scope of his duty. I think that is manifest injustice. But on the one hand, the President speaks out of both sides of his mouth as to what is justice and what is injustice.

I do not know why the President offered the clemency. It does not make any sense to me. And I think as you go further into your deliberations, you will find that it is not going to make any sense to you because we will never really know the truth.

I know the decision reached here was wrong, terribly, terribly wrong. As I would like to say,

[Spanish spoken.]

What I said was some day these people will once again be in prison because I am certain that they are going to commit other acts unfortunately for the American people and the Puerto Rican people. So, I think that their ugly head is going to rise again, and this country had better be prepared to deal with that ugly head of violence, terrorism, and criminal activity.

Mr. Chairman, I want to thank you and Senator Kyl for allowing us to speak today because this is an important matter to law enforcement and to the American people.

I will stand for any questions, Mr. Chairman.

[The prepared statement of Mr. Gallegos follows:]

PREPARED STATEMENT OF GILBERT G. GALLEGOS

Good morning, Mr. Chairman and distinguished members of the Senate Subcommittee on the Western Hemisphere, Peace Corps, Narcotics and Terrorism. My name is Gilbert G. Gallegos, National President of the Grand Lodge, Fraternal Order of Police. The F.O.P. is the nation's largest organization of law enforcement professionals, representing more than 283,000 rank-and-file law enforcement officers in every region of the country.

I had hoped to appear before you today to again urge the President to withdraw his offer of clemency to the sixteen convicted terrorists and members of the Armed Forces of National Liberation, or FALN to use its Spanish initials. Sadly, twelve have already accepted that clemency and are, or will be, at large once again. We should make no mistake—the President has used his constitutional power to release convicted terrorists, despite the opposition of Federal law enforcement officials, despite the objections from the law enforcement community and despite the pleas of the victims and families of the dead killed in their wave of bomb attacks.

Today, the F.O.P., instead of renewing its call to withdraw an offer of clemency for terrorist bombers, now joins this Senate Subcommittee and all concerned Americans in trying to determine why this decision was made in the hopes that we can ensure that no more murderous criminals will be released so long as they make vague promises to abjure violence when they leave prison.

The F.O.P. strongly supported House Concurrent Resolution 180, offered by Congressman Vito Fossella (R-NY), which passed the House of Representatives last week in an overwhelming and bipartisan vote. Only forty-three members of Congress voted against the resolution for reasons which are unclear to me and virtually every other law enforcement officer in our country. While this resolution, or any other act of Congress cannot reverse the President's offer, it is important that we make clear to the President the views of the law enforcement community and the American public. Political considerations should never compromise the public safety, and, as the safety of the public has been compromised in this instance, it behooves us to learn why.

Make no mistake, the FALN is a militant terrorist organization with violent, separatist goals. Between 1974 and 1983, the FALN staged a series of bombing attacks on United States political and military targets, mostly in New York City and Chicago. These acts of terrorism claimed the lives of six people, Mr. Chairman. Scores were wounded and some, including three New York City police officers, were permanently maimed by the powerful explosives planted by the FALN.

Let me describe to you a series of bomb attacks which occurred on the evening of 31 December 1982. At close to 9:30 p.m., a powerful explosion rocked the building at 26 Federal Plaza. Members of the New York City bomb squad arrived on the scene minutes later and just as they began their investigation, a second explosion, the blast of which could be felt blocks away, occurred at the Brooklyn Federal Courthouse. And the night was just beginning.

Moments later a third explosion ripped into police headquarters at One Police Plaza. The blast was so powerful that it blew out the heavy glass and frame of a revolving door. This bomb, however, did more than several thousands of dollars worth of structural damage to a government building. This blast hit Detective Rocco Pascarella, blowing away most of his left side. Detective Pascarella survived the blast, but he lost his left leg, his left ear and his left eye.

Detectives Anthony S. Senft and Richard Pastorella of the New York City Police Department, who had been on the scene to investigate the aftermath of the earlier blasts now realized that there were more bombs in the area. The streets were clogged with New Year's Eve revelers, many of whom did not speak English and did not recognize the plain-clothes detectives as police. Many of these innocent bystanders had to be bodily removed from the scene.

With much precious time having elapsed, the two detectives prepared to disarm one of the bombs. It went off in their faces.

Detective Senft was blown backward eighteen feet into the air. He found himself blind and deaf with a fractured right hip, his face riddled with concrete, metal and other debris. Extensive surgery eventually allowed Detective Senft to recover some of the sight in his left eye and some of the hearing in his left ear.

Detective Pastorella was not so lucky. The explosion tossed him twenty-five feet, blew off all the fingers on his right hand and left him blind in both eyes. He has had thirteen major operations and twenty titanium screws inserted just to hold his face together.

While most people watched the ball drop in Times Square or on their television sets, these three officers were fighting for their lives in emergency surgery.

It is true that none of the sixteen terrorists offered clemency by President Clinton were convicted of placing any of the bombs that ripped through New York City on that tragic New Year's Eve. Yet the claims of this White House that none of them were involved in violence, nor directly involved in any deaths or injuries is not only false and self-serving, but a slap in the face to the families of the six dead and the scores of wounded and maimed victims. Law enforcement officials worked hard to get these terrorists behind bars, not to extract a promise from them to swear off their evil ways and send them on their way. It might be remembered that the wave of violence and murder which ruled Chicago ended when Al Capone was convicted of tax evasion, just as the wave of bombing attacks in the United States ended when these sixteen were imprisoned. Should Al Capone also have been granted clemency because he was "not directly involved" with any deaths?

Let me review for the record the names and crimes of these sixteen terrorists and then allow you to judge for yourselves whether or not these individuals were "not involved" with the violent acts of the group they formed.

- Elizam Escobar, convicted on 18 February 1981 of seditious conspiracy (18 U.S.C. 2384), interference with interstate commerce by threats or violence (18 U.S.C. 1951), possession of an unregistered firearm (18 U.S.C. 5861(d)), carrying firearms during the commission of seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(b)), interstate transportation of firearms with the intent to commit seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(c)) and interstate transportation of a stolen vehicle (18 U.S.C. 2312);

Escobar was sentenced to sixty years, and has been released. The President commuted his total effective sentence to less than twenty-five years.

- Ricardo Jimenez, convicted on 18 February 1981 of seditious conspiracy (18 U.S.C. 2384), interference with interstate commerce by threats or violence (18 U.S.C. 1951), possession of an unregistered firearm (18 U.S.C. 5861(d)), carrying firearms during the commission of seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(b)), interstate transportation of firearms with the intent to commit seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(c)) and interstate transportation of a stolen vehicle (18 U.S.C. 2312);

Jimenez was sentenced to ninety years, and has been released. The President commuted his total effective sentence to twenty-five years.

- Adolfo Maltos, convicted on 18 February 1981 of seditious conspiracy (18 U.S.C. 2384), interference with interstate commerce by threats or violence (18 U.S.C. 1951), possession of an unregistered firearm (18 U.S.C. 5861(d)), carrying firearms during the commission of seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(b)), interstate transportation of firearms with the intent to commit seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(c)) and interstate transportation of a stolen vehicle (18 U.S.C. 2312);

Maltos was sentenced to seventy years, and has been released. The President commuted his total effective sentence to less than twenty-five years.

- Dylcia Noemi Pagan, convicted on 18 February 1981 of seditious conspiracy (18 U.S.C. 2384), interference with interstate commerce by threats or violence (18 U.S.C. 1951), possession of an unregistered firearm (18 U.S.C. 5861(d)), carrying firearms during the commission of seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(b)), interstate transportation of firearms with the intent to commit seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(c)) and interstate transportation of a stolen vehicle (18 U.S.C. 2312);

Pagan was sentenced to fifty-five years, and has been released. The President commuted her total effective sentence to twenty-six years.

- Alicia Rodriguez, convicted on 18 February 1981 of seditious conspiracy (18 U.S.C. 2384), interference with interstate commerce by threats or violence (18 U.S.C. 1951), possession of an unregistered firearm (18 U.S.C. 5861(d)), car-

rying firearms during the commission of seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(b)), interstate transportation of firearms with the intent to commit seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(c)) and interstate transportation of a stolen vehicle (18 U.S.C. 2312);

Alicia Rodriguez was sentenced to fifty-five years, and has been released. The President commuted her total effective sentence to four years.

- Ida Luz Rodriguez, convicted on 18 February 1981 of seditious conspiracy (18 U.S.C. 2384), interference with interstate commerce by threats or violence (18 U.S.C. 1951), possession of an unregistered firearm (18 U.S.C. 5861(d)), carrying firearms during the commission of seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(b)), interstate transportation of firearms with the intent to commit seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(c)) and interstate transportation of a stolen vehicle (18 U.S.C. 2312);

Ida Luz Rodriguez was sentenced to seventy-five years, and has been released. The President commuted her total effective sentence to twenty-three years.

- Luis Rosa, convicted on 18 February 1981 of seditious conspiracy (18 U.S.C. 2384), interference with interstate commerce by threats or violence (18 U.S.C. 1951), possession of an unregistered firearm (18 U.S.C. 5861(d)), carrying firearms during the commission of seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(b)), interstate transportation of firearms with the intent to commit seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(c)), and interstate transportation of a stolen vehicle (18 U.S.C. 2312);

Rosa was sentenced to seventy-five years, and has been released. The President commuted his total effective sentence to less than five years.

- Carmen Valentin, convicted on 18 February 1981 of seditious conspiracy (18 U.S.C. 2384), interference with interstate commerce by threats or violence (18 U.S.C. 1951), possession of an unregistered firearm (18 U.S.C. 5861(d)), carrying firearms during the commission of seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(b)), interstate transportation of firearms with the intent to commit seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(c)), and interstate transportation of a stolen vehicle (18 U.S.C. 2312);

Valentin was sentenced to ninety years, and has been released. The President commuted her total effective sentence to less than twenty-five years.

- Alberto Rodriguez, convicted on 4 October 1985 of seditious conspiracy (18 U.S.C. 2384), conspiracy to make destructive devices (18 U.S.C. 371 and 26 U.S.C. 5861(f)), possession of an unregistered firearm (18 U.S.C. 5861(d)), possession of a firearm without a serial number (26 U.S.C. 5861(I)), and conspiracy to obstruct interstate commerce by robbery (18 U.S.C. 1951);

Alberto Rodriguez was sentenced to thirty-five years, and has been released. The President commuted his total effective sentence to twenty-six years.

- Alejandrina Torres, convicted on 4 October 1985 of seditious conspiracy (18 U.S.C. 2384), possession of an unregistered firearm (18 U.S.C. 5861(d)), conspiracy to make destructive devices (18 U.S.C. 371 and 26 U.S.C. 5861(f)), unlawful storage of explosives (18 U.S.C. 842(j)), and interstate transportation of a stolen vehicle (18 U.S.C. 2312);

Torres was sentenced to thirty-five years, and has been released. The President commuted her total effective sentence to twenty-six years.

- Edwin Cortes, convicted on 4 October 1985 of seditious conspiracy (18 U.S.C. 2384), possession of an unregistered firearm (18 U.S.C. 5861(d)), conspiracy to make destructive devices (18 U.S.C. 371 and 26 U.S.C. 5861(f)), unlawful storage of explosives (18 U.S.C. 842(j)), interstate transportation of a stolen vehicle (18 U.S.C. 2312), possession of a firearm without a serial number (26 U.S.C. 5861(i)) and conspiracy to obstruct interstate commerce by robbery (18 U.S.C. 1951);

Cortes was sentenced to thirty-five years, and has been released. The President has commuted his total effective sentence to twenty-six years.

- Juan Enrique Segarra-Palmer, was convicted on 15 June 1989 of robbery of bank funds (18 U.S.C. 2113(a)), transportation of stolen money in interstate and foreign commerce (18 U.S.C. 2314), conspiracy to interfere in interstate com-

merce by robbery (18 U.S.C. 1951), interference with interstate commerce by robbery (18 U.S.C. 1951), and conspiracy to rob Federally insured bank funds, commit a theft from an interstate shipment, and transport stolen money in interstate and foreign commerce (18 U.S.C. 371);

Segarra-Palmer was sentenced to fifty-five years and a \$500,000 fine. He has been released and the unpaid balance of his fine waived. The President commuted his total effective sentence to less than thirty years.

- Roberto Maldonado-Rivera, was convicted on 9 June 1989 of conspiracy to rob Federally insured bank funds, commit a theft from an interstate shipment, and transport stolen money in interstate and foreign commerce (18 U.S.C. 371); and

Maldonado-Rivera was sentenced to five years in prison and a \$100,000 fine. The President has waived the unpaid balance of this fine.

- Norman Ramirez-Talavera, was convicted on 9 June 1989 of conspiracy to rob Federally insured bank funds, commit a theft from an interstate shipment, and transport stolen money in interstate and foreign commerce (18 U.S.C. 371).

Ramirez-Talavera was sentenced to five years in prison and a \$50,000 fine. The President has waived the unpaid balance of this fine.

- Oscar Lopez-Rivera, was convicted on 11 August 1981 of seditious conspiracy (18 U.S.C. 2384), interference with interstate commerce by threats or violence (18 U.S.C. 1951), possession of an unregistered firearm (18 U.S.C. 5861(d)), carrying firearms during the commission of seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(b)), interstate transportation of firearms with the intent to commit seditious conspiracy and interference with interstate commerce by violence (18 U.S.C. 924(c)) and interstate transportation of a stolen vehicle (18 U.S.C. 2312);

- Oscar Lopez-Rivera, was convicted a second time, on 26 February 1988 of conspiracy to escape, to transport explosives with intent to kill and injure people, and to destroy government buildings and property (18 U.S.C. 371 and 1952(a)(3)), aiding and abetting travel in interstate commerce to carry on arson (18 U.S.C. 2 and 1952(a)(3), and using a telephone to carry on arson (18 U.S.C. 1952(a)(3));

Lopez-Rivera was sentenced to fifty-five years and fifteen years, respectively. He has rejected the offer of clemency, which would commute his total effective sentence from seventy to forty-four years.

- Antonio Camacho-Negron, was convicted on 9 June 1989 of foreign transportation of stolen money (18 U.S.C. 2314), and conspiracy to rob Federally insured bank funds, commit a theft from an interstate shipment, and transport stolen money in interstate and foreign commerce (18 U.S.C. 371);

Camacho-Negron was sentenced to fifteen years and a \$100,000 fine. He was released on parole after serving some time, but returned to prison in February 1998 for again becoming active in the FALN. He has rejected the President's offer of clemency, which would have remitted the unpaid balance of his fine.

As I mention here, the last two did not accept the President's offer. While we can all be grateful that there are two less terrorists on the streets than the President wanted, the very fact that they were given the opportunity to *reject* such an offer is a slap in the face to law enforcement officers everywhere.

President Clinton offered these terrorists clemency on 12 August and attached certain conditions to their release. First, each must submit a signed written statement requesting the commutation of the sentence. They must agree to abide by all conditions of release imposed by law or the Parole Commission, and renounce the use or threatened use of violence for any purpose.

Let us examine for a moment, the crimes for which these terrorists were convicted, because, as the President reminds us, none of the above were convicted of killing or injuring anyone. The first and most serious crime is seditious conspiracy. At one time, sedition was a hanging offense.

Other offenses for which these violent would-be revolutionaries were convicted include a variety of firearms and explosive offenses. This Administration cannot seem to decide what message to send—it has continually pushed for new gun control laws, has utterly failed to enforce the ones on the books and now, it seems, it is willing to grant clemency even to those offenders it does manage to lock up. In my opinion, the more we examine this case the less sense it makes.

A week prior to the offer of clemency for these terrorists, Secretary of State Madeleine Albright, speaking on the anniversary of the deadly U.S. Embassy bombings in Africa, vowed to wage an all-out war against terrorism. Did that policy change

in just a week? Should our Secretary of State have instead promised to wage an all-out effort to get terrorists to promise to renounce violence?

What message are we sending to terrorists—domestic and foreign, and what message are we sending to those violating our gun laws?

Buford O. Furrow, Jr., the man who shot and wounded five at a Jewish Community Center was in violation of numerous firearms laws. Yet this has not stopped the Administration or others from pointing to this tragedy to score political points in favor of additional gun control.

Mr. Furrow is a racist who committed this heinous act as, in his words, “a wake-up call to America to kill Jews.” His repugnant crimes include many of the same crimes for which the FALN terrorists were convicted—felony possession of a firearm and carjacking to name a few. Will Mr. Furrow be granted clemency next? How were his crimes any different than that of the FALN terrorists? Like Mr. Furrow, they chose specific targets—government buildings and government employees. The 1975 bombing of Fraunces Tavern was aimed at businessmen, whom they called “imperialistic capitalists,” whose companies did business with Puerto Rico. These, too, are crimes of hate—a “wake-up call” in a war of nerves between the Federal government and these violent Puerto Rican separatists. The Administration is pushing hate crimes legislation with one hand, and setting free criminals guilty of similar crimes with the other.

Consider the text of S. 1406, a bill introduced by Chairman Hatch to combat hate crimes:

SEC. 249. INTERSTATE TRAVEL TO COMMIT HATE CRIMES

(a) IN GENERAL.—A person, whether or not acting under color of law, who—(1) travels across a State line or enters or leaves Indian country in order, by force or threat of force, to willfully injure, intimidate, or interfere with, or by force or threat of force to attempt to injure, intimidate, or interfere with, any person because of the person’s race, color, religion, or national origin; and

(2) by force or threat of force, willfully injures, intimidates, or interferes with, or by force or threat of force attempts to willfully injure, intimidate, or interfere with any person because of the person’s race, color, religion, or national origin, shall be subject to a penalty under subsection (b).

(b) PENALTIES.—A person described in subsection (a) who is subject to a penalty under this subsection—

(1) shall be fined under this title, imprisoned not more than 1 year, or both;

(2) if bodily injury results or if the violation includes the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title, imprisoned not more than 10 years, or both; or

(3) if death results or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill—

(A) shall be fined under this title, imprisoned for any term of years or for life, or both; or

(B) may be sentenced to death.

These terrorists chose their targets on the basis of national origin. They used firearms and explosives to kill Americans, whom they falsely perceived to be keeping Puerto Rico in colonial bondage. Does the Administration want to punish hate crimes, or release the practitioners of hate crimes? If Senator Hatch’s legislation were law, they could have been sentenced to death.

The Administration strongly supports S. 622, which also would have resulted in life sentences for these terrorists:

SEC. 4. PROHIBITION OF CERTAIN ACTS OF VIOLENCE

Section 245 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

(c)(1) Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

(A) shall be imprisoned not more than 10 years, or fined in accordance with this title, or both; and

(B) shall be imprisoned for any term of years or for life, or fined in accordance with this title, or both if—

- (i) death results from the acts committed in violation of this paragraph; or
- (ii) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

Under Senator Kennedy's legislation, these terrorists, who targeted Americans could have been sentenced to life. Instead, all have been released by the President after serving only a fraction of their sentences.

The President would have us believe that the sentences for the FALN bombers were unusually harsh. The President also noted that human rights leaders like Archbishop Desmond Tutu urged that these criminals had served enough time for their violent crimes. I might remark at this time that Archbishop Tutu also advocates the release of Mumia Abu-Jamal, a convicted cop-killer who murdered Philadelphia Police Officer Daniel Faulkner in 1981. He was convicted in 1982, and had Post-Conviction Relief Act (PCRA) hearings in 1995, 1996 and 1997. On each of those three occasions, the Pennsylvania Supreme Court upheld the conviction and the death sentence. Will he be offered clemency next? Why is it, Mr. Chairman that these so-called "human rights" activists are so selective about who is entitled to these rights? What about Danny Faulkner and his widow Maureen? What about Tom and Joe Connor, whose father was killed by the FALN? What about Detectives Pascarella, Senft and Pastorella? Do they not have rights in the view of these advocates? I reject, Mr. Chairman, that there was any injustice in the sentences of these sixteen terrorists and I reject any suggestion that we ought to free those who aim to wage a war of terror to achieve political ends. If this puts me at odds with President Clinton and others, then so be it.

It should also be remembered that President Carter pardoned three Puerto Rican nationalists who were convicted in a 1954 shooting attack on the U.S. House of Representatives that wounded five law makers. Two Congressional pages who were on the floor at the time of the attack were later elected to Congress—the late Bill Emerson (R-MO) and Representative Paul E. Kanjorski (D-PA). A fourth nationalist, convicted of the murder of a Federal law enforcement officer, attempted assassination of President Harry S Truman and assault with the attempt to kill in 1950, was also pardoned by President Carter in 1979. We disagreed with President Carter's decision then, as we disagree with President Clinton's now—nationalists whose love of country can only be expressed by shooting sprees, assassination plots and bombing attacks are nothing more than terrorists.

At the time of the President's offer of clemency, Congress was out of session. I, along with nearly four thousand members of the Fraternal Order of Police representing law enforcement officers from every region of the country, were at our 54th Biennial Conference. This Administration seems to have a penchant for making bad decisions when they know media coverage will be scarce.

In any case, in part because of the efforts of the Fraternal Order of Police, the story, once confined to single paragraph Associated Press news bulletins, grew. By the next week, the offer was front page headlines, with news and political commentators speculating that the offer was a calculated attempt to appeal to the 1.3 million voters of Puerto Rican descent in the State of New York, where the First Lady may run for a Senate seat. In my own letter to the President on 18 August, I urged him not to play politics with terrorists and admonished him that releasing violent criminals was no way to gain votes or appeal to racial pride.

Whether or not the offer of clemency was indeed made with the aim of helping the First Lady's potential campaign for the Senate, I cannot say. I can say that I do not understand what possible motive the President could have—releasing terrorist to gain votes for his wife makes no more sense to me than does the claim that it was an attempt to appease "human rights" advocates.

By 25 August, the offer of clemency was a national story, prompting the White House to issue a statement: "There is absolutely no connection between the President's decision here and [the First Lady's] possible campaign." Ten days later, the First Lady publically urged the President to rescind his offer. Of course, the terrorist accepted the offer three days later on 8 September.

Thus, we are still left with the question—why?

We also must factor into our consideration the clemency process, described by Presidential spokesperson Joe Lockhart as "painstaking." Be that as it may, according to published reports, the clemency offer was opposed by the Federal Bureau of Investigation and the former prosecutors who brought the cases against these terrorists. The most noteworthy news reports, however, revolve around the position of the Bureau of Prisons, an agency which only very rarely participates in pardon or clemency debates. In this case, they did take a position and recommended strongly

against the offer. The reports of the tape recordings on which these bombers discussed a return to their terrorist activities may or may not exist. It is BOP policy to tape record all phone conversations which are not protected by attorney-client privilege, but while the tapes are reviewed, they are not necessarily retained. The truth is, we may never get to hear the tapes.

White House sources have stated that former White House Counsel Charles F.C. Ruff recommended that the clemency be granted. Other news reports reveal that clemency for these terrorists was the top priority of Jeffery Farrow, co-chairman of the President's Interagency Group on Puerto Rico. Mr. Farrow has recently been included in a Congressional probe of potential illegal activities at the Interior Department.

My question is what was so painstaking about the process? That it took Mr. Farrow from November 1997 to obtain the terrorists' release or the political and public safety ramifications of ingoring the recommendation of Federal law enforcement agencies?

The President has the power to grant clemency and to grant pardons, both are clearly spelled out in the Constitution. There is no Constitutional requirement that the motive be pure or the decision be sound. Former President and Chief Justice William Howard Taft, writing for the Supreme Court in *Ex parte Grossman*, 267, U.S. 87 (1925), noted, "Our Constitution confers this discretion on the highest officer in the nation in confidence that he will not abuse it." I submit to you, Mr. Chairman, that my confidence has been sorely shaken. One can only hope that Timothy McVeigh and Terry Nichols are not also on the President's list of people to pardon before his term ends. Perhaps McVeigh and Nichols were a bit more "successful" by a terrorist's standards, but there is very little difference in the nature of the crimes committed.

What about William Morales? He is the husband of one of the terrorists released last week by the President and is the self-professed leader of the FALN, described as the "bombing mastermind" behind the group's wave of attacks. In 1979, he was caught and sentenced to 89 years in prison. He served only three months before escaping to Cuba where he now lives in relative luxury along with numerous other violent criminals who have fled this country. Ironically, he is actively applying for amnesty and has asked President Clinton to grant him the freedom to return to the country he once terrorized. This is a man who once expressed that the people left dead as a result of their bombing attacks were "casualties of war." Should he, too, be granted amnesty for his crimes as long as he promises to never, ever bomb anyone again?

Who else, then, is on the President's list for pardons and clemency? The President has exercised this power on only three previous occasions. Once to pardon a perjurer, another time to pardon a person convicted of a marijuana drug offense. The offer of clemency to unrepentant terrorists, though, certainly seems out of place.

Just for the sake of comparison, the President has granted clemency to sixteen terrorist bombers, but not Officer Robert Couch. Officer Robert Couch, formerly of the Covington, Kentucky Police Department, was engaged in a high-speed pursuit in August of 1989. The driver, who admitted to being suicidal, stopped his vehicle and assaulted the officers who had pursued him. After a fight, the driver was charged with, among other things, assault on a police officer, and found guilty of attempted assault.

A year and a half later, after three grand juries, Officer Couch was indicted for violating the civil rights of the driver and obstruction of justice. Mr. Chairman, no person—and that includes the driver—made complaints of any kind. Despite the indictment, Officer Couch was granted a bond of recognizance and continued to function as a police officer in Covington.

Officer Couch was convicted, but permitted to remain free throughout the appeals process. The "obstruction of justice" conviction was overturned by the Sixth Circuit, but denied the officer a new trial. Following the exhaustion of all legal means, Officer Robert Couch was sentenced to 63 months in prison.

Mr. Chairman, I do not underestimate the situation at all when I say that this is the very definition of manifest injustice. If there is anyone who ought to be extended an offer of Presidential clemency it is Officer Robert Couch. He is an honorable man and a good law enforcement officer. I cannot understand why the President is pardoning terrorists when the Fraternal Order of Police and thousand of others have written in to support clemency for Officer Couch. The power of the President to grant clemency and issue pardons is supposed to correct injustices, not commit them.

I do not know why the President offered clemency to sixteen Puerto Rican terrorists. I believe that even if I did know why, it would not make any sense to me. Perhaps it was a political maneuver which backfired, or perhaps it was a genuine effort

to appease "human rights" activists. I do know, however, that the decision was reached and for whatever reason it was decided, it was wrong. Terribly, terribly wrong.

Mr. Chairman, I want to thank you and the other members of this distinguished Subcommittee for inviting me here this morning to offer the views of the Fraternal Order of Police on this matter. I would be pleased to answer any questions you may have for me.

GRAND LODGE, FRATERNAL ORDER OF POLICE,
ALBUQUERQUE, NEW MEXICO,
August 18, 1999.

The Honorable WILLIAM JEFFERSON CLINTON
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC.

DEAR MR. PRESIDENT: I am writing this letter on behalf of the more than 283,000 members of the Fraternal Order of Police to express our *vehement opposition* to your offer of clemency to sixteen convicted felons involved with a wave of terrorist bomb attacks on U.S. soil from 1974-83. I would also like to express my own personal confusion and anger at your decision.

Your offer of clemency would immediately release eleven convicted felons who conspired as members of the FALN to plant and explode bombs at U.S. political and military targets. The remaining five would have their criminal fines waived and only two would serve any additional time. These attacks killed six people, wounded dozens and maimed three New York City police officers: Detective Anthony S. Senft lost an eye and a finger, Detective Richard Pastorella was blinded and Officer Rocco Pascarella lost his leg.

Your claim that none of these people were involved in any deaths is patently false. As members of the terrorist organization that was planting these bombs, all of them are accessories to the killings as a result of the bomb attacks. Two of the persons to whom you have offered clemency were convicted of a \$7.5 million armored truck robbery, which undoubtedly financed the FALN's 130 bomb attacks.

These are not Puerto Rican patriots, these are convicted felons who are guilty of waging a war of terror against Americans on American soil to accomplish their political objectives. Why are you rewarding their efforts?

I can only assume you are again pandering for some political purpose. This time, Mr. President, it must stop before it begins.

The "human rights advocates" who are so concerned about the plight of these killers have never shed a tear for the victims. These "human rights advocates" are the same people and organizations who maintain that the United States routinely abuses the rights of its citizens and who issue reports stating that our state and local police officers are nothing more than racist thugs who enjoy brutalizing minorities. These "human rights advocates" are the same people and organizations who clamor for the release for Mumia Abu-Jamal, a convicted cop-killer, and raise money for his defense.

I do not know, Mr. President, how they decide which rights to advocate and which to ignore, but it seems that murderers and terrorists are more entitled to them than victims. Do not offer clemency to sixteen convicted felons to placate "human rights advocates."

I would also strongly urge you to reject any inclination or polling data that indicates this will generate sympathy for you or for a Democratic presidential candidate among Hispanic-Americans. As an Hispanic-American myself, I can assure you that releasing violent convicted felons before they have served their full sentences and to waive tens of thousands of dollars in criminal fines, is no way to appeal to racial pride.

I sincerely hope, Mr. President, that this ill-conceived notion is consigned to the pile reserved for horrendously bad ideas. Many of the best accomplishments of your presidency stemmed from your commitment to law enforcement and to police officers.

This aberration would surely eclipse all we have done to date to keep America safe. Police officers around the country, including me, have stood side by side with you in fighting violent crime and supporting your community policing initiatives. Caving into these advocates is a slap in the face.

I look forward to hearing from you about this matter.
Sincerely,

GILBERT G. GALLEGOS,
National President.

Senator COVERDELL. Thank you, Mr. Gallegos. I appreciate it very much.

As I indicated to Mr. Connor, there will be another hearing. I think it is scheduled for tomorrow where the Judiciary Committee will also be reviewing mainly the process issue; whereas, we have been very focused on the policy.

As I mentioned on the floor last week, I think it is very important. Well, I quoted a New York Times editorial that was a tortured attempt to exonerate or to support the President's decision, but even the editorial struggled with the mixed signal that is being sent. Then the editorial talked about the President being all too silent on the subject, which of course has been reinforced here today by the refusal of the administration to make itself accountable to the Congress or to take the opportunity to explain its own view of these circumstances.

Mr. Fossella, I hope that you will join us in an inquiry. It raised itself here in several of the comments, but I mentioned it prior to the testimony here. Who has been notified of this? I do not know where the judge is that had this exchange about a death penalty and being told, a United States Federal judge, that if we could assassinate you, we would do so. I do not know how many people are in harm's way here, and I think it is important that we discover that and determine what has been done to assure their safety.

Let me ask you this, principally the law enforcement officers. Congressman, you might want to respond to it as well. Senator Sessions last week in his presentation—he is a former district attorney and prosecutor—spent most of his time on the work of people like yourselves, law enforcement officers. He made the case that this signal—I have tended to focus on it in the context of what it says to the terrorist community or people that are contemplating engagement in this type of activity, but he focused on it principally from its effect on law enforcement itself, people who are spending every day and every night on the street, that thin line between a person's safety and a harmful act.

I would like the law enforcement officers to comment on their view of this as it would relate to the morale of active duty officers engaged in these activities right now. What does it say to them? The question is, does it say I should not put myself in harm's way? Let us begin with you, Detective Senft.

Mr. SENFT. Well, Senator, it demoralizes your whole concept of being a law enforcement officer. Virtually police officers throughout the United States go out there and think that they can do some sort of good for their community, and when these things happen and they strike you, it has a rippling effect throughout the whole United States. And we are there to do the right thing, contrary to what anybody thinks.

I will speak for New York City. We have 40,200 police officers in the city of New York. That is a lot of police officers. My understanding is we are the 18th largest army in the world. Obviously we have some good. We have mostly good police officers and we

have very few that are bad. But we have our bad, like any other occupation.

This destroys the heart and soul of every police officer that is out there doing what he has to do. It is in vain.

I just want to reflect on one point. I do not mean to go off the subject, but 2½ years ago, my wife and I wrote the President concerning this clemency offer.

Senator COVERDELL. Two and a half years ago.

Mr. SENFT. Two and a half years ago we wrote Janet Reno one letter, our President two letters, and since this is going on for the last 4 weeks, we have sent two more letters with absolutely no response.

Senator COVERDELL. Were any of the letters responded to?

Mr. SENFT. None of them, Senator, not one response.

Senator COVERDELL. What caused you to write the letter 2 years ago?

Mr. SENFT. Well, I was aware of the clemency. I had seen on one of the TV or history channels that William Morales was looking for amnesty to come back into the States to visit his mother. I say, stay where you are in Cuba with Joanne Chezama. So, he is looking to come back into the country.

We have said we should start writing some letters and find out from our President and from Janet Reno what is actually going on, and we could not get any response. Nothing at all.

Senator COVERDELL. So, you wrote the President—

Mr. SENFT. Yes.

Senator COVERDELL [continuing]. And the Attorney General.

Mr. SENFT. That is correct.

Senator COVERDELL. And you raised questions about what might be happening, and there was no response whatsoever.

Mr. SENFT. No response. Since this has been going on for the last 4 weeks, we wrote an additional two letters.

Now, about 2½ weeks ago, I was on a local TV channel with an activist for the FALN and her name was Alice Cordova. And she was a nice lady. She had her opinion and she can have her opinion because this is America. I think I read it somewhere that this was America. I have been embarrassed the last 4 months to be an American because of what is going on.

She told me, she said to me, Detective Senft, why did you not get involved in this 2½ years ago or 3 years ago? I said, we did. She said, well, we had a sit-down meeting with Janet Reno. I said, ma'am, I could not even get a letter answered from Janet Reno or from my President. And I am an American. When my children leave my house—and I have four sons—they leave with an American flag. Well, I was embarrassed that day to be an American, that I cannot get even a letter from my President.

Now, I do not expect him to handwrite it, obviously. We know that, but there is an awful lot of people surrounding our President that could possibly just send us a note and say, look, the decision has been made. We are sorry that you are concerned. I am sorry you were injured. I am sorry your life has been totally changed, but our decision has been made. I would have respected him for that decision, not that I agree with it, but I would respect the fact that he has that power to make that decision. It is ironic that these

things are happening, that you cannot even get an answer from your own country.

Senator COVERDELL. I am surprised. That is very, very informative that neither the Attorney General's office nor the White House would answer a letter from any citizen. It is hard to believe, and I believe it.

Mr. SENFT. I have written to Presidents before and I have got very prompt answers.

Senator COVERDELL. But on this subject, no answer.

Mr. SENFT. Not on this subject at all, no, sir.

Senator COVERDELL. It is quite amazing.

Mr. Pastorella, do you have a comment to make?

Mr. PASTORELLA. I do. I want to thank publicly Congressman Fossella's office and Congressman Fossella more directly for sending a telegram to the President on our behalf asking that we at least be given the privilege of giving a victim's impact statement to him. As I understand it, no response to that either.

Senator COVERDELL. Is that the case, Congressman?

Mr. FOSSELLA. That is correct.

Mr. PASTORELLA. The fact that our President has taken this stand on the freeing of these FALN terrorists strikes at the very heart of every law enforcement officer, at our confidence that we will be backed up by our Government for the actions that we perform on behalf of our citizenry. It is a disgrace that this has been perpetrated upon us. I cannot understand. I cannot fathom in my mind what would prompt our President to do this to us. We stand in the breach between chaos and civility.

He certainly knows well that this organization, the FALN, uses and prefers to use the bomb which is indiscriminate and is a weapon of mass destruction and the bullet and the gun to make their point, when in this beautiful, great country of ours, the first amendment is there for us to express ourselves, as we are here this day, in total freedom. We can express ourselves as long as it does not impinge on the rights of others. And that is what we are exercising here today.

Senator COVERDELL. I thank you, Mr. Pastorella.

Mr. Gallegos, you raised your hand a moment ago. I was just coming down the table.

Mr. GALLEGOS. Mr. Chairman, I too wrote to the President about this matter and have not received an answer to my letter. This was shortly after the first small bits of news were coming out regarding the clemency.

I have written to the President. I have been President of the FOP now for 4 years, and I have written to him on numerous occasions and have always received answers to my letters. To this one I have not received an answer.

And to another letter that I sent early on in the summer. This is regarding relations with Cuba, which brings up the issue of Mr. Morales, who is a wanted criminal and sanctioned to be in Cuba. I wrote to the President regarding other people who are in Cuba, Joanne Chezamar, who was involved in killing of a police officer several years ago and escaped from prison. There are three people that were escapees from New Mexico where they were involved in killing a State police officer and are now in Cuba. Now the admin-

istration wants to move toward normalizing relations with Cuba, which is a harbor for terrorists and criminals from the United States.

I think more importantly what this does is it kind of reinforces our notion that there is a common bond starting to emerge here where people that are criminals or violent terrorists, that they are some day going to be welcomed back into the United States and everything is all right. And that is what is emerging from this behavior by the President and this clemency action of the President.

It is very disconcerting to law enforcement because, as has been said, we are the front line between violence and safety for the American public, and when we have stood with the President of the United States—and I have personally stood with the President of the United States on several occasions—on the 100,000 police officer initiative, which I think is well worth the effort and I thank the Congress for the fact that they funded that program. On other law enforcement issues, we have stood shoulder to shoulder with the President, but with this action, all the good that has been done has been wiped away because of the total disregard for not only the victims of these criminals, but also for the good senses of law enforcement as to how we feel about clemency for terrorists and criminals. So, I think it has pretty much negated all the good that has been done by law enforcement over the last almost 8 years.

Senator COVERDELL. I appreciate your comment.

Mr. Connor, it looked to me like you were perusing your papers there and you have your own comment about this.

Mr. CONNOR. Yes, I have actually two things that I just want to touch on. One of them is regarding Mr. Morales and the communication between us and the Department of Justice. I actually did receive a letter back from the Department of Justice on this issue. I have been following up since 1990 or thereabouts on the status of Morales and the 16 in prison and have had regular communication with various parts of the Government.

In a January 6, 1998 letter I received, where I had asked that there be more recognition by the U.S. Government of the FALN, the fact that they were a terrorist organization—that was the point of my letter—and why, when we talk about terrorism, the FALN had kind of been forgotten. The Islamic side of it got the headlines, if you will.

And in this letter, I am just going to quote something here. For your information, Morales' hands were blown off and part of his face when he was building a bomb in New York City in 1979. He escaped from prison. I do not know how a guy with no hands escapes from prison, but he did. In any event, he was found in Mexico where he was arrested for killing a police officer in Mexico. In 1988 he was extradited to Cuba upon his request.

This is a quote from a letter from the Justice Department. It says, "Mexican authorities released Morales from prison after he had served 5 years, rejecting a long-pending U.S. extradition request on the grounds that Morales was 'a political fighter for the independence of Puerto Rico.' The United States expressed its disagreement with this decision"—it sounds familiar—"stating that the U.S. Government was deeply disturbed that an individual with Morales' record of criminal behavior would even be considered for

possible political refugee status. Since 1988 the Government of Cuba has apparently provided safe harbor for Morales.”

The Mexicans did what we have done and we condemn them for it.

The other thing I just wanted to bring up is the Victims Act, and I just want to quote that too, if I might, while I am on a roll here. Under the Victims Rights and Restitution Act of 1990, a responsible official was to provide victims with the earliest possible notice of the release from custody of the offender. The law reads—and it goes into the section of it, but in quotes, “after trial, a responsible official shall provide a victim with the earliest possible notice of release from custody of the offender.” That never happened. I do not know if it happened with you guys, but it certainly did not happen with me.

So, I think these are interesting to say the least. Thank you.

Senator COVERDELL. Congressman, Mr. Pastorella was holding his hand up. I do not know if he sought recognition.

Mr. PASTORELLA. I do.

Senator COVERDELL. If somebody would move that mike for him please.

Mr. PASTORELLA. I do, if I may. I also have something to say about Mr. Morales enjoying his freedom in Havana. At the time, in 1978, he was in a Queens apartment using it as a safe house to build his bombs when a bomb exploded in his hands, ripping off both hands and part of his face. At the time of his arrest, he had in his possession over 350 pounds of incendiary chemicals, pipe bombs in various stages of manufacture, timing devices, blasting caps, 66 sticks of dynamite that had been deteriorated, making it highly sensitive. He had four weapons, two carbines, a sawed-off shotgun, over 1,000 rounds of ammunition in his possession.

He ultimately was sent to Bellevue Hospital prison ward. Allegedly a guard was bribed. He had only one finger on each hand left and he was alleged to have climbed out of a window after cutting the wires and the bars on that window in the hospital room that he was in, climbing down over 40 feet on bandages.

He ultimately was freed, went to Mexico, and there he planned the bombing in 1982. How do I know this? It was in an Associated Press release by Roberto Santiago, a reporter, who had a face-to-face meeting with Mr. Morales in Havana in August 1993, and that is where this information was garnered.

I fear that, as part of the normalization process between the United States and Havana, Cuba is set into motion, that Mr. Morales will be a bargaining chip in that process. He was freed from his cell in Mexico after he was arrested when his personal bodyguard, a Mr. Contreras, was killed in a shoot-out with the Mexican police where a Mexican police officer was killed, and a Mr. Raul Gomez Tretto, the Justice Minister of Havana, engineered and worked out the process where he could be released into their custody, and has since, while in Cuba, received a masters degree in international relations in 1992 and is currently working on his doctoral thesis in international relations, which I contend in the mind of Mr. Morales is the shaking of your hand with a smile on his face while with his left hand he puts a stick of dynamite in your back pocket.

That is the kind of person we are dealing with here. This is the mind set of the FALN. This is the savage beast that we are confronted with now on the streets of America.

Senator COVERDELL. I appreciate your comment.

Congressman Fossella?

Mr. FOSSELLA. Yes, if I may, Mr. Chairman. I did not get the opportunity earlier to thank Mr. Gallegos for all his efforts. He has been very supportive and does a great job, I think, representing the police officers across the country.

You asked the question of what it does to the morale and what signal it sends. In my view, it emboldens the guilty. It emboldens terrorism and it invites terrorism.

Many of my neighbors on Staten Island—I am very proud to represent a community that has a lot of law enforcement officials, retired and active. They feel betrayed by this act. Any innocent American walking out the door in the morning, the last thing they think about is going to a restaurant, for example, like Mr. Connor's father did, and dying because of beasts or terrorists. But a law enforcement official leaves the spouse always with the fear that that phone call may come, that they never return. This happened a few times in Staten Island over the last year. But they have a higher calling. They have a higher purpose because they feel that the system or their government or their people's representatives like you will never let them down.

Well, we have done that for the last 15 years or so while these people have served in prison. As you heard Detective Senft, there was some solace knowing that. That is gone now.

You mentioned Mr. Morales, the second point, about feeling sorry for these individuals because they were not near the bomb scene, despite the fact that there are videotapes of them making bombs. Mr. Morales, in 1993 a newspaper article mentioned two important things in my mind.

One is he said that this FALN group had a collective leadership, that he was proud that he was not just the master mind, but it was a collective leadership, which leads one to believe that these people were intimately involved in all those bombings.

And second these individuals, these heroes here, were casualties of war, that they were not innocent victims, that they did not prepare properly, but merely casualties of war. They have not changed that ideology. They have not changed their attitude.

When I talked about earlier emboldening the guilty, they are proclaiming right now in Puerto Rico and in Chicago where they have been released, that they will continue their cause. They are meeting. They have met in the last 24 hours, several of them.

Senator COVERDELL. Is that not a violation of the agreement they entered into with the President?

Mr. FOSSELLA. That is a question I hope that the Senate takes up and I know the House will. The signals that have been sent over the last several weeks, if you recall, Senator, one of the reasons why they were rejecting the offer of clemency was because they feared that they would not be able to meet with one another and that was holding up the clemency offer and the acceptance. Now we are told that they are meeting.

Again, what is going on here, what is the story, what are the issues? That is why Mrs. Clinton changed her mind because she said the silence for 3 weeks spoke volumes. Well, I think the silence of this administration speaks volumes for not having someone here today to explain to you, the Senate, the American people, and especially these victims what went on here.

So, we hope to undertake and get some responses to these questions, but it has been nothing but a free-for-all the last several weeks.

Senator COVERDELL. I think I know what the response would be, but I still want to air it a little bit. The point I have had the most difficulty with is the White House's attempt to distinguish between categories of activism. Under this theory, as I have said, bin Laden would be in a different category than the emissaries of his organization that actually planted the bombs at the embassies in Kenya and Nairobi. But the White House, as best I can judge, has made this a center point of the argument with regard to clemency that they did not actually plant the bombs directly. Of course, as Senator Sessions pointed out on the floor, one of the reasons is they were apprehended before they could do so, and they actually had equipment and weapons in their vehicles.

But I would be curious as to any comment any of you would have with regard to this kind of distinction that occurs between a plotter, planner, and instigator vis-a-vis somebody who actually pulls a weapon or sets the weapon down. That distinction is very difficult for me to make. I mentioned this New York Times editorial. It is kind of a tortured attempt to create some distinctions here. But do any of you have a comment with regard to that distinction?

Mr. GALLEGOS. Mr. Chairman.

Senator COVERDELL. Yes, Mr. Gallegos.

Mr. GALLEGOS. In American jurisprudence, as we all know, the driver of a getaway vehicle is as guilty as the people that go in and rob a bank. What this does is it does set up the different avenues of defense to say, well, I was only the driver or I only made a phone call. It throws up all kinds of legal challenges that may come on down the road in other cases. I think it really sends a terrible message out there that now you can challenge all these by degree.

I do not think that the White House thought this through, and I do not think that they really thought about the conspiracy ideas and that they in fact could be part of a criminal act. That is what these people were convicted for, for taking part in criminal acts. It is very disturbing that the messages are sent out.

So, I think that it really puts the whole legal system and the criminal element in a tailspin.

Senator COVERDELL. Mr. Connor.

Mr. CONNOR. In assassinations, if I remember my history right, John Wilkes Booth—well, his conspirators were executed for being just that, conspirators. No one said they pulled the trigger and shot Mr. Lincoln, but they were involved. They gave safe harbor to Booth and plotted with him. This is a very similar situation.

First of all, I do not know that they did not place the bomb. For all I know, they did. But they were certainly part of this small organization. It was not 1,000 members. It was a small group and they were intimately familiar with the goings on. As Congressman

Fossella points out, they were a collective leadership, and I do not know how you can separate those who conspired versus the actual people who committed the atrocities.

And the other point is Puerto Rico has had the ability to vote on independence. So, what were they actually trying to accomplish by this? They knew that they did not have the vote for independence, and that was the only way to get it. So, what were they doing? The only answer is they were trying to change America, not Puerto Rico. They were trying to change the way the American system works and the American Government, which I believe is sedition, and that is what they were convicted of.

They have claimed that the seditious conspiracy is a political charge, but in their case that was the only thing that they really were trying to do. It was a perfectly legitimate charge. They were brought up on real charges and had a real trial.

They did not even recognize the United States' ability to try them, so they chose not to testify, which they are using now on their behalf. They did not testify, so therefore they should be released. That just does not wash. It is like going to an exam unprepared and saying, well, if I had gone to your class for the last 6 weeks, I would have done great. There is no correlation there. They had a conscious decision and they turned it down.

Senator COVERDELL. Congressman Fossella.

Mr. FOSSELLA. Yes, just briefly, Mr. Chairman, echoing what these gentlemen said, but also I find this whole thing bizarre, that the Justice Department admits in a letter to Mr. Connor these people are terrorists, and yet now they are saying, well, they really were not at the scene.

But I am sure you and any law enforcement agency or any American with an ounce of common sense would recognize that, to coin a phrase, it takes a village to pull off these terrorist activities, especially after they even admit that they were part of this organization.

I think what we do is we start allowing those who call themselves freedom fighters or call themselves political prisoners—let us say, for the sake of argument, Cobb County in Georgia decides to secede from Georgia. A band of individuals get together and say they want to secede, so they start planting bombs around Cobb County and other parts of the State capital because they do not get their way. They call themselves freedom fighters. They are convicted and sentenced to jail. Does anybody with reason think that they should be set free, that they are legitimate freedom fighters? No. They seek to replace the rule of law because they do not get their way by planting bombs and killing people. It is not unlike every other terrorist organization around the world or in his country.

As you mention now, I think, so well, if in 15 years the then-President steps forward and says Terry Nichols was nowhere near the bomb scene in Oklahoma City, he should be set free, I think you would experience outrage across this country you never would have seen before. But you will not see that day.

So, for those who want to classify or characterize terrorists in their own sort of way, I think they have the wrong idea of what America is all about.

Senator COVERDELL. Gentlemen, I want to thank each of you for again your service to your country. Mr. Connor, you are not a police officer, but you obviously have developed an affinity for them, and you have worked long on their side and on behalf of your family on this for a long time. I thank you for that. You are one of the eyes and ears and vigil of America. And, Congressman Fossella, for your distinguished work on the matter.

We will embrace the questions that were raised here. We will be working on them as a committee. We will also turn them over to the Judiciary Committee and the Intelligence Committee as well, as this ongoing effort to try to understand what is happening here.

But, as I said in the beginning, my main objective right now is to try to make certain or diminish the confusion that this decision may have caused. If the people's branch of Government can be very straightforward and forceful here, I hope it is of comfort to the law enforcement community, to the victims, Mr. Connor and others, and to the world that there is a very large majority of the United States that is still wedded to the theory, no concession, no negotiation, no deals, do not do it, or there will be swift and harsh punishment.

I thank each of you for making yourselves available, for your service to your country.

And with that, I will adjourn this meeting. Thank you very much.

Mr. SENFT. Thank you.

Mr. PASTORELLA. Thank you.

Mr. CONNOR. Thank you, Mr. Chairman.

Mr. GALLEGOS. Thank you.

Mr. FOSSELLA. Thank you very much, Mr. Chairman.

[Whereupon, at 10:45 a.m., the subcommittee was adjourned.]

[The following statement was submitted for inclusion in the record:]

PREPARED STATEMENT OF JOHN HARRISON, FALN BOMBING VICTIM

My name is John Harrison. I would like to thank the Committee for the opportunity to make a statement regarding the recent offer of clemency for and subsequent release from prison of certain members of the FALN. On January 24, 1975, I was having lunch at Fraunces Tavern in New York City. That experience is burned in my memory, as it is in the minds of other victims of various FALN bombings, some of whose experiences are similarly being related in statements to you.

The bomb consisted of multiple sticks of dynamite inside a satchel placed in a back room of the restaurant which was filled with innocent people. There was an enormous explosion. I remained conscious at the time and remember vividly the ceiling collapsing, my luncheon companion literally flying over the table in front of me, and I remember doing what felt like a back flip as the chair flew up in the air and came crashing to the ground. I could not walk and remember crawling across the floor to the light I could see through the blown out windows, hearing the screams of terror and pleas for help of those seriously wounded at the time. I saw first hand what dynamite does to human flesh. I will spare this Committee the details of that vision, but would only suggest that one only need think of the recent photographs of the horrors at Kosovo, and the mindless slaughter of human beings there to have a feeling for what it was like at Fraunces Tavern in 1975.

Four people were killed in the bombing. My own injuries healed over time and pale in comparison to the loss suffered by the Connor family and the three other families who lost loved ones. I came to this hearing today to make absolutely sure that the members of this Committee understand from first-hand witnesses the horror of atrocities like this committed by the FALN. The FALN claimed responsibility for this bombing and were implicated in over 100 other bombings around the country.

Proponents of clemency have rightfully stated that none of the terrorists were specifically accused of the Fraunces Tavern bombing. Most of the terrorists were convicted of Seditious Conspiracy as well as various firearms and explosives violations. Some of those recently released from prison were arrested in Evanston, Illinois inside a van loaded with arms during an attempted robbery of an armored truck that was scheduled to make a pick up at Northwestern University. Luckily the police intervened prior to the actual robbery taking place. Later, one of those convicted agreed to cooperate with the government and provided information regarding the FALN's underground operations. This informant outlined in the various publicly-available court documents, which I am sure the Committee already has, how FALN members were taught to manufacture bombs, how to transform a pocket watch into a sophisticated timing device for setting off explosives, and how members were schooled in the art of writing communiques so that terrorists could take "credit" for the destruction for which they were responsible. Another group of the terrorists just released included those involved in organizing an escape plan for certain members of the FALN from prison. These arrangements included the purchase of weaponry and C-4 explosives. Again, all of this information is available and I hope and pray was taken into account prior to the clemency offer. It is just hard for me to understand if these facts were taken into account, how a clemency offer could possibly be justified.

Seditious Conspiracy is a serious matter. I should emphasize that I am not an attorney, but my reading has suggested that it means a conspiracy to levy war or to oppose U.S. authority by force. There is no question that these individuals were guilty and convicted of this crime, plus were convicted of various other arms violations. It is useful to note that the terrorists, in the course of the legal proceedings, took the position that they were being held as prisoners of war and that the U.S. courts did not have jurisdiction in the matter. The evidence against them was conclusive and included, among other things, audio tapes and video tapes of various of the terrorists in the course of their activities including a videotape segment of the terrorists in "safe houses" handling bomb-making materials and cleaning weapons. Court documents pointed out that the recovered bombing paraphernalia and timing mechanisms bore the unmistakable FALN "signature".

Law enforcement professionals risked their own lives to disable this paraphernalia and to take the steps necessary, all in accordance with approved legal procedures, to bring these terrorists to justice. If ever there was an example of Seditious Conspiracy, this is it.

Now I ask you, would it have been better for the law enforcement professionals to have simply waited until these same materials were used to kill a few more people and then have arrested the individuals and tried them for murder? I think not. Rather than waiting for more needless slaughter, the law enforcement people stepped in and arrested these individuals and proceeded with the charges of Seditious Conspiracy and other charges.

Ladies and Gentlemen of the Committee, it is my sincere hope going forward we can provide the proper motivation for law enforcement professionals to identify, prosecute and incarcerate terrorists *prior* to their murdering people. I prefer it that way. Those who stand back and say, "well, these people weren't guilty of the Fraunces Tavern bombing" and "did not kill anybody" should bother to read the court documents. What matters is that they were convicted of Seditious Conspiracy and appropriately sentenced.

You will hear from other officers who have been permanently maimed as a result of the FALN's activities. We do not know if any of the individuals in prison were directly responsible for placing one particular bomb versus another. Are we to tell these officers who are permanently scarred as a result of their actions to protect all of us, "don't bother next time, just let them kill some more people so we can try them for murder?"

I was not around when the Seditious Conspiracy statute was formulated. Somehow I doubt any of you were either. However, it seems to me that it operates to enable us as a society to help prevent the kind of needless slaughter of individuals which the FALN viewed as a necessary part of their program.

Tom Stoppard in a recent description of a play by Max Frisch called "The Fire Raisers" described the play: "The play is set in a household of a family. Someone is burning down buildings in the town. A sinister lodger insinuates himself in the household. He is joined by a second stranger. They both live upstairs. Periodically, they leave the house and return. Each time, a building burns down. The household, particularly the Father of the household, resists drawing the unwelcome conclusion, even after the two lodgers are found to be stockpiling cans of gasoline in the attic. Finally, the sinister lodger comes downstairs and asks for a box of matches. The Father gives him the matches, and explains defensively, 'well, if they were the fire

raisers, they would have their own matches, wouldn't they?" Then the house goes up in flames."¹

Ladies and Gentlemen, as we approach the year 2000, I would submit that one of the major challenges we will have as a society in the next century is dealing with forms of terrorism we can now only begin to imagine. Sending a signal at this time that we are weak on terrorists or sending a signal to our law enforcement people that they can spend years of their lives to bring terrorists to justice and then have the result be the premature release of the same terrorists back on the streets is indeed handing these terrorists the matches.

So what am I asking? I am asking that the Committee ensure that the appropriate legislation is in place and being *enforced* to help prevent these atrocities from happening going forward. I am asking that the Committee seek copies of the reports which I am told exist from each of the various law enforcement agencies and other parties, including the Bureau of Prisons, which in turn, were summarized in a document for review by the President. It is my understanding that this document summarizing these various reports has not been made public. Why not? If clemency is justified in this circumstance, surely the justification would be included in the reports mentioned above. Alternatively, perhaps, the President would care to enlighten us as to why specifically he took this action. Nobody questions his right under the law to do so. I am questioning his judgement in doing so, and my guess is the majority of the American people are asking the same question.

I would like to emphasize that I have no opinion one way or the other relative to the political situation in Puerto Rico. In fact I would strongly support an open and candid discussion of the governance issues in Puerto Rico or anywhere else. Open and candid discussions are what this country is all about. It wouldn't surprise me, for example, if any one of the States could count up 2% or 3% of their population in support of independence from the Union—in fact I will wager that on every April 15 that number probably soars to 30%. The question here is not about Puerto Rico, the question is about terrorism and how we deal with it.

Finally, I would specifically like to thank the various professionals with the FBI, local Police Departments, the members of the prosecutors' offices and members of the juries involved in these cases. They labored for years under difficult circumstances. I would like to thank them on behalf of the individuals who survived the massacre at Fraunces Tavern in 1975, and particularly, I would like to thank them on behalf of the four individuals who died and are therefore unable to be here to speak. They did not receive clemency. These innocent victims did not receive a reduced sentence.



¹New York Review of Books, September 23, 1999.