The "First War on Terrorism?"
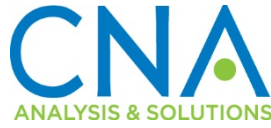
U.S. Domestic Counterterrorism During the 1970s and Early 1980s

William Rosenau

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Jonathan Schroden, Director
Center for Stability and Development
Center for Strategic Studies

Abstract

This paper examines the forgotten history of counterterrorism in the United States during the 1970s and early 1980s. That period was part of a long wave of terrorism that occurred across the developed world. Within the United States during that period, terrorist groups—including ethno-nationalists, separatists, and Marxist-Leninists—conducted a remarkable number of attacks, some of which resulted in significant injuries and deaths. Many of the policies, strategies, and structures designed to combat domestic terrorism during the 1970-1985 period remain part of the U.S. counterterrorism repertoire. By providing historical perspective, this paper will help today's policymakers understand issues of change and continuity in the terrorist threat; weigh alternative approaches to countering terrorist challenges; and evaluate tradeoffs between public safety and civil liberties.

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Executive Summary

Combating terrorism at home and abroad has been at the top of the U.S. policy agenda since September 11, 2001, when al Qaeda terrorists killed nearly 3,000 people in New York, Virginia, and Pennsylvania. But the history of counterterrorism in the United States has received relatively little analytical attention. Contemporary policy debates would benefit from the perspectives that historical analysis can provide.

This paper examines the forgotten history of counterterrorism in the United States during the 1970s and early 1980s. That period was part of a long wave of terrorism that occurred across the developed world. Within the United States during that period, terrorist groups—including ethno-nationalists, separatists, and Marxist-Leninists—conducted a remarkable number of attacks, some of which resulted in significant injuries and deaths.

But numbers alone do not capture the violent intensity of the period's terrorism. The terrorists' violent repertoire was astonishing: political kidnappings, the murder of policemen, the ambush of U.S. Navy personnel, the assassination of diplomats, and million-dollar armed robberies. True, there were no "mega-terrorism" incidents on the scale of 9/11 or the April 19, 1995 Oklahoma City bombing that killed 168 people and wounded 680 others. However, as the Federal Bureau of Investigation (FBI) director who served during the 1970s and 1980s later observed, terrorists operating in the United States were "life-threatening, caused loss of life, [and] were considered seriously disruptive." Events abroad, such as the murder of 11 Israeli athletes by Black September terrorists at the 1972 Munich Olympics, contributed to the growing belief among politicians, journalists, and the public that more effective measures were required to deal with the terrorist threat.

Law enforcement agencies, and, in particular, the FBI, overcame the post-Watergate unease surrounding domestic security and mounted aggressive investigations of suspected terrorists, expanded the use of informants, and built a stronger intelligence base. A number of the structures created during this turbulent period, such as the Joint Terrorism Task Forces (JTTF), remain prominent components of today's counterterrorism inventory. It is unlikely that these countermeasures alone were responsible for bringing the cycle of terrorism to a close, but they did play a part in helping end a notably violent period in America's political history.

What does this suggest for current counterterrorism policy? The threat environment obviously has evolved over time, and today, "homegrown" jihadists, "Sovereign Citizens," and "lone wolves" populate the terror landscape. Social media, and what the director of the National Counterterrorism Center calls the "boundless virtual environment" offers terrorists new ways to recruit members, spread propaganda, and plan operations. Cyberterrorism is a potential new addition to the terrorist arsenal.[1] Historical research and analysis can assist decisionmakers as they develop responses to the challenges posed by today's domestic terrorists. A review of counterterrorism during the 1970-1985 period reveals three interrelated themes that are particularly noteworthy:

- *It is possible for a democratic state to prevail against terrorism.* Democratic states possess inherent strengths, such as political legitimacy and greater resources relative to even the strongest terrorist groups. During the 1970-1985 period, the United States demonstrated political, social, and institutional resiliency. Although terrorists (and a few counterterrorists) spoke of incipient revolution, the United States was never in danger of being even seriously weakened, let alone overthrown.

- *"War" is not the only way to frame counterterrorism.* Despite the intensity of domestic violence, the U.S. government never seriously considered, let alone mounted, anything like the post-9/11 effort against terrorism. This is not to suggest that the United States did nothing—far from it. But the government largely ignored insurrectionary rhetoric and fiery calls for national liberation. Despite the highly ideological nature of the terrorist groups (and the milieus from which they emerged), there was no government attempt to wage a "war of ideas" or explicitly promote a counter-ideology.

- *Law enforcement can be at the center of an effective counterterrorism strategy.* Most Americans certainly considered terrorism a serious menace. But few people considered it an existential threat requiring stringent new laws, militarization, or the curtailment of civil liberties. Instead, domestic terrorism was conceptualized as a threat to public safety and security that required a law enforcement response. Investigating and prosecuting suspected terrorists lay at the heart of the U.S. approach to countering domestic terrorism during this period.

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[1] Matthew G. Olsen, National Counterterrorism Center, "Worldwide Threats to the Homeland," U.S. House Committee on Homeland Security, September 17, 2014, p. 3, www.nctc.gov/docs/2013_11_14_SHSGA_Homeland_Threat_Landscape.pdf, accessed September 30, 2014.

Finally, the history of counterterrorism in the 1970s and early 1980s suggests that a number of political, organizational, and operational issues are likely to persist. These include the need for cooperation among federal, state, and local police agencies; the balance between civil liberties and security; and the nature of the threat posed by weapons of mass destruction.

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Glossary

BLA	Black Liberation Army
CIA	Central Intelligence Agency
CCT	Cabinet Committee on Combating Terrorism
DHS	Department of Homeland Security
DDRS	Declassified Documents Reference System
FALN	*Fuerzas Armadas de Liberación Nacional*
FBI	Federal Bureau of Investigation
FISA	Foreign Intelligence Surveillance Act
GAO	General Accounting Office
GTD	Global Terrorism Database
JDL	Jewish Defense League
JTTF	Joint Terrorism Task Force
M19CO	May 19th Communist Organization
NYPD	New York Police Department
SLA	Symbionese Liberation Army
TRAC	Terrorist Research and Analytical Center
UFF	United Freedom Front
WMD	Weapons of mass destruction
WUO	Weather Underground Organization

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Introduction

Data such as incident tallies, casualty figures, and financial costs provide an incomplete picture of the terrorism phenomenon.[1] Terrorists employ violence not simply to kill or injure, but also to generate psychological aftershocks among target audiences—an intangible effect that is difficult to measure.[2] Nevertheless, numbers can be revealing. According to the University of Maryland's widely respected Global Terrorism Database (GTD), 1,355 terrorist incidents took place in the United States during the 1970s—more than in terrorism-wracked countries, such as the United Kingdom, the Federal Republic of Germany, and Italy.[3] As shown in Table 1, incident numbers dropped considerably in all four countries during the 1980-1985 period, although the U.S. figures remained on par with those of the Europeans.[4]

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[1] Raphael Perl, "Combating Terrorism: The Challenge of Measuring Effectiveness," Congressional Research Service (CRS), RL33160, March 12, 2007, p. 40.

[2] Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006), p. 40.

[3] For the purposes of this paper, domestic terrorism is defined as "politically motivated violence by non-state groups (whether "homegrown" or foreign) carried out on U.S. territory." This definition is drawn from 18 U.S. Code § 2331, Legal Information Institute, Cornell University Law School, http://www.law.cornell.edu/uscode/text/18/2331, accessed September 21, 2014. For more on definitions of domestic terrorism, see "The Continually Expanding Definition of Terrorism," Public Intelligence, May 23, 2012, https://publicintelligence.net/the-continually-expanding-definition-of-terrorism/, accessed August 12, 2014.

[4] Global Terrorism Database (GTD), National Consortium for the Study of Terrorism and Responses to Terrorism (START), University of Maryland, http://www.start.umd.edu/gtd/, accessed August 2, 2014. For more on the GTD inclusion criteria and other aspects of the database methodology, see GTD, "Codebook: Inclusion Criteria and Variables," August 2014, http://www.start.umd.edu/gtd/downloads/Codebook.pdf, accessed September 10, 2014. Of course, it could be argued that because the U.S. population was far larger than that of Britain or the European countries, the effects of terrorism during this period were "diluted" in the United States.

Table 1.   Domestic terrorism incidents by country, 1970-1979 and 1980-1985

	1970-1979	1980-1985
United States	1,355	276
Federal Republic of Germany	232	115
United Kingdom	1,285	580
Italy	1,086	218

Comparing GTD data from the 1970-1985 period and data from the 12 years following the September 11, 2001, attacks is also illuminating (the data set contains no incidents after December 2013). During the years between 1970 and 1985, nearly an order of magnitude more incidents occurred in the United States than in the 12 years after 9/11 (see Figure 1).

Figure 1.   Terrorist incidents in the United States (1970-2013)
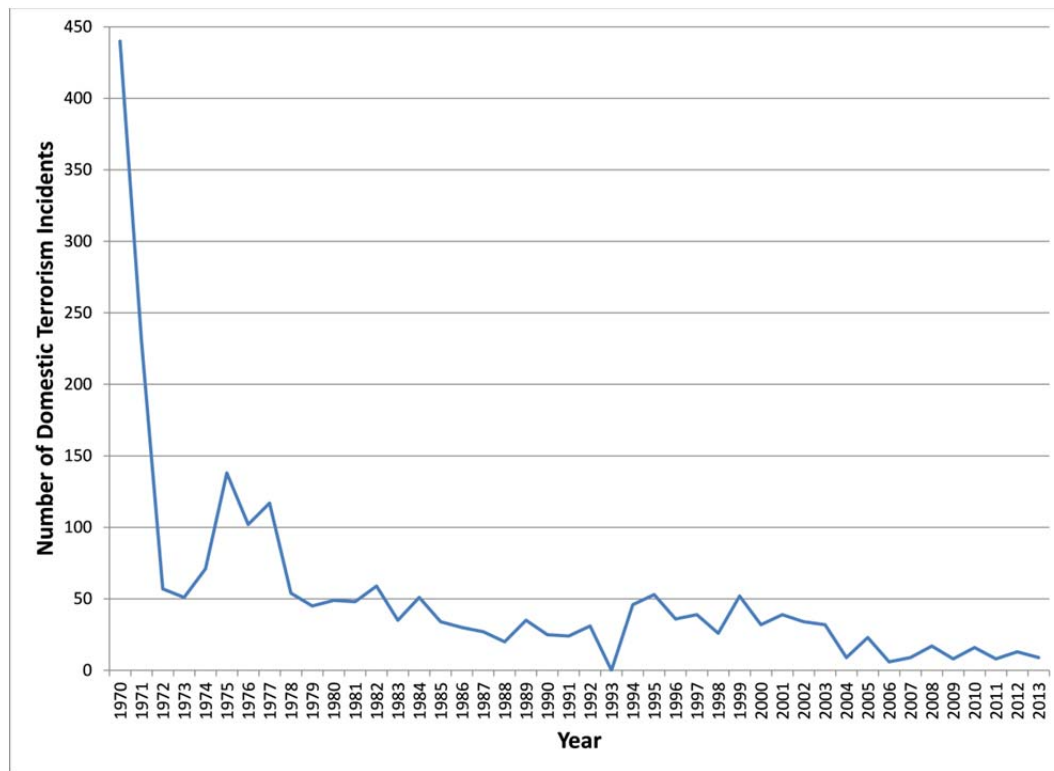
Source: GTD

These numbers suggest that the United States suffered a period of serious and sustained terrorism during the 1970s and early 1980s—more intense, in fact, than was seen in the years following 9/11. A few examples of terrorist incidents help convey the character of violent extremism during that earlier period:

- On January 27, 1972, members of the Black Liberation Army (BLA), an offshoot of the Black Panther Party, shot to death two New York policemen on patrol in lower Manhattan.[5]

- On May 17, 1974, four members of the Symbionese Liberation Army (SLA)—a tiny revolutionary clique responsible for kidnapping the newspaper heiress Patty Hearst the previous February—died in a shootout involving more than 400 members of the Los Angeles Police Department.[6]

- On December 29, 1975, a bomb killed 11 people and wounded 75 at New York's La Guardia Airport—a more lethal attack than the bombing of the World Trade Center in February 1993.[7]

- For two days in March 1977, Muslim extremists occupied B'nai B'rith headquarters, the Islamic Cultural Center, and city government buildings in Washington, DC, holding 134 people hostage. By the time the sieges were over, a student reporter had been shot to death and City Council member (and future mayor) Marion Barry had been wounded in the chest.[8]

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[5] Murray Schumach, "Top Police Officials Believe Black Militants Were the Slayers of Two Policemen on Lower East Side," *New York Times*, January 30, 1972.

[6] Vin McLellan and Paul Avery, *The Voices of Guns. The Definitive and Dramatic Story of the Twenty-Two Month Story of the Symbionese Liberation Army* (New York: G. P. Putnam's Sons, 1977).

[7] White House, memorandum from Dick Cheney to Mike Duval, December 29, 1975, http://www.fordlibrarymuseum.gov/library/document/0204/1511813.pdf, accessed September 2, 2014. Although the crime remains unsolved, New York police and Federal Bureau of Investigation (FBI) officials strongly suspect that the bombing was carried out by Croatian separatists. Al Baker, "Terrorist's Release Opens Old Wound of Unsolved Bombing," *New York Times*, August 9, 2008, http://www.nytimes.com/2008/08/10/nyregion/10laguardia .html?pagewanted=all&_r=0, accessed September 2, 2014.

[8] Timothy Naftali, *Blind Spot: The Secret History of American Counterterrorism* (New York: Basic Books, 2006), p. 99.

- On September 12, 1980, members of Omega-7, an anti-Castro exile group, assassinated a diplomat attached to the Cuban Mission to the United Nations in New York.[9]

- On June 3, 1983, Gordon Kahl, a member of Posse Comitatus, a forerunner of today's "Sovereign Citizen" movement, died during a shootout with police in Smithville, Arkansas.[10]

- On September 12, 1983, a Puerto Rican separatist group, Los Macheteros ("the machete-wielders") stole $7.2 million from a Wells Fargo depot in West Hartford, Connecticut—an episode described by one reporter as the "greatest political crime" in the state's history.[11]

This paper examines the U.S. government's response to violent political extremism in the United States during the 1970s and early 1980s. Although *terrorism* in 20th-century America is the subject of a large body of literature, U.S. domestic *counterterrorism* before the 1990s has received relatively scant scholarly or analytical attention.[12] Filling that gap is important for more than academic reasons. Combating terrorism at home and abroad has been at the top of the U.S. policy agenda since the September 11, 2001 al-Qaeda attacks. But absent in much of the post-9/11 counterterrorism policy debates has been the perspective that historical analysis can provide. Such analysis contributes to contemporary policymaking by helping decision-makers understand issues of change and continuity in the terrorist threat; weigh alternative approaches to countering terrorist challenges; and evaluate tradeoffs between public safety and civil liberties.

The post-9/11 counterterrorism environment differs in significant ways from the earlier period. Today, for example, "homegrown" jihadist violence is perceived as a

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[9] Gary Langer, "Three Indicted in Killing of Cuban Diplomat," Associated Press, September 10, 1985, http://www.apnewsarchive.com/1985/Three-Indicted-in-Killing-of-Cuban-Diplomat/id-6057b15989bc8bbc6b858c897c060000, accessed August 16, 2014.

[10] James Corcoran, *Bitter Harvest: Gordon Kahl and the Posse Comitatus: Murder in the Heartland* (New York: Viking, 1990); and Anti-Defamation League, "Sovereign Citizen Movement," undated, http://archive.adl.org/learn/ext_us/scm.html, accessed September 15, 2014.

[11] Edmund H. Mahoney, "Case Closed on Wells Fargo Robbery; Except for Missing $7 Million and Top Fugitive," Hartford Courant, November 24, 2012, http://articles.com/2012-11-24/news/hc-machetoros-cuba20121124_1_los-macheteros-fbi-s-san-juan-fbi-agnets, accessed June 8, 2014.

[12] Beverly Gage, "Terrorism and the American Experience: A State of the Field," *Journal of American History*, 98, no. 1 (June 2011), p. 85. Gage offers an explanation for this gap: the "dissident rebel" is an inherently more alluring subject than the state institutions responsible for countering domestic terrorist threats. Ibid.

primary domestic terrorist threat.[13] During the 1970s and early 1980s, on the other hand, the groups operating in the United States were ideologically diverse, and included an array of ethno-nationalists, racial separatists, and Marxist-Leninists.

But the 1970s and early 1980s are less remote than they may seem at first. The Federal Bureau of Investigation (FBI) continues to pursue terrorist suspects from that period alleged to be responsible for hijackings, the murder of police officers, and million-dollar armed robberies. Two fugitives, Elizabeth Anna Duke and Donna Joan Borup—dubbed the "Thelma and Louise"[14] of the revolutionary left—are still wanted for their role in the violent escapades of the May 19th Communist Organization (M19CO), whose terrorist campaign continued into the second administration of President Ronald Reagan (1985-1989). Indictments and prosecutions continue apace. As recently as May 2014, for instance, a Puerto Rican extremist was sentenced to five years in prison for his role in a December 1979 machine gun attack on a busload of U.S. Navy enlisted personnel that killed two sailors and wounded ten others.[15]

Moreover, during the early 1970s, the concept of "terrorism" as a distinct phenomenon began to take shape in government, within law enforcement, and among academic and policy specialists. Many of the contentious political, organizational, and operational issues that emerged during the 1970s and early 1980s have endured into the 21st century, and today's policy debates continue to swirl around issues of counterterrorism and civil liberties, intelligence gathering, weapons of mass destruction (WMD), and cooperation among federal, state, and local

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[13] Recently, however, the FBI and other law enforcement agencies have begun to stress the dangers posed by the Sovereign Citizens movement, militia groups, and other actors who might be loosely categorized as right-wing extremists. David Carter, Steve Chermak, Jeremy Carter, and Jack Drew, "Understanding Law Enforcement Intelligence Processes," Report to the Office of University Programs, Science and Technology Directorate, U.S. Department of Homeland Security, START, July 2014, http://www.start.umd.edu/pubs/START_UnderstandingLaw EnforcementIntelligenceProcesses_July2014.pdf, accessed August 10, 2014.

[14] Jeremy Tanner and Mary Murphy, "FBI May Be Close to Catching 'Thelma and Louise Fugitives: $50,000 Reward," *Pix 11*, September 27, 2013, http://pix11.com/2013/09/27/fbi-hunting-for-thelma-and-louise-criminals-in-81-killing-acid-attack-on-a-cop/, accessed May 12, 2014.

[15] Naval Criminal Investigative Service (NCIS), "Los Macheteros Investigation and Conviction," http://www.ncis.navy.mil/PubNewsRoom/hlites/News%20Articles/Los%20Macheteros%2005-14-14.pdf; and John Marzulli and Oren Yaniv, "Los Macheteros Accomplice Who Rode Along with Gunmen that Killed Navy Sailors in Puerto Rico Sent to Prison," *New York Daily News*, May 8, 2014, http://www.nydailynews.com/news/world/los-macheteros-accomplice-78-prison-article-1.1785304.

law enforcement agencies.[16] There were no terrorist "spectaculars" on the scale of 9/11 or the 1995 Oklahoma City bombing. But as former FBI director William H. Webster later recalled (in rather understated terms), domestic incidents were "life-threatening, caused loss of life, [and] were considered seriously disruptive."[17]

Finally, a number of the institutions, policies and approaches created and employed during this tumultuous earlier period were foundational and remain part of today's domestic counterterrorism repertoire.[18] These include the Joint Terrorism Task Forces (JTTFs)—law enforcement's primary organizations for conducting terrorism investigations; and the Foreign Intelligence Surveillance Act (FISA) court, which issues warrants for domestic surveillance involving terrorism and other national security threats.

This paper is divided into three main sections. The first section explores perceptions of evolving terrorist threats inside the United States during the 1970s and the government's efforts to develop and implement countermeasures. Although violent extremism had been part of the American political landscape from the earliest days of the republic—a "striking legacy of domestic turbulence," in the words of the historian Robert Hofstadter[19]—it was only during the 1970s that terrorism came to be regarded as a uniquely dangerous mode of conflict distinct from subversion, rioting, and what was termed "urban guerrilla warfare."

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[16] See for example Jerome P. Bjelopera, "The Federal Bureau of Investigation and Terrorism Investigations," CRS, R41780, April 24, 2013, http://fas.org/sgp/crs/terror/R41780.pdf; Michael P. Downing and Matt A. Mayer, "The Domestic Counterterrorism Enterprise: Time to Streamline," Issue Brief no. 3748, Heritage Foundation, October 3, 2012, http://www.heritage.org/research/reports/2012/10/domestic-counterterrorism-enterprise-time-to-streamline, accessed September 10, 2014; Naureen Shah, "The FBI's Counterterrorism Sting Operations Are Counterproductive," American Civil Liberties Union, July 12, 2014, https://www.aclu.org/blog/national-security/fbis-counterterrorism-sting-operations-are-counterproductive, accessed September 5, 2014; and Jonathan S. Tobin, "The FBI and the War on the NYPD and Counter-Terrorism," *Commentary*, August 28, 2013, http://www.commentarymagazine.com/2013/08/28/the-fbi-and-the-war-on-the-nypd-and-counter-terrorism/, accessed August 27, 2014.

[17] William H. Webster, interviewed by William M. Baker, March 9 and 11, 2006, transcript, Society of Former Special Agents of the FBI, p.37.

[18] Beatrice de Graaf, *Evaluating Counterterrorism Performance: A Comparative Study* (London and New York: Routledge, 2011), p. 15.

[19] Richard Hofstadter, "Reflections on Violence in the United States," in Richard Hofstadter and Michael Wallace (eds), *American Violence: A Documentary History* (New York: Alfred A. Knopf, 1973), p. 3. What another historian calls "revolutionary" and "reactionary" terrorism were also prominent features of the colonial period, notably in King Philip's War. Michael Fellman, *In the Name of God and Country: Reconsidering Terrorism in American History* (New Haven: Yale University Press, 2009).

Proceeding in chronological fashion, part two of this paper examines terrorism and counterterrorism during the first Reagan administration (1981-1985), when combating terrorism received increased emphasis. But the U.S. government's response was remarkably muted when compared to the post-9/11 counterterrorism agenda of "countering violent extremism," the creation of a new Department of Homeland Security (DHS), and the widespread use of undercover "sting" operations intended to neutralize would-be terrorists. In counterterrorism, as with other government activities, measuring policy effectiveness presents formidable analytical challenges.[20] The wave of terrorism that began in the United States during the late 1960s was over by the mid-1980s.[21] A variety of factors contributed to bringing this cycle to a close, including increasingly vigorous investigations and prosecutions. Ultimately, however, that effort was far more muted than what we have witnessed in the years following the September 11, 2001 attacks.

Drawing on the previous sections, the third part of the paper identifies three overlapping themes that are relevant to today's policymakers: 1) the strength and resiliency of the American state and society when faced with multiple and protracted terrorist threats; 2) the existence of models other than the "war on terrorism" paradigm for countering domestic terrorism; and 3) the utility of a counterterrorism approach that stresses public safety and security.

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[20] Beatrice de Graaf and Bob de Graaff, "Bringing Politics Back In: The Introduction of the 'Performative Power' of Counterterrorism," *Critical Studies on Terrorism* 3, no. 2 (August 2010), p. 261; and START, "Measuring Intervention Success in Terrorist Activities," http://www.start.umd.edu/research-projects/measuring-intervention-success-terrorist-activities, accessed August 25, 2014.

[21] For more on the "wave" theory of contemporary terrorism, see David C. Rapoport, "The Four Waves of Modern Terrorism," in Audrey Kurth Cronin and James M. Ludes (eds), *Attacking Terrorism: Elements of a Grand Strategy* (Washington, DC: Georgetown University Press, 2004).

Domestic Terrorism in the 1970s: Threat and Response

The late 1960s and early 1970s marked the apogee of a cycle of mass social protest, both in the United States and across the developed world.[22] Out of this milieu emerged some of the most active (and most notorious) violent political groups of the era, including the BLA, the SLA, the New World Liberation Front, the George Jackson Brigade, and the Weather Underground Organization (WUO).[23] These small, sect-like groupings were committed (in varying degrees, and often idiosyncratically) to strains of Marxism-Leninism. The bombing of corporate and government targets was the preferred modus operandi of most of these groups, although SLA and BLA included assassination in their operational repertoire.

Two other broad sets of violent political actors also came to prominence. The first was comprised ethno-nationalist/separatists such as the anti-Castro exile groups (e.g., Omega-7 and Alpha 66); Croatians seeking independence from Serbian-dominated Yugoslavia; and violent Armenian separatists.[24] Unlike the leftist groups

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[22] Doug McAdam, John D. McCarthy, and Mayer N. Zald, "Introduction: Opportunities, Mobilizing Structures, and Framing Processes—Toward a Synthetic, Comparative Perspective on Social Movements," in Doug McAdam, John D. McCarthy, and Mayer N. Zald (eds), *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Frames* (Cambridge, UK: Cambridge University Press, 2011), p. 2

[23] The violence of such groups can be understood as "an exotic form of political action that emerges at the far margins of legitimate politics and at very specific moments in the evolution of social movements." Jeremy Varon, *Bringing the War Home: The Weather Underground, the Red Army Faction, and Revolutionary Violence in the Sixties and Seventies* (Berkeley: University of California Press, 2004), p. 17. For more on these groups, see Dan Berger, *Outlaws of America: The Weather Underground and the Politics of Solidarity* (Oakland, CA: AK Press, 2006); Daniel Burton-Rose, *Guerrilla USA: The George Jackson Brigade and the Anticapitalist Underground of the 1970s* (Berkeley: University of California Press, 2010).

[24] Jeffrey David Simon, *The Terrorist Trap: America's Experience with Terrorism* (Bloomington: Indiana University Press, 2001), p. 111; Mate Nikola Tokić, "The End of 'Historical-Ideological Bedazzlement': Cold War Politics and Émigré Croatian Separatist Violence, 1950–1980," *Social Science History* 36, no. 3 (Fall 2012): 422; Jeff Stein, "An Army in Exile," *New York Magazine*, September 10, 1974: 42-49; and *United States of America, Appellee, v. Eduardo Arocena*, Federal Circuits, 2nd Cir. (December 3, 1985), docket number 84-1390.

of the period, these extremists did not have the violent overthrow of the U.S. government as their paramount goal. Instead, they carried on extra-territorial political conflicts within U.S. territory through the assassination of foreign officials, the bombing of foreign-owned enterprises, and attacks on businesses with ties to target foreign governments. Given their overseas audience, it is hardly surprising that these ethno-nationalists would conduct their violent operations in international media centers such as New York.

The final set of groups in the terrorist firmament of the 1970s was composed of revolutionaries who sought Puerto Rican independence from the United States. These organizations, including the Armed Forces of National Liberation (*Fuerzas Armadas de Liberación Nacional*, or FALN) and the aforementioned Los Macheteros, combined a Marxist-Leninist ideological stance with the "national liberation" of Puerto Rico from American political and economic control—"clandestine revolutionary nationalism," in the words of one scholar.[25] Los Macheteros and the FALN carried out attacks on the island as well as the mainland. Well into the 1980s, federal authorities would regard the Puerto Rican groups as among the most disciplined, well-trained, and formidable domestic terrorists of the period.[26]

Framing the threat

By the late 1960s, growing disgust over campus unrest, rioting, and ordinary street crime had helped propel Richard M. Nixon—campaigning on a platform that promised to restore public order—to the White House.[27] "Terrorism," however, remained an inchoate concept, embodying a "wide-ranging plethora of troublesome

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[25] Roberta Belli, "Effects and Effectiveness of Law Enforcement Intelligence Measures to Counter Homegrown Terrorism: A Case Study on the Fuerzas Armadas de Liberación Nacional (FALN)," Final Report to Human Factors/Behavioral Sciences Division, Science and Technology Directorate, U.S. Department of Homeland Security, College Park, MD: START, 2012, p. 7. For more on these groups, see Ronald Fernandez, *Los Macheteros: the Wells Fargo Robbery and the Violent Struggle for Puerto Rican independence* (New York: Prentice Hall Press, 1987); Oscar Lopez, *Between Torture and Resistance* (Oakland, CA: PM Press, 2013); and William Sater, *Puerto Rican Terrorists: A Possible Threat to U.S. Energy Installations?* N-1764-SL (Santa Monica, CA: RAND Corporation, October 1981).

[26] U.S. Senate, Committee on the Judiciary, Subcommittee on Security and Terrorism, *FBI Oversight Hearing*, 97th Cong., 2nd Session, February 4, 1982, p. 38.

[27] Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s*, Columbia Studies in Contemporary American History (New York, Columbia University Press, 2005).

incidents."[28] The administration, members of Congress, and the press conflated terrorism with a variety of other dangers, such as subversion, guerrilla warfare, and revolution, and typically used the terms interchangeably. In its annual report for 1970, the FBI noted that "black extremist groups conducted guerrilla-type warfare directed primarily against law enforcement."[29] California's attorney general warned in 1974 that "the urban guerrilla movements of Latin American [sic], Northern Ireland and Quebec provide ready strategies for eager revolutionaries in California."[30] And in 1975, FBI director Clarence M. Kelley declared that the WUO "and other guerrilla groups have openly declared war on America."[31]

Over time, the concept of terrorism sharpened. Events abroad suggested to policy-makers, journalists, and the aware public that new modes of political violence were being employed. Terrorism "spectaculars"—such as the murder of 11 Israeli athletes at the 1972 Munich Olympics by the Palestinian Black September group, and the killing of U.S. diplomats in Khartoum the following March—seemed to signal that violent extremism had entered a new phase that required a strategic governmental response. [32]

Experts from the emerging field of terrorism studies offered analytic frameworks for assessing this seemingly new phenomenon. Today, there is a consensus among specialists that personality disorders are no more prevalent among terrorists than among non-terrorists from a similar background.[33] But for the first generation of experts, terrorism was best understood a manifestation of profound personality defects. These specialists pathologized terrorists as mentally unhinged, irrational, and amoral vectors of instability, with only a tenuous connection to any real political agenda.[34]

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[28] Lisa Stampnitzky, *Disciplining Terror: How Experts Invented "Terrorism"* (Cambridge, UK, and NY: Cambridge University Press, 2013), p. 23.

[29] FBI, *FBI Annual Report: Fiscal Year 1970* (Washington, DC: U.S. Department of Justice, 1970), p. 24.

[30] Evelle J. Younger, *Terrorism in California* (Sacramento: California Department of Justice, July 1974), p. 1.

[31] U.S. Congress, Senate, Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws (SISS), Committee on the Judiciary, *State Department Bombing By Weatherman Underground*, 94th Cong., 2nd sess., January 18, 1975, p. 14.

[32] J. Bowyer Bell, *A Time of Terror: How Democratic Societies Respond to Revolutionary Violence* (New York: Basic Books, 1978), p. 90.

[33] Clark R. McCauley, "The Psychology of Terrorism," Social Science Research Council, http://essays.ssrc.org/sept11/essays/mccauley.htm, accessed August 13, 2014.

[34] Stampnitzky, *Disciplining Terror*, p. 66.

For such groups as the SLA and the WUO, such a diagnosis seemed plausible. Led by an escaped felon and self-appointed "field marshal," and with its ranks filled with troubled figures such as Nancy Ling Perry, described in the press as a onetime "topless blackjack dealer in a San Francisco nightclub," the SLA was a lurid spectacle.[35] The WUO, decidedly more upmarket in terms of its membership, reveled in an antinomianism that included "smash monogamy" campaigns, extensive communal drug taking, and mandatory group sex.[36] The terrorist-as-psychopath framework found a receptive audience within both houses of the U.S. Congress. In hearings before the House Committee on Internal Security in 1974, suspects in three terrorism cases under discussion were characterized as "deranged malcontents" and as "life's losers," with one purported hijacker described as "fat, 44, unemployed, and divorced."[37]

In the judgment of some members of Congress, journalists, and analysts, terrorism was fast becoming a global threat, enabled by the proliferation of weapons, commercial jet aviation, and new financial instruments such as credit cards. Some observers also detected a new ideological engine for terrorism. "On an international scale," intoned the *U.S. News & World Report*, "Marxist shifts have given terrorism a new kind of thrust."[38] In the view of the chairman of the House Internal Security Committee, Marxism-Leninism-Maoism had given terrorism a "new and, I think, a more sinister complexion."[39] The United States, in his judgment, was highly vulnerable to well-trained terrorists. He warned that they have every intention of using terrorism as a weapon to undermine, intimidate, and, if possible actually destroy our free democratic system."[40]

For some law enforcement officials, the demolition of American institutions had already begun. Writing in 1979, a former senior FBI official, W. Mark Felt, described the perfervid and dangerous atmosphere of the early 1970s:

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[35] "3 Women Share Charges," *St. Petersburg Independent*, April 16, 1974, p. 18-A.

[36] Mark Rudd, *Underground: My Life With SDS and the Weathermen* (New York: William Morrow, 2010), p. 164.

[37] U.S. House, Committee on Internal Security, *Domestic Intelligence Operations for Internal Security Purposes: Part I*, 93rd Cong., 2nd sess., February 20, April 1, 2, and 8, and June 4 and 5, 1974, p. 3489.

[38] "Special Report: Behind the Rise in Crime and Terror," *U.S. News & World Report,* November 13, 1972: 48.

[39] U.S. House, Committee on Internal Security, *Terrorism Part 2.* 93rd Cong., 2nd sess., May 8, 14, 16, 22, 29, and 30, and June 13, 1974, p. 3085.

[40] Ibid.

> There were dissidents who talked of kidnapping [Secretary of State] Dr. Henry Kissinger and visiting heads of state. There were plans to paralyze the nation's Capital by widespread sabotage. Policemen were being ambushed and murdered . . . Hundreds of bombs were exploding all over the country. These terrorists openly bragged of their Communist beliefs, and their ties to unfriendly foreign countries, and of their intentions to bring down our government by force and violence.[41]

Also of growing concern were the changes being made in terrorist targets and tactics—and, in particular, the possibility of terrorists striking a U.S. nuclear installation or acquiring a nuclear weapon. The Nuclear Regulatory Commission worried about the potential of a "violent external assault" by terrorists on nuclear facilities.[42] Some contemporaneous students of terrorism thought the possibility of terrorists "going nuclear" was remote, given the variety of technical, political, and organizational problems involving acquisition and use.[43] However, other analysts speculated that mass protest movements in the future could spawn "domestic insurgents" who would be tempted to attack nuclear installations, while still others worried that highly skilled international terrorists, who had perfected their tactics through kidnappings, assassinations, and hijackings, would turn their attention to stealing an American nuclear weapon and holding a major city for ransom.[44]

The government's response

According to a nationwide poll conducted in 1977, sixty percent of Americans considered terrorism a "very serious" domestic problem. Most of the public was in no mood for leniency, according to the same survey, which revealed that 55 percent of

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[41] W. Mark Felt, *The FBI Pyramid From the Inside* (New York: G.P. Putnam's Sons, 1979), p. 316.

[42] Nuclear Regulatory Commission, Office of Public Affairs, *NRC Adopts Detailed Requirements for Physical Protection of Nuclear Power Plants,* February 22, 1977, Francis J. McNamara Papers, George Mason University, Box 103, Folder 2.

[43] See for example Brian M. Jenkins, *Will Terrorists Go Nuclear?* P-5541, RAND Corporation, November 1975, p. 6, http://www.rand.org/content/dam/rand/pubs/papers/2006/P5541.pdf, accessed March 19, 2014.

[44] D. Jane Pratt, "Behavior and Misbehavior of Terrorists: Some Cross-National Comparisons," in *The Role of Behavioral Science in Physical Security: Proceedings of the Second Annual Symposium, March 23-24, 1977*, U.S. Department of Commerce, National Bureau of Standards Special Publication 480-32, https://www.ncjrs.gov/pdffiles1/Digitization/49301NCJRS.pdf, accessed August 10, 2014; and "If Terrorists Go After U.S. Nuclear Bombs," *U.S. News & World Report*, March 12, 1979: 43.

the country favored the death penalty for those who commit acts of terrorism.[45] Terrorists, according to one nationally syndicated columnist, were "more feared than rapists."[46] Terrorism emerged as a cultural touchstone, and terrorist acts featured prominently in such films as *The Taking of Pelham One Two Three* (1974), which centered on the hijacking of a New York subway, and *Black Sunday* (1977), which involved a plot to blow up the Goodyear blimp over a Super Bowl game.[47]

However, despite considerable public unease about terrorism, and considerable evidence of widespread terrorist mayhem in the United States, no one seemed quite prepared to declare that the country was facing a terrorist "crisis." According to Philip Jenkins, "terrorism as such—as opposed to particular movements—was the subject of no presidential commissions or congressional hearings, no television documentaries or even true crime books."[48] Jenkins overstates his case. As mentioned above, Congress held a considerable number of hearings on terrorism, and the subject did seep into the country's cultural landscape. But he is surely correct when he notes that Americans "paid strikingly little attention to terrorism as a phenomenon, as a systematic threat to political order."[49] In contrast to the months and years after 9/11, terrorism was not viewed as an existential threat requiring a fight for national survival, even though many of the groups committing these acts were in fact openly dedicated to the overthrow or demise of the U.S. government and the American way of life.

This is not to suggest that the government did nothing in the 1970s to combat terrorism. But the response was relatively modest. In 1972, the Nixon administration created a Cabinet Committee to Combat Terrorism (CCT), chaired by the secretary of state, but it met only sporadically and had little impact. The CCT continued through the administration of Gerald R. Ford, but, as under Nixon, it was a largely toothless body.[50] During the presidency of Jimmy Carter, the committee was abolished and

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[45] Louis Harris, "Terrorism," *The Harris Survey*, December 5, 1977, p. 1, http://www.harrisinteractive.com/vault/Harris-Interactive-Poll-Research-TERRORISM-1977-12.pdf, accessed May 10, 2014.

[46] Kevin Phillips, "Terrorists More Feared Than Rapists," *Arizona Republic*, January 22, 1978.

[47] Melani McAlister, "A Cultural History of the War without End," *Journal of American History* 89, no. 2, (September 2002): 450.

[48] Philip Jenkins, *Decade of Nightmares: The End of the Sixties and the Making of Eighties America* (Oxford and New York: Oxford University Press, 2006), p. 58.

[49] Ibid.

[50] Lynn E. Davis, Gregory F. Treverton, Daniel Byman, Sara Daly, and William Rosenau, *Coordinating the War on Terrorism*, OP-110-RC (Santa Monica, CA: Rand Corporation, 2004), p. 2, http://www.rand.org/content/dam/rand/pubs/occasional_papers/2005/RAND_OP110.pdf, accessed July 20, 2014.

counterterrorism was brought under the purview of the National Security Council, which for the first time assigned "lead agency" responsibilities for preventing and responding to terrorism at home and abroad. Senior officials focused heavily on pre-crisis planning, preparedness, and enhancing interagency coordination. Dealing with terrorist incidents such as the 1979 capture of the U.S. embassy in Teheran, and preparing for international events such as the 1980 Olympic winter games in Lake Placid, New York, dominated the counterterrorism policy agenda.[51]

The FBI, the federal agency responsible for domestic counterterrorism, was making relatively little progress in preventing violence or apprehending those suspected of terrorism-related offenses. Combating violent, politically motivated groups had been a federal activity since Reconstruction. During the early 1870s, in what one historian described as "America's first federal anti-terrorist intelligence program," the Army and U.S. prosecutors dismantled the Ku Klux Klan, a major threat to domestic tranquility in the South.[52] Following the First World War, an outbreak of anarchist violence led to a major crackdown on leftists of all varieties. To aid in the surveillance, supervision, and containment of perceived subversives, Attorney General A. Mitchell established the Radical Division (later renamed the General Intelligence Division) within the Justice Department's Bureau of Investigation—with a young government attorney, J. Edgar Hoover, at its helm.[53] Throughout the 1930s, 1940s, and 1950s, the bureau gathered intelligence on allegedly subversive groups, ranging from the pro-Nazi German American Bund to the American Communist Party, and investigated anti-state offences such as sabotage and espionage.[54] During the early and mid-1960s, the FBI moved against Klan groups and other violent far-right extremists, and achieved success in infiltrating and disrupting organizations such as the United Klans of America.[55]

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[51] See for example U.S. Senate, Committee on Governmental Affairs, *Omnibus Antiterrorism Act of 1979*, 9th Cong., 1st sess., March 30 and May 7, 1979, pp. 9-10; White House, memorandum from Colonel William E. Odom to Ambassador Anthony Quainton et al., "Terrorism Incident Management," October 6, 1978, p. 1, Declassified Documents Reference System (DDRS); and U.S. Department of Justice, memorandum from Thomas S. Crockett, to William E. Odom, White House, "VIII Pan American Games Security—Update," February 5, 1979, pp. 3-4, DDRS.

[52] Rhodri Jeffreys-Jones, *The FBI: A History* (New Haven and London: Yale University Press, 2007), p. 19.

[53] Athan G. Theoharis (ed.), *The FBI: A Comprehensive Reference Guide* (Phoenix, Ariz: Oryx Press, 1999), p. 362. "Federal" was added to the bureau's name in 1935.

[54] FBI, Counterterrorism Division, *Terrorism in the United States: 1999* (Washington, DC: FBI, 2000), p. 42.

[55] David Cunningham, *There's Something Happening Here: The New Left, the Klan, and FBI Counterintelligence* (Berkeley: University of California Press, 2004), pp. 67-77; and John

After spiking in 1975, the number of terrorist incidents (again, an imperfect metric) declined through the remainder of the decade, according to the Global Terrorism Database (see Figure 1). Nevertheless, there were on average roughly 60 episodes per year between 1975 and 1980. Some of these attacks, such as the September 1976 assassination of a former Chilean ambassador along Washington's Embassy Row, were particularly notable. Writing in 1989, one FBI special agent concluded that counterterrorism during the 1970s had been hindered by a lack of cooperation among federal, state, and local authorities; jurisdictional disputes; and a failure to share intelligence and information.[56]

But the bureau's problems were in fact far deeper. The Watergate scandal, and subsequent revelations about police intelligence operations directed against American citizens, contributed to a climate in the 1970s that was profoundly hostile to law enforcement activities that seemed politically oriented.[57] State and local police intelligence units across the country were closed and their files destroyed.[58] The FBI lost popular and congressional support, and its budget remained essentially flat over the course of the decade.[59]

In 1976, Attorney General Edward Levi put in place new rules for domestic security investigations—the so-called Levi Guidelines. For the first time in its history, the FBI would conduct such investigations under a set of well-defined rules. The guidelines had an immediate effect on FBI operations and brought about a fundamental shift in the bureau's approach to internal security. In the era when Hoover led the FBI (1924-1972), the bureau had conducted broad intelligence-gathering unrelated to the prosecution of any particular crimes. Now, under the new guidelines, the bureau was required to conduct domestic security investigations solely for criminal law

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Drabble, "To Ensure Domestic Tranquility: The FBI, COINTELPRO-WHITE HATE and Political Discourse, 1964-1971," *Journal of American Studies* 38, no. 2 (2004).

[56] William Dyson, "An Analysis of the U.S. Law Enforcement Community's Approach to the Terrorist Threat," in Jane Rae Buckwalter (ed.), *International Terrorism: The Decade Ahead* (Chicago: Office of International Criminal Justice, 1989), p. 85.

[57] Accounts of "political policing" in the United States include Frank Donner, *Protectors of Privilege: Red Squads and Police Repression in Urban America* (Berkeley: University of California Press, 1992); Seth Rosenfeld, *Subversives: The FBI's War on Student Radicals and Reagan's Rise to Power* (New York: Picador, 2013); and Tim Weiner, *Enemies: A History of the FBI* (New York: Random House, 2013).

[58] Richard E. Morgan, *Domestic Intelligence: Monitoring Dissent in America* (Austin: University of Texas Press, 1980), pp. 83-87.

[59] Tony Poveda, *Lawlessness and Reform: The FBI in Transition* (Pacific Grove, CA: Brooks/Cole Publishing Company, 1990), p. 129; and Theoharis, *The FBI: A Comprehensive Reference Guide*, p. 5.

enforcement purposes.[60] Special agents continued to monitor traditional bureau targets, such as the Communist Party and the Socialist Workers Party, but with an eye to prosecutions rather than the investigation of members' political views. The investigation of terrorist groups such as the WUO continued—but now with the intent of preventing and solving specific crimes such as bombing.

An immediate consequence of the Levi strictures was a dramatic decline in the number of domestic security investigations. In the past, security probes had focused on a variety of ill-defined threats such as subversion. Now, "domestic security investigations" were essentially synonymous with "domestic counterterrorism investigations."[61] As of March 31, 1976, shortly before the new guidelines went into effect, the FBI had 4,868 investigations under way. By September 20, that number had dropped to 626.[62]

Some members of Congress expressed concern that this sharp reduction left the country more vulnerable to violent domestic extremism. Civil libertarians, while arguing that the Levi Guidelines had not gone far enough, were nevertheless pleased with the FBI's apparent withdrawal from large-scale domestic surveillance and the abuses of the pre-Levi era.[63] In 1976, the Justice Department's National Advisory Committee on Criminal Justice Standards and Goals declared that "effective, preventative measures against terrorists depend, to a large extent, on the efficiency of the intelligence operations of law enforcement authorities"—that is, "strategic intelligence."[64] But some experts questioned the value of such intelligence. In a review of 319 FBI domestic security investigations, the U.S. General Accounting Office (GAO) concluded that only 10 "contained tangible results" that provided advanced warning of violent events.[65] The GAO's director told Congress, "Broad intelligence gathering

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[60] Emily Berman, "Domestic Intelligence: New Powers, New Risks," Brennan Center for Justice, New York University School of Law, 2011, http://brennan.3cdn.net/b80aa0bab0b425857d_jdm6b8776.pdf, p. 13.

[61] U.S. Senate, Committee on the Judiciary, Subcommittee on Administrative Practice and Procedure, *FBI Statutory Charter*, 95th Cong., 2nd sess., June 12 and 27, July 12, August 10 and 15, September 26, 1978, p. 124.

[62] Ibid., p. 177.

[63] Allison Jones, "The 2008 FBI Guidelines: Contradiction of Original Purpose," *Public Interest Law Journal* 19 (2009), p. 137.

[64] National Advisory Committee on Criminal Justice Standards and Goals, *Disorders and Terrorism: Report of the Task Force on Disorders and Terrorism* (Washington, DC: Law Enforcement Assistance Administration, 1976), p. 91, https://www.ncjrs.gov/pdffiles1/Digitization/39469NCJRS.pdf, accessed June 14, 2014.

[65] U.S. House, Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights, *FBI Oversight*, 95th Cong., 1st sess., November 9, 1977, p. 152.

has never really been successful in developing advance knowledge of violence."[66] At the same time, the GAO recognized the enduring epistemological challenges surrounding issues of intelligence effectiveness, and, in particular, how one is to judge whether prevention is working: "The problem is one of adequately assessing the value and effectiveness of an operation which by its own nature is preventative and by its mere existence may be accomplishing its purpose."[67]

After the Watergate-era revelations about intelligence-gathering on Americans by the FBI, the Central Intelligence Agency (CIA), and the National Security Agency (NSA), there was considerable unease within the bureau about any collection activities that could lead to renewed public and congressional criticism. Although adversaries frequently demonized Hoover as a fanatical counter-subversive, by the mid-1960s the director was increasingly uneasy about the legality and prudence of gathering intelligence on politically active Americans.[68]

In April 1978, Mark Felt, L. Patrick Gray, III (the acting FBI director from 1972 to 1973), and Edward S. Miller, (who had served as the head of the bureau's intelligence division), were indicted for ordering warrantless searches that were part of the FBI's investigation of the WUO. Charges against Gray were dropped in 1980, and Felt and Miller received presidential pardons in 1981. But the prosecutions highlighted to special agents the personal legal dangers surrounding domestic terrorism cases. Not surprisingly, counterterrorism assignments were widely seen as "career killers." As one former special agent recalled, "Nobody wanted this and management, not just in the field but at FBI Headquarters, wanted nothing more to do with this. It was, as you said, a career ruiner."[69] As another concluded, FBI counterterrorism agents were in a "psychological funk."[70]

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[66] Ibid., p. 155.

[67] U.S. General Accounting Office (GAO), *FBI Domestic Intelligence Operations: An Uncertain Future* (Washington, DC: GAO, November 9, 1977), p. 93.

[68] See for example U.S. Senate, "Select Committee to Study Governmental Operations With Respect to Intelligence Activities," *Intelligence Activities: Senate Resolution 21*, Volume 2, *Huston Plan*, 94th Cong., 1st sess., September 23, 24, and 25, 1975.

[69] Richard S. Hahn, interview by Brian R. Hollstein, April 15, 2008, transcript, Society of Former Special Agents of the FBI, p. 20.

[70] Quoted in Garrett M. Graff, *The Threat Matrix: The FBI at War* (New York: Back Bay Books, 2011), p. 62.

Law enforcement personnel at all levels viewed the recruitment of informants as essential to preventing and prosecuting terrorism.[71] But informants were extremely difficult to cultivate. Clarence M. Kelly, who served as FBI director from 1973 to 1978, recalled that in the case of the SLA, "there were no informants. Absolutely no leads reached the Bureau from those fringe elements in our society who knew, really knew, where the various SLA hideouts were located. None."[72] Unlike ordinary criminals, committed revolutionaries were locked in a life-or-death struggle for a cause, and were therefore less likely to become police informants.[73]

Penetrating above-ground support groups was insufficient. According to one law enforcement source, "The bombers and shooters don't discuss anything with their sympathizers."[74] Inter-agency rivalries and the lack of cooperation between the FBI and police in major jurisdictions such as New York further hindered investigations. For example, a former special agent recalled that "there would be a competition between the FBI and NYPD [New York Police Department] to get to [a terrorist] crime scene first" and establish authority over the investigation.[75] One former FBI agent concluded, "We had problems. We, meaning not only the FBI, but law enforcement in general. We didn't know how to investigate terrorism."[76]

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[71] This view is shared by contemporary terrorism researchers. See for example Christopher Hewitt, *Understanding Terrorism in America: From the Klan to al Qaeda* (New York: Routledge, 2003), 89-90.

[72] Clarence M. Kelley and James Kirkpatrick Davis, *Kelly: The Story of an FBI Director* (Kansas City: Andrews, McMeel & Parker, 1987), p. 220.

[73] Sorrel Wildhorn, Brian Michael Jenkins, and Marvin M. Lavin, *Intelligence Constraints of the 1970s and Domestic Terrorism: Vol. I, Effects on Incidence, Investigation, and Prosecution of Terrorist Activity* (Santa Monica, CA: RAND Corporation, December 1982), p. 93.

[74] Quoted in ibid., p. 92.

[75] Joe Valiquette and J. Peter Donald, *The Early Years: Celebrating 30 Years and the Beginning of New York's Joint Terrorism Task Force,* Federal Bureau of Investigation, November 29, 2010, http://www.fbi.gov/newyork/news-and-outreach/stories/the-early-years/the-early-years, accessed June 20, 2014.

[76] William E. Dyson, Jr., interview by Stanley A. Pimentel, January 15, 2008, transcript, Society of Former Special Agents of the FBI, p. 36.

Terrorism and Counterterrorism in the Early 1980s

In the judgment of one terrorism scholar, the late 1970s was a period in which domestic terrorists operated with impunity.[77] This is not entirely true. Some of the most notorious groups disbanded or were destroyed. Members of the WUO resurfaced from the underground to face criminal charges, while the BLA was dismantled through aggressive prosecutions and deadly encounters with the police.[78] However, a variety of violent New Left "continuity" groups, such as M19CO and the United Freedom Front (UFF), emerged, and Puerto Rican, Cuban exile, and other ethno-nationalist terrorists reenergized their violent campaigns. The year 1980 was less violent than 1975—but with nearly one incident per week, terrorism still posed a challenge.[79]

Upon coming to office in January 1981, Ronald Reagan refocused U.S. counterterrorism policy. Like all of its Cold War predecessors, the new administration recognized the global nature of the threats posed by the Soviet Union. But the president and his advisors saw a new weapon in Moscow's arsenal: international terrorism. Reagan's inaugural speech was the first in U.S. history to mention terrorism.[80] In the administration's view, a worldwide terrorist network, directed by the Soviet Union, served as an apparatus in a civilizational struggle between East and West.[81] For many officials, domestic U.S. groups, if not explicitly

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[77] Brent L. Smith, "Moving to the Right: The Evolution of Modern American Terrorism," *Global Dialogue* 2, no. 4 (Autumn 2000), http://www.worlddialogue.org/content.php?id=113, accessed June 12, 2014.

[78] William Rosenau, "'Our Backs Were Against the Wall': The Black Liberation Army and 'Homegrown' Terrorism in 1970s America," *Studies in Conflict & Terrorism* 36 (2013).

[79] According to the GTD, 138 incidents occurred during 1975, a figure that dropped to 48 in 1980.

[80] Ronald Reagan, inaugural address, January 20, 1981, http://www.presidency.ucsb.edu/ws/index.php?pid=43130, accessed September 10, 2014.

[81] Books such as Clair Sterling's *Terror Network* served as an important transmission belt for the idea that the Soviet Union was waging war through its terrorist proxies. Claire Sterling, *The*

part of this global structure, were nevertheless useful to the Soviet Union and its allies. Although overstated, such claims were not completely fanciful. According to recent scholarship, it is likely that Cuba helped arm and train members of the FALN as well as Los Macheteros.[82]

In 1981, a "spectacular" in upstate New York added new urgency to counterterrorism. On October 20, members of the M19CO and remnants of the BLA robbed $1.6 million from a Brink's armored car outside a Nyack mall, killing a security guard and two local police officers in the process.[83] The episode revealed that radicals who had gone underground during the 1970s were capable of re-emerging and striking again.[84] For law enforcement, patterns began to take shape. The Brink's robbery showed that white and black extremists could operate in unison. In the words of one federal investigator, "By acting together . . . they were more of a menace than we realized."[85] Moreover, the subsequent investigation revealed that earlier bank robberies and prison breaks (such as the one freed BLA leader Joanne Chesimard in 1979) were not isolated events, but violent manifestations of a deeper terrorist underworld.[86]

New structures and capabilities

In the following years, the FBI developed new, more sophisticated approaches to countering terrorism in the United States. Director Webster elevated the agency's counterterrorism program to the highest investigative priority.[87] Although always a relatively small part of FBI spending, the program benefited from an overall rise in

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Terror Network: The Secret War of International Terrorism (New York: Henry Holt & Company, 1981).

[82] Brian Latell, *After Fidel: The Inside Story of Castro's Regime and Cuba's Next Leader* (New York: Palgrave Macmillan, 2005), p. 188.

[83] For more on the episode, see John Castellucci, *The Big Dance: The Untold Story of Weatherman Kathy Boudin and the Terrorist Family that Committed the Brink's Robbery Murders* (New York: Dodd, Mead & Company, 1986).

[84] John W. Harris, Jr., "Domestic Terrorism in the 1980s," *FBI Law Enforcement Bulletin*, October 1987, pp. 5-6.

[85] Quoted in Stanley Penn, "Spreading Fear: New Terrorist Groups are Appearing in the U.S., Resembling Old Ones," *Wall Street Journal*, July 26, 1984.

[86] Gilda Zwerman, "Domestic Counterterrorism: U.S. Government Responses to Political Violence on the Left in the Reagan Era," *Social Justice* 16, no. 2 (Summer 1989): 44.

[87] Brent L. Smith, *Terrorism in America: Pipe Bombs and Pipe Dreams* (Albany: State University of New York Press, 1994), p. 11.

the bureau's budget appropriations after 1981.[88] To overcome deep institutional rivalries between the bureau and state and local police agencies and enhance investigative cooperation, the FBI established Joint Terrorism Task Forces.[89] The New York JTTF was the first, and served as the model for subsequent units in Chicago and elsewhere.[90] The JTTF had jurisdiction over all terrorism cases in New York.[91] Through the task force, the NYPD and FBI would investigate terrorism cases with the combined resources of the two agencies. The NYPD brought a deep knowledge of the city and "street smarts," while the bureau supplied financial resources, equipment, and terrorism-related intelligence.[92]

The bureau developed other units to bolster its counterterrorism capabilities. In 1982, it established the paramilitary Hostage Rescue Team for in extremis and crisis response missions.[93] To conduct more systematic threat assessments, the FBI created the Terrorist Research and Analytical Center at its headquarters in Washington and staffed it with civilians who had graduate-level academic training.[94] In essence, the bureau was attempting to professionalize analysis in an institution that had been dominated by operations-focused special agents. Among other things, this signaled the FBI's narrow, case-based approach to terrorism by helping investigators to situate

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[88] U.S. Senate. Committee on the Judiciary. Subcommittee on Security and Terrorism, *Hearing: FBI Oversight and Authorization*, 98th Cong., 1st sess., February 2, 1983, p. 87. By fiscal year 1984, the FBI appropriation was slightly more than $1 billion—roughly double the 1977 figure. Theoharis, *The FBI*, p. 5.

[89] The FBI-NYPD Joint Bank Robbery Task Force, created in 1979, was the first of its kind between the bureau and a local police force. It served as a model for the JTTF. Valiquette and Donald, *The Early Years*.

[90] For more on the creation and early years of the Chicago JTTF, see Patrick J. Daly, testimony before the House Committee on Government Reform, Subcommittee on Government Efficiency, July 2, 2002, http://www.fbi.gov/news/testimony/chicago-division-counterterrorism-initiatives, accessed July 25, 2014.

[91] City of New York Police Department, *1984 Annual Report* (New York: NYPD, 1984), p. 36.

[92] Valiquette and Donald, *The Early Years*; and Graff, *The Threat Matrix*, pp. 158-159. Under the terms of the agreement establishing the JTTF, it was agreed that all terrorism cases would be prosecuted in federal courts.

[93] U.S. Senate, Committee on the Judiciary, Subcommittee on Security and Terrorism, *FBI Oversight and Authorization*, 98th Cong., 1st sess., February 2, 1983, p. 81.

[94] U.S. Senate. Committee on the Judiciary. Subcommittee on Security and Terrorism, *Hearing: FBI Oversight and Authorization*, 98th Cong., 1st sess., February 2, 1983, p. 75.

individual crimes within broader patterns of terrorist behavior and to understand terrorist recruitment, motivation, financing, and operations.[95]

Adding to the investigative arsenal was a revised set of guidelines. Issued by Attorney General William French Smith in March 1983, the new rules loosened some of Levi's restrictions on the investigative process. Henceforth, special agents would be allowed to monitor public events and collect public information such as press reports.[96] Moreover, the Smith Guidelines expanded the FBI's investigative purview beyond the detection, prevention, and prosecution of crime to include broader "legitimate law enforcement interests."[97]

Slowly, the FBI began to develop networks of informants inside terrorist organizations and build an intelligence base—along with aggressive investigations and greater cooperation with state and local police, a pillar of the FBI's emerging counterterrorism strategy. Webster informed Congress in 1983 that "through the increased use of court authorized surveillance techniques and increased emphasis on the development of human sources, the FBI has increased its intelligence base on both domestic and international terrorist groups."[98] Undercover operations, Webster recalled later, allowed the FBI to "get inside terrorist groups and to predict, to learn what their activities were so that we could thwart them."[99]

This sharper and more nuanced intelligence picture allowed the bureau to direct its resources toward identifying and countering the most serious terrorist actors, including the FALN, M19CO, and the Jewish Defense League (JDL), which was responsible for a string of attacks on Soviet targets in New York and other major cities.[100] The attorney general's guidelines also likely played a part in this narrower focus. Rather than pursuing thousands of cases at a time, as the FBI had done in the

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[95] Oliver B. Revell, "Terrorism in North America," in Vittorofranco S. Pisano (ed.) *Terrorist Dynamics: A Geographical Perspective* (Arlington, VA: International Association of Chiefs of Police, 1988), p. 177.

[96] William French Smith, "Attorney General's Guidelines on Investigations," *Criminal Law Reporter* 32, no. 24 (March 23, 1983).

[97] Berman, *Domestic Intelligence,* p. 14.

[98] U.S. Senate, Committee on the Judiciary, Subcommittee on Security and Terrorism, *FBI Oversight and Authorization*, 98th Cong., 1st sess., February 2, 1983, p. 78; FBI, *Analysis of Claimed Terrorist Incidents in the U.S., 1981* (Washington, DC: U.S. Department of Justice, 1981), pp. 20-24.

[99] Webster transcript, p. 38.

[100] U.S. Senate, Committee on the Judiciary, Subcommittee on Security and Terrorism, *FBI Oversight and Authorization*, 98th Cong., 1st sess., February 2, 1983, p. 88.

pre-guidelines era, the bureau was now compelled to channel its energies toward the groups and individuals who truly mattered in domestic security terms.

Civil libertarians warned of the possible chilling effects that counterterrorism could have on the exercise of first amendment rights, and the *Washington Post* wondered whether the government "needs to spy on its own citizens to thwart a 'Red menace.'"[101] Others would describe the early 1980s as a period of "growing antiterrorist hysteria."[102] The evidence suggests, however, that the FBI was not "unleashed," and that the U.S. government developed what two scholars (in another context) termed a "mundane policy response" to the problem of domestic terrorism.[103]

The FBI's counterterrorism program accounted for a modest part of the bureau's spending when compared to other high-priority areas, such as organized crime.[104] Moreover, it remained committed to "depoliticizing" terrorism. Rather than treating extremists as ideological threats to the security of the state, the FBI leadership insisted that only the *criminal* acts carried out by terrorists—e.g., bombings, assassinations, and bank robberies—would be investigated and prosecuted.[105] Indeed, Webster rejected the claim that a general law against terrorism was needed; he told Congress that existing statutes covering specific crimes were perfectly adequate.[106]

More broadly, the U.S. government did not mount a wide-scale campaign to eliminate domestic terrorism. In 1976, the National Advisory Committee on Criminal Justice Standards and Goals had demanded the development of a "strong counterideology"

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[101] Mitchell S. Rubin, "The FBI and Dissidents: A First Amendment Analysis of Attorney General Smith's 1983 FBI Guidelines on Domestic Security Investigations," *Arizona Law Review* 27 (1985): 456; and Kathy Sawyer, "Brink's Shoot-Out Rekindles an Old Debate," *Washington Post*, November 2, 1981, p. A1.

[102] Gilda Zwerman, "Conservative and Feminist Images of Women Associated with Armed, Clandestine Organizations in the United States," *International Social Movement Research* 4 (1992): 141.

[103] Arjun Chowdhury and Scott Fitzsimons, "Effective But Inefficient: Understanding the Costs of Counterterrorism," *Critical Studies on Terrorism* 6, no. 3 (2013): 448.

[104] Poveda, *Lawlessness and Reform*, p. 140. In 1983, the program accounted for less than 3 percent of the bureau's budget. U.S. Senate, Committee on the Judiciary, Subcommittee on Security and Terrorism, *FBI Oversight and Authorization*, 98th Cong., 1st sess., February 2, 1983, p. 87.

[105] See for example Oliver B. Revell, "U.S. Perspectives on Terrorism," in *Proceedings of the 10th Annual Symposium on the Role of Behavioral Science in Physical Security* (Washington, DC: Defense Nuclear Agency, 1985), p. 81.

[106] U.S. House, Committee on the Judiciary, Subcommittee on Constitutional and Civil Rights. *Terrorism: Oversight Hearings.*, 99th Cong., 1st and 2nd sessions, 1985-1986, p. 114.

as a component of counterterrorism at home.[107] But, in contrast to the period after 9/11, the U.S. government made no attempt to wage a "war of ideas" against violent domestic extremism.[108] And, again in contrast to the post-9/11 period, the government made no particular effort to arouse or mobilize the public against terrorism in the United States. Framed as a criminal threat rather than as a challenge to civilization, terrorism turned out to be a manageable problem.

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[107] National Advisory Committee on Criminal Justice Standards and Goals, *Disorders and Terrorism*, p. 414.

[108] William Rosenau, "Waging the 'War of Ideas,'" in David G. Kamien (ed.), *The McGraw-Hill Homeland Security Handbook* (New York: McGraw-Hill, 2004), pp. 1131-1144.

Implications for Contemporary Counterterrorism

The United States has obviously changed since the 1980s, as have aspects of the terrorist threat. The left-wing and ethno-nationalist extremists that featured so prominently during the 1970-1985 period have been replaced by jihadists, "Sovereign Citizens," and so-called lone-wolf terrorists.[109] New modes of communication, such as social media, play a critical role in terrorist mobilization and "messaging." The threats posed by Americans participating in terrorism abroad and then returning to the United States present novel challenges.[110] And "weapons of mass disruption" in the cyber realm present a potential threat that would have been difficult to conceive of in an earlier time.

History can never repeat itself—but it can sometimes echo. With that in mind, how might counterterrorism in the 1970s and early 1980s inform today's decision-makers? Three interrelated themes are worth particular consideration:

- *It is possible for a democratic state to prevail against terrorism.* Democratic states possess inherent strengths, most notably political legitimacy. Moreover, such states can marshal political, economic, and security resources on a vastly greater scale than even the most robust terrorist organizations. In

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[109] Jerome P. Bjelopera, "The Domestic Terrorist Threat: Issues for Congress," Congressional Research Service report R42536, January 17, 2013, http://fas.org/sgp/crs/terror/R42536.pdf, accessed July 17, 2014; and "Statement for the Record of Principal Deputy Counterterrorism Coordinator and Senior Advisor to the Secretary John Cohen," DHS, June 22, 2012, http://www.dhs.gov/news/2012/06/22/statement-record-principal-deputy-counterterrorism-coordinator-john-cohen-house, accessed September 10, 2014.

[110] U.S. House, Subcommittee on Terrorism, Nonproliferation, and Trade, Committee on Foreign Relations, *Terrorist Groups in Syria*, 113th Cong., 1st sess., November 20, 2013, http://www.gpo.gov/fdsys/pkg/CHRG-113hhrg85643/pdf/CHRG-113hhrg85643.pdf, accessed September 6, 2014. However, a number of Americans did participate in the *mujahideen* resistance to the Soviet occupation of Afghanistan (1979-1989), including at least one citizen who later conspired to bomb the World Trade Center in 1993. Sara Daly and William Rosenau, "American Journeys to Jihad: U.S. Extremists and Foreign Conflicts During the 1980s and 1990s," *CTC Sentinel*, August 1, 2010, https://www.ctc.usma.edu/posts/american-journeys-to-jihad-u-s-extremists-and-foreign-conflicts-during-the-1980s-and-1990s, August 20, 2014.

other words, a democratic state enters the struggle with the odds heavily in its favor. Moreover, as shown during the 1970-1985 period, a country such as the United States has substantial resiliency. Although terrorists (as well as a few counterterrorists) claimed that revolution was imminent, the United States never was in danger of being seriously weakened, let alone overthrown. As they develop responses to contemporary threats, counterterrorism officials should always remain conscious of the strengths of the state, society, and the economy relative to those of the domestic terrorist.

- *The "war" metaphor is not the only way to frame a counterterrorism campaign.* Despite the intensity of domestic violence, the U.S. government never seriously considered, let alone conducted, the kind of counterterrorist effort that emerged post-9/11. Policymakers did not attempt to mobilize the population, as they did during the Second World War—or indeed, as they did after the 9/11 attacks. In the 1970-1985 period, officials did not consider placing the country on a wartime footing. Nor did they consider waging a "war of ideas" or explicitly promoting a counternarrative, despite the highly ideological nature of the terrorist groups then operating (and the milieus from which they emerged). In so doing, the government avoided the pitfalls of picking ideological "winners" and "losers" and opening itself to charges of propaganda-peddling.[111] Decision-makers largely ignored incendiary terrorist rhetoric and exhortations. The framing of counterterrorism strategy during the 1970-1985 period suggests that the war analogy—widely used after 9/11—is not the only one available to government officials.

- *Law enforcement can be at the center of an effective counterterrorism campaign.* In the 1970s and early 1980s, Americans certainly considered terrorism to be a serious national menace. But few people considered it an existential threat requiring draconian new legislation, militarization, or mass surveillance. Instead, decision-makers conceptualized domestic terrorism as a threat to public safety and security that required a law enforcement response. Investigating and prosecuting suspected terrorists lay at the heart of the U.S. approach to countering domestic terrorism during this period. Using a law-enforcement approach, authorities were able to point to a number of successes against a number of highly capable and dangerous groups such as the FALN.[112] For policymakers today, it is worth remembering

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[111] Jerome P. Bjelopera, "Countering Violent Extremism in the United States, CRS, R42553, May 31, 2012, p. 27.

[112] Jeffrey Ian Ross and Ted Robert Gurr, "Why Terrorism Subsides: A Comparative Study of Canada and the United States," *Comparative Politics* 21, no. 4 (July 1989), p. 417.

that attacking terrorist groups as criminal enterprises can be a valuable way to counter the threat of violent domestic extremism.

Finally, the history of counterterrorism in the 1970s and early 1980s suggests that political, organizational, and operational issues, such as competition and cooperation among federal, state, and local police agencies, are likely to persist, as is the potential for terrorists to acquire WMD. Debates over the balance between liberty and security are also likely to continue for as long as the United States exists. Indeed, during the past decade, revelations about NSA intelligence collection on U.S. citizens—described by its advocates as essential to preventing future terrorist attacks—has been the subject of intense criticism by Congress, the media, and the public.[113] Revelations in 2011 and 2012 about police spying on Muslims in the greater New York area prompted a major backlash among religious groups, civil liberties organizations, and political leaders.[114] The history of counterterrorism in the late 1970s and early 1980s should help remind policy-makers that even the most dangerous violent extremist groups can be dismantled without resorting to extra-constitutional measures.

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[113] See for example John Cassidy, "N.S.A. Latest: The Secret History of Domestic Surveillance," *New Yorker*, June 27, 2013, http://www.newyorker.com/news/john-cassidy/n-s-a-latest-the-secret-history-of-domestic-surveillance, accessed September 20, 2014; and Michael V. Hayden, "Is the National Security Agency's Domestic Surveillance Program Legal?" *Congressional Digest* 85, no. 4 (April 2006): 116.

[114] Matt Apuzzo and Adam Goldman, "With CIA Help, NYPD Moves Covertly in Muslim Areas," Associated Press, August 23, 2011, http://www.ap.org/Content/AP-In-The-News/2011/With-CIA-help-NYPD-moves-covertly-in-Muslim-areas, accessed September 10, 2014; and "NY City Police Disband Unit that Monitored Muslim Communities," Reuters, April 15, 2014, http://www.reuters.com/article/2014/04/15/us-usa-newyork-policesurveillance-idUSBREA3E23I20140415, accessed September 10, 2014.

Conclusion

The 1970s was a period of acute political violence in the United States. Terrorists associated with the New Left, black liberation, Puerto Rican nationalism, and other social movements were responsible for hundreds of violent incidents. Specialists in the new field of terrorism studies helped frame the threat for policymakers by drawing attention to a depoliticized terrorist "personality" marked by unreason and mental instability. Terrorism spectaculars overseas helped heighten perceptions that a new and particularly virulent form of extremism had emerged.

The FBI, the federal law enforcement agency responsible for preventing and investigating terrorist incidents, made slow progress against violent political extremism. The Watergate scandal, and revelations about intelligence community activities directed against U.S. citizens, led to significant restrictions on domestic security investigations. In a political climate hostile to domestic "snooping," the FBI feared that greater involvement in countering terrorists would lead to further accusations that the bureau was engaged in "political policing."

However, this climate changed during the late 1970s. Coming into office in 1981, President Reagan emphasized the threat posed by domestic and international terrorists, depicting them as the Soviet Union's proxy forces in its global struggle against the West. The bureau's budget grew, investigative guidelines were eased, and the FBI began building a counterterrorism intelligence base. New structures, such as the JTTF, strengthened cooperation between the FBI and state and local police agencies. Police and prosecutors could point to some success in dismantling some of the most dangerous and active networks operating on U.S. territory. For example, the FALN was essentially neutralized after the conviction and imprisonment of 15 key members of the FALN in the early 1980s.[115]

By 1985, the cycle of terrorism that began in the late 1960s had drawn to a close. Government counterterrorism measures were not solely responsible for this outcome. The lack of political support among their purported constituencies, the harsh demands of underground life, and the prevalence of "group think" and other cognitive distortions weakened the prospects for the survival of the era's domestic

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[115] Belli, *Effects and Effectiveness,* p. 30.

terrorist groups.[116] But aggressive investigations, prosecutions, and long prison sentences no doubt contributed to the decline and disappearance of these groups.

In the end, the U.S. government never waged a "war" against domestic terrorism in the years between 1970 and 1985. Rather than framing terrorism as an existential or civilizational challenge, policymakers stressed the criminal aspects of terrorist activities and their threat to public safety and security. During this period, American institutions, and American society, demonstrated resilience in the face of protracted terrorist violence. Today, it is useful for counterterrorism officials to recall that law-enforcement based approaches have worked against terrorists operating on U.S. soil in the past.

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[116] Donatella della Porta, *Social Movements, Political Violence, and the State: A Comparative Analysis of Italy and Germany* (Cambridge, UK: Cambridge University Press, 1995), p. 186.

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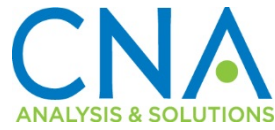
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