

STATEMENT OF WILLIAM J. COTTER
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BEFORE THE
SENATE PERMANENT SUBCOMMITTEE
ON INVESTIGATIONS
COMMITTEE ON GOVERNMENT OPERATIONS
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Mr. Chairman and Distinguished Members of the Subcommittee.

Since the Postal Inspection Service is the law enforcement and security arm of the Post Office Department, I appreciate the opportunity to comment on the exceedingly serious matters which are the subject of these Hearings. The proliferation of bombing incidents throughout the country, the transportation of explosives and incendiary devices, and the distribution of instructional literature relating to the manufacture of such devices are of vital concern to the Post Office Department.

We have previously supplied the Subcommittee staff with data relating to the distribution of instructional literature of this nature and, therefore, my remarks will be confined to acts of bomb violence and the threats of such violence that are postal related and thus within our investigative purview.

The United States Postal Service, I can assure you, has experienced its full share of grief and concern as the result of senseless and deliberate acts of bomb violence. Bombs must be placed or delivered in the vicinity of those to be injured or intimidated and it would be strange indeed if the largest transportation and communication system in the World would not at times find itself utilized for this purpose. Nearly a hundred years ago a

Postmaster General recommended, and Congress enacted, a postal statute to curb overt acts of this very nature. It was the first Federal statute, I believe, to deal with the desperate acts of those fanatics, criminally sick, and terrorists whose thoughts turn to bomb violence.

The proscriptions of the original statute, as amended from time to time over the years, are presently codified in Section 1716, Title 18, United States Code. Essentially, it proscribes the mailing, among other things, of all explosives, inflammable materials, infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode. Anything declared nonmailable by Section 1716, if desposited for mailing with intent to kill or injure another, or injure the mails or other property, subjects the mailer to a fine of not more than \$10,000 or imprisonment of not more than twenty years, or both. Moreover, if mailings prohibited by this section result in the death of any person, the mailer is subject to the death penalty or to imprisonment for life if the jury shall in its discretion so direct. In the case of a plea of guilty or if jury trial has been waived, the trial Court may direct the death penalty or life imprisonment.

The capital punishment sanctions of the statute were enacted into law by the Congress in 1957 at the Postmaster General's request based upon the recommendation of the then Chief Postal Inspector. It was felt at that time that the punishment should be more in keeping with the hideous and vicious nature of such criminal acts and might better serve to deter those

tempted to commit them. So that explosives may be excluded totally from the mails, criminal penalties are provided whether or not the mailing was made with intent to maim or intimidate, with felony provisions when the intent to kill or injure is established and misdemeanor provisions when such intent is not provable.

In the main, our encounter with actual bomb violence has not stemmed from overt acts of political or revolution motivated anarchists. The technology required to prepare an explosive for carriage by mail in such a manner as to insure detonation at the precise time and place desired has apparently dissuaded so-called terrorist mailings. It is much simpler to plant or throw an explosive at the desired target.

Perhaps the only period in our Postal History when the mails were extensively used in what might be termed as an organized campaign of bomb terror and intimidation, occurred in the early part of this Century. So-called "Black Hand" societies operated widely during that period extorting huge sums from immigrant groups on threat of death and destruction. Bomb threats were delivered by mail and at times carried out by mail. Foreign born populations in various large communities in Ohio, Illinois, and even as far West as

California, lived in fright and terror for quite some years. Postal Inspectors effected numerous arrests in various parts of the country and the blackmail societies were fairly well neutralized by 1920 when 12 members were convicted in one case in Chicago.

But these groups were motivated by profit, and the threats and bombs were directed at specific persons. This has been generally true with respect to most of our experiences in actual mailings of explosive devices. Such diverse causes as love, hatred, jealousy, revenge, and other emotional factors are usually responsible. To cite several recent examples:

On May 1, 1969, Orville E. Stifel, II, was found guilty of mailing a bomb which instantly killed his rival in a love triangle, Daniel J. Ronec, 23, of Lorain, Ohio. Eighty Government exhibits were introduced and 13 witnesses testified for the prosecution at the trial which resulted in a finding of guilty. The defendant was sentenced to life imprisonment.

On January 30, 1970, Enoch Dalton Chism was found guilty of mailing a bomb which resulted in the death of Mrs. Nola Puyear on August 18, 1967 at Marshall, Michigan. Mrs. Puyear was co-owner with her husband of a Cafe in Marshall which Chism wanted to buy, but only Mr. Puyear was willing to sell. Chism has been sentenced to life imprisonment.

Perhaps the only known situation in recent years wherein explosives have been mailed in a politically inspired effort at terror, occurred when a series of reckless bomb mailings were made by Anti-Castro groups in the United States.

On April 3, 1967, a parcel exploded after delivery to the Cuban Mission at the United Nations, slightly injuring Cuba's ranking diplomatic representative. On December 4, 1967, a parcel exploded in the basement of the Elizabeth, New Jersey Post Office wreaking extensive damage and injuring five postal employees. None was in close proximity to the explosion and thus suffered only minor injuries. On December 7, 1967, a parcel exploded in the outgoing foreign mails section of Morgan Station, New York. Luckily again, no employees were near the spot where the explosion occurred, and although eight employees were injured, none suffered serious consequences. On January 8, 1968, a mail sack exploded in the Post Office at Havana, Cuba allegedly after having shortly arrived from New York.

Investigations made by the Postal Inspection Service in cooperation with the FBI and local authorities in various Cities, indicated that these incidents were related and could be laid to the bungling terrorist activities of certain militant Anti-Castro groups in this country. Presumably finding it impractical to construct explosives in such a manner as to insure detonation at the time of delivery by mail, these terrorists abandoned this approach, and a number were subsequently arrested for local bombings in the Miami area.

We take no solace in the fact that few cases dealing with the mailing of explosives and related devices relate to deliberate acts of terrorism, as distinguished from other motivations. We are concerned enough that whereas in Fiscal Year 1967 we concluded 24 investigations of this nature, in Fiscal Year 1970, 161 such postal related cases required investigative

attention. This represents a 670% increase in the space of four years.

Moreover, while the Postal System has not seemingly been the actual target of overt acts of bomb violence as have Police Stations, Courthouses, and certain corporate and other Federal offices, four young men were arrested on the night of March 4, 1970, at Seattle, Washington, on charges of exploding two sticks of dynamite against the wall of the University Station of the Seattle Post Office. The blast severely damaged a postal vehicle with lesser damage inflicted on the building. One of the defendants had been previously charged with aggravated battery and mob action at Chicago, Illinois on October 8, 1969 for assaulting a Police Officer with a lead pipe, and the cited Seattle incident is one of a series of incidents for which individuals believed affiliated with the weathermen have been indicted. An escalating problem the Post Office Department does share in full measure with other Government agencies, schools and colleges, large business firms, and other transportation systems, is the false bomb threat and the bomb scare situation. With over 700,000 employees occupying some 40,000 postal facilities and processing over 85 billion pieces of mail annually, such threats and scares are understandably disruptive and costly. They are generally transmitted by telephone by anonymous callers alleging that a bomb is in a Post Office or mail transportation vehicle. The number of recorded calls in Fiscal Year 1967 was 108. During the Fiscal Year just ended, a total of some 758 such calls were reported. Over 300 bomb scares alone occurred during the work stoppage period in March 1970, with over 20,000 work hours lost through the need to evacuate those employees who were on duty.

Although each call to date has been found to be a hoax, each generates the need for a serious judgment decision and building evacuation is frequently ordered. Under no circumstances will the Department endanger the lives and well-being of its employees and customers. We are alert to the fact that the next threat may indeed be real.

We suffer with the airlines the disruptive effect of bomb scares relating to alleged bombs aboard commercial air carriers transporting mail. Planes must be delayed and all contents including mail must be isolated and examined. Approximately 100 such threats required investigation in Fiscal Year 1970 and caused delays in mail movements.

The willful conveying of threats or false information concerning attempts to damage or destroy real or personal property by fire or explosives is a violation of Section 837(d), Title 18, United States Code. The problem, of course, is not inadequate law, but of identifying the person making the threat or false report. We are working closely with other agencies in this common problem.

As the Security Officer of the Post Office Department, I will say in summary that I most sincerely share the deep concern already expressed by the many Federal, State, and local officials before this Subcommittee. The Postal Inspection Service maintains continuing liaison with the law enforcement community at all levels, and intelligence is freely exchanged relevant to actual and potential attacks by arson and explosion. The Assistant Attorney

General, in recent testimony, pointed to certain proposals now before the Congress which are designed to strengthen present law in this area.

Effective means must assuredly be found to reverse the trend towards the increasing use of wanton bomb violence, and threat of such violence, for political or other purposes.

Thank You.