

STATEMENT BY

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BEFORE THE

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

COMMITTEE ON GOVERNMENT OPERATIONS

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BOMBING AND TERRORISM IN THE UNITED STATES

NOT FOR PUBLICATION UNTIL
RELEASED BY THE SUBCOMMITTEE

John G. Kester, Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs), was born June 18, 1938, in Oshkosh, Wisconsin. He was graduated from high school in that city, and majored in economics at the University of Wisconsin at Madison, where he received the B. A. degree in 1959. While attending the university he was a member of the Reserve Officers Training Corps, was designated a Distinguished Military Graduate, and on graduation was commissioned in the U.S. Army Reserve.

Mr. Kester spent the academic year 1959-60 at Aix-en-Provence, France, as a Fulbright scholar at the Universite d'Aix-Marseille.

He returned to this country in 1960 to enroll in the Harvard Law School, from which he received the LL. B. degree magna cum laude in 1963. During 1962-63 he served as President of the Harvard Law Review.

Following graduation from law school, Mr. Kester was law clerk to Mr. Justice Black of the Supreme Court of the United States for the 1963 and 1964 terms. In 1965 he entered active military service, where he was assigned until release from active duty in 1968 to the Office of the General Counsel, Office of the Secretary of the Army.

After practicing law briefly in Washington, D. C., he became Assistant Professor of Law at the University of Michigan Law School, teaching constitutional law. In 1969 Mr. Kester was appointed to his present office. He is a member of the bars of the District of Columbia, the United States Court of Military Appeals, and the Supreme Court of the United States.

Mr. Chairman and Members of the Subcommittee:

I am John G. Kester, Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs). I am pleased to appear before you today to give information from the Department of Defense on several subjects in which this Subcommittee has expressed interest. At the conclusion of my prepared statement I shall be happy to respond to questions.

First I shall address the availability to the general public of military publications dealing with such subjects as explosive and incendiary devices and unconventional warfare techniques. The Subcommittee staff has been furnished copies of these publications. I shall not elaborate upon the need for disseminating such information to members of the armed forces, to train them in counterinsurgency techniques and in protecting themselves from enemy explosive and incendiary devices.

Under Public Law 89-487, members of the public can obtain copies of many unclassified publications of the military departments by request to the Superintendent of Documents at the Government Printing Office, or to the military departments themselves. Reprinting of uncopyrighted materials from Government documents is not restricted. Some of the Army manuals furnished the Committee

have been generally available. However, it became a matter of concern that some groups were offering copies of some of these publications for resale. Two such instances were brought to our attention earlier this year by your general counsel. Therefore action has been taken to review existing policy on the general availability of these publications.

In determining whether these publications should be released to the public, we realize that restriction will not make such information unavailable. There are many published books, articles and monographs on such subjects as explosives manufacture and fabrication of bombs. For example, the public reading room of the Library of Congress lists 850 titles under the heading "Explosives"; 250 titles under the heading "Blasting"; 34 under the heading "Incendiary Bombs." Detailed information of this kind has appeared in newspapers and in publications of various groups.

Equally important, it is unfortunate but true that explosive and incendiary devices can be fabricated out of commonly available materials with little training. Making a Molotov cocktail or a black powder pipe bomb requires no great skill or technical knowledge.

We have no reason to believe that publications of any agency of the Department of Defense have played any significant role in domestic acts of arson or terrorism. Nevertheless, there is a

possibility that under current conditions such publications, although not unique in their contents, might contribute to criminal activities. For this reason those manuals containing the most explicit information on explosives are being retained only for internal instructional purposes within the military departments. The Army presently is reviewing a number of other manuals to determine whether they may contain information which would warrant similar action.

Your second question dealt with thefts of weapons and ammunition from military installations within the continental United States. This again is an area in which the quantitative impact of items from the Defense Department inventory can be described only as negligible. Nevertheless, we regard the loss or theft of a single weapon or a single round of ammunition as a serious occurrence, and the existing careful security measures are being tightened still further.

To put the matter in perspective, let me point out that the Federal Bureau of Investigation estimates that there are today in the hands of the American public 35,000,000 rifles, 31,000,000 shotguns, and 24,000,000 handguns. That adds up to 90,000,000 weapons, or nearly one for every two men, women or children in the United States. Compared to this, the entire small-arms inventory of the military services is not large. The four services combined have issued to troops or in their inventories approximately

4.8 million small arms. This includes weapons in Southeast Asia.

From this inventory, the Army reported 682 weapons lost through theft in the continental United States in 1969. There were 369 lost or stolen weapons recovered during the same period.

The Air Force does not maintain data differentiating between loss through theft and through other causes. Its total weapons lost in 1969 were 259. There were 119 weapons recovered during the same period, for a net loss of 140.

The Marine Corps, like the Air Force, does not maintain separate records on thefts. Total losses of Marine weapons in 1969 in the United States were 715. Statistics on the number recovered are not available.

For the Navy, weapons loss figures are available only on a worldwide basis, including combat areas. For 1969 the worldwide total is 1129, including losses through causes other than theft. That figure also includes those Marine Corps losses previously stated which were referred to the Naval Investigative Service. Data on recoveries of Navy weapons are not available.

Of weapons stolen, based on Army experience an average of 44% are subsequently recovered. Moreover, an indeterminate number of losses reported as thefts are believed to reflect errors and

inventory shortages.

Thus, disregarding recoveries, counting Navy losses worldwide, and counting losses from causes other than theft for the Air Force, Navy, and Marines, the 1969 weapons loss for the Defense Department in the United States was 2777 weapons. Even though overstated, this figure is fifty-seven one-thousandths of one percent of the total DoD stocks on hand. It is three one-thousandths of one percent of the 90,000,000 weapons already in private hands throughout the United States.

According to the data in the Federal Bureau of Investigation's National Crime Information Center, there were 89,085 weapons reported stolen in the United States in 1969. The 2777 military losses would amount to 3% of this total.

Service regulations on security of weapons are detailed and precise. Commanders have repeatedly emphasized the need for strict observance of security precautions in this area. Army regulations, for example, require that weapons be locked in specially constructed arms storage rooms or buildings. Weapons in these structures are further secured in locked weapons racks or containers. Minimum standards for such storage areas are prescribed by official engineer drawings. All weapons are secured

according to a triple lock concept, which includes double doors with locks, double locks on the arms buildings, one additional lock on each arms rack and container, and racks and containers chained or bolted to the floor.

In this connection I should like to point out that the arms taken from the California collection which were referred to in earlier testimony before this Committee were not under military control. Civilian law enforcement officials requested and were granted permission to use two empty bunkers at a no longer used coast artillery site. The security arrangements they adopted were not those prescribed for military weapons storage facilities, and subsequently the weapons were removed at the request of Army officials.

The Department of Defense cooperates in every way possible with the Federal Bureau of Investigation and state and local authorities when thefts occur. For example, every loss, theft or disappearance of an Army weapon anywhere in the United States must be reported to the Provost Marshal General in Washington within 24 hours; he then in turn gives complete information to the FBI's National Crime Information Center.

We are not aware of any evidence that groups planning organized violence are seeking to use the military as a principal source of supply for arms, although it is possible that such persons have been responsible for particular incidents. Although many thefts involve single weapons, multiple thefts have occurred. The objective usually is to obtain money by selling the weapons or ammunition taken to receivers of stolen goods, or even scrap metal dealers.

Nevertheless, the Services consider any loss or theft of weapons or ammunition a cause for concern, and have taken measures to keep such losses at the lowest possible levels. Continuing efforts are underway to analyze possible vulnerabilities, the techniques of weapons thieves, and trends of criminal activity.

As a further safeguard against weapons thefts, the Services recently have taken several additional steps. For example:

--Analysis of the methods of forced entry to arms rooms has shown thieves most frequently destroy locks with bolt cutters to gain access. Accordingly, the Army has developed new high-security locks and hasps specifically designed to withstand forced entry. These are currently being distributed within the Department of Defense.

--Commanders worldwide have been instructed to take necessary action to provide additional protection during the times when their facilities are most vulnerable. Many are employing a man on guard duty in the arms rooms around the clock.

--Regulations on explosives handling are being revised to include the same security criteria as are presently applied to ammunition.

--The Army and Air Force have consolidated arms rooms to the maximum extent possible in order to provide fewer targets for weapons thieves. The Army is considering development of a specially constructed standard consolidated arms room with greatly enhanced security. Security criteria for existing arms rooms have been upgraded.

--The Army is evaluating the use of intrusion detection equipment in all arms rooms. The National Guard Bureau has programmed 3/4 million dollars for this project in Fiscal Year 1971 and about 2 million more in Fiscal Year 1972. Use of such equipment by the Army Reserve and active Army is under consideration, subject to availability of funds.

In summary, the magnitude of arms thefts is small, and the Services are taking every reasonable step to maintain and improve weapons security.

I will now discuss damage to ROTC facilities and military recruiting stations. All Services report an increase of violent acts directed against ROTC facilities during the current school year. For example, the Army reports that during academic year 1968-69 there were about 20 acts of violence directed against ROTC, with a total monetary loss to the Government of \$10,000. During the past school year, there were 126 such incidents, and nineteen campuses had Army ROTC buildings destroyed or substantially damaged by fire or vandalism. Cost estimate of damage to government property as a result of these incidents is \$102,000. More than half the damage occurred this past May.

The Air Force reports only five violent incidents with \$1,300 damage to government property during academic year 1968-69, as against 56 such incidents with \$22,000 damage to government property during the school year just completed.

Navy data show the same trend. There were three violent incidents in academic year 1968-69 with damage to Federal property of \$15,435, 15 in 1969-70 with Federal loss of \$30,800.

There have been very few incidents against ROTC involving bombs or explosive devices, and in the majority of those instances the damage was minor. No personal injuries were reported. The

Services report a total of four ROTC bombing incidents in academic year 1968-69, eight in academic year 1969-70. Seven inflicted only minor damage, such as broken windows or cracks in the wall; in five instances the damage was more extensive.

ROTC buildings are the property of the host schools and responsibility for the security of these buildings rests with campus, local, and state police officials. Investigations of acts of violence against ROTC facilities are carried out by state and local police and the Federal Bureau of Investigation.

Incidents against recruiting and examination stations have increased during calendar year 1970. The main area of damage is broken windows and other acts of vandalism. Since January 1968, explosive devices have been used against Service recruiting facilities in four instances, against armed forces examining and entrance stations in two, and once against a downtown armed forces police office. There are no reported cases of injury sustained in connection with the explosions referred to above.

During the past week a serious bombing incident occurred on a military reservation. Explosions damaged a telephone exchange and an electrical plant at Camp McCoy, Wisconsin. There were no injuries and no disruption of the Army's training schedule. The

matter is being investigated by the Federal Bureau of Investigation and Army criminal investigators.

Your final question concerned disestablishment of ROTC units. Disestablishment can occur for any of a number of reasons, such as uneconomically low enrollment, the institution's loss of accreditation, or lack of institutional support.

The Army has phased out ROTC at three campuses--Harvard, Dartmouth and Boston University--and is in the process of doing so at Yale and Allen Military Academy. Princeton and New York University also have requested disestablishment. This will leave Army ROTC on 276 campuses. In addition, 42 other colleges and universities have requested establishment of new Army ROTC units.

The Air Force has ended ROTC at nine institutions. These were Brooklyn College in 1966, George Washington University and Franklin and Marshall College in 1967, Boston University in 1969, and Kenyon College, Occidental College, Rochester University, Hobart College, and Colgate University in 1970. This leaves 157 Air Force ROTC units. Twelve more will be terminated in 1971; Grinnell College, Tufts University, Lawrence University, Union College, Harvard University, Brown University, Stanford University,

Dartmouth College, New York University, Princeton University, Trinity College, and Washington University at St. Louis. Many of the Air Force disestablishment decisions have been taken because of uneconomically low production rates. There is a waiting list of 72 colleges and universities seeking Air Force ROTC.

Navy ROTC is scheduled to end at eight schools: Columbia, Brown, Harvard and Princeton in 1972, and Dartmouth, Stanford, Tufts and Yale in 1973. The Navy is starting a new unit at the Citadel this fall, which will make the total of NROTC units 54. There are 29 other institutions with applications on file.

In total ROTC has been or is about to be disestablished at 24 schools. 332 will still host 480 ROTC units. Most of these universities where ROTC is ending did not have large ROTC enrollments, so the loss in terms of officers commissioned is small-- only about 2% of the total. This numerical loss can easily be made up by awarding new units to some of the many institutions seeking them.

The number of officers commissioned through ROTC has increased steadily over the past five years, rising from 16,347 in Fiscal Year 1966 to an estimated 23,635 in Fiscal Year 1970. Total enrollment in the program has declined, but a large portion of this

decrease is the result of many campuses choosing a voluntary program rather than one in which ROTC was compulsory for all male students for the first two years.

It is not possible to say with certainty what effect opposition to ROTC will have on future enrollments. Acts of violence have not significantly disrupted the program to date. The international situation, student deferment policies, and the movement toward a zero draft call may ultimately be the most significant influences on students' decisions to enter ROTC. Actual enrollments will also be limited by the Services' requirements for officers, which we expect to diminish significantly as the total number of military personnel in the Department of Defense is reduced.

We do regret the fact that some universities have decided to discontinue ROTC. We are heartened that the great majority are continuing with the program. We believe that this avenue to commissioned military service should be available to men of the widest variety of backgrounds, and that the study of military science on the campus is to the lasting benefit of the student, the university, the military service, and the country.

I am prepared to respond to any questions you may have.