

TESTIMONY

of

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on

**the offer of clemency by President William Jefferson Clinton to
jailed members of the Puerto Rican terrorist organization, the
Armed Forces of National Liberation (Spanish initials: FALN)**

before the

**Senate Committee on the Judiciary and the Senate Committee on
Foreign Relations, Subcommittee on the Western Hemisphere,
Peace Corps, Narcotics and Terrorism**

14 & 15 September 1999

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Escobar was sentenced to sixty years, and has been released. The President commuted his total

effective sentence to less than twenty-five years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- **Juan Enrique Segarra-Palmer**, was convicted on 15 June 1989 of robbery of bank funds (18 U.S.C. 2113(a)), transportation of stolen money in interstate and foreign commerce (18 U.S.C. 2314), conspiracy to interfere in interstate commerce by robbery (18 U.S.C. 1951), interference with interstate commerce by robbery (18 U.S.C. 1951), and conspiracy to rob Federally insured bank funds, commit a theft from an interstate shipment, and transport stolen money in interstate and foreign commerce (18 U.S.C. 371);

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

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

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

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

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

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

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

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

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

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

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

President Clinton offered these terrorists clemency on 11 August and attached certain conditions to their release. First, each must submit a signed written statement requesting the commutation of the sentence. They must agree to abide by all conditions of release imposed by law or the Parole Commission, and renounce the use or threatened use of violence for any purpose.

It took them almost a month to agree to these terms. Why? Perhaps because they were negotiating a better deal. This in and of itself is astounding—that Federal inmates accused of such serious crimes were in a position to *negotiate* with the White House about the terms of their release. While the specifics of those negotiations remain unknown, I wonder what conditions they objected to. Did they not wish to renounce violence as the means through which to achieve their separatists goals?

Let us examine for a moment the crimes for which these terrorists were convicted, because, as the President reminds us, none of the above were convicted of killing or injuring anyone. The first and most serious crime is seditious conspiracy. At one time in United States history, sedition and seditious conspiracy, which is plotting against or carrying out acts of war or sabotage against the United States, was a hanging offense. In 1942, by order of President Roosevelt, eight men were arrested, tried and executed for seditious conspiracy and sabotage. Now, fifty years later, sentences of less than twenty years are viewed as too harsh.

Other offenses for which these violent would-be revolutionaries were convicted include a variety of explosive and firearms offenses. This Administration cannot seem to decide what message to

send—it has continually pushed for new gun control laws, has utterly failed to enforce the ones on the books and now, it seems, it is willing to grant clemency even to those offenders who commit those crimes. In my opinion, the more we examine this case the less it makes sense.

A week prior to the offer of clemency for these terrorists, Secretary of State Madeline Albright, speaking on the anniversary of the deadly U.S. Embassy bombings in Africa, vowed to wage an all-out war against terrorism. Did that policy change in just a week? Should our Secretary of State have instead promised to wage an all-out effort to get terrorists to promise to renounce violence?

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

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

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

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

Sec. 249. Interstate travel to commit hate crime

(a) IN GENERAL - A person, whether or not acting under color of law, who—

(1) travels across a State line or enters or leaves Indian country in order, by force or threat of force, to willfully injure, intimidate, or interfere with, or by force or threat of force to attempt to injure, intimidate, or interfere with, any person because of the person’s race, color, religion, or national origin; and

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

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

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

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

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

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

“(B) may be sentenced to death.’

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

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

SEC. 4. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.

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

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

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

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

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

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

“(i) death results from the acts committed in violation of this paragraph; or

“(ii) the acts committed in violation of this paragraph include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

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

The President would have us believe that the sentences for the FALN bombers were unusually harsh. The President also noted that human rights leaders like Archbishop Desmond Tutu urged that these criminals had served enough time for their violent crimes. I might remark at this time that Archbishop Tutu also advocates the release of Mumia Abu-Jamal, a convicted cop-killer who murdered Philadelphia Police Officer Daniel Faulkner in 1981. He was convicted in 1982, and had Post-Conviction Relief Act (PCRA) hearings in 1995, 1996 and 1997. On each of those three occasions, the Pennsylvania Supreme Court upheld the conviction and the death sentence.

Will he be offered clemency next? Why is it, Mr. Chairman, that these so-called “human rights” activists are so selective about who is entitled to these rights? What about Danny Faulkner and his widow Maureen? What about Tom and Joe Connor, whose father was killed by the FALN? What about Detectives Pascarella, Senft and Pastorella? Do they not have rights in the view of these advocates? I reject, Mr. Chairman, that there was any injustice in the sentences of these sixteen terrorists and I reject any suggestion that we ought to free those who aim to wage a war of terror to achieve political ends. If this puts me at odds with President Clinton and others, then so be it.

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

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

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

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

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

The First Lady now acknowledges that she mishandled the issue and should have met with the supporters of the terrorists to explain her opposition before announcing it. This, too, is something I don't understand. Supporters of these terrorists had a sit down meeting with the Attorney General of the United States. The terrorists themselves were permitted a conference call to discuss the President's offer. And yet, like me, the maimed law enforcement officers cannot even get the President or the Department of Justice to acknowledge their letter. This, Mr. Chairman, is a disgrace.

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

We also must factor into our consideration the clemency process, described by Presidential spokesperson Joe Lockhart as “painstaking.” Be that as it may, according to published reports, the clemency offer was opposed by the Federal Bureau of Investigation and the former prosecutors, U.S. Attorneys, who brought the cases against these terrorists. The most noteworthy news reports, however, revolve around the position of the Bureau of Prisons, an agency which only very rarely participates in pardon or clemency debates. In this case, they did take a position and recommended strongly against the offer. The reports of the tape recordings on which these bombers discussed a return to their terrorist activities may or may not exist. It is BOP policy to tape record all phone conversations which are not protected by attorney-client privilege, but while the tapes are reviewed, they are not necessarily retained. The truth is, we may never get to hear the tapes.

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

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

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

And what about William Morales? He is the husband of one of the terrorists released last week by the President and is the self-professed leader of the FALN, described as the “bombing mastermind” behind the group's wave of attacks. In 1979, he was caught and sentenced to 89 years in prison. He served only three months before escaping to Cuba where he now lives in

relative luxury along with numerous other violent criminals who have fled this country. Ironically, he is actively applying for amnesty and has asked President Clinton to grant him the freedom to return to the country he once terrorized. This is a man who once expressed that the people left dead as a result of their bombing attacks were “casualties of war.” Should he, too, be granted amnesty for his crimes as long as he promises to never, ever bomb anyone again?

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

I say unrepentant, but perhaps I should say proud. They are proud of their actions. When given the chance to apologize to their victims, when given the chance to disavow the actions that landed them in prison, they refused. Upon their return to Puerto Rico, they were granted, in the words of those who were present, a “hero’s welcome.” Is this the message we want to send? That these terrorists triumphed over their American enemies and returned home victorious? Regrettably, that is precisely what their freedom symbolizes—a victory for terror and a defeat for justice.

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

A year and a half later, after three grand juries, Officer Couch was indicted for violating the civil rights of the driver and obstruction of justice. They made an example out of him. They wanted to send a message.

Mr. Chairman, no person—and that includes the driver—made complaints of any kind. Despite the indictment, Officer Couch was granted a bond of recognizance and continued to function as a police officer in Covington.

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

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

I do not know why the President offered clemency to sixteen Puerto Rican terrorists. I believe that even if I did know why, it would not make any sense to me. Perhaps it was a political maneuver which backfired, or perhaps it was a genuine effort to appease “human rights” activists. I do know, however, that the decision was reached and for whatever reason it was decided, it was wrong. Terribly, terribly wrong.

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